



# Supreme Court of Florida

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Tallahassee, Florida 32399-1927

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June 5, 2017

Ms. Cheryle Dodd, Editor  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300

In Re: Amendments to the Florida Rules of Civil Procedure, the Florida Rules of Judicial Administration, the Florida Rules of Criminal Procedure, and the Florida Rules of Appellate Procedure - Electronic Service, Case No. SC17-882

Dear Ms. Dodd:

I have provided you with a copy of the proposed Rules in the above case. Please publish said Rules in the July 1, 2017, Bar News. Please publish a statement that the Court has placed the proposed Rules on the Internet at location: **[http://jweb.flcourts.org/pls/docket/ds\\_docket\\_search](http://jweb.flcourts.org/pls/docket/ds_docket_search)**.

Any comments should be filed with the Supreme Court on or before August 1, 2017. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the

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Portal must be submitted in Microsoft Word 97 or higher. See In re Electronic Filing in the Florida Supreme Court, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

Thank you for your cooperation in this matter.

Most cordially,

A handwritten signature in black ink, appearing to read 'JAT', with a long horizontal line extending to the right.

John A. Tomasino

JAT/sh

Enclosure

cc: Roger James Haughey, II, Chair, Civil Procedure Rules Committee  
Honorable Steven Scott Stephens, Chair, Rules of Judicial Administration  
Committee  
H. Scott Fingerhut, Chair, Criminal Procedure Rules Committee  
Kristin A. Norse, Chair, Appellate Court Rules Committee  
Honorable Charles T. Canady, Supreme Court Justice Liaison  
Honorable William J. Schifino, Jr., President, The Florida Bar  
Honorable, Michael J. Higer, President-elect, The Florida Bar  
John F. Harkness, Jr., Executive Director, The Florida Bar  
Mikalla Davis, Bar Staff Liaison  
Krys Godwin, Bar Staff Liaison  
Heather Telfer, Bar Staff Liaison  
Chief Judges of the District Courts of Appeal  
Clerks of the District Courts of Appeal  
Chief Judges of the Judicial Circuits  
Clerks of the Judicial Circuits  
Deborah J. Meyer, Central Staff Director

The Florida Bar's Civil Procedure Rules Committee, Rules of Judicial Administration Committee, Criminal Procedure Rules Committee, and Appellate Court Rules Committee have submitted to the Florida Supreme Court a joint out-of-cycle report proposing a number of rule amendments concerning computation of time for documents served via e-mail.

The Court invites all interested persons to comment on the proposed amendments, which are summarized below and reproduced in full online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. All comments must be filed with the Court on or before August 1, 2017, with a certificate of service verifying that a copy has been served on the committee chairs, Kristin A. Norse, Chair Appellate Court Rules Committee, P.O. Box 3396, Tampa, Florida 33601-3396, [knorse@kmf-law.com](mailto:knorse@kmf-law.com); Roger James Haughey, II, Chair Civil Procedure Rules Committee, 401 E. Jackson Street, Suite 2225, Tampa, Florida 33602-5213, [rhaughey@sbwlegal.com](mailto:rhaughey@sbwlegal.com); H. Scott Fingerhut, Chair Criminal Procedure Rules Committee, 500 S. Dixie Highway, Suite 301, Coral Gables, Florida 33146-2768, [hsfpa@aol.com](mailto:hsfpa@aol.com); and Hon. Steven Scott Stephens, Chair Rules of Judicial Administration Committee, Edgecomb Courthouse, Suite 552, 800 E. Twiggs Street, Tampa, FL 33602-5330, [DivisionL@fljud13.org](mailto:DivisionL@fljud13.org), and on the Bar Staff Liaisons to the committees, Mikalla Andies Davis, [mdavis@floridabar.org](mailto:mdavis@floridabar.org); Krys Godwin, [kgodwin@floridabar.org](mailto:kgodwin@floridabar.org); and Heather Savage Telfer, [htelfer@floridabar.org](mailto:htelfer@floridabar.org), The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The committee chairs have until August 22, 2017, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. See In re Electronic Filing in the Florida Supreme Court, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA RULES OF CIVIL  
PROCEDURE, THE FLORIDA RULES OF JUDICIAL  
ADMINISTRATION, THE FLORIDA RULES OF CRIMINAL  
PROCEDURE, AND THE FLORIDA RULES OF APPELLATE  
PROCEDURE, CASE NO. SC17-882**

