

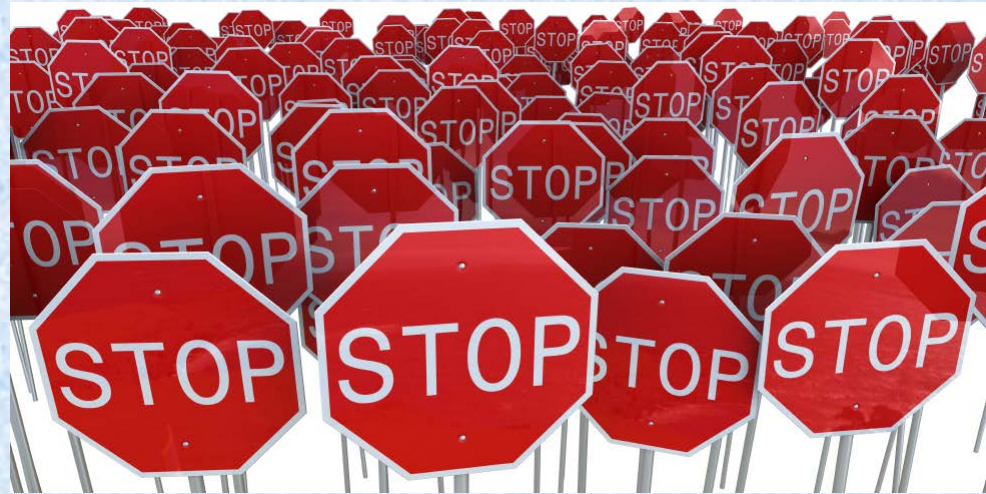
10 New / Amended Florida Rules of Civil Procedure in 10 Minutes

(effective Jan 1, 2014)



Christopher Hopkins / Nell Chambers (WPB)

This is a 10-Minute Overview



[Read the Rules at FloridaBar.org](http://FloridaBar.org)

In Re Amendments to Florida Rules of Civil Procedure, (Fla. November 14, 2013)

1.020: Privacy and Court Records

- Codifies Fla. R. Jud. Admin. 2.425 to limit “sensitive information” in pleadings:

- **Key Areas:**

- Minors
- Dates of Birth
- SSN, driver’s , passport #s
- Phone numbers
- Account numbers

(Rule specifically tells you to omit, truncate, or use last 4 digits depending upon the type of information – READ THE RULE)

- **Epecially Careful:**

- Email Addresses
- Computer User Names
- Passwords

(these are to be truncated)

Watch out – Remedies / Sanctions for Violations



1.380: Failure to Make Discovery; Sanctions

In three sections, the word “**substantially**” was inserted before “**justified**”
More consistent with Federal Rule Civ. Pro 37

- **Avoid an award for attorney’s fees for:**
 - losing a Motion to Compel Discovery
 - failing to comply with an Order
 - Not answering interrogatories
 - Not attending your own deposition
 - Not responding to Request for Inspection
- Your conduct must be “**substantially justified**”



1.431: Trial Jury

- New subsection (i) re communication to/from jury:
 - Any question or comment from juror which might be of “**interest to the parties**” must be reported to court. Examples given: length of testimony and when adjourning.
 - Court required to have all but routine communications with jury on record.
 - Court must explain to jury during voir dire
 - Court may allow “reasonable variations” but has to tell parties the specifics in order or on record.



**IF YOU SEE
SOMETHING,
SAY
SOMETHING.**

1.442: Proposals for Settlement

- Section (c)(2)(B) amended
- Proposal must state that it resolves all damages that would be awardable.
- No more claim-specific Proposals for Settlement
- Inclusion of attorney's fees is still optional

Warning – check any incoming Proposals. Make sure it states that it is for all claims.



