RULE 2.516. SERVICE OF PLEADINGS AND DOCUMENTS

(a) Service; When Required. Unless the court otherwise orders, or a statute or supreme court administrative order specifies a different means of service, every pleading subsequent to the initial pleading and every other document filed in any court proceeding, except applications for witness subpoenas and documents served by formal notice or required to be served in the manner provided for service of formal notice, must be served in accordance with this rule on each party. No service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them must be served in the manner provided for service of summons.

(b) Service; How Made. When service is required or permitted to be made upon a party represented by an attorney, service must be made upon the attorney unless service upon the party is ordered by the court.

(1) Service by Electronic Mail (“e-mail”). All documents required or permitted to be served on another party must be served by e-mail, unless the parties otherwise stipulate or this rule otherwise provides. A filer of an electronic document has complied with this subdivision if the Florida Courts e-filing Portal (“Portal”) or other authorized electronic filing system with a supreme court approved electronic service system (“e-Service system”) served the document by e-mail or provided a link by e-mail to the document on a website maintained by a clerk (“e-Service”). The filer of an electronic document must verify that the Portal or other e-Service system uses the names and e-mail addresses provided by the parties pursuant to subdivision (b)(1)(A).

(A) Service on Attorneys. Upon appearing in a proceeding, an attorney must designate a primary e-mail address and may designate no more than two secondary e-mail addresses and is responsible for the accuracy of and changes to that attorney’s own e-mail addresses maintained by the Portal or other e-Service system. Thereafter, service must be directed to all designated e-mail addresses in that proceeding. Every document filed or served by an attorney thereafter must include the primary e-mail address of that attorney and any secondary e-mail addresses. If an attorney does not designate any e-mail address for service, documents may be served on that attorney at the e-mail address on record with The Florida Bar.

(B) Exception to E-mail Service on Attorneys. Upon motion by an attorney demonstrating that the attorney has no e-mail account and lacks access to the Internet at the attorney’s office, the court may excuse the attorney from the requirements of e-mail service. Service on and by an attorney excused by the court from e-mail service must be by the means provided in subdivision (b)(2).

(C) Service on and by Parties Not Represented by an Attorney. Any party not represented by an attorney may serve a designation of a primary e-mail address and also may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding by the means provided in subdivision (b)(1) of this rule. If a party not represented by an attorney does not designate an e-mail address for service in a proceeding, service on and by that party must be by the means provided in subdivision (b)(2).

(1) **Opt-Out of Designated Email Service by Parties Not Represented by an Attorney.** If a party not represented by an attorney designates a primary e-mail address or any subsequent e-mail addresses chooses to no longer have an e-mail address designated and would like to serve by other means, the party must place all other parties to the action on notice that the party chooses to no longer receive or provide documents by e-mail and elect service to receive and provide documents by the means provided in subdivision (b)(2)

(D) Time of Service. Service by e-mail is complete on the date it is sent.

(i) If, however, the e-mail is sent by the Portal or other e-Service system, service is complete on the date the served document is electronically filed.

(ii) If the person required to serve a document learns that the e-mail was not received by an intended recipient, the person must immediately resend the document to that intended recipient by e-mail, or by a means authorized by subdivision (b)(2) of this rule.

(E) Format of E-mail for Service. Service of a document by e-mail is made by an e-mail sent to all addresses designated by the attorney or party with either (a) a copy of the document in PDF format attached or (b) a link to the document on a website maintained by a clerk.

(i) All documents served by e-mail must be sent by an e-mail message containing a subject line beginning with the words “SERVICE OF COURT DOCUMENT” in all capital letters, followed by the case number and case style of the proceeding in which the documents are being served.

(ii) The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the initial party on each side, the title of each document served with that e-mail, and the name and telephone number of the person required to serve the document.

(iii) Any document served by e-mail may be signed by any of the “/s/,” “/s,” or “s/” formats.

(iv) Any e-mail which, together with its attached documents, exceeds the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court, must be divided and sent as separate e-mails, no one of which may exceed the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court and each of which must be sequentially numbered in the subject line.

