

Supreme Court of Florida

No. SC2025-0646

**IN RE: AMENDMENTS TO FLORIDA RULES OF CIVIL
PROCEDURE 1.310 AND 1.351.**

No. SC2025-0660

**IN RE: AMENDMENTS TO FLORIDA RULES OF CIVIL
PROCEDURE.**

October 1, 2026

PER CURIAM.

In these two cases, The Florida Bar's Civil Procedure Rules Committee filed separate reports proposing amendments to the Florida Rules of Civil Procedure.¹ In case number SC2025-0646, the Committee proposes amending rules 1.310 (Depositions on Oral Examination) and 1.351 (Production of Documents and Things Without Deposition). And in case number SC2025-0660, the

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(b).

Committee proposes amending rules 1.100 (Pleadings and Motions), 1.201 (Complex Litigation), 1.545 (Final Disposition Form), and Form 1.983 (Prospective Juror Questionnaire). The Committee and the Court separately published the proposed amendments in both cases for comment. No comments were received in response to either publication.

On the Court's own motion, we consolidate case number SC2025-0646 with case number SC2025-0660, and we adopt the amendments proposed by the Committee to the Florida Rules of Civil Procedure with modifications. We discuss the more significant rule changes below.

First, we amend each rule to replace "pro se" with "unrepresented" party. The term "unrepresented" plainly denotes the status of a person or party not represented by counsel, and its use is more in line with the terminology used in the Federal Rules of Civil Procedure.

Next, we add new subdivision (b)(6) to rule 1.351 to require that an objection to a nonparty subpoena state with specificity the grounds for the objection, including the reasons. We decline, however, to include in the new rule the Committee's proposal to

require that all objections to nonparty subpoenas be filed with the court. We also decline to adopt the Committee's proposed change to rule 1.310(b)(5) that would have stated that, absent agreement of the parties and the deponent, documents or things subpoenaed under that rule are only to be produced at the deposition.

Lastly, we amend rule 1.351(c)(7) to replace the phrase "and relief may be obtained pursuant to rule 1.310" with "until the objection is resolved in accordance with subdivision (d) or by agreement." Under this change, a party whose nonparty subpoena is met with an objection must seek a ruling on the objection under rule 1.351(d) (Ruling on Objection), reach an agreement, or request under rule 1.310 (and in compliance with rule 1.350) that the nonparty produce the subpoenaed material at a deposition.

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 become effective on January 1, 2027, at 12:01 a.m.

It is so ordered.

COURIEL, C.J., and LABARGA, MUÑIZ, GROSSHANS, FRANCIS,
BARRIOS, and TANENBAUM, 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

Thomas Edward Bishop, Chair, Civil Procedure Rules
Committee, Jacksonville, Florida, Joshua E. Doyle, Executive
Director, The Florida Bar, Tallahassee, Florida, and Heather
Savage Telfer, Bar Liaison, The Florida Bar, Tallahassee,
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for Petitioner

APPENDIX

RULE 1.100. PLEADINGS AND MOTIONS

(a) Pleadings. The following are permissible pleadings:~~There must be~~

(1) a complaint or;

(2) when so designated by a statute or rule, a petition, if required by statute or rule;

(3) and an answer to it the complaint or petition;

(4) an answer to a counterclaim denominated~~denominated~~titled as such;

(5) an answer to a crossclaim if the answer to the complaint or petition contains a crossclaim;

(6) a third-party complaint if a person who was not an original party is summoned as a third-party defendant; and

(7) a third-party answer if a third-party complaint is served.

If an answer or third-party answer contains an affirmative defense and the opposing party seeks to avoid it, the opposing party must file a reply containing the avoidance. No other pleadings will be allowed.

(b) Motions. An application to the court for an order ~~must be by motion which must be made in writing~~is made by filing a written motion with the court, unless the motion is made during a hearing or trial. The motion must state with particularity the grounds for it, and must set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion. All notices of hearing must specify each motion or other matter to be heard.

(c) Caption.

(1) [No Change]

(2) Every motion, order, judgment, or other document must have a caption containing the name of the court, the case number, the name of the first party on each side with an appropriate indication of other parties, and a designation identifying the party filing it and its nature or the nature of the order, ~~as the case may be.~~

(3) In any in rem proceeding, every pleading, motion, order, judgment, or other document must have a caption containing the name of the court, the case number, the style “In re” (followed by the name or general description of the property), and a designation of the person or entity filing it and its nature or the nature of the order, ~~as the case may be.~~

(4) [No Change]

(5) All documents filed in the action must be styled in ~~such a manner as to~~ that indicates clearly the subject matter of the document and the party requesting or obtaining relief.

