IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION **CASE NO. SC11-**

THE FLORIDA RULES OF JUDICIAL ADMINISTRATION COMMITTEE OUT-OF-CYCLE REPORT TO AMEND RULE 2.420

Keith H. Park, Chair of the Florida Rules of Judicial Administration Committee ("RJA" or "Committee"), and John F. Harkness, Jr., Executive Director of The Florida Bar, file this out-of-cycle report of the Committee, under *Fla. R. Jud. Admin*. 2.140(e).

The Committee proposes amendments to *Rule* 2.420. The voting record for the Committee on the rule provisions is shown on page 4. The Committtee voted 28-0 to submit this report out-of-cycle. The Board of Governors of The Florida Bar has reviewed the proposed amendments and voted 27-0 in favor of these amendments.

Due to time constraints, notice of the amendments was not published in The Florida Bar *News.*

ATTACHMENTS:

Appendix A:	Proposed amendments to *Fla. R. Jud. Admin.* 2.420 in legislative format
Appendix B:	Two-column chart

BACKGROUND/HISTORY:

In its opinion dated March 18, 2010 (Case No. SC07-2050), the Florida Supreme Court adopted significant and substantial amendments to *Fla. R. Jud. Admin.* 2.420. Despite the best and valiant efforts of the drafters of the amended rule, it is not surprising that such a large body of work has encountered various implementation problems. Some of these problems arise from the apparent failure on the part of filers and clerks to follow the rule as written. Most of these issues either have been resolved or should resolve themselves with the passage of time after filers and clerks become more accustomed to the operation of the rule and further education is made available. However, some of the issues involving the

operation of the rule arise from the need to further amend the rule to correct errors and to clarify the rule's intent. Unfortunately, due to the complexity of the rule, it can be unequivocally stated that not all of the problems with this rule have been adequately addressed by the attached proposed amendments. This rule will continue to be a "work in progress."

Perhaps the most obvious thing that can be stated about *Rule* 2.420 is that it is not easily comprehended without multiple readings. One of the difficulties in understanding the operation of the rule is the many internal references to other portions of the rule. Such internal referencing tends to increase the level of comprehension needed to understand the rule while allowing the overall length of the rule to be as short as possible. Nonetheless, when printed in its entirety, the present rule is over 14 pages long, exclusive of the Notice form. Although the proposed amendments to the rule will moderately increase the length of the rule, the Committee believes that the proposed amendments will also increase the rule's functionality.

OUT OF CYCLE:

Due to the various issues that have been encountered since the rule was implemented and the perceived need to amend the rule sooner rather than later, the Committee voted to present the attached proposed amendments to *Rule* 2.420 out of the normal cycle. (The next reporting cycle for the Committee is in 2014.) The Committee favored submitting this out of cycle report to the Florida Supreme Court by a vote of 28 – 0.

PARTICIPANTS:

Aside from the diligent work of the members of RJA Subcommittee B and other RJA Committee members, the Committee was honored to have the help of a devoted number of participants who are not members of the Committee. These volunteers not only helped identify the various problems, but also participated in providing and vetting solutions. In addition to the Subcommittee B members, the following participants (in no particular order) provided substantial assistance to the overall work effort and the amendments attached hereto: **Judge Judith Kreeger** (served on the Joint Committee which drafted the existing rule); **Thomas D. Hall** (Clerk of the Florida Supreme Court); **Timothy McLendon** (served on the Joint Committee); **David Ellspermann** (Marion County Clerk and served on the Joint Committee); **John Morrison** (Public Defender's office, 11th Circuit); **Judge Fleur Lobree** (served on the Joint Committee and former Chair of the Criminal

Procedure Rules Committee); **Katie Glynn** (Attorney for Marion County Clerk); **Denise Coffman** (Attorney for Palm Beach County Clerk); **Jeffrey Goethe** (former Chair of the Probate Rules Committee); **Jodi Jennings** (Bar Liaison) and **R. B. "Chips" Shore** (Manatee County Controller and Clerk).

