

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—ELECTRONIC SERVICE**

CASE NO.: 17–

**JOINT OUT-OF-CYCLE REPORT OF
THE CIVIL PROCEDURE RULES COMMITTEE,
THE RULES OF JUDICIAL ADMINISTRATION COMMITTEE,
THE CRIMINAL PROCEDURE RULES COMMITTEE, AND
THE APPELLATE COURT RULES COMMITTEE**

Roger James Haughey, II, Chair of the Civil Procedure Rules Committee (“CivPRC”), the Honorable Steven Scott Stephens, Chair of the Rules of Judicial Administration Committee (“RJAC”), H. Scott Fingerhut, Chair of the Criminal Procedure Rules Committee (“CrimPRC”), Kristin A. Norse, Chair of the Appellate Court Rules Committee (“ACRC”), and John F. Harkness, Jr., Executive Director of The Florida Bar, file this joint out-of-cycle report under Florida Rule of Judicial Administration 2.140(a)(7).

The proposed amendments would eliminate “or e-mail” from the caption and body of Rule 2.514(b) which currently adds 5 days to any period commenced by service “made by mail or e-mail.” This would treat e-mail service the same as other instantaneous forms of service such as hand delivery or facsimile, none of which extends time for response. Given the acceptance and reliability of electronic mail (“e-mail”) as a primary form of service, the RJAC believes there is no longer a need to treat service by e-mail the same as service by traditional U.S. Mail for the purposes of computing the time for a response. To minimize the change’s impact on practitioners, the CivPRC and the CrimPRC are updating the cross-references or deleting the conflicting rules and ACRC is proposing to lengthen response time periods as necessary. Moreover, the counting of days under Rule 2.514(a)(1)(A) would not start until the first day after service that is not a weekend or holiday. The proposed amendments are intended to provide a uniform method of computing the time to serve responsive documents across the rules sets.

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Each rules of court procedure committee was provided notice of the proposed amendment to Rule 2.514. The committees joining in this filing concluded they needed to make conforming amendments within their rules set. Other Committees concluded no changes were necessary.

All rule amendments have been approved by the respective Committees and, as required by Florida Rule of Judicial Administration 2.140, reviewed by The Florida Bar Board of Governors. The voting records of the Committees and the Board of Governors are attached as Appendix A. The amendments were published for comment in the March 1, 2016, and December 15, 2016, editions of The Florida Bar *News*. A comment was received from Eleni Blumenfeld-James in response to the March 1, 2016, notice. The Small Claims Rules Committee submitted a comment after the December 15, 2016, notice.

The Committees propose amendments to the following:

Florida Rules of Civil Procedure: 1.170 (Counterclaims and Crossclaims), 1.260 (Survivor; Substitution of Parties), 1.351 (Production of Documents and Things Without Deposition), 1.410 (Subpoena), 1.440 (Setting Action for Trial), 1.442 (Proposals for Settlement), and 1.510 (Summary Judgment).

Florida Rules of Judicial Administration: 2.514 (Computing and Extending Time) and 2.516 (Service of Pleadings and Documents).

Florida Rules of Criminal Procedure: 3.040 (Computation of Time) and 3.070 (Additional Time After Service by Mail, When Permitted, or E-mail).

Florida Rules of Appellate Procedure: 9.100 (Original Proceedings), 9.110 (Appeal Proceedings to Review Final Orders of Lower Tribunals and Orders Granting New Trial in Jury and Non-jury Cases), 9.120 (Discretionary Proceedings to Review Decisions of District Courts of Appeal), 9.125 (Review of Trial Court Orders and Judgments Certified by the District Courts of Appeal as Requiring Immediate Resolution by the Supreme Court), 9.130 (Proceedings to Review Non-final Orders and Specified Final Orders), 9.140 (Appeal Proceedings in Criminal Cases), 9.141 (Review Proceedings in Collateral or Postconviction Criminal Cases), 9.142 (Procedures for Review in Death Penalty Cases), 9.146 (Appeal Proceedings in Juvenile Dependency and Termination of Parental Rights Cases and Cases Involving Families and Children in Need of Services), 9.180 (Appeal Proceedings to Review Workers' Compensation Cases), 9.200 (The Record), 9.210 (Briefs), 9.300 (Motions), 9.320 (Oral Argument), 9.330 (Rehearing; Clarification;

Certification), 9.331 (Determination of Causes in a District Court of Appeal En Banc), 9.350 (Dismissal of Causes), 9.360 (Parties), and 9.410 (Sanctions).

