

RULE A | GENERAL PROVISIONS

(1) Scope of the Local Admiralty and Maritime Rules. The Local Admiralty and Maritime Rules apply to the procedures in admiralty and maritime claims within the meaning of Federal Rule of Civil Procedure 9(h), which in turn are governed by the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

(2) Citation Format.

(a) *The Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure* shall be cited as "Supplemental Rule ()".

(b) The Local Admiralty and Maritime Rules shall be cited as "Local Admiralty Rule ()".

(3) Application of Local Admiralty and Maritime Rules. The Local Admiralty Rules shall apply to all actions governed by Local Admiralty Rule A(1), and to the extent possible should be construed to be consistent with the other Local Rules of this Court. To the extent that a Local Admiralty Rule conflicts with another Local Rule of this Court, the Local Admiralty Rule shall control.

(4) Designation of "In Admiralty" Proceedings. Every complaint filed as a Federal Rule of Civil Procedure 9(h) action shall boldly set forth the words "INADMIRALTY" following the designation of the Court. This requirement is in addition to any statements which may be contained in the body of the complaint.

(5) Verification of Pleadings, Claims and Answers to Interrogatories. Every complaint and claim filed pursuant to Supplemental Rules B, C and/or D shall be verified on oath or solemn affirmation by a party, or an officer of a corporate party.

If a party or corporate officer is not within the District, verification of a complaint, claim and/or answers to interrogatories may be made by an agent, an attorney-in-fact, or the attorney of record. Such person shall state briefly the source of his or her knowledge, or information and belief, and shall declare that the document affirmed is true to the best of his or her knowledge, and/or information and belief. Additionally, such person shall state that he or she is



authorized to make this representation on behalf of the party or corporate officer, and shall indicate why verification is not made by a party or a corporate officer. Such verification will be deemed to have been made by the party to whom the document might apply as if verified personally.

Any interested party may move the Court, with or without a request for stay, for the personal oath or affirmation of a party or all parties, or that of a corporate officer. If required by the Court, such verification may be obtained by commission, or as otherwise provided by Court order.

(6) Issuance of Process. Except as limited by the provisions of Supplemental Rule B(1) and Local Admiralty Rule B(3) or Supplemental Rule C(3) and Local Admiralty Rule C(2); or in suits prosecuted in forma pauperis and sought to be filed without prepayment of fees or costs, or without security; all process shall be issued by the Court without further notice of Court.

(7) Publication of Notices. Unless otherwise required by the Court, or applicable Local Admiralty or Supplemental Rule, whenever a notice is required to be published by any statute of the United States, or by any Supplemental Rule or Local Admiralty Rule, such notice shall be published at least once, without further order of Court, in an approved newspaper in the county or counties where the vessel or property was located at the time of arrest, attachment, or seizure, and if different, in the county within the Southern District of Florida where the lawsuit is pending.

For purposes of this subsection, an approved newspaper shall be a newspaper of general circulation, designated from time to time by the Court. A listing of these approved newspapers will be made available in the Clerk's Office during normal business hours.

(8) Form and Return of Process in In Personam Actions. Unless otherwise ordered by the Court, Federal Rule of Civil Procedure 9(h) process shall be by civil summons, and shall be returnable twenty-one (21) days after service of process; except that process issued in accordance with Supplemental Rule B shall conform to the requirements of that rule.

(9) Judicial Officer Defined. As used in these Local Admiralty Rules, the term "judicial officer" or "Court" shall mean

either a United States District Judge or a United States Magistrate Judge.

(10) Forms. The forms presented on the Court's website (www.flsd.uscourts.gov) provide an illustration of the format and content of papers filed in admiralty and maritime actions within the Southern District of Florida. While the forms are sufficient, they are neither mandatory nor exhaustive.

Effective December 1, 1994. Amended effective April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2015.

Advisory Notes

(1994) These Local Admiralty Rules were amended in 1994 to make them gender neutral.

(1993) **(a) General Comments.** These Local Admiralty Rules were prepared and submitted to the Court through the Rules Committee of the Southern District of Florida, at the request of a Subcommittee of the Admiralty Law Committee of The Florida Bar.

The Local Admiralty and Maritime Rules are promulgated pursuant to this Court's rule making authority under Federal Rule of Civil Procedure 83, and have been drafted to complement the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

The Committee has arranged these Local Admiralty Rules to correspond generally with the ordering of the Supplemental Rules, e.g., Local Admiralty Rule A corresponds generally with Supplemental Rule A, and each sequentially lettered Local Admiralty Rule addresses the subject matter of the corresponding next-in-order Supplemental Rule.

Reference to the former Local Admiralty Rules refers to the former Local Rules of the Southern District of Florida.

(b) Comments on Specific Sections. These Local Admiralty Rules are substantially similar to the Local Rules for the Middle District and therefore provide for consistency and uniformity in admiralty and maritime claims in the state.

A(1) and A(3) continue in substance former Local Admiralty Rule 1(a).

A(4) continues the "IN ADMIRALTY" designation requirements of former Local Admiralty Rule 7(a). Under the revised rule, the "IN ADMIRALTY" designation is required to be posted to all complaints even if the complaint is filed as a Federal Rule of Civil Procedure 9(h) action and jurisdiction would exist on another basis, e.g., federal question or diversity jurisdiction.

A(5) continues the requirements of former Local Admiralty Rule 8. A(6) continues the requirements of former Local Admiralty Rule 2(a).

A(7) enlarges upon former Local Admiralty Rule 3(a) which addressed notice by publication only in cases filed pursuant to Supplemental Rule C(4). The revised rule extends the publication provisions to all Federal Rule of Civil Procedure 9(h) actions for which notice by publication is required.

In addition, the existing provisions have been altered to require that the publication shall be made both in the county where the vessel, or other property, was located at the time of arrest, attachment or seizure; and if different, in the county within the Division of this Court in which the suit is pending.

A(8) continues the requirements of former Local Admiralty Rule 2(c).

A(9) adopts the definition of “Court” provided in the Advisory Notes to the August 1, 1985, amendments to the Supplemental Rules.

As defined in these Local Admiralty Rules, the terms “Court” or “judicial officer” shall extend to United States Magistrates Judges assigned to the Southern District of Florida. The committee notes that the delegation of the duties contemplated by this definition are consistent with the jurisdictional grant to the United States Magistrate Judges as set forth in Title 28, United States Code, Section 636(a).

Where the terms “Court” and “judicial officer” are not used, these Local Admiralty Rules contemplate that without further order of Court, the responsibility of taking the specific action shall be vested with a District Judge.

A(10) provides for that forms pertinent to the Local Admiralty Rules are found at the Court’s website (www.flsd.uscourts.gov). The former Local Admiralty Rules incorporated the text of some forms within the specific Local Admiralty Rules and included some forms in an appendix. The forms (now found on the Court’s website) provide an alternate method of presenting the format and content of necessary admiralty forms.

As noted in the revised Local Admiralty Rules, these forms are provided as examples, and are not intended to be mandatory. In addition to the specific forms referred to in the Local Admiralty Rules, the Court’s website also includes other commonly used admiralty forms for the use and convenience of counsel.

(1998) These Local Admiralty Rules are amended in 1998 to correct scrivener’s errors and to require the custodian or substitute custodian to comply with orders of the Captain of the Port, United States Coast Guard.

(2010) Amended to conform tabulation to the style used in the federal rules of procedure.