

Supreme Court of Florida

No. SC2026-0014

IN RE: AMENDMENTS TO FLORIDA PROBATE RULES 5.025 AND 5.080.

October 8, 2026

PER CURIAM.

The Florida Bar’s Probate Rules Committee filed a report proposing amendments to Florida Probate Rules 5.025 (Adversary Proceedings) and 5.080 (Discovery and Subpoena).¹ 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, adopts the amendments to rules 5.025 and 5.080 as proposed by the Committee. Both rules are amended to clarify that probate and guardianship proceedings are exempt from the initial discovery

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

disclosure requirements in Florida Rule of Civil Procedure 1.280(a) (Initial Discovery Disclosure).

Accordingly, the Florida Probate Rules 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 Probate Rules

J. Allison Archbold, Co-Chair, Probate Rules Committee, Sarasota, Florida, Marve Ann M. Alaimo, Co-Chair, Probate Rules Committee, Naples, Florida, Michael A. Sneeringer, Past Chair, Probate Rules Committee, Bonita Springs, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Heather Savage Telfer, Staff Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

APPENDIX

RULE 5.025. ADVERSARY PROCEEDINGS

(a) – (c) [No Change]

(d) Notice and Procedure in Adversary Proceedings.

(1) [No Change]

(2) After service of formal notice, the proceedings, as nearly as practicable, must be conducted similarly to suits of a civil nature, including entry of defaults. The Florida Rules of Civil Procedure govern, except for rules 1.280(a)(1), (a)(3), and (a)(4), and 1.525.

(3) – (5) [No Change]

Committee Notes

[No Change]

Rule History

1975 - 2024 Revision [No Change]

2026 Revision: Subdivision (d)(2) amended to make it clear that the initial disclosure requirement in Florida Rule of Civil Procedure 1.280 is not applicable in probate and guardianship proceedings. Grammatical amendment to subdivision (d)(2). Committee notes revised.

Statutory References

[No Change]

Rule References

[No Change]

RULE 5.080. DISCOVERY AND SUBPOENA

(a) Adoption of Civil Rules. The following Florida Rules of Civil Procedure ~~shall~~ apply in all probate and guardianship proceedings:

(1) Rule 1.280, general provisions governing discovery, except for initial discovery disclosure requirements under 1.280(a)(1), (a)(3), and (a)(4).

(2) – (3) [No Change]

(4) Rule 1.310, depositions ~~upon~~ oral examination.

(5) – (7) [No Change]

(8) Rule 1.350, production of documents and things and entry ~~upon~~ land for inspection and other purposes.

(9) – (14) [No Change]

(b) – (c) [No Change]

Committee Notes

Subdivision (b) is not intended to result in the assessment of costs, including attorney's' fees, in every instance in which discovery is sought. Subdivision (c) is not intended to overrule the holdings in *In re Estate of Shaw*, 340 So. 2d 491 (Fla. 3d DCA 1976), and *In re Estate of Posner*, 492 So. 2d 1093 (Fla. 3d DCA 1986).

Rule History

1975 - 2016 Revision [No Change]

2026 Revision: Subdivision (d)(2) amended to make it clear that the initial disclosure requirement in Florida Rule of Civil Procedure 1.280 is not applicable in probate and guardianship proceedings. Committee notes revised.

Statutory References

[No Change]

Rule References

[No Change]