

IN THE SUPREME COURT OF FLORIDA

**IN RE AMENDMENTS TO THE FLORIDA
RULES OF JUDICIAL ADMINISTRATION,
THE FLORIDA RULES OF CIVIL PROCEDURE,
THE FLORIDA RULES OF CRIMINAL
PROCEDURE, THE FLORIDA RULES OF CIVIL
PROCEDURE FOR INVOLUNTARY
COMMITMENT OF SEXUALLY VIOLENT
PREDATORS, THE FLORIDA PROBATE
RULES, THE FLORIDA RULES OF TRAFFIC
COURT, THE FLORIDA RULES OF JUVENILE
PROCEDURE, THE FLORIDA RULES OF
APPELLATE PROCEDURE, AND THE
FLORIDA FAMILY LAW RULES OF PROCEDURE –
COMPUTATION OF TIME** **CASE NO.: SC10-2299**

**JOINT RESPONSE OF RULES COMMITTEES
TO COURT’S OCTOBER 13, 2011 ORDER**

Keith H. Park, Chair, Rules of Judicial Administration Committee, Kevin D. Johnson, Chair, Civil Procedure Rules Committee, Hon. Donald E. Scaglione, Chair, Criminal Procedure Rules Committee, John C. Moran and Tasha K. Pepper-Dickinson, Co-chairs, Florida Probate Rules Committee, Jill M. Hampton, Chair, Traffic Court Rules Committee, Joel Michael Silvershein, Chair, Juvenile Court Rules Committee, Jamie B. Moses, Appellate Court Rules Committee, Judson L. Cohen, Chair, Small Claims Rules Committee, Ashley J. McCorvey Myers, Chair, Family Law Rules Committee, Hon. Kevin Emas, Chair, Criminal Court Steering Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this joint response to the Court’s October 13, 2011, order in this case.

In its October 13, 2011, order, the Court proposed further amendments to the rule amendments previously submitted by the joint rules committees in this case and asked that the rules committees file a joint response no later than November 14, 2011. The committees created a joint ad hoc subcommittee to review the Court’s proposed amendments, chaired by George Tragos. The committee members included six Rules of Judicial Administration Committee members and the chair or his or her designee of each additional rules committee.

During a subcommittee conference call on October 24, 2011, the subcommittee members agreed with the changes proposed by the Court. The subcommittee also approved six amendments to the Court's proposal:

1. A technical amendment to *Fla. R. Juv. P.* 8.240(c) and 8.630(c). Because subdivision (c)(2) has been deleted, subdivision (c)(1) should become (c) and the title of the subdivision changed to "Time for Service of Motions and Notice of Hearing."

2. For consistency, to use the language found in *Fla. R. Civ. P.* 1.090(a) ("Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.") throughout the rules. This decision required amendments to *Fla. Prob. R.* 5.042, *Fla. R. Traf. Ct.* 6.350, *Fla. R. Juv. P.* 8.180, 8.240, and 8.630, and *Fla. R. App. P.* 9.420.

3. To amend *Fla. R. Jud. Admin.* 2.514(a)(4)(A) to read; "for electronic filing or for service by any means, at midnight." Kevin Johnson, Chair, Civil Procedure Rules Committee, brought to the subcommittee's attention that provisions such as *Fla. R. Civ. P.* 1.070(j), 1.140(a)(1), and 1.320(a) contain time limitations for service.

4. To move the exception to *Fla. R. Crim. P.* 3.130, 3.132(a) and (c), and 3.133(a) from *Fla. R. Jud. Admin.* 2.514(a)(3) to *Fla. R. Crim. P.* 3.040. This amendment conforms the exceptions to *Rule* 2.514 in the criminal and juvenile rules. The subcommittee also believed that a criminal practitioner would be more likely to find the exception in the criminal rules.

5. To amend the heading of *Fla. R. Jud. Admin.* 2.514(a)(3) to read: "Period Stated in Days Less than Seven Days." The amendment was made for clarity and to conform to the other headings in *Rule* 2.514(a).

