

SUPREME COURT OF FLORIDA

In re: Amendments to Florida Family Law Rule of Procedure 12.350

No. SC21-1625 (Fla. Apr. 7, 2022) · No. SC21-1625 · Decided April 7, 2022

SUMMARY

The Supreme Court of Florida amended Florida Family Law Rule of Procedure 12.350 concerning production of documents and things and entry onto land for inspection and other purposes. The amendment adds references to a respondent or third-party defendant and becomes effective July 1, 2022, at 12:01 a.m.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Charles T. Canady, Chief Justice; Ricky Polston, Justice; Jorge Labarga, Justice; John D. Couriel, Justice; Charles J. Lawson, Justice; Carlos G. Muñiz, Justice; Renatha Francis, Justice
JURISDICTION	Florida
DECIDED	April 7, 2022
DOCKET	SC21-1625
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding concerning proposed amendments to Florida Family Law Rule of Procedure 12.350.
PRECEDENTIAL VALUE	Published Florida Supreme Court rulemaking opinion adopting an amendment to the Florida Family Law Rules of Procedure.

TOPICS

family law procedure discovery dispute appellate procedure civil procedure

PRACTICE AREAS

family law civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether Florida Family Law Rule of Procedure 12.350 should be amended to clarify the parties who may serve responses to requests for production and the applicable response period.

HOLDINGS

1. Rule 12.350 should be amended as proposed by the Florida Bar's Family Law Rules Committee to add "respondent or third-party" before "defendant" in subdivision (b).

KEY QUOTATIONS

"The amendments shall become effective July 1, 2022, at 12:01 a.m."

FACTUAL BACKGROUND

The Florida Bar's Family Law Rules Committee proposed amendments to Rule 12.350 to clarify that the rule accurately reflects the parties who may appear in family law cases. The proposed amendment added the words "respondent or third-party" before "defendant" in subdivision (b), thereby extending the rule's response-time provision to respondent and third-party defendants. No comments were received during either publication period.

PROCEDURAL HISTORY

The Florida Bar's Family Law Rules Committee submitted a report proposing amendments to Rule 12.350. The committee and the Florida Bar's Board of Governors approved the proposals, and the proposals were published for comment without receiving any comments. The Supreme Court of Florida approved and adopted the amendments.

DISPOSITION

other

OPINION

In Re: Amendments to Florida Family Law Rule of Procedure 12.350

PER CURIAM.

Supreme Court of Florida _____ No. SC21-1625 _____

IN RE: AMENDMENTS TO FLORIDA FAMILY LAW RULE OF

PROCEDURE 12.350. April 7, 2022 PER CURIAM. This matter is before the Court for consideration of proposed amendments to Florida Family Law Rule of Procedure 12.350. 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 Family Law Rules Committee (Committee) has filed a report proposing amendments to rule 12.350 (Production of Documents and Things and Entry on Land for Inspection and Other Purposes) to ensure that the rule accurately reflects the parties that may appear in family law cases. The Committee and the Board of Governors of The Florida Bar approved the proposed amendments. The Committee published its proposals for comment prior to filing them with the Court and received no comments. After the Committee filed its report, the Court published the proposals and received no comments. Having considered the proposed amendments, the Court

hereby amends Florida Family Law Rule of Procedure 12.350 as proposed by the Committee. In subdivision (b), the words “respondent or third-party” are added before the term “defendant.” Accordingly, the Florida Family Law Rules of Procedure are amended as set forth in the appendix to this opinion. New language is indicated by underscoring. The amendments shall become effective July 1, 2022, 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 Family Law Rules of Procedure Ashley Elizabeth Taylor, Chair, Family Law Rules Committee, Tampa, Florida, Joshua E. Doyle, Executive Director, and Mikalla Andies Davis, Staff Liaison, The Florida Bar, Tallahassee, Florida, for Petitioner -2-

APPENDIX

RULE 12.350. PRODUCTION OF DOCUMENTS AND THINGS

AND ENTRY ON LAND FOR INSPECTION AND

OTHER PURPOSES

(a) [NO CHANGE]

(b) Procedure. Without leave of court the request may be served on the petitioner after commencement of the action and on any other party with or after service of the process and initial pleading on that party. The request must set forth the items to be inspected, either by individual item or category, and describe each item and category with reasonable particularity. The request must specify a reasonable time, place, and manner of making the inspection or performing the related acts. The party to whom the request is directed must serve a written response within 30 days after service of the request, except that a respondent or third-party defendant may serve a response within 45 days after service of the process and initial pleading on that respondent or third-party defendant. The court may allow a shorter or longer time. For each item or category, the response 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 must be stated. If an objection is made to part of an item or category, the part must be specified. When producing documents, the response must include an accompanying notice filed in compliance with Rule of General Practice and Judicial Administration 2.425 with the court that states with specificity each document produced. When producing documents, the producing party must either produce them as they are kept in the usual course of business or must identify them to correspond with the categories in the request. A request for electronically stored information may specify the form or forms in which electronically stored information is to be produced. If the responding party objects to a requested form, or if no form is specified in the request, the responding party must state the form or forms it intends to use. If a request for electronically stored -3- information does not specify the form of production, the producing party must produce the information in a form or forms in which it is

ordinarily maintained or in a reasonably usable form or forms. The party submitting the request may move for an order under rule 12.380 concerning any objection, failure to respond to the request, or any part of it, or failure to permit the inspection as requested.

(c) [NO CHANGE]

(d) [NO CHANGE]

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