PROPOSED RULE AMENDMENTS

CIVIL PROCEDURE RULES COMMITTEE

RULE 1.170. COUNTERCLAIMS AND CROSSCLAIMS

The CivPRC proposes amending Florida Rule of Civil Procedure 1.170 to create a direct reference to the appropriate rule. Currently subdivision (g) of Rule 1.170 references Rule 1.080 (Service and Filing of Pleadings, Orders, and Documents). In turn, Rule 1.080 refers to Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). The CivPRC proposes replacing the reference to the Rule of Civil Procedure with the reference to the Rule of Judicial Administration. Specifically, the CivPRC suggests replacing “rule 1.080,” in the third sentence of subdivision (g) with “Florida Rule of Judicial Administration 2.516.”

RULE 1.260. SURVIVOR; SUBSTITUTION OF PARTIES

The CivPRC proposes amending Florida Rule of Civil Procedure 1.260 to create a direct reference to the appropriate rule. Currently, subdivision (a)(1) of Rule 1.260 references Rule 1.080 (Service and Filing of Pleadings, Orders, and Documents). In turn, Rule 1.080 refers to Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). The CivPRC proposes replacing the reference to the Rule of Civil Procedure with the reference to the Rule of Judicial Administration. Specifically, the CivPRC suggests replacing “rule 1.080,” in the second sentence of subdivision (a)(1) with “Florida Rule of Judicial Administration 2.516.”

RULE 1.351. PRODUCTION OF DOCUMENTS AND THINGS WITHOUT DEPOSITION

The CivPRC proposes amending Florida Rule of Civil Procedure 1.351 to create a direct reference to the appropriate rule. Currently, subdivision (b) of Rule 1.351 references Rule 1.080 (Service and Filing of Pleadings, Orders, and Documents). In turn, Rule 1.080 refers to Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). The CivPRC proposes replacing the reference to the Rule of Civil Procedure with the reference to the Rule of Judicial Administration. Specifically, the CivPRC suggests replacing “rule 1.080,” in the

first sentence of subdivision (b) with “Florida Rule of Judicial Administration 2.156.”

Additionally, the CivPRC proposes amending the notice of intent to serve a subpoena timeframe in subdivision (b). By deleting “e-mail” at the end of the first sentence and adding “e-mail” after “delivery,” Rule 1.351 will avoid conflict with Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents).

RULE 1.410. SUBPOENA

The CivPRC proposes amending Florida Rule of Civil Procedure 1.410 to create a direct reference to the appropriate rule. Currently, subdivision (c) of Rule 1.410 references Rule 1.080 (Service and Filing of Pleadings, Orders, and Documents). In turn, Rule 1.080 refers to Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). The CivPRC proposes replacing the reference to the Rule of Civil Procedure with the reference to the Rule of Judicial Administration. Specifically, the CivPRC suggests replacing “rule 1.080,” in the seventh sentence of subdivision (c) with “Florida Rule of Judicial Administration 2.516.”

RULE 1.440. SETTING ACTION FOR TRIAL

The CivPRC proposes amending Florida Rule of Civil Procedure 1.440 to create a direct reference to the appropriate rule. Currently, subdivision (c) of Rule 1.440 references Rule 1.080 (Service and Filing of Pleadings, Orders, and Documents). In turn, Rule 1.080 refers to Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). The CivPRC proposes replacing the reference to the Rule of Civil Procedure with the reference to the Rule of Judicial Administration. Specifically, the CivPRC suggests replacing “rule 1.080,” in the third sentence of subdivision (c) with “Florida Rule of Judicial Administration 2.516.”

RULE 1.442. PROPOSALS FOR SETTLEMENT

The CivPRC proposes amending Florida Rule of Civil Procedure 1.442 to create a direct reference to the appropriate rule. Currently, subdivision (c)(2)(G) of Rule 1.442 references Rule 1.080 (Service and Filing of Pleadings, Orders, and Documents). In turn, Rule 1.080 refers to Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). The CivPRC proposes replacing the reference to the Rule of Civil Procedure with the reference to the Rule of Judicial

Administration. Specifically, the CivPRC suggests replacing “rule 1.080,” in subdivision (c)(2)(G) with “Florida Rule of Judicial Administration 2.516.”