(d) Civil Cover Sheet. A civil cover sheet (form 1.997) must be completed and filed with the clerk at the time an initial complaint or petition is filed by the party initiating the action. If the cover sheet is not filed, the clerk must accept the complaint or petition for filing; but all proceedings in the action ~~must be abated~~ are stopped until a properly executed cover sheet is completed and filed. The clerk must complete the civil cover sheet for an unrepresented party ~~appearing pro se.~~

(e) [No Change]

Committee Notes

[No Change]

RULE 1.201. COMPLEX LITIGATION

(a) [No Change]

(b) Initial Case Management Report and Conference. The court must hold an initial case management conference within 60 days from the date of the order declaring the action complex.

(1) At least 20 days ~~prior to~~before the date of the initial case management conference, attorneys for the parties as well as any unrepresented parties appearing in the case~~pro se~~ must confer and prepare a joint statement, which must be filed with the clerk of the court no later than 14 days before the conference, outlining a discovery plan and stating:

(A)-(P) [No Change]

(2) [No Change]

(3) At the initial case management conference, the court will set the trial period no sooner than 6 months and no later than 24 months from the date of the conference unless good cause is shown for an earlier or later setting. The trial period must be on a docket having sufficient time within which to try the action and, when feasible, for a date or dates certain. The trial period must be set after consultation with counsel and in the presence of all clients or authorized client representatives. The court must, no later than 2 months before the date scheduled for jury selection, arrange for a sufficient number of available jurors. Continuance of the trial of a complex action should rarely be granted and then only ~~upon~~ upon good cause shown. Any motion for continuance will be governed by rule 1.460.

(c) The Case Management Order. Within 10 days after completion of the initial case management conference, the court must enter a case management order. The case management order must address each matter set forth under rule 1.200(d)(2) and set the action for a pretrial conference and trial. The case management order also must specify the following:

(1) [No Change]

(2) Not more than 10 days after the date set for naming experts, the parties must meet and schedule dates for deposition of

experts and all other witnesses not yet deposed. At the time of the meeting each party is responsible for having secured ~~three~~3 confirmed dates for its expert witnesses. In the event the parties cannot agree on a discovery deposition schedule, the court, on motion, must set the schedule. Any party may file the completed discovery deposition schedule agreed on or entered by the court. Once filed, the deposition dates in the schedule may not be altered without consent of all parties or on order of the court. Failure to comply with the discovery schedule may result in sanctions in accordance with rule 1.380.

(3) [No Change]

(4) The court must schedule periodic case management conferences and hearings on lengthy motions at reasonable intervals based on the particular needs of the action. In addition to the conferral required under rule 1.202, the attorneys for the parties as well as any unrepresented parties appearing in the case pro se must confer no later than 15 days ~~prior to~~before each case management conference or hearing. The parties must notify the court immediately if a case management conference or hearing time becomes unnecessary. Failure to timely notify the court that a case management conference or hearing time is unnecessary may result in sanctions.

(5) The case management order may include a briefing schedule setting forth a time period within which to file briefs or memoranda, responses, and reply briefs or memoranda, ~~prior to~~before the court considering such matters.

(6)-(7) [No Change]

(d) [No Change]

Committee Notes

[No Change]

RULE 1.310. DEPOSITIONS ON ORAL EXAMINATION

(a) [No Change]

(b) Notice; Method of Taking; Production at Deposition.

(1) – (3) [No Change]

(4) Any deposition may be audiovisually recorded without leave of the court or stipulation of the parties, provided the deposition is taken in accordance with this subdivision.

(A) – (C) [No Change]

(D) Responsibility for Recordings and Copies. The attorney for the party or the ~~pre-se~~unrepresented party requesting the audiovisual recording of the deposition is responsible for safeguarding the recording, must permit the viewing of it by the opposing party, and, if requested, must provide access to a copy of the recording at the expense of the party requesting the copy.

(E) [No Change]

(5) – (8) [No Change]

(c) [No Change]

(d) Motion to Terminate or Limit Examination. At any time during the taking of the deposition, on motion of a party or of the deponent and on a showing that the examination is being conducted in bad faith or in any manner as unreasonably to annoy, embarrass, or oppress the deponent or party, or that objection and instruction to a deponent not to answer are being made in violation of ~~rule 1.310~~subdivision (c), the court in which the action is pending or the circuit court where the deposition is being taken may order the officer conducting the examination to cease immediately from taking the deposition or may limit the scope and manner of the taking of the deposition under rule 1.280(d). If the order terminates the examination, it will be resumed thereafter only on the order of the court in which the action is pending. On

demand of any party or the deponent, the taking of the deposition must be suspended for the time necessary to make a motion for an order. Rule 1.380(a) applies to the award of expenses incurred in relation to the motion.