6. *Fla. R. Juv. P.* 8.180, 8.240, and 8.630 were amended to strike subdivision (a) in its entirety and replace it with a new subdivision (a). The new subdivision (a) states that *Fla. R. Jud. Admin.* 2.514 shall apply to computation of time except for rules relating to shelter and detention hearings. Sections 39.402(8)(a), 984.14(4), and 985.255(3)(a), Florida Statutes, state that a child may not be continued in detention or shelter unless a hearing is held within 24 hours after the child is taken into custody. The effect of *Rule* 2.514(a)(2)(C) would be to extend this period if the 24 hours expired on a Saturday, Sunday, or legal holiday.

This amendment ensures that shelter and detention hearings will continue to be held within 24 hours, as required by statute.

Following approval of the amendments by the ad hoc subcommittee, they were submitted to each of the rules committees for approval by email vote. The votes on all five proposals were as follows:

Rules of Judicial Administration Committee: 28-0
Civil Procedure Rules Committee: 29-1
Criminal Procedure Rules Committee: 32-1
Probate Rules Committee: 25-0
Traffic Court Rules Committee: 22-0
Small Claims Rules Committee: 23-0
Juvenile Court Rules Committee: 16-5, with 1 abstention
Appellate Court Rules Committee: 36-1
Family Law Rules Committee: 17-1

The amendments were also submitted to the Executive Committee of The Florida Bar Board of Governors and approved by a vote of 11-0.

The Court's proposed amendments with the committees' amendments (shown in double underline and double strike-through) are attached as Appendix A.

Each rules committee chair and the chair of the Criminal Court Steering Committee listed below has agreed to Keith Park, Chair, Rules of Judicial Administration Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, signing this response on their committee's behalf.

The rules committees therefore request that the Court amend the rules of procedure as outlined in this response.

Respectfully submitted _____.

KEITH PARK
Chair
Rules of Judicial Administration
Committee
P. O. Box 3563
West Palm Beach, FL 33402
561.686.7711
Florida Bar No.: 216844

JOHN F. HARKNESS, JR.
Executive Director
The Florida Bar

651 E. Jefferson St.
Tallahassee, FL 32399
850.561.5600
Florida Bar No.: 123390

Kevin D. Johnson, Chair
Civil Procedure Rules Committee
201 One Tampa City Center
Ste. 1600
Tampa, FL 33602
813.273.0050
Florida Bar No.: 13749

Hon. Donald Scaglione, Chair
Criminal Procedure Rules Committee
20 North Main Street, Room 359
Brooksville, FL 34601
352.754.4295
Florida Bar No.: 547141

Tasha K. Pepper-Dickinson, Co-chair
Probate Rules Committee
505 S. Flagler Drive, Ste. 1100
West Palm Beach, FL 33401
561.650.0439
Florida Bar No.: 122386

John C. Moran, Co-chair
Probate Rules Committee
777 S. Flagler Drive, Ste. 500 E
West Palm Beach, FL 33401
561.650.0515
Florida Bar No.: 505072

Jill M. Hampton, Chair
Traffic Court Rules Committee
733 West Colonial Drive
Orlando, FL 32804
407.849.2949
Florida Bar No.: 577571

Judson L. Cohen, Chair
Small Claims Rules Committee
1 S.E. 3rd Avenue, Ste. 2900
Miami, FL 33131
305.374.1011
Florida Bar No.: 948748

Joel M. Silvershein, Chair
Juvenile Court Rules Committee
201 S.E. 6th Street, Ste. 660
Ft. Lauderdale, FL 33301
954.831.7913
Florida Bar No.: 608092

Jamie B. Moses, Chair
Appellate Court Rules Committee
P. O. Box 712
Orlando, FL 32802
407.843.2111
Florida Bar No.: 9237

Ashley J. McCorvey Myers, Chair
Family Law Rules Committee
1912 Hamilton Street, Ste. 204
Jacksonville, FL 32210
904.388.4030
Florida Bar No.: 75752