RULE 1.510. SUMMARY JUDGMENT

The CivPRC proposes amending Florida Rule of Civil Procedure 1.510 to create a direct reference to the appropriate rule and to specify that service by U.S. Mail must take place at least 5 days prior to the day of the hearing, while delivery, e-filing, and e-mailing must take place no later than 2 days prior to the day of the hearing.

Currently, subdivision (c) of Rule 1.510 references Rule 1.080 (Service and Filing of Pleadings, Orders, and Documents). In turn, Rule 1.080 refers to Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Documents). The CivPRC proposes replacing the reference to the Rule of Civil Procedure with the reference to the Rule of Judicial Administration. Specifically, the CivPRC suggests replacing “rule 1.080,” in the third sentence and fourth sentence of subdivision (c) with “Florida Rule of Judicial Administration 2.516.”

Additionally, the CivPRC proposes amending the third and fourth sentences by adding “if service by mail is authorized” after “prior to the day of the hearing.” Also in the third sentence, the CivPRC proposes adding “electronically filed, or sent by e-mail” after “delivery.” In the fourth sentence, “to the movant’s attorney” is deleted and is replaced with “, electronic filing, or sending by e-mail.” The amendments will provide notice that U.S. Mail can only be used for service in situations listed in Florida Rule of Judicial Administration 2.516. These amendments will also allow service through the e-filing portal and e-mail service to be counted the same as delivery for the purposes of this rule.

RULES OF JUDICIAL ADMINISTRATION COMMITTEE

RULE 2.514. COMPUTING AND EXTENDING TIME

The RJAC proposes removing the provision that treats e-mail as the equivalent of paper mail for the purpose of computing time. When this rule was amended to make e-mail service mandatory for attorneys, the 5-day extension was deliberately left in place to address concerns about reliability and delays. Years of experience since then have proved e-mail service both reliable and virtually instant, eliminating the justification for adding 5 days when service is made by e-mail. Service by paper mail should be treated differently from e-mail because it

does in fact take longer. The RJAC’s specific proposal includes removing “or e-mail” from both the title and the body of subdivision (b).

Additionally, RJAC proposes amendments to Rule 2.514(a)(1)(A) to alleviate concerns that late-night e-service prior to a weekend or legal holiday could be done to strategically shorten response times. Specifically, subdivision (a)(1)(A) would be amended by adding “and begin counting from the next day that is not a Saturday, Sunday, or legal holiday” to the end of the subdivision.

RULE 2.516. SERVICE OF PLEADINGS AND DOCUMENTS

The RJAC proposes amending Florida Rule of Judicial Administration 2.516 to remove a reference to extra time being added to the computation of time when a document is served through e-mail. This amendment will conform this rule to the amendments proposed in Florida Rule of Judicial Administration 2.514 (Computing and Extending Time). Specifically, the RJAC proposes deleting subdivision (b)(1)(D)(iii) that states: “(iii) E-mail service, include e-Service, is treated as service by mail for the computation.” The Small Claims Rules Committee opposes RJAC’s amendments changing the rule to provide different times for service based on U.S. Mail and e-mail. The Small Claims Rules Committee believes that this will cause confusion among the pro se litigants in small claims court—the people’s court. (*See* Appendix E–4.) However, pro se litigants are not required to designate an e-mail for electronic service pursuant to Florida Rule of Judicial Administration 2.516(b)(1)(C). In fact, subdivision (b)(1)(C) references subdivision (b)(2) that explains the non-e-mail service options available for pro se parties who do not designate an e-mail address. Specifically, parties who elect out of e-mail service may hand deliver the document to an attorney or party, leave it at the attorney or party’s office, leave it in a conspicuous space, leave it at the recipient’s home with someone older than 15, or send it by facsimile. Given all the options still available, the RJAC respectfully disagrees with the Small Claims Rules Committee’s concern.

For the Court’s clarity, within the appendices, amendments to this rule proposed in this case are indicated by single underline or strikethrough; proposed amendment indicated by double-underline or double-strikethrough are before the Court in *In re: Amendments to the Florida Rules of Judicial Administration, Florida Rule of Criminal Procedure 3.010, and Florida Rule of Appellate Procedure 9.440*, SC16-1062, or *In re: Amendments to the Florida Rules of Judicial Administration—2017 Regular-Cycle Report*, SC17-155.

