

PBCBA Town Hall Discussion Part II: Florida Rules of Civil Procedure Amendments

*presented by the Judicial Relations and
Circuit Civil Practice Committees*

**WE WILL BEGIN
SHORTLY!**

PANELISTS:

HON. G. JOSEPH CURLEY, 15TH JUDICIAL CIRCUIT

HON. SARAH SHULLMAN, 15TH JUDICIAL CIRCUIT

MODERATORS:

BRIDGET A. BERRY, ESQ., GREENBERG TRAUERIG, P.A.

RON PONZOLI, ESQ., GRAYROBINSON, P.A.



Agenda

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▶ **Brief Overview of (Amended) Amendments to Florida Rules of Civil Procedure**

- ▶ 1.090 Enlargements of Time
- ▶ 1.110(d) Affirmative Defenses
- ▶ 1.200 Case Management & Pretrial Procedure
- ▶ 1.201 Complex Litigation
- ▶ 1.202 Conferral Prior to Filing Motions
- ▶ 1.280 General Provisions Governing Discovery
- ▶ 1.340 Interrogatories
- ▶ 1.440 Setting Actions for Trial
- ▶ 1.460 Motions to Continue Trial
- ▶ 1.510 Summary Judgment
- ▶ 1.820 Hearing Procedures for Non-Binding Arbitration

▶ **Including:**

- ▶ Tips and Tools for Navigating the New Rules
- ▶ Incorporation of Rules in 15th Circuit's *Uniform DCMO and Order Setting Trial*
- ▶ Incorporation of Rules in 15th Circuit's *Amended A.O. 3.110*

▶ **Q&A**

1.110(d) Affirmative Defenses

(d) Affirmative Defenses. In pleading to a preceding pleading, a party ~~shall~~must set forth affirmatively: accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense. A pleading that sets forth an affirmative defense must contain a short and plain statement of the ultimate facts supporting the avoidance or affirmative defense. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court, on terms if justice so requires, ~~shall~~must treat the pleading as if there had been a proper designation. Affirmative defenses appearing on the face of a prior pleading may be asserted as grounds for a motion or defense under rule 1.140(b);² provided this ~~shall~~does not limit amendments under rule 1.190 even if such ground is sustained.

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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(a) Applicability; Exemptions

(b) Case Track Assignment

(c) Changes in Track Assignment

(d) Case Management Order

- ▶ There are 18 categories of exemptions.
- ▶ **Timing:** CMO must issue within 120 days of case filing.
- ▶ **15th Cir.** issues the DCMO/Trial Order **on the DAY THE CASE IS FILED**

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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▶ Track Changes:

- ▶ Tracks can be changed upon motion or the court's motion.
- ▶ “Must be filed **promptly** after **the appearance of good cause.**”
Rule 1.200(c).
- ▶ **A.O. 3.110** addresses procedure for track changes

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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UNIFORM DIFFERENTIATED CASE MANAGEMENT ORDER
AND ORDER SETTING TRIAL
(DCMGJT)

THIS MATTER is a Circuit Civil case calling for a jury trial. Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.250(a)(1)(B) and 2.545(b), and Fifteenth Judicial Circuit Administrative Order 3.110 (as amended), **Plaintiff/Petitioner is directed to serve this Order upon each Defendant/Respondent with the initial Complaint/Petition and Summons.**

It is hereby **ORDERED AND ADJUDGED** that this case is designated to the **GENERAL TRACK** for time to disposition. The deadlines and procedures set forth in this Order will be strictly enforced unless changed by court order.

Consistent with the Professionalism Expectations of the Florida Supreme Court and the Florida Bar, the parties and counsel are expected to govern themselves at all times with a spirit of cooperation, professionalism and civility. They are expected to accommodate each other whenever reasonably possible and eliminate disputes by reasonable agreements. Self-Represented/*Pro Se* Litigants (i.e., those without counsel) are held to the same procedural and legal obligations as are imposed upon counsel.

I. **SCHEDULING**

A. **Calendar Call**

YOU MUST APPEAR FOR A MANDATORY CALENDAR CALL on *insert date at insert time*. The parties must be ready to try the case by that date. The actual trial period begins on the docket associated with this Calendar Call date as provided in Divisional Instructions or by court order.

Calendar Call may be conducted in person, via Zoom or by e-calendar. All parties are instructed to review the Court's Divisional Instructions for specific procedures at www.15thcircuit.com/divisions.

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

(d) Case Management Order.

(1) *Complex Cases.* Case management orders in complex cases must issue as provided in rule 1.201.

(2) *Streamlined and General Cases.* In streamlined and general cases, the court must issue a case management order that specifies the projected or actual trial period based on the case track assignment, consistent with administrative orders entered by the chief judge of the circuit. The order must also set deadlines that are differentiated based on whether the case is streamlined or general and must be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases. The order must specify no less than the following deadlines:

- (A) service of complaints;
- (B) service under extensions;
- (C) adding new parties;
- (D) completion of fact discovery;
- (E) completion of expert discovery;
- (F) filing and service of motions for summary

judgment;

and

- (~~G~~H) filing and resolution of all pretrial motions;
- (~~H~~I) completion of alternative dispute resolution.

