

SUPREME COURT OF FLORIDA

Standard Jury Instructions—Civ. Cases (No. 00-1)

795 So. 2d 51 (Fla. 2001) · No. No. SC00-1805 · Decided March 8, 2001

SUMMARY

The Florida Supreme Court authorized amendments to the Standard Jury Instructions in Civil Cases in case No. SC00-1805. The amendments addressed preliminary voir dire, introductory trial instructions, defamation claims, prejudice and sympathy, and an instruction upon discharge of the jury. The opinion cautioned that the instructions and accompanying notes reflected the committee’s views and did not foreclose requests for additional or alternative instructions.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Wells, C.J.; Shaw, J.; Harding, J.; Anstead, J.; Pariente, J.; Lewis, J.; Quince, J.
JURISDICTION	Florida
DECIDED	March 8, 2001
DOCKET	No. SC00-1805
DISPOSITION	approved
PROCEDURAL POSTURE	The Committee on Standard Jury Instructions (Civil) petitioned the Supreme Court of Florida to amend the Standard Jury Instructions in Civil Cases.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion authorizing amendments to standard civil jury instructions; the court expressly stated that authorization does not resolve the instructions' legal correctness or applicability.
PARTIES	Committee on Standard Jury Instructions (Civil)

TOPICS

- standard jury instructions
- jury instructions
- instructions objections
- defamation
- civil procedure

PRACTICE AREAS

- civil procedure
- defamation
- torts

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should authorize the proposed amendments to the Standard Jury Instructions in Civil Cases for publication and use.
2. Whether the proposed preliminary voir dire and jury-discharge instructions should be adopted notwithstanding the comments received during the publication process.

HOLDINGS

1. The court authorized the proposed amendments to the Standard Jury Instructions in Civil Cases for publication and use, effective when the opinion became final.
2. Authorization for publication and use does not constitute an opinion on the legal correctness or applicability of the instructions and does not foreclose requests for additional or alternative instructions or challenges to their legal correctness.

KEY QUOTATIONS

“We express no opinion on the correctness of these instructions and remind all interested parties that this authorization forecloses neither requesting additional or alternative instructions nor contesting the legal correctness of these instructions.” (at 52)

“The amendments shall be effective when this opinion becomes final.” (at 52)

FACTUAL BACKGROUND

The Committee on Standard Jury Instructions (Civil) submitted proposed amendments to Florida's standard civil jury instructions. The amendments included a preliminary voir dire instruction addressing juror candor and a new instruction concerning discharge of the jury. The proposals underwent publication, comment, and republication procedures before the court considered them.

PROCEDURAL HISTORY

The committee proposed amendments and published them for public comment in The Florida Bar News. One comment was received concerning proposed instruction 1.0, and three comments were received concerning proposed instruction 7.4. Instruction 7.4 was republished with additional language and stylistic changes, after which no further comments were received. The Supreme Court authorized the amendments for publication and use.

DISPOSITION

approved

CASES CITED

- W.R. Grace & Co. v. Waters, 638 So. 2d 502 (Fla. 1994)
- Milkovich v. Lorain Journal Co., 497 U.S. 1, 110 S. Ct. 2695, 111 L. Ed. 2d 1 (1990)
- Florida Medical Center, Inc. v. New York Post Co., Inc., 568 So. 2d 454 (Fla. 4th DCA 1990)