CRIMINAL PROCEDURE RULES COMMITTEE

RULE 3.040 COMPUTATION OF TIME

The CrimPRC proposes amending Florida Rule of Criminal Procedure 3.040. Specifically, the CrimCPRC proposes deleting “(a)” after the reference to Florida Rule of Judicial Administration 2.514. Removing this subdivision reference will conform Rule 3.040 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~~

The CrimPRC proposes deleting Florida Rule of Criminal Procedure 3.070 in its entirety to resolve a conflict between the Florida Rules of Criminal Procedure and Florida Rule of Judicial Administration 2.516.

APPELLATE COURT RULES COMMITTEE

The ACRC initially proposed that in response to the RJAC’s proposal to remove the 5 days for service through e-mail in the Rules of Judicial Administration, the Rules of Appellate Procedure should be amended to permit 5 additional days for service by e-mail in appellate proceedings. When the Board of Governors was presented proposed amendments that removed the 5 days from the Rules of Judicial Administration but added the 5 days into the Rules of Appellate Procedure, the Board of Governors expressed concerns about the proposals and suggested the Committees attempt to come to an agreement that would address the concerns voiced by the Governors and keep one rule for computation of time. That led to a special workgroup that worked out a compromise proposal.

The ACRC, CivPRC, CrimPRC, and RJAC agreed to a compromise whereby (1) the computation of time rule in the Rules of Judicial Administration would be amended to provide for additional time if a document was served before a weekend or legal holiday; and (2) the ACRC would rescind its proposal of a separate appellate rule on computation of time and instead amend the specific appellate rules that set time limits based on service to permit additional days where they were needed. To establish consistency in the timeframes in the rules set, the Committee proposes that deadlines be amended typically to either 15 days or 30 days, rather than simply adding 5 days to what would have been 10- or 20-day time limits.

Eleni Blumenfeld-James commented that ACRC’s originally proposed amendment, that has since been rescinded, would “result in a shorter deadline to serve the answer brief than under the current method of calculation of time under RJA 2.514(b).” (See Appendix E–1-E–3.) The ACRC reviewed the comment, but believes the comment is now moot in light of the current amendment.

For the Court’s clarity, within the appendices, amendments to the appellate rules that are proposed in this case are indicated by single underline or strikethrough; proposed amendment indicated by double-underline or double-strikethrough are before the Court in *In re: Amendments to the Florida Rules of Appellate Procedure*, SC16-1377, or *In re: Amendments to the Florida Rules of Appellate Procedure—2017 Regular-Cycle Report*, SC17-152.

RULE 9.100. ORIGINAL PROCEEDINGS

The ACRC proposes amending subdivision (k) of Florida Rule of Appellate Procedure 9.100 to add 10 days to timeframe for service of the petitioner’s reply. This will allow the petitioner 30 days to serve a reply and provide consistency in the timeframes throughout the rules set.

RULE 9.110. APPEAL PROCEEDINGS TO REVIEW FINAL ORDERS OF LOWER TRIBUNALS AND ORDERS GRANTING NEW TRIAL IN JURY AND ~~NON-JURY~~ NONJURY CASES

The ACRC proposes amending subdivision (g) of Florida Rule of Appellate Procedure 9.110 to add 5 days to timeframe for service of appellant’s notice of cross-appeal. This will allow an appellee 15 days to serve notice of a cross-appeal. It will also provide consistency in the timeframes throughout the rules set.

RULE 9.120. DISCRETIONARY PROCEEDINGS TO REVIEW DECISIONS OF DISTRICT COURTS OF APPEAL OF FLORIDA

The ACRC suggests amending subdivision (d) of Florida Rule of Appellate Procedure 9.120 to add 10 days to the timeframe for service of the respondent’s brief on jurisdiction. This will allow the respondent 30 days to serve its brief on jurisdiction. It will also provide 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

The ACRC proposes amending subdivision (d) of Florida Rule of Appellate Procedure 9.125 to add 5 days to the timeframe for the filing of a response upon service of the suggestion. This will allow any party to file a response with 10 days of service of the suggestion.

RULE 9.130. PROCEEDINGS TO REVIEW ~~NON-FINAL~~ NONFINAL ORDERS AND SPECIFIED FINAL ORDERS

The ACRC suggests amending subdivision (g) to add 5 days to the timeframe for service of appellant’s notice of cross-appeal. This will allow the appellee 15 days to serve notice after service of the appellant’s timely filed notice of appeal.

