

Supreme Court of Florida

No. SC21-120

IN RE: AMENDMENTS TO FLORIDA RULES OF CIVIL PROCEDURE 1.280 AND 1.340.

October 7, 2021

PER CURIAM.

This matter is before the Court for consideration of proposed amendments to the Florida Rules of Civil Procedure. *See* Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1). We have jurisdiction. *See* art. V, § 2(a), Fla. Const.

The Florida Bar's Civil Procedure Rules Committee (Committee) filed a report proposing amendments to rules 1.280 (General Provisions Governing Discovery) and 1.340 (Interrogatories to Parties). The Committee and the Board of Governors of The Florida Bar approved the proposed amendments. The Committee published its proposal for comment prior to filing it with the Court. One comment was received in support of the proposed amendments. After the Committee filed its report, the Court

published the proposal for comment, and no comments were received.

Having considered the proposed amendments, the Court hereby amends Florida Rules of Civil Procedure 1.280 (General Provisions Governing Discovery) and 1.340 (Interrogatories to Parties) as proposed by the Committee with minor modifications.

First, a new subdivision (i),¹ titled “Form of Responses to Written Discovery Requests,” is added to rule 1.280 to require litigants, when responding to requests for production, written deposition questions, interrogatories, and requests for admissions to state the deposition question, interrogatory, or discovery request followed by the answer, objection, or other response.

Next, the first three sentences in subdivision (e) (Service and Filing) of rule 1.340, which require blank spaces after each interrogatory, are deleted. Also, in the fourth sentence, “The” is deleted and the word “interrogatories” is given an initial capital.

1. We renumber the Committee’s proposed new subdivision (h) to (i) in light of *In re Amendment to Florida Rule of Civil Procedure 1.280*, 46 Fla. L. Weekly S241 (Fla. Aug. 26, 2021), wherein this Court, on its own motion, added new subdivision (h) (Apex Doctrine) to rule 1.280.

These changes are for clarity since the first three sentences of the subdivision are being removed.

Last, we amend references to the Rules of Judicial Administration throughout rules 1.280 and 1.340 to reflect the updated name, the Rules of General Practice and Judicial Administration. *See In re Amends. to Fla. Rules of Jud. Admin.—2020 Regular-Cycle Report*, 310 So. 3d 374 (Fla. 2021).

Accordingly, the Florida Rules of Civil Procedure are amended as set forth in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments shall become effective October 15, 2021, at 12:01 a.m.

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Civil Procedure

Jason Paul Stearns, Chair, and Ceci Culpepper Berman, Past Chair, Civil Procedure Rules Committee, Tampa, Florida, Joshua E. Doyle, Executive Director, and Mikalla Andies Davis, Staff Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

APPENDIX

RULE 1.280. GENERAL PROVISIONS GOVERNING DISCOVERY

(a) – (f) [No Change]

(g) Court Filing of Documents and Discovery. Information obtained during discovery shall not be filed with the court until such time as it is filed for good cause. The requirement of good cause is satisfied only where the filing of the information is allowed or required by another applicable rule of procedure or by court order. All filings of discovery documents shall comply with Florida Rule of General Practice and Judicial Administration 2.425. The court shall have authority to impose sanctions for violation of this rule.

(h) [No Change]

(i) Form of Responses to Written Discovery Requests.

When responding to requests for production served pursuant to rule 1.310(b)(5), written deposition questions served pursuant to rule 1.320, interrogatories served pursuant to rule 1.340, requests for production or inspection served pursuant to rule 1.350, requests for production of documents or things without deposition served pursuant to rule 1.351, requests for admissions served pursuant to rule 1.370, or requests for the production of documentary evidence served pursuant to rule 1.410(c), the responding party shall state each deposition question, interrogatory, or discovery request in full as numbered, followed by the answer, objection, or other response.

Committee Notes

1972 – 1996 Amendment. [No Change]

2011 Amendment. Subdivision (f) is added to ensure that information obtained during discovery is not filed with the court unless there is good cause for the documents to be filed, and that information obtained during discovery that includes certain private information shall not be filed with the court unless the private

information is redacted as required by Florida Rule of General Practice and Judicial Administration 2.425.

2012 Amendment. [No Change]

Court Commentary

[No Change]

RULE 1.340. INTERROGATORIES TO PARTIES

(a) – (d) [No Change]

(e) Service and Filing. ~~Interrogatories must be arranged so that a blank space is provided after each separately numbered interrogatory. The space must be reasonably sufficient to enable the answering party to insert the answer within the space. If sufficient space is not provided, the answering party may attach additional documents with answers and refer to them in the space provided in the interrogatories. The i~~Interrogatories must be served on the party to whom the interrogatories are directed and copies must be served on all other parties. A certificate of service of the interrogatories must be filed, giving the date of service and the name of the party to whom they were directed. The answers to the interrogatories must be served on the party originally propounding the interrogatories and a copy must be served on all other parties by the answering party. The original or any copy of the answers to interrogatories may be filed in compliance with Florida Rule of General Practice and Judicial Administration 2.425 and rule 1.280(g) by any party when the court should consider the answers to interrogatories in determining any matter pending before the court. The court may order a copy of the answers to interrogatories filed at any time when the court determines that examination of the answers to interrogatories is necessary to determine any matter pending before the court.

Committee Notes

1972 – 1988 Amendment. [No Change]

2011 Amendment. A reference to Florida Rule of General Practice and Judicial Administration 2.425 and rule 1.280(f) is added to require persons filing discovery materials with the court to make sure that good cause exists prior to filing discovery materials and that certain specific personal information is redacted.

2012 Amendments. [No Change]

Court Commentary

[No Change]