RJA Subcommittee B did most of the "heavy lifting" with researching and drafting the many proposals and drafts that were circulated over a period of 9 months beginning in December, 2010. Subcommittee B originally consisted of **Keith H. Park** (Chair); **Craig Anthony Gibbs** (Vice-Chair); **Michael Sampson**; **Judge Joseph Lewis**; **Thomas Warner** and **Michael Cavendish**. As of July, 2011, Subcommittee B consisted of **Corrine C. Hodak** (Chair); **Robert Strain** (Vice-Chair); **Deborah Greene**; **Marynelle Hardee**; **Merrily Longacre**; **Paul Regensdorf** (served on the original Joint Committee); **Ivan Reich**; and **Alexandra Rieman** (served on the Joint Committee). Keith H. Park, Craig Anthony Gibbs, and Michael Sampson continued to participate with the new subcommittee.

PROCESS:

Not counting the many individual telephone conversations among the participants, RJA Subcommittee B met 22 times by teleconference between mid-December 2010 and mid-September 2011 with a total meeting time in excess of 30 hours. Including all participants, an average of more than 9 persons attended each of the meetings. Seemingly countless proposals were circulated that accounted for many of the more than 1400 emails that were exchanged among the participants regarding this subject matter.

The first task of Subcommittee B was to develop a list and an understanding of which rule provisions needed to be "fixed." This list changed and grew with virtually every meeting of the subcommittee. Given the complexity of the rule, it was initially difficult for everyone on the subcommittee to comprehend the nature of the problems that practitioners and clerks are having with the rule. Additionally, Subcommittee B continually evaluated the impact that electronic filing would have regarding the issues and potential solutions. Part of trying to understand both the problems and their impact on the operation of the rule was eventually resolved by enlisting the assistance of the various disciplines and persons who most often are required to consider the application of the rule. To this end, the most helpful additions as participants in the project were those who had judicial experience, experience in clerks' offices, criminal law experience, and those who worked on the original draft of the rule.

What the participants did not foresee when they began their work was that for every problem addressed, several more came to light. Accordingly, the more the participants "worked the problem," the more they learned about myriad additional problems and the more complicated the potential solutions became. Therefore, to the extent possible, the goal throughout was to simplify the solutions. Subcommittee B continued to be made aware of additional concerns with the rule up through and including the very last subcommittee meeting held in mid September 2011.

VOTING RE: PROPOSED AMENDMENTS:

At the RJA Committee meeting held on September 22, 2011, the final vote by the RJA Committee regarding the proposed amendments to *Rule* 2.420 was as follows:

1. As to subdivision (h) (oral motions), the vote was 19-4 in favor of approval;
2. As to the amended notice form, (d)(2), and (*l*) (service), the vote was 20-1-1 in favor of approval; and
3. As to all other proposed amendments to the rule, the vote was 20-4 in favor of approval.

SUMMARY AND RATIONALE OF PROPOSED AMENDMENTS:

Subdivision (b)(6): The definition of "filer" was added to the rule for clarification purposes. The "filer" is the individual who has the ultimate responsibility for what is filed. Additionally, "filer" was clarified to exclude judges and clerks from the definition. The plain language of current subdivision (d)(2) would apply to judges, and the Committee viewed this as an unintended consequence. However, the Committee also felt that the court should provide "notice" of confidential information in a document filed by the court and addressed this concern in subdivision (d)(5). The clerk of the court was also specifically excluded from the definition due to reported confusion because clerks physically put documents in court files and because clerks file trial court documents with the appellate court.