Hon. Kevin Emas, Chair
Criminal Court Steering Committee
2001 SW 117th Avenue
Miami, FL 33175
305.229.3200
Florida Bar No.: 353566

CERTIFICATE OF SERVICE

I certify that a copy of this response was served by U.S. Mail on _____
_____ to:

Patrick Scott
401 E. Las Olas Blvd.
Ste. 1850
Ft. Lauderdale, FL 33301

Barton Schneider
500 S. Duval Street
Tallahassee, FL 32399

APPENDIX A

RULE 1.090. TIME

(a) Computation. ~~In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.~~

(b) Enlargement. When an act is required or allowed to be done at or within a specified time by order of court, by these rules, or by notice given thereunder, for cause shown the court at any time in its discretion (1) with or without notice, may order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made and notice after the expiration of the specified period, may permit the act to be done when failure to act was the result of excusable neglect, but it may not extend the time for making a motion for new trial, for rehearing, or to alter or amend a judgment; making a motion for relief from a judgment under rule 1.540(b); taking an appeal or filing a petition for certiorari; or making a motion for a directed verdict.

(c) – (d) [No change]

~~**(e) Additional Time after Service by Mail.** When a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon that party and the notice or paper is served upon that party by mail, 5 days shall be added to the prescribed period.~~

RULE 2.514. COMPUTING AND EXTENDING TIME

(a) Computing Time. The following rules apply in computing any time periods specified in any ~~the~~ rules of procedure, in any local rule, ~~or~~ court order, or in any statute, that does not specify a method of computing time.

(1) Period Stated in Days or a Longer Unit. When the period is stated in days or a longer unit of time

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, or falls within any period of time extended through an order of the chief justice under Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.

(2) Period Stated in Hours. When the period is stated in hours

(A) begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

(C) if the period would end on a Saturday, Sunday, or legal holiday, or during any period of time extended through an order of the chief justice under Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.

(3) Period Stated in Days Less Than Seven Days. When the period stated in days is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation, ~~except for the periods of time~~

~~of less than 7 days contained in Rules of Criminal Procedure 3.130, 3.132(a) and (e), and 3.133(a).~~

[Do Not Adopt]~~(3) **Inaccessibility of the Clerk’s Office.** Unless the court orders otherwise, if the court is closed either as a result of an order of the Chief Justice under rule 2.205(a)(2)(B)(iv) tolling or suspending applicable deadlines or if the clerk’s office is otherwise inaccessible to accept filings~~

~~_____ (A) on the last day for filing under subdivision (a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or~~

~~_____ (B) during the last hour for filing under subdivision (a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.~~

[Do Not Adopt]~~(4) **Closure of Courthouse.** If a circuit or county has more than one courthouse and not all courthouses are closed by the entry of an order of the Chief Justice under Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), the computation of time set forth in subdivision (a)(3) shall apply to all closed courthouses in the circuit or county, and the computation of time set forth in subdivisions (a)(1) and (a)(2) shall apply to all open courthouses in the circuit or county unless the chief judge requests otherwise.~~

~~**(54) “Last Day” Defined.** Unless a different time is set by a statute, local rule, or court order, the last day ends~~

~~(A) for electronic filing or for service by any means, at midnight; and~~

~~(B) for filing by other means, when the clerk’s office is scheduled to close.~~

~~**(65) “Next Day” Defined.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.~~

~~**(76) “Legal Holiday” Defined.** “Legal holiday” means~~

(A) the day set aside by section 110.117, Florida Statutes, for observing New Year's Day, Martin Luther King, Jr.'s Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the Friday after Thanksgiving Day, or Christmas Day, and

(B) any day observed as a holiday by the clerk's office or as designated by the chief judge.

(b) Additional Time After Service by Mail or Email. When a party may or must act within a specified time after service and service is made by mail or email, 5 days are added after the period that would otherwise expire under subdivision (a).