RULE 9.140. APPEAL PROCEEDINGS IN CRIMINAL CASES

The ACRC proposes amending subdivision (b)(4) to add 5 days to the timeframe for service of defendant’s notice of cross-appeal. The ACRC also proposes amending subdivision (c)(3) of this rule to add 5 days to the timeframe for filing the state’s notice of cross-appeal after service of the defendant’s notice. This would alter the time frames from 10 to 15 days.

RULE 9.141. REVIEW PROCEEDINGS IN COLLATERAL OR POSTCONVICTION CRIMINAL CASES

The ACRC proposes amending subdivision (b)(2)(C)(ii) of Florida Rule of Appellate Procedure 9.141 to add 10 days to the timeframe for service of the appellant’s response. This will provide consistency in the timeframes throughout the rules set. This would alter the time frame from 20 to 30 days.

RULE 9.142. PROCEDURES FOR REVIEW IN DEATH PENALTY CASES

The ACRC suggests amending subdivision (a)(2) of Florida Rule of Appellate Procedure 9.142 to add 5 days, for a total of 50, for the State to serve its initial brief and an additional 10 days, for a total of 40, for the defendant to serve his or her brief. The ACRC also proposes amending subdivision (c)(8) to add 10

days, for a total of 30, to the timeframe for service of the defendant’s reply. This will provide 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

The ACRC proposes amending subdivision (g)(3)(B) of Florida Rule of Appellate Procedure 9.146 to add 10 days to the timeframe for service of the initial brief. The ACRC also suggests adding 10 days to the timeframe for service of the answer brief. Both deadlines would now be 30 days. The ACRC further proposes adding 5 days, for a new 15-day deadline, to the timeframe for service of the reply brief. This will provide consistency in the timeframes throughout the rules set. In subdivision (i), there are four editorial amendments proposed. In the subdivision title to (i), the Committee’s proposes adding “’” after “Parents” to make the word possessive. In subdivision (i)(2), a comma is added after “signed.” In the same sentence, the “s” after “Rule” is deleted. In subdivision (i)(4)(A), the hyphen is removed from “timely-filed.”

RULE 9.180. APPEAL PROCEEDINGS TO REVIEW WORKERS’ COMPENSATION CASES

The ACRC proposes amending subdivision (f)(5)(B) of Florida Rule of Appellate Procedure 9.180 to add 5 days to the timeframe for depositing estimated costs. The ACRC also proposes amending subdivision (f)(6)(B) to add 5 days to the timeframe for filing written objections regarding the reporter selected. Further, the ACRC suggests amending subdivision (g)(3)(B) by adding 5 days to the timeframe for filing a verified petition to be relieved of costs. These amendments will alter the deadlines from 15 to 20 days. Additionally, ACRC suggests amending subdivision (g)(3)(F) to add 10 days to the timeframe for filing an objection to the petition, which will extend the filing deadlines from 20 to 30 days. These amendments will provide consistency in the timeframes throughout the rules set.

RULE 9.200. THE RECORD

The ACRC suggests amending existing subdivision (b)(4) to add 5 days to the timeframe for serving an objection or proposed amendments to the statement of proceedings. Amendments pending in *In re: Amendments to Florida Rules of Appellate Procedure—2017 Regular-Cycle Report*, SC17-152, propose

renumbering subdivision (b)(4) as (b)(5). The ACRC also suggests amending subdivision (c) to add 5 days to the timeframe for the cross-appellee to direct further additions to the record on appeal. These suggestions will alter the deadlines from 10 to 15 days.

RULE 9.210. BRIEFS

The ACRC proposes amending subdivision (f) to add 10 days to the timeframe for service of the answer brief; to add 10 days to the timeframe for service of the reply brief; and to add 10 days to the timeframe for service of the cross-reply brief. These amendments will alter all service deadline from 20 to 30 days and provide consistency in the timeframes throughout the rules set.

RULE 9.300. MOTIONS

The ACRC suggests amending subdivision (a) of Florida Rule of Appellate Procedure 9.300 to add 5 days to the timeframe for responding to a motion. This would allow 15 days for a party to serve a response to a motion.

RULE 9.320. ORAL ARGUMENT

The ACRC proposes amending subdivision (a) of Florida Rule of Appellate Procedure 9.320 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. This will change each deadline from 10 to 15 days.