Subdivision (d)(1)(B): There have been reports of confusion among filers and inconsistencies among clerks regarding how to treat the 20 listed categories. It was concluded that at least some of these difficulties would not likely be remedied by any particular "fix" to the rule and that perhaps a more important remedy was related to educating everyone who is involved with the filing of confidential information. One of the conceptual problems that may require additional

education of those affected by the rule is the apparent belief by some that the descriptions contained in the 20 categories "trumps" the language of the statutes and rule referenced within the 20 items. For instance, some clerks have treated an entire death certificate as confidential based on the language in (d)(1)(B)(vi) despite the clear language to the contrary contained in the referenced statute.

Although the entire subcommittee felt that the rule unquestionably requires clerks and filers to base the evaluation of confidentiality on the content of the statutes involved (and not the language in the separate provisions of (d)(1)(B)), it was also believed that the operative language would be made clearer by deleting the word "under" and replacing it with "as specifically stated in".

Subdivisions (d)(1)(B)(i)-(xx): Part of the problem stated above arises from incorrect or inaccurate descriptions in the rule about what is confidential under the statutes or rule. Therefore, the Committee attempted to correct the language in the individual 20 categories set forth under (d)(1)(B) so that the descriptions did not conflict with the statutes or rule referenced. The goal of the Committee was not to restate the operative language in the statutes or rule, but to merely provide a more correct description of what is contained in the statutes or rule. By making these changes, it is hoped that the language within the provisions of (d)(1)(B) will no longer be inconsistent with statutes and that if a question exists regarding confidentiality, the clerks and filers will rely on the content of the referenced statutes or rule as applicable. Other specific proposed amendments within subdivision (d)(1)(B) are:

> **Subdivision (d)(1)(B)(iii)**: The reference to the effective date of the statute regarding the confidentiality of social security, bank account, charge, debit, and credit card numbers was corrected from 2011 to 2012.
>
> **Subdivision (d)(1)(B)(xx)**: The Committee concluded that the statutes referenced in this subdivision do not specifically make the presentence investigation reports exempt and should therefore be deleted. The Committee was also concerned that the explicit reference to the "psychological or psychiatric evaluations" could be misinterpreted to mean that such evaluations would then keep their exempt status for other purposes. It was deemed that such an interpretation would not be accurate, and therefore the Committee proposes to delete the language. Accordingly, the Committee added the word "complete" to also mean that the inclusion of any attachments to the presentence investigation report are exempt,

including the psychological or psychiatric evaluations attached to the document.

Subdivision (d)(2) and the Notice Form: One of the first concerns addressed during the analysis of this rule was the explicitness of the Notice form. The Notice form referenced in current subdivision (d)(2) and attached to the rule is in many instances so explicit that by completing and filing the form, the filer is disclosing the very information that the filer is attempting to keep confidential. For instance, by filing a Notice that designates that a document contains HIV, tuberculosis, or sexually transmitted disease information, one has potentially revealed the very information sought to be kept confidential.

The explicitness issue of the Notice form was one of the more difficult problems addressed. Several methods of solving the problem were investigated and discussed. Some form of "masking" within the Notice was considered, which would obfuscate the explicitness by either "bundling" many of the 20 categories together or creating "codes" that would require further investigation in order for someone to understand which of the 20 categories is being referenced. For various reasons, all of these potential solutions were rejected.

The Committee concluded that whatever solution was selected would need to be electronic filing "friendly," paper "friendly," and clerk "friendly." Because of these concerns, the Committee enlisted the aid of those sources familiar with the practical problems involved with filing documents from the clerk's perspective. It was believed that one of the obvious problems in any filing scheme was the need to accommodate possible personnel shortages in the clerks' offices. Therefore, even though the software that will become broadly available in the near future is designed to identify many of the items designated as confidential, such software will not totally obviate the need for human eyes in a clerk's office to review the documents.

Based on the combination of resources consulted, the best possible resolution was to recommend the use of a more generic form to give public notice that is sufficient and not explicit. Accordingly, the proposed amendment deletes the requirement to identify the specific portion of subdivision (d)(1)(B) that applies to the Notice. See Appendix A.