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

**UNIFORM DIFFERENTIATED CASE MANAGEMENT ORDER
AND ORDER SETTING TRIAL**
(DCMGJT)

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I. SCHEDULING

A. Calendar Call

YOU MUST APPEAR FOR A MANDATORY CALENDAR CALL on *insert time*. The parties must be ready to try the case by that date. The actual trial begins on the docket associated with this Calendar Call date as provided in Divisional Instructions or by court order.

Calendar Call may be conducted in person, via Zoom or by e-calendar. All parties are instructed to review the Court's Divisional Instructions for specific procedural requirements at www.15thcircuit.com/divisions.

15. Case Management Deadlines

The following deadlines strictly apply unless otherwise modified by the Court:

| | EVENTS | COMPLETION DEADLINE |
|-----|--|---|
| 1. | Service of Complaint | May 14, 2025; service under extension is only by court order. |
| 2. | Answer and/or initial motions/objections directed to the pleadings (i.e. to dismiss or strike) | 20 days after service |
| 3. | Initial Discovery Disclosures | 60 days after service |
| 4. | Amendment of pleadings/Adding parties | September 21, 2025 |
| 5. | Resolution of all motions/objections directed to the pleadings and pleadings closed | November 10, 2025 |
| 6. | Disclosure of Expert Witness(es) | March 16, 2026 |
| 7. | Disclosure of Rebuttal Experts | April 15, 2026 |
| 8. | Inspections, Expert Witness Depositions and Compulsory Examinations completed | July 4, 2026 |
| 9. | File Witness & Exhibit Lists | July 14, 2026 |
| 10. | Completion of Discovery relating to Summary Judgment and <i>Daubert</i> Motions | July 4, 2026 |
| 11. | File and Serve Motion(s) for Summary Judgment and <i>Daubert</i> Motions | July 14, 2026 |
| 12. | File Rebuttal Witness Lists | August 3, 2026 |

| | | |
|-----|------------------------------------|--|
| 20. | Jury Instructions and Verdict Form | September 29, 2026 |
| 21. | Calendar Call/Trial Ready Date | October 2, 2026 |
| 22. | Trial Period | Begins on the docket associated with the above Calendar Call date, as provided in Divisional Instructions or by court order. |

| | | |
|-----|------------------------------|--------------------|
| 19. | Deadline to hear ALL Motions | September 27, 2026 |
|-----|------------------------------|--------------------|

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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(FG) filing and resolution of all objections to pleadings;
and
(GH) filing and resolution of all pretrial motions;
(HI) completion of alternative dispute resolution.

(3) *Strict Enforcement of Deadlines.* The case management order must indicate that the deadlines established in the order will be strictly enforced by the court unless changed by court order.

complaint on the last of all named defendants, whichever date comes first. No case management conference is required to be set

(e) **Extensions of Time; Modification of Deadlines.**

(1) *Deadlines are Strictly Enforced.* Deadlines in a case management order must be strictly enforced unless changed by court order. Parties may submit an agreed order to extend a

the remaining dates in the case management order. If extending an individual case management deadline may affect a subsequent deadline in the case management order, parties must seek an amendment of the case management order, rather than submitting a motion for extension of an individual deadline.

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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(e) Extensions of Time; Modification of Deadlines.

(1) *Deadlines are Strictly Enforced.* Deadlines in a case management order must be strictly enforced unless changed by court order. Parties may submit an agreed order to extend a deadline if the extension does not affect the ability to comply with the remaining dates in the case management order. If extending an individual case management deadline may affect a subsequent deadline in the case management order, parties must seek an amendment of the case management order, rather than submitting a motion for extension of an individual deadline.

Motions to Extend Deadlines



ASK: "Will the extension affect the ability to comply with other deadlines?"

NO

YES

May upload agreed order; however, in 15th Cir., summary judgment, *Daubert*, and discovery deadlines must be set for hearing

Parties must seek an amendment of the DCMO under 1.200(e)(3) and/or file a motion to continue trial under 1.460

