

IN THE SUPREME COURT OF FLORIDA

RE: AMENDMENTS TO THE FLORIDA
RULES OF CIVIL PROCEDURE

CASE SC03-161

COMMENTS OF HENRY P. TRAWICK, JR.

Henry P. Trawick, Jr. comments on the proposed amendments to the Florida Rules of Civil Procedure as follows:

1. He is a member of The Florida Bar in good standing.
2. He has comments on the following rule change proposals as indicated opposite each rule designation:
(a) Rule 1.070(j) (1) It should not be necessary to repeat that the proposed amended complaint is attached to the motion to amend in this rule when it is required by Rule 1.190(a). Once is enough.

(2) The next to the last sentence in the proposal does not make sense. There is a period after "rule 1.420(a)(1)" and then language follows as though the period did not exist.

(3) The entire reference to the time limit of service after the filing of an amended complaint is inappropriate. Most amended complaints do not have to be served with original process. If the initial service is quashed, the complaint is not amended. There is no purpose served by including the references to amended complaints in the rule. The last sentence is redundant. It is already stated previously.

(b) Rule 1.190(a) A party can incorporate the proposed change to a pleading in the motion itself, but the rule as proposed will not permit that any longer. The sentence should read:

If a party files a motion to amend a pleading, the motion shall contain the proposed amendment or the proposed amended pleading shall be attached to the motion.

(c) Form 1.981 This form is unnecessary, erroneous and the committee note is wrong. The satisfaction of judgment must be recorded. Lawyers do not speak of notarizations. They say verification or acknowledgment. To be recorded, the satisfaction must be acknowledged. See §695.03 Florida Statutes. If the Court decides the form is appropriate for adoption, a proper proposed form is attached. A satisfaction of judgment is not a practice or procedure document.

The undersigned certifies that a copy of the foregoing has been furnished to John F. Harkness, Jr., as Executive Director of The Florida Bar and Dominic C. MacKenzie by mail on March 7, 2003.

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