RULE 3.040. COMPUTATION OF TIME

~~In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, nor legal holiday. When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation, except for the periods of time of less than 7 days contained in rules 3.130, 3.132(a) and (c), and 3.133(a). Computation of time shall be governed by Florida Rule of Judicial Administration 2.514, except for the periods of time of less than 7 days contained in rules 3.130, 3.132(a) and (c), and 3.133(a).~~

Committee Notes

[No Change]

RULE 4.090. TIME

(a) Computation. ~~In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.~~ Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.

(b) Enlargement. When an act is required or allowed to be done at or within a specified time by order of court, by these rules, or by notice given thereunder, for cause shown the court at any time in its discretion (1) with or without notice, may order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made and notice after the expiration of the specified period, may permit the act to be done when failure to act was the result of excusable neglect, but it may not extend the time for making a motion for new trial, for rehearing, or to alter or amend a judgment.

RULE 5.042. TIME

(a) Computation. ~~Computation of time shall be governed by Florida Rule of Judicial Administration 2.514, shall apply in computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the period begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the period is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded. Any day the clerk's office is closed shall be deemed a legal holiday for purposes of this rule.~~

(b) Enlargement. When an act is required or allowed to be done at or within a specified time by these rules, by order of court, or by notice given thereunder, for cause shown the court at any time in its discretion

(1) with or without notice may order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or

(2) on motion made and notice after the expiration of the specified period may permit the act to be done when failure to act was the result of excusable neglect. The court under this rule may not extend the time for serving a motion for rehearing or to enlarge any period of time governed by the Florida Rules of Appellate Procedure.

(c) [No Change]

(d) Additional Time after Service by Mail or Email. Except when serving formal notice, or when serving a motion, pleading, or other ~~paper~~document in the manner provided for service of formal notice, Florida Rule of Judicial Administration 2.514 shall apply to the computation of time following service~~when an interested person has the right or is required to act within a prescribed period after the service of notice or other paper on the interested person and the notice or paper is served by mail, 5 days shall be added to the prescribed period.~~

Committee Notes

[No Change]

Rule History

1984 Revision - 2008 Revision: [No Change]

2011 Revision: Subdivision (a) revised to refer to Rule 2.514 and delete duplicative provisions. Subdivision (d) revised to incorporate service by email and the filing and service of documents, rather than papers. Committee notes revised.

Statutory References

[No Change]

Rule References

Fla. Prob. R. 5.040(a)(1) Notice.
Fla. Prob. R. 5.150 Order requiring accounting.
Fla. Prob. R. 5.240 Notice of administration.
Fla. Prob. R. 5.241 Notice to creditors.
Fla. Prob. R. 5.340(a)-(b) Inventory.
Fla. Prob. R. 5.345 Accountings other than personal representatives' final accountings.
Fla. Prob. R. 5.395 Notice of federal estate tax return.
Fla. Prob. R. 5.400 Distribution and discharge.
Fla. Prob. R. 5.649 Guardian advocate.
Fla. Prob. R. 5.681 Restoration of rights of person with developmental disability.
Fla. Prob. R. 5.700 Objection to guardianship reports.
Fla. R. Civ. P. 1.090 Time.
Fla. R. Jud. Admin. 2.514 Computing and extending time.

RULE 6.350. COMPUTATION OF TIME.

~~In computing any period of time prescribed or allowed by these rules, by order of an official, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is Saturday, Sunday, or a legal holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. The eComputation of time shall be governed by Florida Rule of Judicial Administration 2.514.~~

~~RULE 6.370. — ADDITIONAL TIME AFTER SERVICE BY MAIL [With amendments from SC10-2101]~~

~~When a defendant has a right or is required to do some act within a prescribed period after service of a notice or other document and the notice or document is served by a method other than hand delivery, 5 days shall be added to the prescribed period.~~

~~Committee Notes~~

~~**1992 Amendment.** A change from 3 to 5 additional days allowed for mailing, as allowed by Florida Rule of Civil Procedure 1.190(e).~~