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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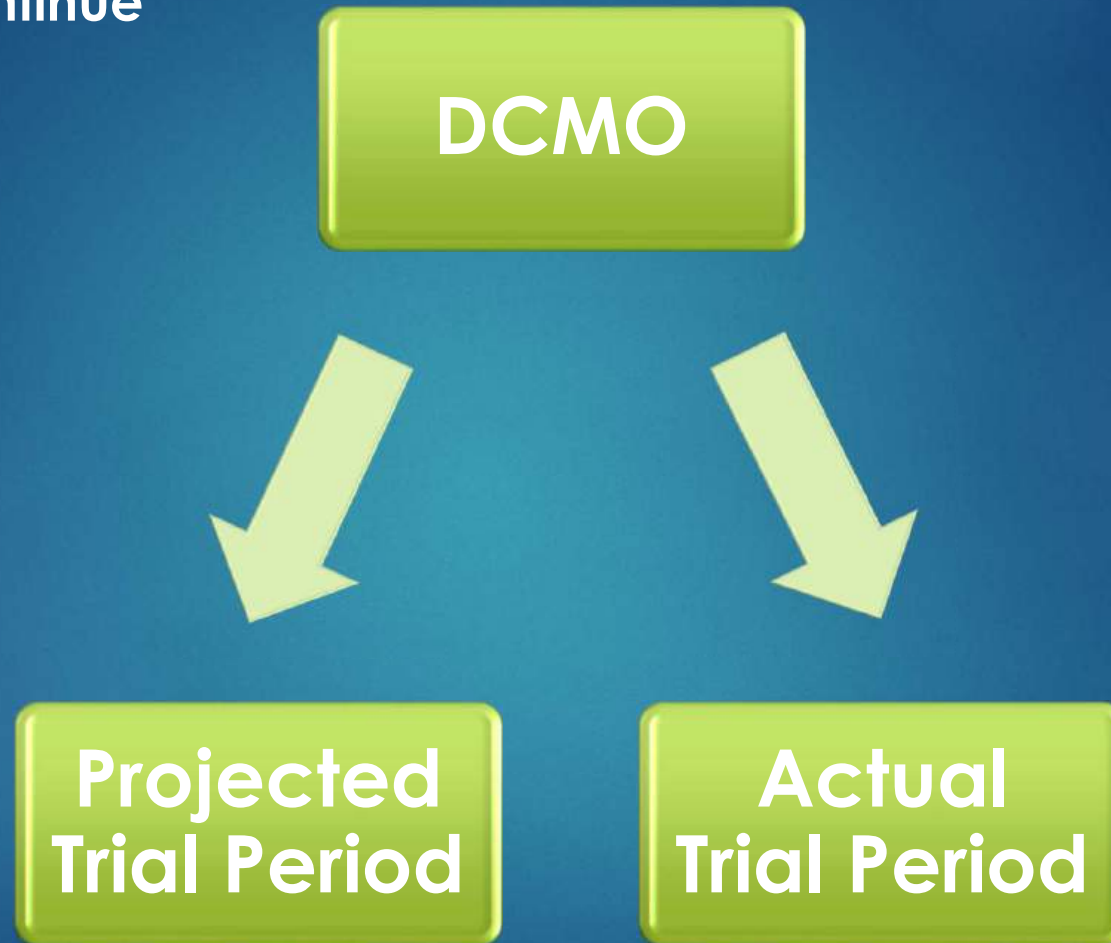
- ▶ A motion to extend a deadline, amend the CMO, or alter a projected trial period, **must contain these 4 items**:
 - ▶ the basis of the need for the extension, ***including when the basis became known to the movant***;
 - ▶ whether the motion is opposed;
 - ▶ the specific date to which the movant is requesting the deadline or projected trial period be extended, **and whether that date is agreed by all parties**;

and

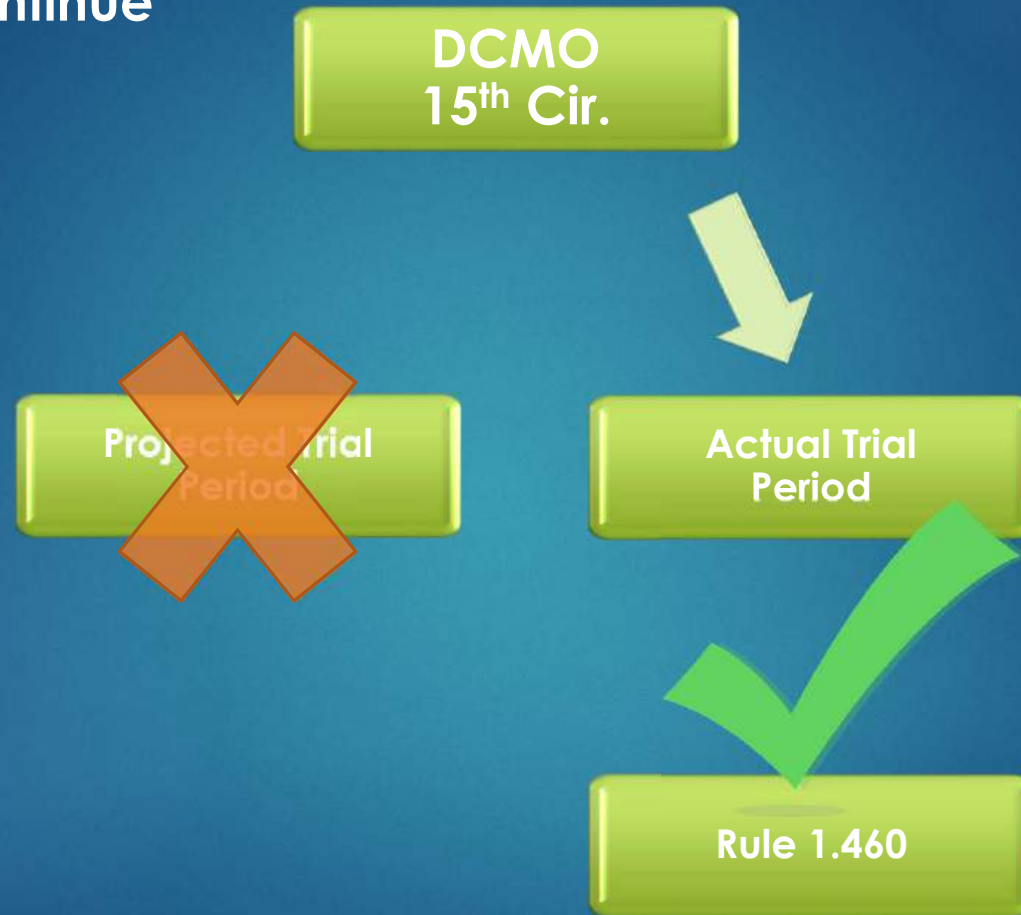
- ▶ the **action and specific dates** for the action **that will enable the movant to meet the proposed new deadline** or projected trial period, including, but not limited to, confirming the specific date any required participants such as third-party witnesses or experts are available.