One proposed solution to the explicitness issue was to eliminate the Notice form completely. It was recommended that the Notice form be eliminated in its entirety because the clerks already know to keep most, if not all, of this

information confidential, and all of the information can be identified as confidential by redaction software. It was argued quite persuasively that the Notice form was intended solely to notify the clerk, that clerks considered the form to be unnecessary, and that the form only served to clog up the system with another document to file. However, not all clerks feel that the form is unnecessary, especially in the “paper filing world.” Moreover, it is highly questionable whether the form is solely designed as a notice to the clerk and the absence of the form may create problems for the general public, affected non-parties, and appellate courts.

Additionally, a proposal was suggested on behalf of probate practitioners to create an exception for the requirement of filing the Notice form under subdivisions (d)(1)(B)(xi) and (xv). The rationale for the proposed exception is that all clerks are aware that these items are confidential when filed in the probate files and that the Notice should only be necessary when such items are filed in other types of court files. The Committee ultimately rejected the proposal because it was felt that many of the other items listed in subdivision (d)(1)(B) could also arguably be subject to exceptions for filing the Notice and that such exceptions may tend to “swallow” the entire subdivision. Again, it was believed that the absence of the form could present problems for affected non-parties and appellate courts and that the absence of such form may also impact the apparent policy of providing public notice of the filing.

However, despite the Committee’s rejections of the proposal to entirely delete the Notice filing requirement and the proposal to create exceptions to the requirement, the Committee is cognizant of the anticipated impact that electronic filing may have on the requirement to file such a notice. With electronic filing, the requirement of notice could conceivably be satisfied by merely checking a box, and the actual Notice form may thereafter only be needed in the event that confidential information was filed in the past that requires redaction.

To reduce confusion, if the entirety of a document is confidential, the Committee recommends that the filer need not identify the location of the confidential information. Instead, the proposed amended Notice form allows the filer to indicate that the entire document is confidential.

To clarify the uncertainty of what a filer should do, a sentence was added to the subdivision to state that the notice procedure is not necessary when the entire file is confidential. Although the current Notice form has a notation for each category when the form is not necessary, the current rule language is silent on the matter.

Subdivision (d)(2)(A): Early in the investigative process, it was confirmed that some attorneys are not following the rule and are not filing the required Notice form. Additionally, it was learned that not only are attorneys failing to file the required forms, but pro se litigants in civil cases and non-attorneys in criminal cases are filing documents containing confidential information without the Notice form. The combination of these factors and the reduction of staff in clerks' offices are potentially causing many documents containing confidential information to be filed for which the only remedy is to subsequently file a motion and have a hearing to remove the confidential information. This process means that either confidential information unnecessarily remains open to public access or that the court's time will be unnecessarily used to hear motions to determine confidentiality. Although it was initially questioned whether confidential information could be redacted by the clerk after the document was filed, subdivision (d)(1)(B) clearly gives the clerk the responsibility of maintaining confidentiality of information without specifying a time frame. However, representatives of clerks felt uncomfortable with the task of sealing information in a court file after a document has been filed without an order of court or a rule expressly addressing the issue.

The purpose of this subdivision is to allow "after the fact" redaction for documents that were not properly designated by the filer and that escaped the clerk's watchful eye. With the existence of adequate software, this may not be a concern in the e-filing world. The rule requires the clerk to keep the (d)(1)(B) items confidential whether the proper notice is filed or not. However, there are reports that documents containing confidential information are being intentionally or inadvertently filed that the clerks are understandably not always able to protect — at least in the "paper filing world."

Concern was raised that this procedure may allow filers to procrastinate and not file the required notices when the document is initially filed because the Notice can be filed at a later date. There was also concern that the procedure may cause more work for clerks. Additionally, since the confidential information has already been made available for public access, one could argue that the damage had been done and there is nothing left to protect. The Committee ultimately determined that sanctions were available for abuse of the Notice filing requirements and that maintaining the confidentiality of the information was the most important goal. Therefore, the subcommittee deemed that the goal of confidentiality should be accomplished "better late than never" with a simpler process than currently exists.