RULE 9.330. REHEARING; CLARIFICATION; CERTIFICATION; WRITTEN OPINION

The ACRC suggests amending existing subdivision (a) to add 5 days, changing the total to 15 days, to the timeframe for service of a response to a motion for rehearing, clarification, certification, or written opinion. Amendments pending in *In re: Amendments to Florida Rules of Appellate Procedure—2017 Regular-Cycle Report*, SC17-152, propose renumbering that portion of subdivision (a) as (a)(3). The ACRC additionally suggests amending subdivision (c) to add 5 days for a total of 10, 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

The ACRC proposes amending subdivision (d)(1) to add 5 days to the timeframe for serving a response to a motion for rehearing en banc, which would create a new 15-day service deadline.

RULE 9.350. DISMISSAL OF CAUSES

The ACRC suggests amending subdivision (b) to add 5 days to the timeframe for a dismissal to be effective; this will amend the effective timeframes to 15 days.

RULE 9.360. PARTIES

The ACRC proposes amending subdivision (a)(i) 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. Amendments that are pending in *In re: Amendments to Florida Rules of Appellate Procedure—2017 Regular-Cycle Report*, SC17-152, propose renumbering subdivision (a)(i) as (a)(1).

RULE 9.410. SANCTIONS

The ACRC proposes amending subdivision (b)(3) to add 5 days, for a total of 20, to the timeframe for service of a response to a challenged claim. The ACRC also proposes amending subdivision (b)(5) to add 5 days, for a total of 15, to the timeframe for service of a response.

WHEREFORE, the Committees request that the Florida Rules of Civil Procedure, Florida Rules of Judicial Administration, Florida Rules of Criminal Procedure, and Florida Rules of Appellate Procedure be amended as detailed above.

Respectfully submitted on May 12, 2017.

/s/ Kristin A. Norse
Kristin A. Norse, Chair
Appellate Court Rules Committee
Kynes, Markman & Felman
P.O. Box 3396

/s/ John F. Harkness, Jr.
John F. Harkness, Jr.
Executive Director
The Florida Bar
651 East Jefferson Street

Tampa, FL 33601-3396
813/229-1118
knorse@kmf-law.com
Florida Bar No. 965634

Tallahassee, FL 32399-2300
850/561-5600
jharkness@floridabar.org
Florida Bar No. 123390

/s/ Roger James Haughey, II
Roger James Haughey, II, Chair
Civil Procedure Rules Committee
Sivyer Barlow & Watson, P.A.
401 E. Jackson Street, Suite 2225
Tampa, FL 33602-5213
813/221-4242
rhaughey@sbwlegal.com
Florida Bar No. 123617

/s/ Hon. Steven Scott Stephens
Hon. Steven Scott Stephens, Chair
Rules of Judicial Administration
Committee
Edgecomb Courthouse, Suite 552
800 E. Twiggs Street
Tampa, FL 33602-5330
813/272-5330
DivisionL@fljud13.org
Florida Bar No. 779441

/s/ H. Scott Fingerhut
H. Scott Fingerhut, Chair
Criminal Procedure Rules Committee
H. Scott Fingerhut, P.A.
500 S. Dixie Highway, Suite 301
Coral Gables, FL 33146-2768
305/285-0500
hsfpa@aol.com
Florida Bar No. 796727

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by e-mail, via the Florida Courts E-filing Portal, on May 12, 2017, to:

Alison Verges Walters
Chair, Small Claims Rules Committee
Kelley Kronenberg Attorneys at Law
1511 N. West Shore Blvd., Suite 400
Tampa, FL 33607-4596
813/223-1697
awalters@kelleykronenberg.com
Florida Bar No. 679402

Eleni Blumenfeld-James
Rules Attorney
Aderant
200 Corporate Pointe, Suite 400
Culver City, CA 90230
310/553-3355
eleni.blumenfeld-james@aderant.com

CERTIFICATE OF COMPLIANCE

I certify that these rules were read against Thomson Reuters' *Florida Rules of Court—State* (2017 Edition).

I certify that this report was prepared in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Mikalla Andies Davis
Mikalla Andie Davis, Staff Liaison
Civil Procedure Rules Committee
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-6584
850/561-5663
mdavis@floridabar.org
Florida Bar No. 100529

/s/ Krys Godwin
Krys Godwin, Staff Liaison
Rules of Judicial Administration
Committee
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-6584
850/561-5706
kgodwin@floridabar.org
Florida Bar No. 2305

/s/ Heather Savage Telfer
Heather Savage Telfer, Staff Liaison
Appellate Court Rules Committee
Criminal Procedure Rules Committee
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-6584
850/561-5702
htelfer@floridabar.org
Florida Bar No. 139149