RULE 8.085. PREHEARING MOTIONS AND SERVICE

(a) – (c) [No Change]

~~**(d) — Additional Time After Service by Mail.** Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of notice or other paper and the notice or paper is served by mail, 5 days shall be added to the prescribed period.~~

(ed) Pleading to Be Signed by Attorney. Every written paper or pleading of a party represented by an attorney shall be signed in the attorney's individual name by such attorney, whose address and telephone number, including area code, and Florida Bar number shall be stated, and who shall be duly licensed to practice law in Florida. The attorney may be required by an order of court to vouch for the authority to represent such party and to give the address of such party. Except when otherwise specifically provided by these rules or applicable statute, pleadings as such need not be verified or accompanied by affidavit.

(fe) Pleading to Be Signed by Unrepresented Party. A party who has no attorney but represents himself or herself shall sign the written pleading or other paper to be filed and state his or her address and telephone number, including area code.

(gf) Effect of Signing Pleading. The signature of a person shall constitute a certificate that the paper or pleading has been read; that to the best of the person's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading or paper is not signed, or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the pleading or paper had not been served.

Committee Notes

[No Change]

RULE 8.180. COMPUTATION AND ENLARGEMENT OF TIME

~~(a) **Computation.** In computing any period of time prescribed or allowed by these rules, Computation of time shall be governed by Florida Rule of Judicial Administration 2.514 shall [remove]not apply. e[Except [remove] for rules 8.013 and 8.010, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run under rules 8.013 and 8.010 is not to be included. The last day of the period so computed shall be counted, unless it is Saturday, Sunday, or a legal holiday, [remove]or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.~~

(a) **Computation.** Computation of time shall be governed by Florida Rule of Judicial Administration 2.514, except, for rules 8.013 and 8.010 to which rule 2.514(a)(2)(C) shall not apply and the statutory time period shall govern.

(b) Enlargement of Time. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for good cause shown may, at any time, in its discretion:

(1) with or without notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order; or

(2) upon motion made and notice after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

But it may not, except as provided by law or elsewhere in these rules, extend the time for making a motion for a new trial, a motion for rehearing, judgment of acquittal, vacation of judgment, or for taking an appeal. This rule shall not be construed to apply to detention hearings.

**RULE 8.240. COMPUTATION, CONTINUANCE, EXTENSION,
AND ENLARGEMENT OF TIME**

~~(a) **Computation.** In computing any period of time prescribed or allowed by these rules, Computation of time shall be governed by Florida Rule of Judicial Administration 2.514 shall [remove]not apply. cExcept for rules 8.300 and 8.305, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run under rules 8.300 and 8.305 is not to be included. The last day of the period so computed shall be counted, unless it is a Saturday, a Sunday, or a legal holiday, [remove]or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.~~

s (a) Computation. Computation of time shall be governed by Florida Rule of Judicial Administration 2.514, except for rules 8.300 and 8.305 to which rule 2.514(a)(2)(C) shall not apply and the statutory time period shall govern.

(b) Enlargement of Time. When by these rules, by a notice given under them, or by order of court an act is required or allowed to be done at or within a specified time, the court for good cause shown, within the limits established by law, and subject to the provisions of subdivision (d) of this rule, may, at any time, in its discretion (1) with or without notice, order the period enlarged if a request is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) on motion made and notice after the expiration of the specified period permit the act to be done when the failure to act was the result of excusable neglect. The court may not, except as provided by law or elsewhere in these rules, extend the time for making a motion for new trial, for rehearing, or vacation of judgment, or for taking an appeal. This rule shall not be construed to apply to shelter hearings.

(c) **Time for Service—(1)—of Motions and Notice of Hearing.** A copy of any written motion that may not be heard ex parte and a copy of the notice of hearing shall be served a reasonable time before the time specified for the hearing.