This concept was also added to the amended Notice form.

Subdivision (d)(2)(B): This portion of the rule was rewritten to accommodate "after the fact" redaction referred to in subdivision (d)(2)(A) and the removal of the need to identify the appropriate provision in (d)(1)(B). Additionally, the time frame for action by the clerk was clarified.

Subdivision (d)(3): The language was corrected to use the term "filer".

Subdivision (d)(4): References to subdivision (g)(1) and (g)(5) were added.

Subdivision (d)(4)(D)(i): The reference to the name of the motion was corrected.

Subdivision (d)(4) – last 2 sentences: The Committee included a reference to new subdivision (*l*) which *inter alia* directs service on affected non-parties.

Based on the inclusion of new subdivision (*l*), the last sentence was stricken. The Committee concluded that it would be better to consolidate all references to such service in subdivision (*l*).

Subdivision (d)(5): Because the court by definition is not a "filer" and is not required to provide a Notice regarding confidentiality, this subdivision requires the court to properly identify confidential information in an order or other filing and requires the court to provide a redacted version for the clerk to file and record as applicable. It was felt that the court is in a better position to properly identify and redact confidential material as opposed to the clerk.

Subdivisions (e)(1)(B) and (C): The phrase "without revealing confidential information" is added in an attempt to limit the possibility of revealing confidential information. The additional language is proposed to properly advise the filer regarding the preparation of the motion.

Subdivision (e)(1) – last paragraph: The Committee added "written" for clarification due to the addition of a procedure for making an oral motion under amended subdivision (h).

The Committee recommends adding to the procedure a right to file a response to the motion within 10 days. The current rule does not provide for a response procedure, which has caused uncertainty regarding what should be done in response to a motion.

Subdivision (e)(2): The text was corrected by substituting "movant" for "moving party". It is recognized that the person pursuing the motion may not necessarily be a party.

A grammatical change was made by substituting "is" for "be".

Subdivision (e)(3): The reference to "confidential" was corrected and a grammatical change was made in (e)(3)(B).

Subdivision (e)(4): The Committee added "written" for clarification due to the addition of a procedure for making an oral motion under amended subdivision (h). Additionally, the punctuation was corrected.

Subdivision (e)(5): The references to "request" were replaced with "motion" and references to "affected non-parties" were added.

The reference to serving a "confidential party" was deleted and all such references in the rule were consolidated in subdivision (*l*). The Committee concluded that it would be better to consolidate such references in subdivision (*l*).

Subdivision (e)(6): The Committee recommends deleting this subdivision and all other current references to sanctions located throughout the rule for the purpose of creating an "omnibus" sanction subdivision located at new subdivision (j). The rationale for creating an omnibus sanction subdivision is that there are inconsistencies among the current subdivisions regarding sanctions. By providing a separate subdivision, the sanctions are made consistent and the title and location of the sanctions are made more prominent and easier to find. The references to sanctions in subdivisions (f) and (g) were deleted for the same reason.

Subdivision (f)(1): The reference to subdivision (h) was added to clarify that oral motions are applicable. The Committee added "affected non-party" and "in criminal cases" for clarification.

Subdivision (f)(1)(A): The Committee corrected the reference to "State, defendant(s) and all affected non-parties".

The Committee deleted the unnecessary burden of all parties signing the motion because of the difficulty of compliance. Also, with electronic filing, this unnecessary requirement is even more problematic. The Committee considered but rejected the inclusion of a requirement for "certifying" agreement.

Subdivision (f)(3)(B): The Committee removed the reference to the deleted (e)(6) sanction clause and added references for the applicability of amended subdivision (h) regarding oral motions and new subdivision (k) regarding access.

