

SUPREME COURT OF FLORIDA

In re Amendments to Florida Rules of Civil Procedure

966 So. 2d 943 (Fla. 2007) · No. SC07-173 · Decided September 27, 2007

SUMMARY

The Supreme Court of Florida adopts amendments to multiple Florida Rules of Civil Procedure and related forms, effective January 1, 2008. The Court declines to adopt a proposed new rule concerning expert opinion testimony on costs and attorneys’ fees, concluding that the issue is not appropriately addressed in a procedural rule.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Lewis; Justice Wells; Justice Anstead; Justice Pariente; Justice Quince; Justice Cantero; Justice Bell
JURISDICTION	Florida
DECIDED	September 27, 2007
DOCKET	SC07-173
DISPOSITION	approved
PROCEDURAL POSTURE	The Florida Bar Civil Procedure Rules Committee submitted its regular-cycle report proposing amendments to the Florida Rules of Civil Procedure. After publication and consideration of comments and oral argument, the Supreme Court of Florida reviewed and acted on the proposals.
PRECEDENTIAL VALUE	Published rulemaking opinion; binding to the extent it adopts amendments to the Florida Rules of Civil Procedure and determines not to adopt proposed rule 1.526.
PARTIES	The Florida Bar Civil Procedure Rules Committee

TOPICS

- civil procedure
- pleadings
- discovery dispute
- arbitration
- contempt

PRACTICE AREAS

- civil procedure
- discovery
- pleadings
- subpoenas
- arbitration
- medical malpractice procedure

QUESTIONS PRESENTED

1. Whether the proposed amendments to the Florida Rules of Civil Procedure and related forms should be adopted.
2. Whether proposed new rule 1.526, addressing the need for expert opinion testimony concerning costs and attorneys' fees, should be adopted as a rule of civil procedure.

HOLDINGS

1. The court adopted the proposed amendments to the specified Florida Rules of Civil Procedure and forms, with the exception of proposed new rule 1.526.
2. The court declined to adopt proposed rule 1.526 because whether expert opinion testimony is required in that context is not appropriately addressed in a rule of procedure; the court expressed no opinion on the substance of the proposal.

KEY QUOTATIONS

“Upon consideration of the committee’s proposals, the comments filed by interested parties, and the presentations made at oral argument in this case, we adopt the amendments as proposed by the committee, with one exception.” (at 944)

“We conclude that the issue of whether expert opinion testimony is required in this context is not one that is appropriately addressed in a rule of procedure.” (at 944)

FACTUAL BACKGROUND

The Florida Bar Civil Procedure Rules Committee submitted proposed regular-cycle amendments affecting pleading, defenses, parties, discovery, subpoenas, medical-malpractice presuit screening, nonbinding arbitration, and related forms. The proposals were published for comment before and after submission to the court, and revisions were made to two proposed amendments in response to comments. The committee also proposed a new rule addressing whether expert testimony is required to support or oppose claims for costs and attorneys' fees.

PROCEDURAL HISTORY

The committee proposed amendments to multiple civil procedure rules and forms, including a proposed new rule 1.526 concerning expert opinion testimony on costs and attorneys' fees. The proposals were published for comment several times; revisions were made to rules 1.120 and 1.221 in response to earlier comments, and no further comments were received. The court adopted the proposed amendments except for proposed rule 1.526, which it declined to adopt.

DISPOSITION

approved

CASES CITED

- State Department of Transportation v. BellSouth Telecommunications, Inc., 859 So. 2d 1278 (Fla. 4th DCA 2003)

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