

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Rules of Judicial Administration

102 So. 3d 505 (Fla. 2012) · Decided October 18, 2012

SUMMARY

The Florida Supreme Court adopts amendments to the Florida Rules of Judicial Administration and conforming amendments to numerous Florida procedural rules. The principal amendment creates Rule 2.516, requiring e-mail service of pleadings and documents in specified proceedings, with phased implementation and exceptions for certain practitioners and self-represented parties. The opinion also addresses related amendments concerning electronic filing and service procedures.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Polston, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Canady, J.; Labarga, J.; Perry, J.
JURISDICTION	Florida
DECIDED	October 18, 2012
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida considered an out-of-cycle report proposing a new Florida Rule of Judicial Administration governing service of pleadings and documents by e-mail, together with conforming amendments to multiple bodies of Florida procedural rules. After receiving comments, hearing oral argument, and obtaining a supplemental report addressing coordination with electronic filing, the Court adopted the proposed amendments.
PRECEDENTIAL VALUE	published rulemaking opinion

TOPICS

service of process civil procedure appellate procedure pleadings

PRACTICE AREAS

civil procedure appellate procedure criminal procedure probate procedure family law procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt new Florida Rule of Judicial Administration 2.516 governing service of pleadings and documents by e-mail.
2. Whether conforming amendments to the Florida Rules of Civil Procedure, Criminal Procedure, Probate Rules, Traffic Court Rules, Small Claims Rules, Juvenile Procedure, Appellate Procedure, and Family Law Rules of Procedure and Forms should be adopted.
3. How and when mandatory e-mail service should be implemented in civil, probate, small claims, family law, appellate, criminal, traffic, juvenile, Baker Act, and Jimmy Ryce proceedings.

HOLDINGS

1. The Court adopted Florida Rule of Judicial Administration 2.516, requiring documents that are required or permitted to be served on another party generally to be served by e-mail, subject to the rule's specified exceptions and alternative-service provisions.
2. The Court adopted conforming amendments to the identified Florida procedural rules and family-law forms to reference and implement Rule 2.516.
3. Mandatory e-mail service became applicable to attorneys in civil, probate, small claims, and family-law trial divisions and in appellate cases on September 1, 2012, while mandatory service in criminal, traffic, and juvenile trial divisions was delayed until October 1, 2013, when electronic filing became mandatory in those divisions.

KEY QUOTATIONS

"We adopt the amendments as proposed." (at 506)

"After considering the original joint report, the comments filed, the issues discussed at oral argument, and the information provided in the supplemental report, we adopt new Florida Rule of Judicial Administration 2.516 as well as the conforming amendments to the rules of procedure, as set forth below." (at 507)

"Service by e-mail is deemed complete when the e-mail is sent." (at 508)

FACTUAL BACKGROUND

The Florida Bar's rules committees formed a Joint E-mail Service Committee in 2009 to develop a comprehensive approach to electronic service in Florida courts. The committees proposed a centralized rule requiring e-mail service for documents served in court proceedings, subject to exceptions for certain unrepresented parties, attorneys excused by the court, subpoenas, and formal notice. Comments raised concerns about the technological and financial burdens of immediate mandatory e-mail service in criminal, traffic, and juvenile divisions, prompting a supplemental report and phased implementation.

PROCEDURAL HISTORY

The Florida Bar Rules of Judicial Administration Committee and other rules committees submitted a joint report proposing mandatory e-mail service and conforming rule amendments. The proposals were published for comment, and the Court later directed a workgroup to address the interaction between e-mail service and electronic filing. The Court adopted the new rule and conforming amendments, with phased implementation and

delayed mandatory application in specified criminal, traffic, juvenile, mental-health, and sexually-violent-predator proceedings.

DISPOSITION

approved

CASES CITED

- In re Electronic Filing, No. SC11-399 (Fla. petition filed Feb. 28, 2011)
- In re Electronic Filing, No. SC11-399, slip op. at 22 (Fla. June 21, 2012)
- Casto v. Casto, 404 So. 2d 1046 (Fla. 4th DCA 1980)

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