Subdivision (g)(1): It was concluded that the language about "compliance with the guidelines" in (e)(1) is confusing. Therefore, the direct statement of applicability was added.

Subdivision (g)(2): Except under (g), all other trial and appellate subdivisions refer to a deadline for the issuance of the court's ruling. Accordingly, a deadline is added to subdivision (g). The language in subdivision (f)(2)(C) was used as the model for the provision.

Subdivision (g)(4): The Committee concluded that clarification of the proper clerk involved was needed.

Subdivision (g)(5): The Committee corrected the reference to "motion."

The reference to serving a "confidential party" was deleted and all such references in the rule were consolidated in subdivision (*l*). The Committee concluded that it would be better to consolidate such references in one subdivision.

Subdivision (g)(8): The Committee recommends deletion of the sanction clause for the purpose of creating an omnibus sanction under new subdivision (j).

Subdivision (g)(9) (currently (g)(8)): The Committee corrected the subdivision reference and grammar.

Subdivision (h) (amended subdivision to address oral motions): This subdivision creates a new subdivision for allowing oral motions to determine the confidentiality of trial court records. There is no current mechanism that provides for an oral motion to determine confidentiality. The merit to allowing such a motion is to keep information confidential when the movant is unable to file a written motion. Those who opposed the concept/language did so because they felt that the oral motion procedure might be used to abuse and avoid the written notice requirements of confidentiality determinations. The majority of the Committee felt that the rule contained adequate safeguards to prevent abuse. At the outset, this was a controversial topic, but such controversy seemed to wane as the Committee members became more familiar with the subdivision.

The safeguards designed to prevent abuse of the oral motion procedure are as follows:

(h)(1)(A): except for (f)(3) motions, the motion must comply with (e)(1);
(h)(1)(B): requirement of proper notice;
(h)(1)(C): movant must show good cause for inability to provide a written motion;
(h)(1)(D): a written motion is required to be filed within 5 days;
(h)(1)(E): except for (f)(3) motions, motions must comply with (e)(2);
(h)(1)(F): separate criteria for (f)(3) motions;
(h)(1)(G): oral motions are not applicable in appellate court;
(h)(2): the court may deny an oral motion if there was an ability to provide a written motion or the movant failed to give adequate notice;
(h)(3): confidentiality of information is maintained until the court rules; and
(h)(4): provides timing and form for issuance of order.

Subdivision (i) (amended subdivision to address confidential evidence): The Committee recommends creating a new subdivision for the purpose of handling confidential evidence in general. The concept of this subdivision meshes well with the concept of oral motions. This subdivision was initially drafted in response to footnote 22 of the Florida Supreme Court's opinion dated March 18, 2010, which provides:

> We agree with the Access Subcommittee that revisions to subdivision (d)(2) suggested by the Consolidated Rules Committee, which would apply the new subdivision to documents introduced into evidence during court proceedings, do not give adequate guidance as to the procedures the judge would follow or how a party or other interested person would seek review of the court's decision as to the documents. Therefore, we decline to adopt the suggested revisions at this time. However, we encourage the RJA Committee, in consultation with the Access Subcommittee, to consider the matter for possible future amendment.

In re Amendments to Florida Rule of Judicial Administration 2.420 and the Florida Rules of Appellate Procedure, 31 So. 3d 756, 765 (Fla. 2010). Because the footnote refers to a remedy process, the subcommittee originally included a review/remedy process with the proposal. However, upon reflection and noting

that *Fla. R. App. P.* 9.100 adequately handles such a review, the subcommittee removed the reference to a specific remedy for the court's determination.

The reference to closure of the proceedings is consistent with subdivision (c)(9) and existing case law. *See*, *e.g*., *Barron v. Florida Freedom Newspapers, Inc.*, 531 So.2d. 113 (Fla. 1988).