(e) – (h) [No Change]

Committee Notes

[No Change]

Court Commentary

[No Change]

**RULE 1.351. PRODUCTION OF DOCUMENTS AND THINGS
WITHOUT DEPOSITION**

(a) Request; Scope. A party may seek inspection and copying of any documents or things within the scope of rule 1.350(a) from a person who is not a party by issuance of a subpoena directing the production of the documents or things when the requesting party does not seek to depose the custodian or other person in possession of the documents or things. This rule provides the exclusive procedure for obtaining documents or things by subpoena from nonparties without deposing the custodian or other person in possession of the documents or things ~~pursuant to~~under rule 1.310.

(b) Procedure.

(1) A party desiring production under this rule may not cause a subpoena to be issued until 10 days after notice by delivery or e-mail service (15 days after notice by U.S. mail service) on every other party of the intent to serve a subpoena.

(2) If the notice is served with original process, the subpoena ~~shall~~must not issue earlier than 45 days after service on the last-served party.

(3) The proposed subpoena ~~shall~~must:

(A) be attached to the notice;~~and~~

(B) shall state the time, place, and method for production of the documents or things;~~and;~~

(C) state the name and address of the person who is to produce the documents or things, if known, and if not known, a general description sufficient to identify the person or the particular class or group to which the person belongs;

(D) shall include a designation of the items to be produced; and

(E) shall state that the person who will be asked to produce the documents or things has the right to object to the production under this rule and that the person will not be required to surrender the documents or things.

(4) A copy of the notice and proposed subpoena shall not be furnished must not be provided to the person upon whom the subpoena is to be served.

(5) If any party serves an objection to production under this rule within 10 days of service by delivery or e-mail of the notice (15 days if service is by U.S. mail), or within 45 days of service of process if the notice is served with original process, the documents or things shall must not be produced pending resolution of the objection in accordance with subdivision (d).

(6) An objection to production must state with specificity the grounds for the objection, including the reasons.

(c) Subpoena.

(1) If no objection is made by a party under subdivision (b), an attorney of record in the action may issue a subpoena, or the party desiring production shall must deliver to the clerk for issuance a subpoena, together with a certificate of counsel or pro seunrepresented party that no timely objection has been received

from any party, and the clerk ~~shall~~must issue the subpoena and deliver it to the party desiring production.

(2) Service within the state of Florida of a nonparty subpoena shall be~~is~~ deemed sufficient if it complies with rule 1.410(d) or if:

(1A) service is accomplished by mail or hand delivery by a commercial delivery service;~~;~~ and

(2B) written confirmation of delivery, with the date of service and the name and signature of the person accepting the subpoena, is obtained and filed by the party seeking production.

(3) The subpoena shall:

(A) must be identical to the copy attached to the notice; ~~and shall~~

(B) must specify that no testimony may be taken; ~~and shall~~

(C) requires only production of the documents or things specified in it.

(4) The subpoena may give the recipient an option to deliver or mail legible copies of the documents or things to the party serving the subpoena.

(5) The person upon whom the subpoena is served may condition the preparation of copies on the payment in advance of the reasonable costs of preparing the copies.

(6) The subpoena shall~~must~~ require production only in the county of the residence of the custodian or other person in possession of the documents or things or in the county where the documents or things are located or where the custodian or person in possession usually conducts business.

(7) If the person upon whom the subpoena is served objects at any time before the production of the documents or

things, the documents or things ~~shall~~must not be produced under this rule, ~~and relief may be obtained pursuant to rule 1.310 until the objection is resolved in accordance with subdivision (d) or by agreement.~~

(d) Ruling on Objection. If an objection is made by a party ~~or nonparty under subdivision (b),~~ the party desiring production may file a motion with the court seeking a ruling on the objection or may proceed ~~pursuant to~~under rule 1.310. The motion and notice of any hearing must be served on the objecting party or nonparty.

(e) Copies ~~Furnished~~Provided. If the subpoena is complied with by delivery or mailing of copies as provided in subdivision (c), the party receiving the copies ~~shall~~must ~~furnish~~provide a legible copy of each item ~~furnished~~provided to any other party who requests it ~~upon~~after the payment of the reasonable cost of preparing the copies.