(2) Service by Other Means. In addition to, and not in lieu of, service by e-mail, service may also be made upon attorneys by any of the means specified in this subdivision. If a document is served by more than one method of service, the computation of time for any response to the served document shall be based on the method of service that provides the shortest response time. Service on and by all parties who are not represented by an attorney and who do not designate an e-mail address or **chooses to opt-out of designated e-mail service**, and on and by all attorneys excused from e-mail service, must be made by delivering a copy of the document or by mailing it to the party or attorney at their last known address or, if no address is known, by noting the non-service in the certificate of service, and stating in the certificate of service that a copy of the served document may be obtained, on request, from the clerk of the court or from the party serving the document. Service by mail is complete upon mailing. Delivery of a copy within this rule is complete upon:

(A) handing it to the attorney or to the party,

(B) leaving it at the attorney’s or party’s office with a clerk or other person in charge thereof,

(C) if there is no one in charge, leaving it in a conspicuous place therein,

(D) if the office is closed or the person to be served has no office, leaving it at the person’s usual place of abode with some person of his or her family above 15 years of age and informing such person of the contents, or

(E) transmitting it by facsimile to the attorney’s or party’s office with a cover sheet containing the sender’s name, firm, address, telephone number, and facsimile number, and the number of pages transmitted. When service is made by facsimile, a copy must also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.

(F) Service by delivery shall be deemed complete on the date of delivery.

(c) Service; Numerous Defendants. In actions when the parties are unusually numerous, the court may regulate the service contemplated by these rules on motion or on its own initiative in such manner as may be found to be just and reasonable.

(d) Filing. All documents must be filed with the court either before service or immediately thereafter, unless otherwise provided for by general law or other rules. If the original of any bond or other document required to be an original is not placed in the court file or deposited with the clerk, a certified copy must be so placed by the clerk.

(e) Filing Defined. The filing of documents with the court as required by these rules must be made by filing them with the clerk in accordance with rule 2.525, except that the judge may permit documents to be filed with the judge, in which event the judge must note the filing date before him or her on the documents and transmit them to the clerk. The date of filing is that shown on the face of the document by the judge’s notation or the clerk’s time stamp, whichever is earlier.

(f) Certificate of Service. When any attorney certifies in substance:

“I certify that the foregoing document has been furnished to (here insert name or names, addresses used for service, and mailing addresses) by (e-mail) (delivery) (mail) (fax) on ..... (date) …..

Attorney”

the certificate is taken as prima facie proof of such service in compliance with this rule.

(g) Service by Clerk. When the clerk is required to serve notices and other documents, the clerk may do so by e-mail as provided in subdivision (b)(1) or by any other method permitted under subdivision (b)(2). Service by a clerk is not required to be by e-mail.

(h) Service of Orders.

(1) A copy of all orders or judgments must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. No service need be made on parties against whom a default has been entered except orders setting an action for trial and final judgments that must be prepared and served as provided in subdivision (h)(2). The court may require that orders or judgments be prepared by a party, may require the party to furnish the court with stamped, addressed envelopes for service of the order or judgment, and may require that proposed orders and judgments be furnished to all parties before entry by the court of the order or judgment. The court may serve any order or judgment by e-mail to all attorneys who have not been excused from e-mail service and to all parties not represented by an attorney who have designated an e-mail address for service.

(2) When a final judgment is entered against a party in default, the court must mail a conformed copy of it to the party. The party in whose favor the judgment is entered must furnish the court with a copy of the judgment, unless it is prepared by the court, with the address of the party to be served. If the address is unknown, the copy need not be furnished.

(3) This subdivision is directory and a failure to comply with it does not affect the order or judgment, its finality, or any proceedings arising in the action.

RULE 2.505. ATTORNEYS

(a) Scope and Purpose. All persons in good standing as members of The Florida Bar shall be permitted to practice in Florida. Attorneys of other states who are not members of The Florida Bar in good standing shall not engage in the practice of law in Florida except to the extent permitted by rule 2.510.

(b) Persons Employed by the Court. Except as provided in this subdivision, no full-time employee of the court shall practice as an attorney in any court or before any agency of government while continuing in that position. Any attorney designated by the chief justice or chief judge may represent the court, any court employee in the employee’s official capacity, or any judge in the judge’s official capacity, in any proceeding in which the court, employee, or judge is an interested party. An attorney formerly employed by a court shall not represent anyone in connection with a matter in which the attorney participated personally and substantially while employed by the court, unless all parties to the proceeding consent after disclosure.

