

**INTERNAL OPERATING PROCEDURES  
OF THE  
CIVIL PROCEDURE RULES COMMITTEE  
OF THE FLORIDA BAR**

**I. INTRODUCTION**

Pursuant to Florida Rule of General Practice and Judicial Administration 2.140, The Florida Bar has established the Civil Procedure Rules Committee (the “Committee”) to consider proposals for changes to the Florida Rules of Civil Procedure. Fla. R. Gen. Prac. & Jud. Admin. Rule 2.140(a)(4) requires the Committee to be composed of attorneys and judges with extensive experience and training in an area of practice that calls for regular, frequent use of the rules, who serve for 3-year staggered terms.

**II. OFFICERS**

Subject to the discretion of The Florida Bar President-Elect, the Officers of the Committee shall consist of a Chair, one or more Vice Chairs, and a Secretary.

**a. Chair.** The President-Elect of The Florida Bar shall appoint the Chair of the Committee to serve for a one-year term to coincide with the President-Elect’s term of office as President. The Chair shall govern the Committee during that term and have the powers set forth herein. Once appointed by the President-Elect, the Chair-Elect immediately shall have the power to make any appointment authorized herein, with the appointment taking effect upon commencement of the Chair-Elect’s term of office as Chair.

**b. Vice Chairs.** The President-Elect of The Florida Bar shall appoint one or more Vice Chairs of the Committee to serve for a one-year term to coincide with the term of the Chair appointed by the President-Elect. The longest-serving Vice Chair shall serve in the Chair’s absence and otherwise assist the Chair as needed.

**c. Secretary.** The Chair shall appoint a Secretary to serve during the Chair’s term of office. The Secretary shall keep minutes and records of the Committee’s activities as required by rule 2.140(a)(6) which are considered Judicial Branch public records pursuant to rule 2.420(b)(2). The Secretary shall transmit the minutes and records to The Florida Bar’s staff liaison to the Committee within 30 days of the date of any Committee meeting or sooner if directed by the Chair to expedite for good cause. The Bar’s staff liaison shall ensure copies of all Committee minutes and

records are maintained in compliance with rule 2.430 and The Florida Bar's Record Retention Policy.

**d. Rules of Judicial Administration Liaison.** Pursuant to rule 2.140(a)(5), at least one Committee member shall serve as liaison to the Rules of General Practice and Judicial Administration Committee. The Chair shall appoint the liaison to serve during the Chair's term of office.

### **III. SUBCOMMITTEES**

Subcommittees of the Committee shall consist of Standing Subcommittees and Special Subcommittees. Appointment, removal, or replacement of members of subcommittees shall be at the sole discretion of the Chair.

#### **a. Standing Subcommittees.**

1. The following standing subcommittees shall be established on an ongoing basis: Internal Operating Procedures, Legislative, Federal Rules, Electronic Discovery, Orientation, and Statewide Guidelines for Uniform Taxation of Costs in Civil Actions. By a majority vote, the Committee may establish other Standing Subcommittees.

2. The Chair shall appoint both a Chair and one or more Vice Chairs for each Standing Subcommittee to serve during the Committee Chair's term.

#### **b. Special Subcommittees.**

1. The Chair shall have the discretion to create and appoint Special Subcommittees when needed to review particular proposed changes to the Rules of Civil Procedure as set forth in Section V below.

2. The Chair shall appoint a Subcommittee Chair, and may appoint a Vice Chair for each Special Subcommittee.

**c. Subcommittee Reports.** The Chair of each Subcommittee (or the Chair's designee) shall report the action taken by the subcommittee on each proposal in the format provided in the Subcommittee Report Form attached to these Internal Operating Procedures.

### **IV. CONDUCTING BUSINESS**

**a. Governing Rules.** The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern in all matters to the extent that they are not inconsistent with these Internal Operating Procedures, as determined in the discretion of the Chair.