Motions to Continue

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Motions to Continue



RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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(e) Extensions of Time; Modification of Deadlines.

(1) *Deadlines are Strictly Enforced.* Deadlines in a case management order must be strictly enforced unless changed by court order. Parties may submit an agreed order to extend a deadline if the extension does not affect the ability to comply with the remaining dates in the case management order. If extending an individual case management deadline may affect a subsequent deadline in the case management order, parties must seek an amendment of the case management order, rather than submitting a motion for extension of an individual deadline.

(2) *Modification of Actual Trial Period.* Once an actual trial period is set, the parties must satisfy the requirements of rule 1.460 to change that period. During the time a trial period is still a projection, the parties may seek to change the projected trial period through the process in subdivision (e)(3).

(3) *Modifications of Deadlines or Projected Trial Period.* Any motion to extend a deadline, amend a case management order, or alter a projected trial period must specify:

(A) the basis of the need for the extension, including when the basis became known to the movant;

(B) whether the motion is opposed;

(C) the specific date to which the movant is requesting the deadline or projected trial period be extended, and whether that date is agreed by all parties; and

(D) the action and specific dates for the action that will enable the movant to meet the proposed new deadline or projected trial period, including, but not limited to, confirming the specific date any required participants such as third-party witnesses or experts are available.

RULE 1.090 ENLARGEMENTS OF TIME

RULE 1.090. TIME

(a) [No Change]

(b) **Enlargement Extending Time.**

(1) *In General.* ~~When an act is required or allowed to be done at or within a specified time by order of court, by these rules, or by notice given thereunder, for cause shown the court at any time in its discretion~~When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) ~~with or without notice, may order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous~~

making a motion for a directed verdict. Extensions of deadlines in case management orders are governed by rule 1.200 or rule 1.201, and trial continuances are governed by rule 1.460.

made after the time has expired if the party failed to act because of excusable neglect.

(2) *Exceptions.* The court may not extend the time for making a motion for new trial, for rehearing, or to alter or amend a judgment; making a motion for relief from a judgment under rule 1.540(b); taking an appeal or filing a petition for certiorari; or making a motion for a directed verdict. Extensions of deadlines in case management orders are governed by rule 1.200 or rule 1.201, and trial continuances are governed by rule 1.460.

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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(f) Notices of Unavailability. Notices of unavailability have no effect on the deadlines set by the case management order. If a party is unable to comply with a deadline in a case management order, the party must take action consistent with subdivision (e)(1).

(g) Inability to Meet Case Management Deadlines. If any party is unable to meet the deadlines set forth in the case management order for any reason, including due to the unavailability of hearing time, the affected party may promptly set a case management conference and alert the court. The notice of case management conference must identify the issues to be addressed in the case management conference.

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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Let's talk about hearing time.



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RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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UNIFORM DIFFERENTIATED CASE MANAGEMENT ORDER
AND ORDER SETTING TRIAL
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THIS MATTER is a Circuit Civil case calling for a jury trial. Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.250(a)(1)(B) and 2.545(b), and Fifteenth Judicial Circuit Administrative

E. DCM Conferences

If any party is unable to meet the deadlines set forth in this Order for any reason, including unavailability of hearing time, the affected party must promptly set a DCM conference as described in Administrative Order 3.110 (as amended), identifying the hearing time requested and the pending motion(s). DCM conferences shall be scheduled through online scheduling (OLS) on either the Court's: 1) DCM - Case Management Conference docket; or 2) Uniform Motion Calendar, in accordance with Divisional Instructions.

begins on the docket associated with this Calendar Call date as provided in Divisional Instructions or by court order.

Calendar Call may be conducted in person, via Zoom or by e-calendar. All parties are instructed to review the Court's Divisional Instructions for specific procedures at www.15thcircuit.com/divisions.

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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(h) If Trial Is Not Reached During Trial Period. If a trial is not reached during the trial period set by court order, the court must enter an order setting a new trial period that is as soon as practicable, given the needs of the case and resources of the court. The order resetting the trial period must reflect what further activity will or will not be permitted.

