

Supreme Court of Florida

No. AOSC22-78

IN RE: GUIDELINES FOR RULES SUBMISSIONS

ADMINISTRATIVE ORDER

The Supreme Court of Florida relies on the rules committees appointed by The Florida Bar for the regular review and evaluation of court rules to advance orderly and cost-effective procedures in the administration of justice and for reports identifying and explaining needed rule changes. *See Fla. R. Gen. Prac. & Jud. Admin. 2.140.* The Court relies on the Board of Governors of The Florida Bar and the Florida Board of Bar Examiners for the review and evaluation of their respective bodies of rules and for the submission of needed amendments to those rules. *See R. Regulating Fla. Bar 1-12.1; Fla. Bar Admiss. R. 1-12.*

The Florida Bar staff provides an invaluable service by assisting the rules committees in preparing their reports and proposed rule changes for submission to the Court. Similarly,

Office of the State Courts Administrator (OSCA) staff, who support the Supreme Court committees and commissions that are authorized to submit proposed rule changes to the Court, provide an equally important role in relation to those committees and commissions.

In 1999, in recognition of the importance of consistency in form and style among the bodies of rules, the Court approved the Rules of Procedure Style Guide developed by Bar staff to govern format and stylistic elements of court rules. *See In re Rules of Procedure for Courts*, Fla. Admin. Order (Dec. 14, 1999) (on file with Clerk Fla. Sup. Ct.). Then, in 2006, the Court formally recognized the importance of receiving thorough, comprehensive committee reports of proposed court rule changes and petitions from The Florida Bar seeking amendments to the Rules Regulating The Florida Bar and, through its Central Staff, worked with Bar staff to develop the Guidelines for Rules Submissions (Guidelines). *See In re Guidelines for Rules Submissions*, Fla. Admin. Order No. AOSC06-14 (June 14, 2006) (on file with Clerk Fla. Sup. Ct.). To ensure the adequacy of reports and petitions seeking rule changes

and to promote consistency in the format of the proposals, the Court approved the Guidelines. Since 2006, the Guidelines have governed all reports and petitions seeking rule changes submitted by The Florida Bar's court rules committees, The Florida Bar, the Florida Board of Bar Examiners, and Supreme Court committees or commissions authorized to submit proposed rule changes to the Court.

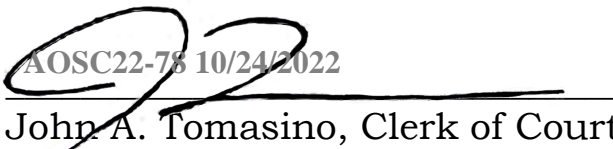
In 2006, the Court also authorized Bar staff liaisons to the rules committees and OSCA support staff to Supreme Court committees and commissions to make purely editorial changes to proposed rule amendments before their submission to the Court, in conformity with Part I, Rules Style Guide, of the Guidelines for Rules Submissions. The Court also authorized Bar staff liaisons and OSCA support staff to work with committee chairs to ensure that reports and petitions seeking rule changes comply with the Guidelines. The Court directed The Florida Bar and the Florida Board of Bar Examiners to ensure that petitions to amend their respective bodies of rules also comply with the Guidelines.

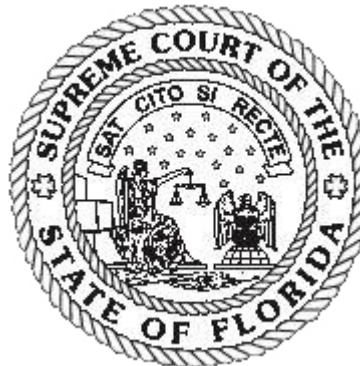
In light of the amendments to Florida Rule of General Practice and Judicial Administration 2.140 (Amending Rules of Court) made in *In re Amendments to Florida Rule of Judicial Administration 2.140*, 289 So. 3d 1264 (Fla. 2020), which did away with the set schedule for rules committee reports, and the need for refinements to the Guidelines governing rules submissions, the Court, through its Central Staff, has worked with Bar staff to update the Guidelines for Rules Submissions. The Court approves the updated Guidelines, which are attached to this administrative order. The Court also reaffirms the directives and authorizations concerning rules submissions previously approved by the Court and restated in this administrative order.