**b. Meetings.** The Committee shall conduct at least two in-person meetings during the Bar year. The Chair in his or her discretion may schedule additional in-person meetings as necessary to conduct the business of the Committee. The Chair also may schedule meetings of the Committee and Subcommittees to conduct business as necessary by any other commonly available method, including e-mail exchanges or electronic meetings (*e.g.*, teleconferences, videoconferences, web conferences, etc.) via electronic platforms provided by The Florida Bar.

1. When a meeting is held in-person, members of the Committee are expected to attend in-person. If an in-person meeting location has the capability to allow remote participation of members with substantially the same opportunity to participate by telephone, electronic platform, or otherwise, the Chair in his or her discretion may allow a member upon request to participate remotely, but such remote participation is strongly discouraged.

2. When a meeting is held by email exchange, any Committee vote on a Proposal or other action shall proceed as follows:

A. The Proposal (or other proposed Committee action) must be submitted to the full Committee by email.

B. The members of the Committee shall be permitted a period of not less than two business days to make and respond to comments.

C. The Chair may then call for a vote on the Proposal or other matter, and members shall be allowed at least 48 hours to cast their votes.

D. If the Chair determines that a shorter voting period must be established to meet a request by the Florida Supreme Court or otherwise for expedited or emergency consideration of the matter, the Chair shall announce the need for expedited consideration and the shortened voting deadline at the earliest practical opportunity. In no event shall the Chair establish a voting deadline that falls less than 24 hours after the announcement of the shortened voting period or that allows for less than a 24-hour period to vote.

3. When a meeting is held via an electronic platform provided by the Florida Bar, the Chair shall ensure that the platform provides members of the Committee with substantially the same opportunity to make or oppose motions; to review Proposals or other proposed Committee actions; to make, receive, and respond to comments thereon; and to vote on the issues under consideration as the members would enjoy at an in-person meeting.

**c. Quorum.** No business shall be conducted unless a quorum is present at any meeting. A quorum is defined as one-third of the full Committee membership. However, for the purpose of amending the Committee's Internal Operating Procedures, a quorum is defined as two-thirds of the full Committee membership.

**d. Voting.** A majority vote of the members present at a meeting, or participating in an email vote, shall be sufficient to pass any action taken by the Committee or a Subcommittee except as otherwise required by these Internal Operating Procedures. All voting shall be by open ballot, either orally or by show of hands in an in-person meeting, or orally or in writing if in an electronic meeting. If a vote in an in-person meeting is not unanimous, a show of hands vote and count shall be taken and appropriately recorded by the Secretary. For electronic meetings, all vote counts shall be recorded and included in the meeting minutes.

While meeting and voting by email exchange is not favored, it is recognized that voting by email exchange may be necessary due to an order of the Florida Supreme Court that necessitates the Committee act on an expedited or emergency basis. Conducting meetings and voting on Proposals by email exchange presents some unique challenges. Therefore, to accommodate the opportunity for Committee members to participate in the full and fair exchange of ideas, to facilitate a full and frank discussion of the issues, and in the spirit of the requirement that all voting be by open ballot, when meetings are conducted by email exchange members should comment by **"reply all"** so that all members receive the benefit of the member's comment. Members shall vote by email exchange when instructed to do so by the Chair but shall vote only by **"reply to sender."** Members should not "reply all" to record any email exchange vote. Proxy and absentee voting are prohibited.

**e. Agenda.** The Chair (or designee) will prepare and circulate to all members, prior to each meeting, an agenda of matters to be considered at such meeting. The agenda shall specifically identify those Proposals to be voted upon (a) for approval of the concept, and (b) for final approval.

**f. Suspension of the Rules.** These rules may be suspended by a two-thirds vote of those members present at a meeting.

**g. Interpretation.** Interpretation of the application of these rules shall be made by the Chair in his or her sole discretion.

**h. Copy of Rules.** A copy of these Internal Operating Procedures of the Civil Procedure Rules Committee shall be sent to each new Committee member with the agenda for the first meeting of the Bar year.

