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Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
DEBBIE CAUSSEUX
CHIEF DEPUTY CLERK

PHONE (850) 488-0125

ACKNOWLEDGMENT OF NEW CASE

June 16, 2000

RE: FLORIDA INDUSTRIAL vs. JOE GARCIA, ETC., ET AL.
POWER USERS
GROUP

CASE NUMBER: SC00-1209
Lower Tribunal Case Number : 000001-EI
Lower Tribunal Filing Date: 6/2/00

The Florida Supreme Court has received the following documents reflecting a filing date of 6/6/2000.

Notice to Invoke Discretionary Jurisdiction

Filing Fee: Paid in Full Receipt Number: R2000-992834

The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

Please review and comply with any handouts enclosed with this acknowledgment.

kt

cc:

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RECORDS/REPORTING

GENERAL INFORMATION

Future pleadings filed in this case will not be acknowledged. All motions must be accompanied by postage-paid, self-addressed envelopes for all parties in the case. Any questions should be directed to the Clerk's Office Supreme Court of Florida, (850) 488-0125.

The following is a list of frequently filed pleadings with the required number of copies.

Briefs on the Merits*	original and 7 copies Please send to the Court, in Word Perfect 5.1 (or higher) format a DOS formatted 3-1/2 inch diskette. See Administrative Order <u>In re: Mandatory Submission of Briefs on Computer Diskette</u> , dated February 5, 1999.** Please label envelope to avoid erasure.
Briefs on Jurisdiction*	original and 5 copies
Appendix	original and 5 copies if pending on jurisdiction original and 7 copies if pending on merits Either separately bound or separated by a divider and appropriate tabbing.
Request for Attorney's Fees	original and 7 copies if pending on the merits original and 5 copies if pending on jurisdiction
Notices of Supplemental Authority	original and 7 copies if pending on merits original and 5 copies if pending on jurisdiction
Motions to Dismiss, Quash or Strike	original and 7 copies if pending on merits original and 5 copies if pending on jurisdiction
Motion for Extension of Time	original only
Motion to Stay	original only
Motion to Expedite	original only
Motion to Consolidate	original and 1 copy
Motions re amicus curiae and intervenors	original only

Motion for Rehearing

original and 7 copies

- * BRIEFS WHICH DO NOT CONFORM TO THE TYPE SIZE AS SET FORTH IN THIS COURT'S ADMINISTRATIVE ORDER WILL NOT BE ACCEPTED.
- ** DISKETTES MUST BE LABELED WITH CASE STYLE, NUMBER AND MUST STATE PARTY FILING DISKETTE.

Supreme Court of Florida

IN RE: BRIEFS FILED IN THE SUPREME COURT OF FLORIDA

ADMINISTRATIVE ORDER

Continuing advances in computer technology have made the art of typography available to the masses, but our Rules of Appellate Procedure have not kept pace. In pertinent part, the Rules state, "Text shall be printed in type of no more than 10 characters per inch." This requirement was adopted in 1992 for the express purpose of "requir[ing] that all textual material wherever found in the brief will be printed in the same size type with the same spacing." Fla. R. App. P. 9.210 (1992 commentary). While this requirement may have made eminent sense in the early days of computerization, it is difficult to justify—and sometimes impossible to honor—in a day when computers instantaneously perform typographic functions once available only to the most skilled manual typesetters. Foremost of these functions is the ability to adjust spacing so that individual characters take up only so much horizontal space as is necessary. There was a day when adjustments of this kind were possible only through use of expensive typesetting machines. Today, the typesetting ability of computer programs is so sophisticated that spacing adjustments for characters in most common fonts is not only automatic but unstoppable. We are nearing the day when these proportionately spaced fonts will be the only ones installed on most computers.

The requirement of no more than ten characters per inch thus rests on an assumption that is rapidly being rendered untrue by technology: that each character in a font set takes up exactly the same space as any other character. For example, the width of characters in the most common family

of computer fonts used in business and legal documents—Times Roman—will vary depending on which characters actually are used. Characters such as "m" and "w" take up far more horizontal space than characters such as "i" or "l." As the attached Appendix A shows, it would be impossible to tell whether an appellate brief typed in a Times Roman font actually has complied with the "ten-character-per-inch" rule, since the number of characters per inch will vary throughout the document. Attorneys and court clerks thus are left in a quandary about whether briefs actually meet the Rules' standards, with the only possible solution being some attempt at "averaging" the number of words per inch throughout the document. This would be a pointless waste of time for all. Yet it is equally clear, as stated in 1992, that briefs should not circumvent the page-length requirements through the simple expedient of adjusting fonts.