DONE AND ORDERED at Tallahassee, Florida on October 24, 2022.


AOSC22-78
Chief Justice Carlos G. Muniz
AOSC22-78

ATTEST:


AOSC22-78 10/24/2022
John A. Tomasino, Clerk of Court



GUIDELINES FOR RULES SUBMISSIONS

PART I. RULES STYLE GUIDE

(a) General Style Guidelines.

(1) Capitalization.

(A) Lower case generic terms; *e.g.*, supreme court, district court of appeal, circuit court, chief judge, judge, state attorney, state, department, rules, rules of civil procedure, bar, board of governors, young lawyers division.

(B) Capitalize proper names; *e.g.*, State of Florida, Supreme Court of Florida, Department of Children and Families, Florida Rules of Civil Procedure, The Florida Bar, The Florida Bar Board of Governors, Young Lawyers Division of The Florida Bar. Use proper names if a generic term is ambiguous. Generally, a generic term can be used on subsequent reference in a subdivision; *e.g.*, “department” after “Department of Children and Families.”

(2) *Commas.* In a series, use a comma before “and” or “or”; *e.g.*, this, that, and those.

(3) *Numbers in Text.* Use Arabic numbers in the text of rules. Do not spell out numbers and, in particular, do not use both; *e.g.*, five (5). When it is necessary to begin a sentence with a number, spell out the number; do not use Arabic.

(4) *Gender Neutrality.* All rules must be gender neutral.

(5) Lists.

(A) If items in a list could stand alone as sentences, begin each with a capital letter and end with a period. Insert needed language into the introduction to ensure clarity on whether all items in the list apply or whether any one of the items apply; *e.g.*, “The court must consider all of the following:” or “The court may do any of the following:”. *See, e.g.*, Fla. R. Gen. Prac. & Jud. Admin. 2.140(a).

(B) If items in a list cannot stand alone and if they complete the thought of the lead-in sentence, begin each item with a lowercase letter and end with a semicolon. Insert “and” or “or” before the last item in the list to indicate whether all items apply or whether any one of the items may apply. *See, e.g.*, Fla. R. Civ. P. 1.442(c)(2). End the last item of the list with a period, unless the sentence continues after the last item. If items are followed by 1 or more sentences, begin with a lowercase letter and end with a period. *See, e.g.*, Fla. R. Gen. Prac. & Jud. Admin. 2.236(b).

(C) If items are not part of the lead-in sentence, use initial capitals and end with a period, even if the items are sentence fragments.

(D) Do not repeat a word or phrase at the beginning of items in a list; move the word or phrase to the sentence introducing the list.

(E) Follow general rules of parallelism.

(6) *Word Choice.* In general, rules should be written in simplified language, not “legalese.” Avoid use of words such as “therein,” “wherefore,” and “in lieu of.” Use “on” rather than “upon,” “to” rather than “in order to,” “under” rather than “pursuant to,” “before” rather than “prior to,” “use” rather than “utilize,” and “must” rather than “is required to” or “shall.”

(7) *Forms.*

(A) Use a 10-dot line to indicate blanks in the form in which information is to be inserted. A description may be placed in the middle of the dotted line with the type of information to be inserted in parentheses [*e.g.*,(name).....]. If the dotted line falls at the end of a sentence, add an additional dot for the period.

(B) Use a solid line for the blanks if the form is intended to be printed and used “as is” (*e.g.*, the family law forms).

(C) Signature blocks for attorneys must include lines for the name, address, telephone number, e-mail address(es), and Florida Bar number.

(D) Family law forms must follow prior specific styles developed for them.