RULE 1.200. CASE MANAGEMENT; PRETRIAL PROCEDURE

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(j) Case Management Conferences.

(1) *Scheduling.* The court may set case management conferences at any time on its own notice or on proper notice by a party. Whether set by the court or a party, the amount of notice must be reasonable. If noticed by a party, the notice itself must identify the specific issues to be addressed during the case management conference and must also provide a list of all pending motions. The court may set, or the parties may request, case management conferences on an as-needed basis or an ongoing, periodic basis.

(2) *Issues That May Be Addressed.* During a case management conference, the court may address all scheduling issues, including requests to amend the case management order, and other issues that may impact trial of the case. In addition, on reasonable notice to the parties and adequate time available during the conference, the court may elect to hear a pending motion, other than motions for summary judgment and motions requiring evidentiary hearings, even if the parties have not identified the motion as an issue to be resolved. Motions for summary judgment and motions requiring evidentiary hearings may not be heard as part of a case management conference, unless agreed to by the parties.

(3) *Preparation Required.* Attorneys and self-represented litigants who appear at a case management conference must be prepared on the pending matters in the case, be prepared to make decisions about future progress and conduct of the case, and have authority to make representations to the court and enter into binding agreements concerning motions, issues, and scheduling. If a party is represented by more than 1 attorney, the attorney(s) present at a case management conference must be prepared with all attorneys' availability for future events.

(4) *Other Hearings Convertible.* Any scheduled hearing may be converted to a sua sponte case management conference by agreement of the parties at the time of the hearing.

(5) *Proposed Orders.* At the conclusion of the case management conference, unless the court is drafting its own order, the court must set a deadline for submitting proposed orders arising out of the case management conference. A proposed order must be submitted by that deadline unless an extension is requested. If the parties do not agree to the contents of a proposed order, competing proposed orders must be submitted to the court. The parties must notify the court of the basis of any objections at the time the competing orders are submitted.

(6) *Failure to Appear.* On failure of a party to attend a case management conference, the court may dismiss the action, strike the pleadings, limit proof or witnesses, or take any other appropriate action against a party failing to attend.

RULE 1.201 COMPLEX LITIGATION

period. If not provided by the presiding Division judge, Calendar Call dates will be automatically generated.

General Track:

Circuit Civil Jury cases will be assigned to a General Track with deadlines established to ensure that cases are disposed of within 18 months after service on the last defendant or 120 days after commencement of the action, whichever occurs first.

Streamlined Track:

Circuit Civil Non-Jury cases will be assigned to a Streamlined Track with deadlines established to ensure that cases are disposed of within 12 months after service on the last defendant or 120 days after commencement of the action, whichever occurs first.

County Civil Jury cases will be assigned to a Streamlined Track with deadlines established to ensure that cases are disposed of within 12 months after service on the last defendant or 120 days after commencement of the action, whichever occurs first.

Expedited Track:

Circuit Civil Foreclosure cases will be assigned to an Expedited Track scheduled for disposition within 12 Months from the date of

County Civil Non-Jury cases will be assigned to an Expedited Track scheduled for disposition within 9 Months from the date of

c. **Complex Track.** Cases re-assigned to a Complex Track shall be scheduled for disposition within 30 months (from date of service of initial process on the last defendant or 120 days after commencement of the action as provided in Florida Rule of Civil Procedure 1.050, whichever occurs first). The Complex Track involves those cases with extraordinary complexity as to require or benefit from early intervention and individual judicial management. Complex cases are defined by Florida Rule of Civil Procedure 1.201. Cases may only be assigned to the Complex Track in one of two ways:

1. Motion or stipulation by the parties with court approval, Fla. R. Civ. P. 1.201(a); **or**
2. Designation by the Court on its own Motion following a case review. Fla. R. Civ. P. 1.201.

d. **Deadlines.** Each DCMO will contain firm deadlines for the completion of all pre-trial matters, a date for Calendar Call and **trial readiness deadline**, and a trial period. The parties shall be trial ready at the time of the Calendar Call. The DCMO shall set deadlines for the case, including for:

1. Service of parties.
2. Service under extensions

c. **Complex Track.** Cases re-assigned to a Complex Track shall be scheduled for disposition within 30 months (from date of service of initial process on the last defendant or 120 days after commencement of the action as provided in Florida Rule of Civil Procedure 1.050, whichever occurs first). The Complex Track involves those cases with extraordinary complexity as to require or benefit from early intervention and individual judicial management. Complex cases are defined by Florida Rule of Civil Procedure 1.201. Cases may only be assigned to the Complex Track in one of two ways:

1. Motion or stipulation by the parties with court approval, Fla. R. Civ. P. 1.201(a); **or**
2. Designation by the Court on its own Motion following a case review. Fla. R. Civ. P. 1.201.

RULE 1.202 CONFERRAL PRIOR TO FILING MOTIONS

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RULE 1.202. CONFERRAL PRIOR TO FILING MOTIONS

(a) **Duty.** Before filing a non-dispositive motion, ~~except for a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action,~~ the movant must confer with the opposing party in a good-faith effort to resolve the issues raised in the motion.

