

# Supreme Court of Florida

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No. SC2025-1497

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## **IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL PROCEDURE 1.280.**

October 8, 2026

PER CURIAM.

The Florida Bar’s Civil Procedure Rules Committee filed a report proposing amendments to Florida Rule of Civil Procedure 1.280 (General Provisions Governing Discovery).<sup>1</sup> The proposed amendments revise rule 1.280(a) (Initial Discovery Disclosure) to more closely align with Federal Rule of Civil Procedure 26(a)(1) (Initial Disclosure). The Committee and the Court separately published the proposed amendments for comment. No comments were received in response to either publication.

The Court, having considered the Committee’s report, hereby amends rule 1.280 as proposed by the Committee. Under the

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

amended rule, a party is no longer required under subdivision (a)(1)(C) to provide, along with a computation of each claimed category of damages, copies of the documents or materials on which the computation is based. A party will instead now be required to make those documents or materials available for inspection and copying under rule 1.350 (Production of Documents and Things and Entry on Land for Inspection and Other Purposes).

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, Maegen Peek Luka, Past Co-Chair, Civil Procedure Rules Committee, Tampa, Florida, Rebecca Mercier Vargas, Past Co-Chair, Civil Procedure Rules Committee, Palm Beach Gardens, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and

Heather Savage Telfer, Bar Liaison, The Florida Bar,  
Tallahassee, Florida,

for Petitioner

## APPENDIX

### RULE 1.280. GENERAL PROVISIONS GOVERNING DISCOVERY

#### (a) Initial Discovery Disclosure.

(1) *In General.* Except as exempted by subdivision (a)(2) or as ordered by the court, a party must, without awaiting a discovery request, provide to the other parties the following initial discovery disclosures unless privileged or protected from disclosure:

(A) – (B) [No Change]

(C) ~~a computation for each category of damages claimed by the disclosing party and a copy of the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; provided that a party is not required to provide computations as to noneconomic damages, but the party must identify categories of damages claimed and provide supporting documents~~a computation of each category of damages, other than noneconomic damages, claimed by the disclosing party—who must also make available for inspection and copying as under rule 1.350 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

(D) [No Change]

(2) – (4) [No Change]

(b) [No Change]

(c) **Scope of Discovery.** Unless otherwise limited by court order, the scope of discovery is as follows:

(1) – (4) [No Change]

(5) *Trial Preparation; Experts.* Discovery of facts known and opinions held by experts, otherwise discoverable under the

provisions of subdivision (c)(1) and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A) [No Change]

(B) A party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only as provided in rule 1.360(b) or ~~upon~~ upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(C) – (D) [No Change]

(6) [No Change]

**(d) – (h)** [No Change]

**(i) Apex Doctrine.** A current or former high-level government or corporate officer may seek an order preventing the officer from being subject to a deposition. The motion, whether by a party or by the person of whom the deposition is sought, must be accompanied by an affidavit or declaration of the officer explaining that the officer lacks unique, personal knowledge of the issues being litigated. If the officer meets this burden of production, the court ~~shall~~must issue an order preventing the deposition, unless the party seeking the deposition demonstrates that it has exhausted other discovery, that such discovery is inadequate, and that the officer has unique, personal knowledge of discoverable information. The court may vacate or modify the order if, after additional discovery, the party seeking the deposition can meet its burden of persuasion under this rule. The burden to persuade the court that the officer is high-level for purposes of this rule lies with the person or party opposing the deposition.

**(j) – (k)** [No Change]

**Committee Notes**

[No Change]

**Court Commentary**

[No Change]