(E) Notice of hearing forms must contain ADA language.

(b) Citations. Citations should be in the style mandated by Florida Rule of Appellate Procedure 9.800. For example:

(1) *Statutes.* [*e.g.*, § 61.13, Fla. Stat. (Supp. 1990)];

(2) *Case Law.* [*e.g.*, *State v. Smith*, 123 So. 2d 123 (Fla. 4th DCA 1995)]; and

(3) *Rules of Procedure.* (*e.g.*, Fla. R. Civ. P. 1.010).

When a citation is used as part of a sentence, however, use “section 61.13, Florida Statutes (Supp. 1990).” Consider using “as required by law” rather than citing a specific statute in a rule to avoid the need to amend the rule if the statute is renumbered.

(c) Subdivisions.

(1) *Reference to Parts of a Rule.* Refer to parts of a rule as “subdivisions,” not sections, subsections, paragraphs, subparagraphs, or divisions, *e.g.*, “as required in subdivision (b)(1),” not “as required in subparagraph (b)(1).”

(2) *Paragraphs.* Each subdivision should have only 1 paragraph and subject. If a subdivision is proposed that contains more than 1 paragraph, create new subdivisions for each paragraph. Alternatively, the paragraphs can be combined into 1 paragraph.

(3) *Numbering.* Subdivisions within a rule must be as follows, even when enumerating items in a list:

(a)

(1)

(A)

(i)

a.

(4) *Titles.*

(A) Major Subdivisions within Rules. If groups of rules are given a title, the title must be in all capital letters, with no punctuation at the end, *e.g.*:

PART II. DELINQUENCY PROCEEDINGS

A. PRELIMINARY PROCEEDINGS

(B) Rules. The title of each rule must be in bold type and all capital letters with no punctuation at the end of the title, *e.g.*:

RULE 8.000. SCOPE AND PURPOSE

RULE 3-6.1. GENERALLY

(C) Subdivisions. Each word in subdivision titles must have initial capital letters, except for prepositions (“to,” “for”), conjunctions (“and,” “but”), and articles (“a,” “an,” “the”), unless that preposition, conjunction, or article is the first word in a subdivision title.

(D) Major Subdivisions. Major subdivisions [those designated by lower case letters (*e.g.*, **(a)**)] must have a title in bold type, including the letter designating the subdivision, and be followed by a period [*e.g.*, **(a) Notice.**].

(E) Subsequent Subdivisions.

(i) The title of each second-level subdivision [those designated by numbers (*e.g.*, (1))] must be in italics, use initial capital letters, and be followed by a period. The number designating the subdivision, however, is not italicized, [*e.g.*, (1) *Notice of Appearance.*].

(ii) The title of each third or fourth-level subdivision [those designated by capital letters (*e.g.*, (A))] must be in standard type, use initial capital letters, and be followed by a period, [*e.g.*, (A) Appearance in Court.].

(F) Committee Notes, Court Commentary, and Comments within Court Rules. All committee notes, court commentary, and comments following a court rule of procedure must include the year and action adopted, in initial capital letters, bold type, and be followed by a period [*e.g.*, “**2020 Adoption.**”, “**2020 Amendments.**”, or “**2020 Comment.**”].

(d) Read Against.

(1) All rules and forms must be read against the most recent edition of Thomson Reuters’ *Florida Rules of Court*. If there has been an interim amendment, the rule or form should be read against the version contained in the opinion issued by the court adopting the amendment. If there are discrepancies between the submitter’s most recent version of the rules and the *Florida Rules of Court* or the opinion:

(A) errors on the submitter’s part must be corrected in the submission; and

(B) errors in the *Florida Rules of Court* must be corrected in the submission and an editor’s note inserted into the legislative and 2-column format identifying the error and citing the opinion with the correct rule or form.

(2) The 2-column chart must be compared with the legislative format version of the proposed rule changes to ensure that all changes are reflected in both versions. Do not include forms in the 2-column chart.