The Court has referred this matter to the Appellate Rules Committee, but attorneys and our court clerks need a clear-cut interim solution to this problem. Accordingly, by the powers vested in me as Chief Justice of Florida, I, Major B. Harding, direct that no typed brief shall be rejected by the Clerk of Court of the Supreme Court of Florida for failure to comply with the font requirements of Rule 9.210(a)(2) if that brief meets the following criteria:

(1) It is reproduced in a font that is:

(a) 12 point type or larger if the font is not proportionately spaced, provided the font does not exceed ten characters per inch, or

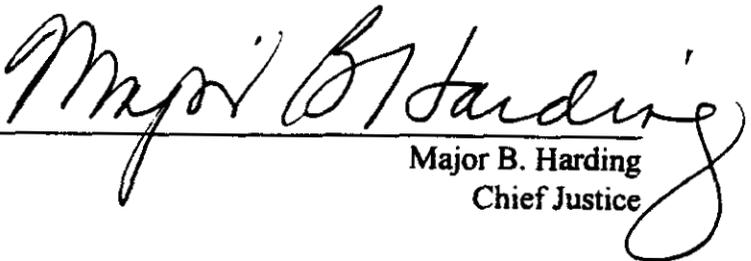
(b) 14 point Times Roman (or similar) type or larger if the font is proportionately spaced; and

(2) It includes a statement certifying the size and style of type used in the brief (e.g., 14 point proportionately spaced Times Roman; 12 point Courier New, a font that is not proportionately spaced).

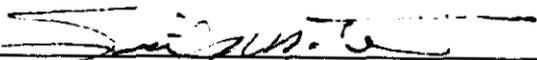
The above criteria are modeled after the font requirements of the Eleventh Circuit Court of Appeals and may be interpreted in light of them. See 11th Cir. Fed. R. App. P. 28-2(d) & 32-4 (West).

Copies of this order shall be forwarded to the Appellate Rules Committee for their consideration in modifying the existing rule, and to The Florida Bar News for publication.

DONE AND ORDERED, at Tallahassee, Florida, on July 13, 1998.


Major B. Harding
Chief Justice

ATTEST:


Sid J. White
Clerk of Court



Appendix A

Courier New Font (12 point)

Nonproportional font
(10 characters)

Another example
(10 characters)

Mummy makes a wide word
(10 characters)

Times New Roman (12 point)

Proportional font
(15 characters)

Another example
(13 characters)

Mummy makes a wide word
(10 characters)

-----1 inch-----

Supreme Court of Florida

IN RE: MANDATORY SUBMISSION OF BRIEFS
ON COMPUTER DISKETTE

ADMINISTRATIVE ORDER

WHEREAS briefs filed in this Court are public documents that the people and the press are entitled to copy; and

WHEREAS this Court is committed to providing copies of its public documents to the people and to the press at the least cost and the greatest speed; and

WHEREAS the Internet has revolutionized the distribution of public documents by allowing public agencies to post documents on the World-Wide Web easily and at minimal cost to the agencies, the people, and the press; and

WHEREAS the manual reproduction of public documents by the Clerk of Court and the Director of Public Information is not cost-efficient for the Court, the people, or the press; and

WHEREAS this Court has demonstrated the success of making public documents available on the Internet through a voluntary program in which attorneys have submitted their briefs and other important documents on diskette, which staff then have placed on the Court's Website; and

WHEREAS about twenty-five percent of current diskettes submitted to the

Court in this program are infected with computer viruses, a level that is unacceptable;
and

WHEREAS the Justices now have determined that the interests of the people and the press would be better served if the filing of these documents on diskette in a proper manner is mandatory, absent a showing of inability to comply;

NOW THEREFORE I, Major B. Harding, Chief Justice of Florida, do hereby order:

1. Beginning March 1, 1999, all briefs on the merits whether orally argued or not shall be filed with the Supreme Court of Florida on a three and one-half inch computer diskette formatted for DOS, in addition to paper copies.

2. In cases orally argued solely on the submission of a motion or writ, the motion or writ shall be filed on diskette as though it were a brief. This requirement applies solely to cases actually accepted for oral argument, and the notice of acceptance shall notify the parties and request that the diskette be supplied to the Court no later than two weeks before the week during which arguments are scheduled.

3. Every document filed on diskette shall be contained within a single file in WordPerfect 5.1 (or higher) format. No brief, writ, or motion shall be divided into multiple files. Documents drafted in Microsoft Word shall be saved to diskette in WordPerfect format. ASCII format is no longer acceptable. Because document sum-

aries interfere with the proper indexing of computer files, they shall be omitted.

4. Diskettes submitted to the Court shall be scanned for viruses, and these eliminated, prior to submission.

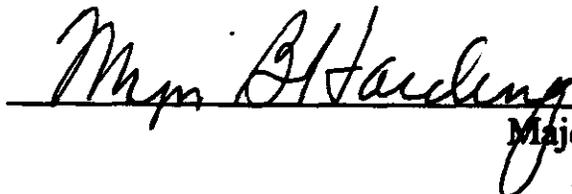
5. All documents filed with the Court may be rejected if the diskette does not conform to the requirements of this order.

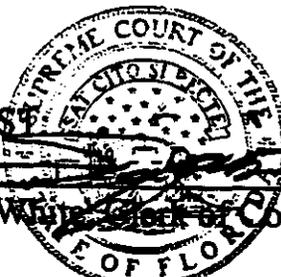
6. This order shall apply equally to cases filed by an inmate under an active death warrant unless counsel certifies an inability to comply due to time constraints.

7. The Clerk shall not reject documents or diskettes if the person submitting them certifies an inability to comply with this order due to hardship. In the absence of a certification, hardship may be presumed because the persons submitting the documents are pro se or because the documents are of a type the Clerk normally would accept in handwritten form.

Copies of this order shall be forwarded to The Florida Bar News for publication.

DONE AND ORDERED, at Tallahassee, Florida, on this 5 Day of February, 1999.


Major B. Harding
Chief Justice

ATTEST

Sid J. White, Clerk of Court