

Supreme Court of Florida

THURSDAY, FEBRUARY 8, 2024

In Re: Amendment to Florida
Rule of Civil Procedure 1.280

SC2021-0929

The Attorney General's motion for rehearing is hereby denied.

MUÑIZ, C.J., and CANADY, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

LABARGA, J., specially concurs with an opinion.

LABARGA, J., specially concurring.

Because the existing Florida Rules of Civil Procedure were sufficient to address abusive discovery tactics, I dissented to the adoption of new rule 1.280(h), which extended the apex doctrine to the private sector. *In re Amend. to Fla. Rule of Civ. Proc. 1.280*, 324 So. 3d 459, 464-67 (Fla. 2021) (Labarga, J., dissenting).

While I adhere to my dissent in that case as well as my dissent to this Court's order allowing the new rule to remain as originally adopted, I agree that the standard for rehearing has not been met in this matter. Thus, I concur in the denial of rehearing.

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John A. Tomasino

Clerk, Supreme Court

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