(B) Rules Regulating The Florida Bar. The petition must begin with a caption reflecting the issue or affected rule or chapter that is the subject of the filing, as follows:

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO RULE(S) REGULATING THE FLORIDA BAR(name of rule(s))..... **CASE NO.:**

PETITION TO AMEND RULE(S) REGULATING THE FLORIDA BAR(name of rule(s)).....

(2) *Contents.* The report or petition must contain the following.

(A) Jurisdictional Statement. The following are possible variations of the jurisdictional statement:

(i) “The committee files this report, under Florida Rule of General Practice and Judicial Administration 2.140(b) proposing amendments to [list rules with titles].”

(ii) “The committee files this fast-track report requesting amendment(s) to rule(s)[include rule title]....., under Florida Rule of General Practice and Judicial Administration 2.140(e).”

(iii) “The committee files this request for amendment(s) to rule(s)[include rule title]..... in response to the court’s order/request of(date)....., under Florida Rule of General Practice and Judicial Administration 2.140(f).”

(iv) “This petition is authorized by The Florida Bar Board of Governors under Rule Regulating The Florida Bar 1-12.1.”

(v) “The Workgroup on files this petition to amend[list rules with titles or list of rule sets]..... under *In re:*, Fla. Admin. Order No. AOSCXX-X (.....date.....).”

(B) Discussion of Proposed Amendments. The discussion of proposed amendments must include:

(i) the committee's or workgroup's (and board of governors', if applicable) voting record for each amendment if no list of votes accompanies the report as an appendix;

(ii) a detailed description of how each amendment changes the language and application of the rule;

(iii) the purpose and detailed reasons for each proposed change as well as a discussion of relevant background information, such as:

a. whether the proposal is in response to a referral from the court;

b. the source of the proposal;

c. a discussion of relevant legislation, with references to all applicable sections of session laws, and effective date(s) of the legislation; and

d. a discussion of relevant rule history or case law interpreting the rule;

(iv) identification of and service to the proponent of a rule amendment in the following manner:

a. if the proponent of a rule amendment is a current or previous committee member, list the name and committee status within the report but do not serve the individual with the report; or

b. if the proponent of a rule amendment is a non-committee member, include the name of the proponent of each proposed rule change within the report and each proponent's name and address in the service list;

(v) the names of any committees or individuals that the committee or workgroup consulted about the proposed amendment;

(vi) if applicable, a statement of when and where notice was published (see Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(2); R. Reg. Fla. Bar 1-12.1(g));

(vii) if applicable, an explanation of any changes made after the initial notice;

(viii) for proposals to amend the Rules Regulating The Florida Bar, a discussion of any dissenting views from the board of governors, any changes made after the board's review, and the board's voting record for each amendment; and

(ix) for proposals to amend court rules (if applicable), a discussion of any significant dissenting views from members of the committee, workgroup, or board of governors.

(C) Effective Date. The report or petition may suggest an effective date for the proposed amendment (*e.g.*, a specific date; 30 days from the date of the court's opinion; effective immediately).

(D) Reports of the Code and Rules of Evidence Committee of The Florida Bar. The committee must include all recommendations concerning legislative changes to the Florida Evidence Code, chapter 90, Florida Statutes, that were enacted. This includes both recommendations that the court adopt changes to the extent they are procedural and recommendations that the court not adopt changes.

(3) *Signature Blocks.*

(A) Rules Committees of The Florida Bar. The report must end with signature blocks for each rules committee chair who is participating in the report and for the executive director of The Florida Bar.

(B) Bar Rules Petitions. The petition must end with a signature block for the executive director of The Florida Bar.

(C) Non-Bar Committees, Commissions, or Workgroups. The report or petition must end with a signature block for the chair who is participating in the report or petition.