(b) **Certificate of Conferral.** ~~When conferral is required, At the end of the motion and above the signature block,~~ the movant must ~~file with the motion~~ include a certificate of conferral ~~that must be in~~ substantially ~~in~~ the following form:

“I certify that prior to filing this motion, I discussed the relief requested in this motion by [method of communication and date] with the opposing party and [the opposing party (agrees or disagrees) on the resolution of all or part of the motion] OR [the opposing party did not respond (describing with particularity all of the efforts undertaken to accomplish dialogue with the opposing party prior to filing the motion)].”

OR

“I certify that conferral prior to filing is not required under rule 1.202.”

RULE 1.202 CONFERRAL PRIOR TO FILING MOTIONS

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(c) Applicability; Exemptions. The requirements of this rule do not apply when the movant or the nonmovant is unrepresented by counsel (pro se). Conferral is not required prior to filing the following motions:

(1) for time to extend service of initial process;

(2) for default;

(3) for injunctive relief;

(4) for judgment on the pleadings;

(5) for summary judgment;

(6) to dismiss for failure to state a claim on which relief can be granted;

(7) to permit maintenance of a class action;

(d) Sanctions. Failure to comply with the requirements of this rule may result in an appropriate sanction, including denial of a motion without prejudice. The purposeful evasion of communication under this rule may result in an appropriate sanction.

(12) for writ of possession under rule 1.580;

(13) filed in actions proceeding under section 51.011, Florida Statutes; and

(14) that do not require notice to the other party under statute or rule.

DISCOVERY AMENDMENTS

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RULE 1.280 GENERAL PROVISIONS GOVERNING DISCOVERY

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▶ **May amendments:**

- ▶ (a) Initial Discovery Disclosures
- ▶ (c) Scope of Discovery (Proportionality)
- ▶ (g) Supplementing of Responses
- ▶ (k) Signing Disclosures and Discovery Requests; Responses; and Objections

▶ **December amendments:**

- ▶ (f) Timing and Sequence of Discovery
- ▶ (k) Signing Disclosures and Discovery Requests; Responses; and Objections
ADDS initial disclosures and SANCTIONS

RULE 1.280 GENERAL PROVISIONS GOVERNING DISCOVERY

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(4) *Basis for Initial Discovery Disclosure; Unacceptable Excuses; Objections.* A party must make its initial discovery disclosures based on the information then reasonably available to it. A party is not excused from making its initial discovery disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's initial discovery disclosures or because another party has not made its initial discovery disclosures. A party who formally objects to providing certain information is not excused from making all other initial discovery disclosures required by this rule in a timely manner.

RULE 1.280 GENERAL PROVISIONS GOVERNING DISCOVERY

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(f) ~~Sequence and~~Timing and Sequence of Discovery.

(1) Timing. A party may not seek discovery from any source before that party's initial disclosure obligations are satisfied, except when authorized by these rules, by stipulation, or by court order.

(2) Sequence. Except as provided in subdivision (c)(5), or unless the parties stipulate or the court orders otherwise, methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or otherwise, must not delay any other party's discovery.

(g) Supplementing of Responses. A party who has made a disclosure under this rule or who has responded to an interrogatory, a request for production, or a request for admission must supplement or correct its disclosure or response:

(1) in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing; or

(2) as ordered by the court.

RULE 1.280 GENERAL PROVISIONS GOVERNING DISCOVERY

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► Proportionality:

Discoverable =

Any non-privileged matter relevant to a claim or defense

+

“proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within the scope of discovery need not be admissible in evidence to be discoverable.”

RULE 1.280 GENERAL PROVISIONS GOVERNING DISCOVERY

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▶ (k) Signing Disclosures and Discovery Requests:

- ▶ Every disclosure and discovery request, response, and objection has to be **signed** by at least 1 attorney of record or by the pro se litigant.
- ▶ They have to include the attorney's or SRL's address, email and phone number.
- ▶ The person who is signing **verifies** that, "to the best of the person's knowledge, information and belief **formed after a reasonable inquiry**":



(1) with respect to a disclosure, it is complete and correct as of the time it is made; and

(2) with respect to a discovery request, response, or objection, it is:

(A) consistent with these rules and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(B) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

(C) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

RULE 1.280 GENERAL PROVISIONS GOVERNING DISCOVERY

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- ▶ (k) Signing Disclosures and Discovery Requests:
 - ▶ Whoever signs needs to be the one who did the inquiry and can be sanctioned for a violation.
 - ▶ The rule expressly states at the end:

No party has a duty to act on an unsigned disclosure, request, response, or objection until it is signed. If a certification violates this rule without substantial justification, the court, on motion or on its own, must impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney's fees, caused by the violation.

- ▶ That is a **MUST**, not a **MAY**. Courts **MUST** impose a sanction.

RULE 1.340 Interrogatories

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(8) The grounds for objecting to an interrogatory must be stated with specificity, including the reasons. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.

RULE 1.350 PRODUCTION OF DOCUMENTS etc.