**i. Attendance.** The Committee is a working committee, and membership is a privilege not a reward. All members of the Committee are

expected to attend all meetings and to participate actively in the work of the Committee and its subcommittees. The Chair has the authority to grant excused absences for Committee meetings, but only for good cause shown. Within any single Florida Bar calendar year, any member who has 2 unexcused absences from meetings for which at least 30 days-notice was provided will be deemed to have resigned from the Committee, and the Chair must notify The Florida Bar President of such resignation. Any member who loses membership in this manner may be reinstated to the Committee, but only on successful appeal of the member's loss of membership to the President of The Florida Bar. The Chair will consult or communicate annually with the President-elect of the Florida Bar and give recommendations as to the reappointment of any members who are coming to the end of their first term on the Committee.

## **V. PROCEDURE FOR CONSIDERATION OF CHANGES TO RULES**

### **a. Initiation of Proposed Rule Changes.**

**1. Assignment; Solicitation of Comments:** At the time a proposed rule or amendment or a proposed form or amendment (hereinafter collectively referred to as a "Proposal") is first made, the Committee or the Chair shall make an initial determination whether it is a Proposal which should be taken up by the Committee. Any time a Proposal is to be considered by the Committee, and the proponent is a non-member, the non-member proponent shall be notified of the consideration so as to have an opportunity to be heard. If a Proposal is approved in concept, the Chair or designee shall refer the Proposal to a standing subcommittee, if appropriate, or shall designate one or more members as a special subcommittee to consider it further. If the proponent is a non-member, the non-member shall be notified of this assignment, invited to provide input, and shall be notified of the option of seeking a Committee member to act as a sponsor of the Proposal. The member or subcommittee shall also determine whether to solicit comments from the general Bar membership by notice in the Florida Bar News.

**2. Consideration by Subcommittee:** The subcommittee responsible for evaluating the Proposal shall, after consideration, submit its report on the Proposal to the full Committee in writing. If the subcommittee's decision is to not take action after evaluating the Proposal it shall report on the Subcommittee Report Form "No Action Recommended." Any changes to the rules proposed or recommended by the subcommittee as a result of evaluating the Proposal shall be submitted in the same format as legislative proposals, accompanied by a statement of rationale and/or supporting authorities using the Subcommittee Report Form in the Appendix. The Subcommittee Report Form containing the Proposal and accompanying statement shall be submitted to the Chair for circulation to all members of the Committee. The efficient functioning of the Committee depends on the subcommittees making timely submissions and adhering to this rule.

**b. Full Committee Consideration of Proposed Changes.**

**1. Approval Process.** Each Proposal must appear on the agenda and be voted upon by the Committee at least two times, in the following order:

- A. Approval of the concept;
- B. Final approval.

**2. Two Meetings Required; Exception.** A Proposal may not be voted upon for both approval of the concept and for final approval at a single meeting. However, in the event the Florida Supreme Court orders the Committee to consider a matter on an expedited or emergency basis, the matter may be considered at one or more in-person or electronic meetings as needed to conclude the Committee's work and to report back to the Court.

**c. Conceptual Approval of a Proposed Rule Change.**

**1. Submission of Proposals to Full Committee.** Only Proposals submitted in writing and circulated to all members of the Committee prior to a meeting may be voted upon by the Committee. A Proposal shall not be voted upon by the Committee unless a proponent (designated member or subcommittee member or outside proponent designated by them) is present or available to explain the Proposal and answer questions regarding the Proposal. If the subcommittee chair is not able to attend or participate, he or she must ensure that another subcommittee member will attend the meeting to present the Proposal.

**2. Actions Permitted on Approval of Concept Vote.**

When a Proposal is voted upon for approval of the concept, it may only be:

- A. Approved in concept.
- B. Tabled for consideration at the next meeting without reference to subcommittee.
- C. Tabled for consideration at the next meeting and referred to subcommittee.
- D. Disapproved as to concept.
- E. Amended.