(4) *Certificate of Read-Against*. The report or petition must contain a statement certifying that the rules or forms contained in the report have been read against the most recent edition of Thomson Reuters' *Florida Rules of Court* or, if there has been an interim amendment, against the version of the rules or forms in the court's opinion adopting the amendment.

(5) *Appendices*.

(A) List of Rules and Votes. Submit an appendix listing the rules impacted, including the voting record of the committee/workgroup (and board of governors, if applicable) for each rule proposal within the report. For example:

RULE 8.010 SCOPE AND PURPOSE

Committee vote: 30-0-0

Board of Governors vote: 30-0-0

However, the list may be omitted if the voting records are clearly noted in the report or petition.

(B) Legislative Format. Submit an appendix that contains the full-text copy of all rules and forms being amended in full-page, legislative format (deleted language stricken-through followed by new language underlined), with committee notes included. Do not use "track changes."

(C) Two-column Chart. Submit an appendix that contains the extracted text (only the pertinent subdivisions included) of the rules being amended, added, or deleted in 2-column landscape format using the table tool in Microsoft Word.

(i) The left column must contain the proposed amendment in legislative format.

a. Display the title and number of the rule at the top of the left column.

b. Within a rule, include everything that is in a major subdivision being amended [*i.e.*, **(a)**], up to the change, unless inclusion of the entire rule or subdivision is needed to understand the amendment. For example, if an (i) level subdivision is being amended, the language from the **(a)**, (1), and (A) level subdivisions leading up to the (i) level amendment must be included.

c. Identify subdivisions without changes by letter and title only and mark them “[NO CHANGE].”

d. Include new committee notes in the left column. Old notes should be included in the 2-column chart only when needed to understand the amendment.

(ii) The right column must contain a brief summary of the reasons for change contained in the report. When possible, the reasons should appear directly across from the language being amended.

(iii) Do not include forms in the 2-column chart. Forms should be included in the full-page legislative format only.

(D) Background Appendices. Submit an appendix with background documents, including (when applicable and available):

(i) letters from the referring source, including referral letters from the court (but not copies of court opinions);

(ii) relevant administrative orders;

(iii) relevant legislation in session law format (including the section of the law containing the effective date of the legislation);

(iv) any written comments received by the committee or workgroup, as a separate appendix;

(v) reports or other documents relied on in developing the rule amendment; and

(vi) a copy of any notice published online or in *The Florida Bar News*.

(6) *Submissions*. File each report or petition and appendices in the electronic format approved by the supreme court and specified in the Florida Rules of General Practice and Judicial Administration. Remove all electronic editor's notes, revision marks, or comments (annotations) before submission to the court. Also submit to the clerk's office the report or petition, rules and forms in full-page legislative format, and 2-column chart in Microsoft Word.

(7) *Formatting*.

(A) Draft proposed amendments in accordance with Part I. Rules Style Guide.

(B) The report/petition and full-page legislative format must be single-spaced, formatted in Bookman Old Style 14-point font. The 2-column chart and all forms (other than family law forms which may require a smaller point size) must be formatted in Bookman Old Style 12-point font.

(C) Do not number the paragraphs of the report or petition.

(D) Number all pages in the report or petition sequentially. Identify appendices by appendix letter and page number (*e.g.*, Appendix A, page 1; Appendix B, page 1).

(E) Use left justification (not full justification) for the report/petition, the rules in full-page legislative format, and the 2-column chart. Forms may be fully justified.

(F) All rules must be formatted consistently. Do not use embedded codes, styles, or automatic outlining features in rules.

(G) Do not use track changes in Microsoft Word.

(c) Comments. The committee's, the bar's, or the workgroup's comments must begin as follows: "The(name of committee or workgroup or Florida Bar).....files these comments to the amendment(s) to rule(s) [include rule title]"

(d) Responses. A response to comments must begin as follows: "The(name of committee or workgroup or Florida Bar)..... files this response to comments to the amendment(s) to rule(s) [include rule title] filed by....." A response is not required if no comments were filed.