(f) Independent Action. This rule does not affect the right of any party to bring an independent action for production of documents and things or permission to enter ~~upon~~ land.

Committee Notes

[No Change]

RULE 1.545. FINAL DISPOSITION FORM

A final disposition form (form 1.998) must be filed with the clerk by the prevailing party at the time of the filing of the order or judgment which disposes of the action. If the action is settled without a court order or judgment being entered, or dismissed by the parties, the plaintiff or petitioner immediately must file a final disposition form (form 1.998) with the clerk. The clerk must complete the final disposition form for an unrepresented party ~~appearing pro se,~~ or when the action is dismissed by court order for lack of prosecution ~~pursuant to~~under rule 1.420(e).

Committee Note

[No Change]

FORM 1.983. PROSPECTIVE JUROR QUESTIONNAIRE

DIRECTIONS TO ATTORNEYS AND ~~PRO SE~~ UNREPRESENTED LITIGANTS

Before you file a copy of this form, redact the month and date of the prospective juror's birth in question #3, but retain the year of birth.

Fla. R. Gen. Prac. & Jud. Admin. 2.425(a)(2)

QUESTIONNAIRE FOR PROSPECTIVE JURORS

1. Name: (print)

.....
(first) (middle) (last)

2. Residence address:

.....
(street and number)

.....
(city) (zip)

3. Date of birth:

.....

Sex: Occupation:

4. Do you understand the English language?

.....
(yes) (no)

5. Do you read and write the English language?

.....
(yes) (no)

6. Have you ever been convicted of a crime and not restored to your civil rights?

.....
(yes) (no)

If "yes," state the nature of crime(s), the date of the conviction(s), and the name of the court(s) in which you were convicted:

.....
.....

7. Are there any criminal charges pending against you of which you are aware?

.....
(yes) (no)

If "yes," state the nature of the charge and the name of the court(s) in which the case(s) is pending:

.....
.....

8. FULL-TIME LAW ENFORCEMENT OFFICERS AND LAW ENFORCEMENT INVESTIGATIVE PERSONNEL ONLY. Section 40.013(2)(b), Florida Statutes, provides that "[a]ny full-time federal, state, or local law enforcement officer or such entities' investigative personnel shall be excused from jury service unless such persons choose to serve." Do you choose to serve?

.....
(yes) (no)

9. List any official executive office you now hold with the federal, state, or county government:

.....
.....

10. Is your hearing good?
(yes) (no)

Is your eyesight good?
(yes) (no)

(The court may require a medical certificate.)

11. Do you have any physical or mental disability (mental illness, intellectual disability, senility, or other physical or mental incapacity) that would interfere with your service as a juror?

.....
(yes) (no)

If "yes," state the nature:

.....

(The court may require a written statement from a physician.)

12. Do you know of any reason(s) why you cannot serve as a juror?

.....

(yes)

.....

(no)

If "yes," state the reason(s):

.....

.....

13. EXPECTANT MOTHERS AND PARENTS ONLY: Section 40.013(4), Florida Statutes, provides that "[a]ny expectant mother and parent who is not employed full time and who has custody of a child under 6 years of age, upon request, shall be excused from jury service." Do you want to be excused under this provision?

.....

(yes)

.....

(no)

If "yes," what are the ages of your children?

.....

14. NEW MOTHERS ONLY: Section 40.013(12), Florida Statutes, provides that "[a] woman who has given birth within the 6 months before the reporting date on a summons for jury service shall be excused upon request." Do you want to be excused under this provision?

.....

(yes)

.....

(no)

15. CAREGIVER: Section 40.013(10), Florida Statutes, provides that "[a]ny person who is responsible for the care of a person who, because of mental illness, intellectual disability, senility, or other physical or mental incapacity, is incapable of caring for himself or herself shall be excused from jury service upon request." Do you want to be excused under this provision?

.....

(yes)

.....

(no)

If "yes," state the reason(s):

.....

16. FULL-TIME STUDENTS: Section 40.013(11), Florida Statutes, provides that “[u]pon request, a full-time student between 18 and 21 years of age, inclusive, who is attending high school or any state university, private postsecondary educational institution, Florida College System institution, or career center shall be excused from that specific summons for jury service.” Do you want to request to be excused under this provision?

.....
(yes)

.....
(no)

If “yes,” what is the name of your school?

.....

Signature

This is not a summons for jury duty. If your name is later drawn for jury service, you will be summoned by clerk of court by mail.

NOTE: This form does not use a caption as shown in form 1.901. It may be headed with the designation of the jury authority charged by law with the selection of prospective jurors.