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► (b) Procedure

(4) For each item or category the response ~~shall~~ must state that inspection and related activities will be permitted as requested ~~unless the request is objected to, in which event the reasons for the objection shall be stated~~ or state with specificity the grounds for objecting to the request, including the reasons.

(5) If an objection is made to part of an item or category, the ~~part objection shall~~ must be specified state with specificity the grounds for objecting, including the reasons.

(6) An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest.

RULE 1.380 FAILURE TO MAKE DISCOVERY; SANCTIONS

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- ▶ (a)(2) If a party fails to make a disclosure required by rule 1.280(a) [initial disclosures], any other party may move to compel disclosure and for appropriate sanctions.
- ▶ (d) Failure to Disclose or to Supplement an Earlier Response
 - ▶ If a party fails to provide information or identify a witness as required by rule 1.280(a) or (g), the party is not allowed to use that information or witness to supply evidence **on a motion, at a hearing, or at a trial**, unless the failure was substantially justified or harmless. In addition to or instead of this sanction, the court, on motion and after giving opportunity to be heard:
 - (1) may order payment of the reasonable expenses, including attorneys' fees, caused by the failure;
 - (2) **may inform the jury of the party's failure;**
 - (3) may impose other appropriate sanctions, including any of the orders listed in rule 1.380(b)(2)(A)-(b)(2)(D).

RULE 1.440 SETTING ACTION FOR TRIAL

- ▶ You likely know this by now,

NO MORE AT ISSUE RULE.

- ▶ Rule 1.440(a) says: The failure of the pleadings to be closed will not preclude the court from setting a case for trial.
- ▶ (b) For any case **not subject** to Rule 1.200/1.201, or when an **earlier** trial date is sought, a party may file a motion to set the action for trial. Must address certain requirements in the rule.
- ▶ (c) **Setting Trial Period.**
 - ▶ The court can set the trial period **earlier** than the actual/projected trial period in the CMO on its own motion or the motion of a party.
 - ▶ If you have a “**projected** trial period,” the trial court has to set the actual trial period at least 45 days before the trial period set forth in the CMO.
 - ▶ Any case not subject to 1.200/1.201, once ready to be set, court must enter an order setting the trial period.

RULE 1.460 MOTIONS TO CONTINUE TRIAL

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“Motions to continue trial are **disfavored** and should **rarely be granted** and then **only upon good cause** shown. Successive continuances are **highly disfavored**. **Lack of due diligence** in preparing for trial is **not grounds** to continue the case.”

RULE 1.460 MOTIONS TO CONTINUE TRIAL

- ▶ Motion must **be in writing** unless made at a trial and, except for good cause shown, must be **signed by the named party** requesting the continuance.
- ▶ **Must** be filed **promptly after the appearance of good cause** to support such motion. **Failure to promptly request a continuance may be a basis for denying the motion to continue.**
- ▶ All motions for continuance, **even if agreed**, must state with specificity:
 - ▶ the basis of the need for the continuance, including **when the basis became known** to the movant;
 - ▶ whether the motion is opposed;
 - ▶ the **action and specific dates for the action that will enable the movant to be ready for trial** by the proposed date, including, but not limited to, confirming the specific date any required participants such as third-party witnesses or experts are available; and
 - ▶ the **proposed date by which the case will be ready for trial** and whether that date is agreed by all parties.
- ▶ **Efforts to Avoid Continuances.** To avoid continuances, trial courts should use all appropriate methods to address the issues causing delay, including requiring depositions to preserve testimony, allowing remote appearances, and resolving conflicts with other judges as provided in the Florida Rules of General Practice and Judicial Administration.

RULE 1.460 MOTIONS TO CONTINUE TRIAL

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- ▶ **Setting Trial Date.** When possible, continued trial dates must be set in collaboration with attorneys and pro se litigants as opposed to the issuance of unilateral dates by the court.
- ▶ **Dilatory Conduct.** If a **continuance is granted based on the dilatory conduct** of an attorney or named party, the **court may impose sanctions** on the attorney, the party, or both.
- ▶ **Order on Motion for Continuance.** When ruling on a motion to continue, the court must state, either on the record or in a written order, the **factual basis for the ruling.**
- ▶ An order granting a motion to continue must either set a new trial period or set a CMC.
- ▶ If the trial is continued, the new trial must be set for the earliest date practicable, given the needs of the case and resources of the court.
- ▶ **The order must reflect what further activity will or will not be permitted.**

RULE 1.510 SUMMARY JUDGMENT

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RULE 1.510. SUMMARY JUDGMENT

(a) [No Change]

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(b) Time to File a Motion. A party may move for summary judgment at any time after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party. The movant must file and serve the motion for summary judgment consistent with the deadlines specified in the case management order or any court-ordered deadlines.

(c) Procedures.

(1)-(4) [No Change]

(5) *Timing for Supporting Factual Positions.* At the time of filing a motion for summary judgment, the movant must also serve the movant's supporting factual position as provided in subdivision (1) above. No later than ~~60~~40 days after service of the motion for summary judgment, the nonmovant must serve a response that includes the nonmovant's supporting factual position as provided in subdivision (1) above.