(c) Attorney Not to Be Surety. No attorneys or other officers of court shall enter themselves or be taken as bail or surety in any proceeding in court.

(d) Stipulations. No private agreement or consent between parties or their attorneys concerning the practice or procedure in an action shall be of any force unless the evidence of it is in writing, subscribed by the party or the party’s attorney against whom it is alleged. Parol agreements may be made before the court if promptly made a part of the record or incorporated in the stenographic notes of the proceedings, and agreements made at depositions that are incorporated in the transcript need not be signed when signing of the deposition is waived. This rule shall not apply to settlements or other substantive agreements.

(e) Appearance of Attorney. An attorney may appear for a party in an action or proceeding in any of the following ways:

(1) First Pleading or Document. Signing the first pleading or other document filed on behalf of a party.

(2) Notice of Appearance. Filing a notice of appearance on behalf of a party.

(3) Order on Substitution of Counsel. Filing of a written order by the court, that reflects written consent of the client. The court may condition substitution of counsel upon payment of or grant of security for the substituted attorney’s fees and expenses or upon such other terms as may be just.

(4) Notice of Substitution of Counsel. Filing a notice of substitution of counsel when the substituting attorney is from the same law firm, company, or governmental agency as the replaced attorney.

(5) Notice of Limited Appearance. Filing a notice of limited appearance as permitted by another rule of court.

(6) Appearance as Stand-In Counsel. Appearing as stand-in counsel pursuant to subdivision (g).

(f) Termination of Appearance of Attorney. An appearance of an attorney for a party in an action or proceeding shall terminate only upon:

(1) Withdrawal of Attorney. A written order of the court after hearing upon a motion setting forth reasons for withdrawal and the client’s last known address, telephone number, and e-mail address.

(2) Substitution of Attorney. Substitution of counsel pursuant to subdivision (e)(3) or (e)(4).

(3) Termination of Proceeding. Termination of an action or proceeding and expiration of any applicable time for appeal when no appeal is taken, without any further action of the court unless otherwise required by another rule of court.

(4) Termination of Post-Judgment Appearances.

(A) In non-criminal matters in which an attorney has appeared after entry of judgment, filing of a notice of termination of appearance.

(B) In matters governed by the rules of criminal or juvenile procedure in which an attorney has appeared after entry of a judgment, entry of a written order of the court after hearing upon a motion setting forth the reasons for withdrawal.

(5) Termination of Limited Appearance. Filing a notice of termination of limited appearance in an action or proceeding in which an attorney has filed a notice of limited appearance pursuant to subdivision (e)(5).

(6) Termination of Hearing. Conclusion of a hearing or proceeding in which an attorney has appeared as stand-in counsel pursuant to subdivision (g).

(g) Stand-In Counsel. An attorney may stand in for another attorney to cover a proceeding or hearing only if a notice of stand-in counsel is filed or the appearance of stand-in counsel is reflected on a record maintained by the court or by the clerk of court. A stand-in attorney from the same law firm, company, or governmental agency as an attorney of record is not required to file a notice of stand-in counsel.

(h) Attorney as Agent of Client. An attorney appearing in an action or proceeding pursuant to subdivisions (e)(1)–(e)(6) is the agent authorized to bind the client for purposes of the action, hearing, or proceeding.

(i) Attorney of Record. An attorney appearing in an action or proceeding pursuant to subdivisions (e)(1)–(e)(5) is an attorney of record for the party for the matters specified.

(j) Law Student and Certified Legal Intern Participation. Eligible law students shall be permitted to participate as provided under the conditions of chapter 11 of the Rules Regulating The Florida Bar as amended from time to time.

Court Commentary

1997 Amendment. Originally, the rule provided that the follow-up filing had to occur within ten days. In the 1997 amendment to the rule, that requirement was modified to provide that the follow-up filing must occur “immediately” after a document is electronically filed. The “immediately thereafter” language is consistent with language used in the rules of procedure where, in a somewhat analogous situation, the filing of a document may occur after service. See, e.g., Florida Rule of Civil Procedure 1.080(d) (“All original papers shall be filed with the court either before service or immediately thereafter.”) (emphasis added). “Immediately thereafter” has been interpreted to mean “filed with reasonable promptness.” Miami Transit Co. v. Ford, 155 So. 2d 360 (Fla. 1963).