~~(2)—Additional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of notice or other paper is served by mail, 5 days shall be added to the prescribed period.~~

(d) [No Change]

RULE 8.630. COMPUTATION AND ENLARGEMENT OF TIME

~~(a) **Computation.** In computing any period of time prescribed or allowed by these rules, Computation of time shall be governed by Florida Rule of Judicial Administration 2.514 shall ~~remove~~not apply. Except for rule 8.655, by order of court or by any applicable statute, the day of the act or event from which the designated period of time begins to run under rule 8.655 is not included. The last day of the period so computed shall be counted unless it is Saturday, Sunday, or a legal holiday, ~~remove~~or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.~~

(a) **Computation.** Computation of time shall be governed by Florida Rule of Judicial Administration, except for rule 8.655 to which rule 2.514(a)(2)(C) shall not apply and the statutory time period shall govern.

(b) **Enlargement of Time.** When by these rules, by a notice given thereunder, or by order of court an act is required or allowed to be done at or within a specified time, the court for good cause shown may, at any time in its discretion, (1) with or without notice order the period enlarged if the request is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made and notice after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not, except as provided by law or elsewhere in these rules, extend the time for making motion for new trial, for rehearing, or for vacation of judgment or for taking an appeal. This rule shall not be construed to apply to detention or shelter hearings.

(c) **Time for Service.** ~~(1)~~ of Motions and Notice of Hearing. A copy of any written motion which may not be heard ex parte and a copy of the notice of the hearing thereof shall be served a reasonable time before the time specified for the hearing.

~~(2) **Additional Time after Service by Mail.** Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of notice or other paper and the notice or paper is served by mail, 5 days shall be added to the prescribed period.~~

RULE 9.420. FILING; SERVICE OF COPIES; COMPUTATION OF TIME

(a) – (d) [No Change]

~~(e) — **Additional Time After Service by Mail.** If a party, court reporter, or clerk is required or permitted to do an act within some prescribed time after service of a document, and the document is served by mail, 5 days shall be added to the prescribed period.~~

~~(f) **Computation.** The eComputation of time shall be governed by Florida Rule of Judicial Administration 2.514. In computing any period of time prescribed or allowed by these rules, by order of the court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a holiday described below, in which event, the period shall run until the end of the next day that is neither a Saturday, Sunday, nor holiday. If the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. As used in this rule, holiday means~~

~~(1) — New Year's Day;~~

~~(2) — Martin Luther King, Jr.'s Birthday, the third Monday in~~

January;

~~(3) — Washington's Birthday, the third Monday in February;~~

~~(4) — Good Friday;~~

~~(5) — Memorial Day, the last Monday in May;~~

~~(6) — Independence Day;~~

~~(7) — Labor Day, the first Monday in September;~~

~~(8) — Columbus Day, the second Monday in October;~~

~~(9) — Veterans' Day;~~

~~(10) — General Election Day;~~

~~(11) — Thanksgiving Day, the fourth Thursday in November;~~

~~(12) — Christmas Day;~~

~~(13) — any statewide primary day;~~

~~(14) — any Monday immediately following a Sunday on which one of the foregoing holidays falls; and~~

~~(15) — any other day when the clerk's office is closed.~~

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 12.090. TIME [With amendments from SC10-2101]

Computation of time shall be governed by Florida Rule of Judicial Administration 2.514. Other aspects of tTime shall be governed by Florida Rules of Civil Procedure 1.090(b)~~(ed)~~~~, except that an additional 5 days added to the prescribed period after service, as provided in rule 1.090(e), shall also apply to service by email.~~

Committee Notes

[No Change]

I certify that this response has been prepared in conformance with the font requirements of *Fla. R. App. P. 9.210(a)(2)*.

I certify that *Rule 12.340* was read against West's *Florida Rules of Court, Volume I – State*, 2011 Revised Edition.

Ellen H. Sloyer
Rules Committee Liaison
The Florida Bar
651 E. Jefferson St.
Tallahassee, FL 32399
850.561.5709