(6) *Timing for Hearing.* Any hearing on a motion for summary judgment must be set for a date at least 10 days after the deadline for serving a response, unless the parties stipulate or the court orders otherwise.

RULE 1.510 SUMMARY JUDGMENT

B. Case Management Deadlines

The following deadlines strictly apply unless otherwise modified by the Court:

| EVENTS | COMPLETION DEADLINE |
|---|---|
| 1. Service of Complaint | 120 days from filing; service under extension is only by court order. |
| 2. Answer and/or initial motions/objections directed to the pleadings (i.e. to dismiss or strike) | 20 days after service |
| 3. Initial Discovery Disclosures | 60 days after service |
| 4. Amendment of pleadings/Adding parties | 250 days from date of filing |
| 5. Resolution of all motions/objections directed to the pleadings and pleadings closed | 300 days from date of filing |
| 6. Disclosure of Expert Witness(es) | 200 days before Calendar Call |
| 7. Disclosure of Rebuttal Experts | 170 days before Calendar Call |
| 8. Inspections, Expert Witness Depositions and Compulsory Examinations completed | 90 days before Calendar Call |
| 9. File Witness & Exhibit Lists | 80 days before Calendar Call |
| 10. Completion of Discovery relating to Summary Judgment and <i>Daubert</i> Motions | 90 days before Calendar Call |
| 11. File and Serve Motion(s) for Summary Judgment and <i>Daubert</i> Motions | 80 days before Calendar Call |

B. Case Management Deadlines

The following deadlines strictly apply unless otherwise modified by the Court:

| | EVENTS | COMPLETION DEADLINE |
|-----|--|---|
| 1. | Service of Complaint | May 14, 2025; service under extension is only by court order. |
| 2. | Answer and/or initial motions/objections directed to the pleadings (i.e. to dismiss or strike) | 20 days after service |
| 3. | Initial Discovery Disclosures | 60 days after service |
| 4. | Amendment of pleadings/Adding parties | September 21, 2025 |
| 5. | Resolution of all motions/objections directed to the pleadings and pleadings closed | November 10, 2025 |
| 6. | Disclosure of Expert Witness(es) | March 16, 2026 |
| 7. | Disclosure of Rebuttal Experts | April 15, 2026 |
| 8. | Inspections, Expert Witness Depositions and Compulsory Examinations completed | July 4, 2026 |
| 9. | File Witness & Exhibit Lists | July 14, 2026 |
| 10. | Completion of Discovery relating to Summary Judgment and <i>Daubert</i> Motions | July 4, 2026 |
| 11. | File and Serve Motion(s) for Summary Judgment and <i>Daubert</i> Motions | July 14, 2026 |
| 12. | File Rebuttal Witness Lists | August 3, 2026 |
| 13. | Completion of All Discovery | August 23, 2026 |

RULE 1.820 Hearing Procedures for Non-Binding Arbitration

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► **Fla. S.Ct.'s comment:**

“As to rule 1.820(h), we retitle the subdivision "Notice of Rejection of the Arbitration Decision and Request for Trial" and amend it to clarify the process for rejecting an arbitrator's decision and requesting a trial de novo. Under the amended rule, an **arbitration decision will be deemed rejected** only if a "notice of rejection of the arbitration decision and request for trial" is filed with the court within 20 days of service of the arbitrator's written decision.”

WHEN DO THE NEW RULES TAKE EFFECT/APPLY?

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The Supreme Court said at pages 6 to 7 of the SC2203-962 order:

- ▶ The **initial disclosure requirement** does **not** apply to any case **filed before January 1, 2025**.
- ▶ **All other amendments, including the duty to supplement, take effect in all cases on January 1**. If you uncover new information, you better supplement your discovery responses.
- ▶ CMO's **already in effect on January 1, 2025, continue to govern** pending actions; however, any **extensions of deadlines** specified in those existing case management orders are **governed by amended rule 1.200 or amended rule 1.201**."
- ▶ For actions commenced before January 1, 2025, and in which the court has not issued a case management order by that date, a case management order must be issued by April 4, 2025.
- ▶ The **new deadlines in 1.510 govern motions "filed on or after" January 1** but DO NOT APPLY to "motions filed before that date." SC2024-662, p.3.
- ▶ Same goes for the conferral requirement. If the motion was filed BEFORE JANUARY 1, then there was no need to confer before filing the motion.

WHEN DO THE NEW RULES TAKE EFFECT/APPLY?

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So....:

- ▶ For **cases filed before** January 1, 2025:
 - ▶ The **initial disclosure** requirement does **not** apply
 - ▶ **All other amendments**, including the **duty to supplement**, **apply**
 - ▶ **CMO already in effect** prior to Jan. 1, 2025 **governs**
 - ▶ No CMO = Must be issued by 4/4/25
 - ▶ **Extensions** of deadlines governed by **amended rules**
 - ▶ **SJ motions filed** after Jan. 1, 2025 follow **new rule**
 - ▶ **Conferral rule** applies to **motions filed** after Jan. 1, 2025
 - ▶ Rule 1.110 went into effect July 1, 2024