Subdivision (j) (new subdivision re: sanctions): The Committee recommends that all other references to sanctions in the rule be deleted and that a new separately titled subdivision relating solely to sanctions be created for consistency purposes and to more clearly advise practitioners regarding sanctions. Under the current rule, the sanctions provisions are not consistent among the subdivisions. This subdivision was initially patterned after subdivision (e)(6) and then expanded upon as deemed appropriate.

Subdivision (k) (new subdivision re: access to confidential records): The new subdivision was created to allow access to confidential records. The current rule does not provide a method for gaining access to confidential court records. This deficiency creates a problem for anyone who has a legitimate reason to access or obtain copies of court records containing confidential information.

Subdivision (*l*) (new subdivision re: service): Given the various references to service throughout the rule, the Committee concluded that a single subdivision should be created to consolidate references to service on victims, affected non-parties, and confidential parties. In order to avoid unnecessary contact between victims and defendants/defense counsel, the Committee recommends that service on such victims be affected by serving the victim through the State Attorney. Additionally, service on the State Attorney avoids the problem of trying to obtain potentially confidential information about the address of an affected non-party victim.

Subdivision (m) (formerly subdivision (h)): This subdivision states the procedure for review of denials of access for administrative records.

Subdivision (n) (formerly subdivision (i)): The title and references were amended to clearly show that the subdivision refers solely to administrative records. Additionally, the statutory year reference was removed from (i)(3) for clarity and uniformity purposes.

Proposed amended Notice form: The new form is consistent with the revisions recommended for (d)(2), (d)(2)(A) and (d)(2)(B). The form would be used with the initial filing of confidential documents or if the clerk is requested to redact confidential information that is already in the court file. The form does not require that the filer specifically identify one of the 20 categories under (d)(1)(B) as a basis for the claimed confidentiality. The Committee recommends that the Certificate of Service be changed to accommodate service on affected non-parties and include a reference to subdivision (*l*).

The Committee recommends adoption of the amended "short" form. However, if the Court determines that the current form should continue to be used, the Committee recommends that the current form be amended to make the changes that the Committee proposed to the provisions of (d)(1)(B). Additionally, the current form should be changed to a "check mark" format with a separate space for location of information. The provision as set forth in (d)(2)(A) should also be added to the form to accommodate the need for redaction of confidential information discovered after filing. The Certificate of Service language should be amended as suggested in the "short" form.

In addition, the court designation in the form should be amended to indicate that the Notice form can also be filed in appellate courts.

WHEREFORE, the Florida Rules of Judicial Administration Committee requests that the Court amend the Rules of Judicial Administration as outlined in this report.

Respectfully submitted on ____

________________________________	______________________________
Keith H. Park, Chair	John F. Harkness, Jr.
Florida Rules of Judicial	Executive Director
Administration Committee	The Florida Bar
P.O. Box 3563	651 East Jefferson Street
West Palm Beach, FL 33402-3563	Tallahassee, FL 32399-2300
Florida Bar No. 216844	Florida Bar No. 123390
561/686-7711	850/561-5600

CERTIFICATIONS

CERTIFICATION OF FONT COMPLIANCE

I certify that this report was prepared in compliance with the font requirements of *Fla. R. App. P.* 9.210(a)(2).

CERTIFICATION THAT RULES HAVE BEEN READ AGAINST WEST'S RULES OF COURT

I certify that these rules were read against *West's Florida Rules of Court — State* (2011 revised edition).

Note that in current *Rule* 2.420(h) West's has a comma after "mandamus" that was stricken in *In re Amendments to Florida Rule of Judicial Administration 2.420 and the Florida Rules of Appellate Procedure*, 31 So. 3d 756, 778 (Fla. 2010).

____

Jodi Jennings
Bar Staff Liaison,
Florida Rules of Judicial Administration Committee
The Florida Bar
651 East Jefferson St.
Tallahassee, FL 32399-2300
Florida Bar No. 930880
850/561-5706