**3. No Further Discussion of Concept.** Once a Proposal has been approved "in concept," discussion on the "concept" of the Proposal will not be considered by the Committee during discussions on amendments or

changes in the wording; except that such discussion may be held at the meeting at which the Proposal is presented for final approval.

**d. Final Approval of a Proposed Rule Change.**

**1. Submission of Proposals to Full Committee.** Unless otherwise required by these Internal Operating Procedures when a Proposal has been expedited to timely respond to the Florida Supreme Court, only Proposals that have been accompanied by the required Report and circulated to all members of the Committee prior to a meeting may be voted upon by the Committee for final approval. A Proposal shall not be voted upon for final approval by the Committee unless a proponent (designated member or subcommittee member or outside proponent designated by them) is present to explain the Proposal and answer questions regarding the Proposal. If the subcommittee chair is not able to attend or participate, he or she must ensure that another subcommittee member will attend the meeting to present the Proposal.

**2. Actions Permitted on Final Approval Vote.** When a Proposal is voted upon for final approval, upon motion duly made and seconded, it only may be:

- A. Approved in final form.
- B. Tabled and sent back to the Subcommittee.
- C. Tabled for consideration at the next meeting.
- D. Rejected in final form.
- E. Amended.

**3. Amended Proposals to be Re-circulated.** A Proposal which has been amended in substance cannot be voted upon for approval in final form unless it has been re-circulated to all Committee members prior to the meeting at which such vote is to be taken and it appears on the agenda for that meeting.

**4. Post-Vote Report Form.** Within fourteen (14) days after the meeting at which a Proposal is disapproved as to concept pursuant to section V(C)(2)(d), approved in final form pursuant to section V(d)(3)(A), or rejected in final form pursuant to section V(d)(3)(D), the chair of the subcommittee for the Proposal (or the chair's designee) shall report the Committee's action by completing a Post-Vote Report Form attached to these Internal Operating Procedures.

**5. Determination of Emergency.** After a Proposal has been approved in final form, the Committee may further vote at the same meeting to determine whether such Proposal should be considered an emergency matter to be immediately submitted to the Supreme Court.

**6. Committee Notes.** Proposals for committee notes, or other matters not involving new Rules of Civil Procedure, forms, or amendments to existing rules or forms, are not subject to the dual approval provisions of these Internal Operating Procedures.

**7. Reconsideration of Rejected or Defeated Proposal.** When a Proposal is rejected as to concept or defeated in its final form, it shall not again be reconsidered by the Committee as to concept for a period of one (1) year from the date of its rejection or defeat.

**8. Reconsideration of Approved Proposal.** If an approved Proposal has been approved in final form, but has not yet been submitted to the Florida Supreme Court for consideration, the Committee retains the power to consider the Proposal. Upon a request for reconsideration, the Chair, at his or her discretion, may take any of the following actions:

- A. Refer the Proposal back to the subcommittee that originally reviewed it;
- B. Create a new subcommittee to review the proposal;
- C. Propose improvements for consideration by the Committee without first referring the matter to a subcommittee;
- D. Take any other action consistent with these IOPs that is reasonably designed to address the suggestion for reconsideration.

Any changes to the Proposal shall require an affirmative vote of the majority of members voting at a meeting or participating in an email vote.

**9. Amicus Curiae.** The Committee will not consider any requests for filing of an amicus curiae brief in any appellate proceeding unless expressly requested to do so by the Florida Supreme Court.

**e. Expedited Procedures.** This subsection sets forth the procedures for the Committee to respond, on an expedited basis, to a time-sensitive issue, for consideration and submission of a proposal for expedited consideration by the Florida Supreme Court or for any other issue which, in the discretion of the Chair, requires a response or action on an expedited basis.



1. **When Invoked.** The Chair may invoke expedited procedures if:

A. the Florida Supreme Court requests a response from the Committee on an expedited basis or in circumstances in which the Committee would be unable otherwise to respond in adequate time; or

B. the Chair otherwise deems it appropriate to invoke the same.

2. **Expedited Procedure Subcommittee.** Upon invoking this procedure,

A. The Chair must activate the Expedited Procedure Subcommittee consisting of the Chair, all Vice Chairs, the Secretary and the Parliamentarian, as well as any other members selected by the Chair.