<b>Rule /Form</b>	<b>Explanation</b>
Rule 1.170 (COUNTERCLAIMS AND CROSSCLAIMS)	Replaces in subdivision (g) the reference to Rule 1.080 with a reference to Rule of Judicial Administration 2.516.
Rule 1.260 (SURVIVOR; SUBSTITUTION OF PARTIES)	Replaces in subdivision (a)(1) the reference to Rule 1.080 with a reference to Rule of Judicial Administration 2.516.
Rule 1.351 (PRODUCTION OF DOCUMENTS AND THINGS WITHOUT DEPOSITION)	Replaces in subdivision (b) the reference to Rule 1.080 with a reference to Rule of Judicial Administration 2.516 and amends the notice of intent to serve a subpoena time within the rule resulting in 10-days when service by e-mail.
Rule 1.410 (SUBPOENA)	Replaces in subdivision (c) the reference to Rule 1.080 with a reference to Rule of Judicial Administration 2.516.
Rule 1.440 (SETTING ACTION FOR TRIAL)	Replaces in subdivision (c) the reference to Rule 1.080 with a reference to Rule of Judicial Administration 2.516.
Rule 1.442 (PROPOSALS FOR SETTLEMENT)	Replaces in subdivision (c)(2)(G) the reference to Rule 1.080 with a reference to Rule of Judicial Administration 2.516.
Rule 1.510 (SUMMARY JUDGMENT)	Replaces in subdivision (c) the reference to Rule 1.080 with a reference to Rule of Judicial Administration 2.516 and provides that service is completed by the sending of e-mail.
Rule 2.514 (COMPUTING AND	Amends subdivision (a)(1)(A) to specify that counting begins on the next day that is not a Saturday, Sunday, or

EXTENDING TIME)	holiday. Removes e-mail from subdivision (b) regarding the addition of 5 days for responding to service by mail.
Rule 2.516 (SERVICE OF PLEADINGS AND DOCUMENTS)	Deletes subdivision (b)(1)(D)(iii) that defines e-mail service be treated as service by U.S. mail for computation of time purposes.
Rule 3.040 (COMPUTATION OF TIME)	Deletes the reference to subdivision (a) of Florida Rule of Judicial Administration 2.514. Removing this subdivision reference will conform to the amendments to Florida Rule of Judicial Administration 2.514 (Computing and Extending Time).
Rule 3.070 (ADDITIONAL TIME AFTER SERVICE BY MAIL, WHEN PERMITTED, OR E-MAIL)	Deletes the rule to resolve conflict with Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents).
Rule 9.100 (ORIGINAL PROCEEDINGS)	Amends subdivision (k) to add 10 days to timeframe for service of the petitioner’s reply.
Rule 9.110 (APPEAL PROCEEDINGS TO REVIEW FINAL ORDERS OF LOWER TRIBUNALS AND ORDERS GRANTING NEW TRIAL IN JURY AND NON-JURY CASES)	Amends subdivision (g) to add 5 days to timeframe for service of appellant’s notice of cross-appeal.
Rule 9.120 (DISCRETIONARY PROCEEDINGS TO REVIEW DECISIONS OF DISTRICT COURTS OF APPEAL)	Amends subdivision (d) to add 10 days to the timeframe for the service of the respondent’s brief on jurisdiction. Provides consistency in the timeframes throughout the rules set.
Rule 9.125 (REVIEW OF TRIAL COURT ORDERS AND JUDGMENTS CERTIFIED BY THE DISTRICT COURTS OF APPEAL AS REQUIRING IMMEDIATE RESOLUTION BY THE SUPREME COURT)	Amends subdivision (d) to add 5 days to the timeframe for the filing of a response upon service of the suggestion.
Rule 9.130 (PROCEEDINGS TO REVIEW NON-FINAL ORDERS AND SPECIFIED FINAL ORDERS)	Amends subdivision (g) to add 5 days to timeframe for service of appellant’s notice of cross-appeal.
Rule 9.140 (APPEAL PROCEEDINGS IN CRIMINAL CASES)	Amends subdivision (b)(4) to add 5 days to the timeframe for service of defendant’s notice of cross-appeal. Amends subdivision (c)(3) to add 5 days to

timeframe for service of state's notice of cross-appeal.