1.451: Taking Testimony

- Witness must be **physically present** at hearing or trial unless:
 - (a) law,
 - (b) agreement, or
 - (c) good cause shown, with notice.
- Comment explains “good cause”
- Comment: video preferred over audio



Warning – see Zimmerman trial and Skype

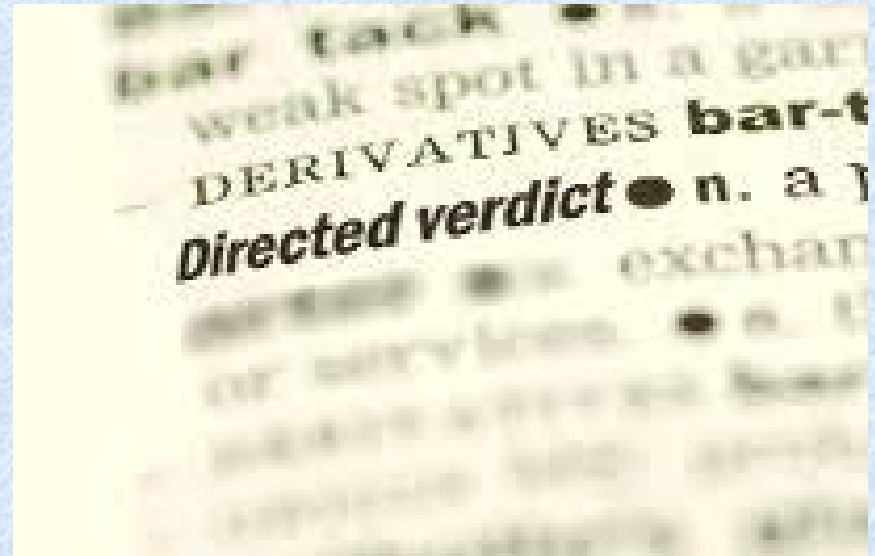
1.480: Motion for a Directed Verdict

- Subdivision (b) amended

If Motion for DV is denied, you have 15 days from verdict to file a Motion to Set Aside.

(If no verdict, 15 days from discharge of jury)

Good news: Rule used to give 10 days.



1.490: Magistrates



- Sections (f)-(i) amended:
 - harmonize civil, juvenile, and family rules
 - proceedings don't have to occur in courthouse
 - Exceptions to Magistrate's Report must be **filed** now
 - New requirements for record to support Exceptions
 - New requirements for notice of hearing (recording vs reporter)
 - New requirements for cross-exceptions

1.530: Motions for New Trial and Rehearing; Amendments of Judgments

- Subdivisions **(b) and (g)** amended -- 15 days to file:
 - Motion for New Trial
 - Motion for Rehearing
 - Motion to Alter Judgment
 - Motion to Amend Judgment

- Subdivision **(d)** amended – court has 15 days from judgment or with time of ruling on a timely motion to sua sponte order a rehearing or new trial for any reason it would have granted such a motion



Not affect Rule 1.540(b) Motions – mistake, inadvertence, etc

1.560: Discovery in Aid of Execution

- Subdivision (e) was deleted. No requirement to file Notice of Compliance. A creditor can still file for relief for noncompliance.



1.630: Extraordinary Remedies

- Rule covers writs except writs of certiorari. Any references to writs of cert are deleted.
- When circuit court exercises appellate jurisdiction, Florida Rule of Appellate Procedure apply.



BONUS

New Laws in Florida in 2014

(some from late 2013)

- New LLC laws
- Daubert
- \$7.93 / hr, Florida minimum wage
- Voting – up to 14 days of early voting
- Notice to auto dealers before suing under FDUTPA
- Drivers can stop past the line before right on red
- Check-cashing companies must report checks \$1k+
- Architects/engineers not liable in tort if there's a contract
- Public schools can punish (off-campus) cyber-bullying

New Laws in Florida in 2014

- No 40 or 60 watt incandescent light bulbs
- No sale of bongos and chillums
- No texting-while-driving law effective October 2014
- No drones without warrant / high risk of terrorism.
- Close your massage parlor from mid-5 a.m.