B. The Chair will inform the members of the full Committee, by email or other appropriate means, of the appointment of the Expedited Procedure Subcommittee, its purpose, and the identity of its members, to enable any other Committee member(s) to attend or provide their views or suggestions to the Expedited Procedure Subcommittee.

C. The Expedited Procedure Subcommittee will promptly consider the issue and prepare a proposal or response in the manner required by these rules. The proposal or response will be circulated to the Committee promptly, and no less than 3 business days prior to the next meeting of the full Committee at which such proposal would be presented and considered if time permits.

3. **Expedited Meeting of the Committee.** If in the discretion of the Chair time permits, an expedited meeting of the Committee may be scheduled upon prior notice pursuant to section IV. b. of these operating procedures. Voting shall be conducted in accordance with section IV. b. 1. d). All members are expected to actively participate.

4. **Committee Action by the Expedited Procedure Subcommittee.** If in the discretion of the Chair and the Expedited Procedure Committee, there is inadequate time to call a meeting of the Committee to consider the Proposal or Response, the Chair must inform the Committee of that decision along with a deadline for members to submit any written comments or suggestions. The final written action by the Expedited Procedure Subcommittee must be immediately circulated to the Committee and put on the agenda for discussion at the next meeting of the Committee.

5. **Reporting of Committee's Action.** Any action taken under these expedited procedures must be promptly reported to the Florida

Supreme Court under Florida Rule of General Practice and Judicial Administration 2.140(e) if required by that Rule. The following statement must be included in the report to the Florida Supreme Court:

The Civil Procedure Rules Committee has filed this [comment] [response] under its expedited procedure, which allows for its expedited procedure subcommittee to act when time does not allow review and approval by the full committee. As required, the full committee was immediately notified that the expedited procedure subcommittee took this action.

## **VI. AMENDMENTS TO INTERNAL OPERATING PROCEDURES**

These Internal Operating Procedures may be amended at any meeting of the Committee provided a quorum as required by section IV c. (Quorum) of these procedures is present; and, provided further that any proposed amendment shall first have been provided in writing to all members of the Committee at least 30 days before such meeting.

## **VII. ORIENTATION**

All new members must attend orientation prior to the first Committee meeting of the Bar year unless the Chair excuses a member from participating or allows the member to postpone attendance at orientation for good cause (*e.g.*, recent prior service on the Committee, illness, etc.).

**a. Meeting.** The orientation session shall be conducted on the day of and immediately preceding the first in-person meeting of the Committee for the Bar year. The session shall last no more than one hour.

**b. Content.** Subject to the discretion of the Committee Chair and the Chair of the Orientation Subcommittee, orientation may include the following:

1. Outgoing and incoming Committee Chairs and Bar staff who can provide new members with an overview of the rule-making procedures, overview of standing and special subcommittees, and the operation of the Committee;
2. One or more Subcommittee Chairs may provide new members with a brief overview of their subcommittee and the status of issues pending before their subcommittee;
3. Committee members who may assist in orientation as determined by the Committee Chair or the Chair of the Orientation Subcommittee;

**c. Subcommittee Service.** Committee members are encouraged to actively participate in the Committee's work as much as their law practice will permit. Members are strongly encouraged to volunteer for assignment to at least one subcommittee created to execute the Committee's work as the Bar year progresses.

**d. Mentors.** The Committee Chair may solicit current Committee members as volunteer mentors and assign a mentor for each new member. The Chair may solicit volunteer mentors at the meeting held during the Annual Meeting of The Florida Bar and shall assign a mentor for each new member within 30 days thereafter. The Bar's staff liaison is responsible for providing contact information to each mentor and new member mentee after the Chair makes the mentor appointments.