Rule 9.141 (REVIEW PROCEEDINGS IN COLLATERAL OR POSTCONVICTION CRIMINAL CASES)

Amends subdivision (b)(2)(C)(ii) to add 10 days to the timeframe for service of the appellant's response. Provides consistency in the timeframes throughout the rules set.

Rule 9.142 (PROCEDURES FOR REVIEW IN DEATH PENALTY CASES)

Amends subdivision (a)(2) to add 5 days for the state to serve its initial brief and an additional 10 days for the defendant to serve his or her brief. Amends subdivision (c)(8) to add 10 days to the timeframe for service of the petitioner's reply. Provides consistency in the timeframes throughout the rules set.

Rule 9.146 (APPEAL PROCEEDINGS IN JUVENILE DEPENDENCY AND TERMINATION OF PARENTAL RIGHTS CASES AND CASES INVOLVING FAMILIES AND CHILDREN IN NEED OF SERVICES)

Amends subdivision (g)(3)(B) to add 10 days to the timeframe for service of the initial brief. Adds 10 days to the timeframe for service of the answer brief. Adds 5 days to the timeframe for service of the reply brief. Provides consistency in the timeframes throughout the rules set.

Rule 9.180 (APPEAL PROCEEDINGS TO REVIEW WORKERS' COMPENSATION CASES)

Amends subdivision (f)(6)(B) to add 5 days to the timeframe for filing written objections regarding the reporter selected. Amends subdivision (g)(3)(F) to add 10 days to the timeframe for filing an objection to the petition. Provides consistency in the timeframes throughout the rules set.

Rule 9.200 (THE RECORD)

Amends subdivision (b)(4) to add 5 days to the timeframes for serving objection or proposed amendments to the state of proceedings. Amends subdivision (c) to add 5 days to the timeframes for the cross-appellee to direct further additions to the record on appeal.

Rule 9.210 (BRIEFS)

Amends subdivision (f) to add 10 days to the timeframe for service of the answer brief. Adds 10 days to the timeframe for service of the reply brief. Adds 10 days to the timeframe for service of the cross-reply brief.

Rule 9.300 (MOTIONS)

Amends subdivision (a) to add 5 days to the timeframe for serving a motion.

Rule 9.320 (ORAL ARGUMENT)

Amends subdivision (a) to add 5 days to the timeframe for filing a request for oral argument in an appeal.

Amends subdivision (b) to add 5 days for service of the request for oral argument in proceedings commenced by the filing of a petition.

Rule 9.330 (REHEARING;  
CLARIFICATION; CERTIFICATION)

Amends subdivision (a) to add 5 days to the timeframe for service of a response to a motion for rehearing, clarification, or certification. Amends subdivision (c) to add 5 days to the timeframe for filing a reply to a motion for rehearing or clarification of a decision in proceedings for the validation of bonds.

Rule 9.331 DETERMINATION OF  
CAUSES IN A DISTRICT COURT OF  
APPEAL EN BANC)

Amends subdivision (d)(1) to add 5 days to the timeframe for serving a response to a motion for rehearing en banc.

Rule 9.350 (DISMISSAL OF  
CAUSES)

Amends subdivision (b) to add 5 days to the timeframe for a dismissal to be effective.

Rule 9.360 (PARTIES)

Amends subdivision (a) to add 5 days to the timeframe for a party, wishing to join in a proceeding as a petitioner or appellant, to serve a notice of joinder.

Rule 9.410 (SANCTIONS)

Amends subdivision (b)(3) to add 5 days to the timeframe for service of a response to a challenged claim. Amends subdivision (b)(5) to add 5 days to the timeframe for service of a response.