The use of the words “other person” in this rule is not meant to allow a nonlawyer to sign and file pleadings or other papers on behalf of another. Such conduct would constitute the unauthorized practice of law.

2003 Amendment. Rule Regulating the Florida Bar 4-1.12(c), which addresses the imputed disqualification of a law firm, should be looked to in conjunction with the rule 2.060(b) [renumbered as 2.505(b) in 2006] restriction on representation by a former judicial staff attorney or law clerk.

RULE 12.080. SERVICE OF PLEADINGS AND FILING OF DOCUMENTS

**(a) Service.**

**(1) Family Law Actions Generally.** Every pleading subsequent to the initial pleading and every other document filed or required by statute or rule to be served must be served in conformity with the requirements of Florida Rule of General Practice and Judicial Administration 2.516.

(2) Domestic, Repeat, Dating, and Sexual Violence, and Stalking Actions. Service of pleadings and documents regarding proceedings for injunctions against domestic, repeat, dating, and sexual violence, and stalking is governed by rule 12.610, where it is in conflict with this rule.

**(3) Limited Appearance.** Florida Rule of General Practice and Judicial Administration 2.516 also applies to service on the party during the attorney’s limited appearance as provided in rule 12.040(f) and must be expanded as set forth in subdivisions (b) and (c) to include additional requirements for service of recommended orders and for service on defaulted parties.

**(4)** Service on and by Parties Not Represented by an Attorney. Any party not represented by an attorney must be served must be served in conformity with the requirements of Florida Rule of General Practice and Judicial Administration 2.516(b)(1)(C).

**(5)** **Opt-Out of Designated Email Service by Parties Not Represented by an Attorney.** If a party not represented by an attorney designates a primary e-mail address or any subsequent e-mail addresses chooses to no longer have an e-mail address designated and would like to be served or provide service by other means, the party must place all other parties to the action on notice that the party chooses to no longer receive or provide documents by e-mail and elect service to receive and provide documents by the means provided in Florida Rule of General Practice and Judicial Administration 2.516, subdivision (b)(2)

(6) Service and Preparation of Orders and Judgments. A copy of all orders or judgments involving family law matters, except proceedings for injunctions for protection against domestic, repeat, dating, and sexual violence, and stalking, must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. The court may require that recommended orders, orders, or judgments be prepared by a party. If the court requires that a party prepare the recommended order, order, or judgment, **and the party does not furnish the recommended order, order, or judgment electronically,** the party must furnish the court with stamped, addressed envelopes to all parties for service of the recommended order, order, or judgment. The court may also require that any proposed recommended order, order, or judgment that is prepared by a party be furnished to all parties no less than 24 hours before submission to the court of the recommended order, order, or judgment.

(c) Defaulted Parties. No service need be made on parties against whom a default has been entered, except that:

(1) Pleadings asserting new or additional claims against defaulted parties must be served in the manner provided for service of summons contained in rule 12.070.

(2) Notice of final hearings or trials and court orders must be served on defaulted parties in the manner provided for service of pleadings and documents contained in Florida Rule of Judicial Administration 2.516.

(3) Final judgments must be served on defaulted parties as set forth in Florida Rule of Judicial Administration 2.516(h).

Commentary

**1995 Adoption.** This rule provides that the procedure for service shall be as set forth in Florida Rule of Civil Procedure 1.080 with the following exceptions or additions to that rule. First, subdivision (b) corresponds to and replaces subdivision (h)(1) of rule 1.080 and expands the rule to include recommended orders. Second, this rule expands items that must be served on defaulted parties to ensure that defaulted parties are at least minimally advised of the progress of the proceedings. This rule is not intended to require the furnishing of a proposed recommended order, proposed order, or proposed final judgment to a defaulted party.

Committee Notes

**2012 Amendment.** Subdivision (a)(1) is amended to provide for service on the party during the attorney’s limited appearance. Subdivision[s] (a)(1), (c)(2), and (c)(3) are amended to provide for service in accordance with Florida Rule of Judicial Administration 2.516.