Approved 6-24-10

Amended 9-19-12

Amended 6-22-17

Amended 6-22-23

## APPENDIX

### SUBCOMMITTEE REPORT FORM

(SUBCOMMITTEE NAME/SUBJECT)

**Rules Involved:**

**Date of Report:**

**Chair:**

**Members (include areas of practice for each):**

**Other participants:**

**Meeting dates:**

**Referral Number:**

**Name/Address of Proponent (if not a committee member):**

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#### **I. History/Background:**

**Source of proposal, Relevant Rules Committee history, similar proposals under consideration by other committees:**

(Did the original proposal come from a member of the Committee, a member of the Bar, a litigant, etc., or does it result from a law passed by the Legislature? Please attach any correspondence or other materials received with the referral.)

#### **II. Issues Identified by the Subcommittee:**

#### **III. Subcommittee Recommendation**

(Is the subcommittee recommending a change or no change to the rules? Please report which and give the specific vote in favor of and opposed to that recommendation, e.g. "The subcommittee voted 5-3 in favor of modifying Rule 1.xxx to [describe change]")

#### **IV. Majority Position:**

##### **a. Summary.**

##### **b. Rationale.**

(Please explain why the majority believes that change or no change is necessary or appropriate. Identify the goals that will be served by the change or the concerns that justify preserving the status quo.)

##### **c. Key Points.**

(If a new rule is proposed, please identify the key features of the new rule. If a change in an existing rule is proposed, explain how the change would alter the existing rule and explain what the anticipated result of the change will be.)

**d. Anticipated Impact of Change:**

**i. Does the proposed change necessitate a change in other Rules?** [Note that Family Law Rules and Florida Probate Rules are automatically affected by amendments to Civil Rules]

**ii. What is the anticipated impact of the change on practitioners?**

(If there is no minority position, please be sure to explain here any anticipated problems or consequences caused by the majority position.)

**iii. Does the proposed change secure the just, speedy, and inexpensive determination of every action?**

**V. Minority Position(s):**

**a. Summary**

**b. Rationale.**

(Please explain why the minority believes that change or no change is necessary or appropriate. Identify the goals that will be served by the change or the concerns that justify preserving the status quo.)

**c. Key Points.**

(If a new rule is proposed, identify the key features of the proposed new rule. If a change in an existing rule is proposed, explain how the proposed change would alter the existing rule and explain what the anticipated result of the change will be.)

**d. Anticipated Impact of Change:**

**i. Does the proposed change necessitate a change in other Rules?** [Note that Family Law Rules and Florida Probate Rules are automatically affected by amendments to Civil Rules]

**ii. What is the anticipated impact of the change on practitioners?**

**iii. Does the proposed change secure the just, speedy, and inexpensive determination of every action?**

**VI. Time Considerations for Adopting Proposal:**

(Please explain reasons to expedite, if any.)

**VII. Attach Text of the Proposed Amendments as Exhibits to this Report.  
Remember:**

- a.** Must be in Legislative Format
- b.** Clearly label proposals as Majority or Minority
- c.** Votes must be recorded for report to the full Committee, Board of Governors, and the Florida Supreme Court

**CIVIL PROCEDURE RULES COMMITTEE**

**POST-VOTE REPORT FORM**

**Date:** [insert date]

**Subcommittee Chair:** [identify chair]

**Subcommittee Members:** [identify members]

**A. State the proposed amendment or proposed new rule/form—  
[insert the amendment or new rule/form below].**

**B. Describe what the subcommittee did including the date or dates of any meetings, the substance of the discussions/analyses, substantive law, rules, or case law considered, the subcommittee's recommendation to the Committee. Attach a copy of any subcommittee reports.**

**C. Did the proposed amendment or proposed new rule/form substantively change during or as a result of the Committee meeting? If yes, describe the amendment(s).**

**D. What was the final Committee vote?**

**E. Majority Position's Rationale.**

**F. Minority Position's Rationale.**

**G. Other comments. Include any other matters that could help explain the Committee's action.**