

RECEIVED, 5/7/2013 15:48:35, Thomas D. Hall, Clerk, Supreme Court

PROPOSED RULE	REASON FOR CHANGE
<p>Note: <i>West's Florida Rules of Court – State</i> (2012) does not capitalize the title of each rule. This Court does, however. See, <i>In re Florida Rules of Civil Procedure for Involuntary Commitment of Sexually Violent Predators</i>, 13 So. 3d 1025 (Fla. 2009).</p> <p>RULE 4.030. NONVERIFICATION OF PLEADINGS</p> <p>Every written pleading or other paper <u>document</u> of a party represented by an attorney need not be verified or accompanied by an affidavit except when otherwise specifically provided by these rules or an applicable statute.</p>	<p>Conforms Jimmy Ryce rules to the existing Rules of Civil Procedure.</p>

<p><u>RULE 4.080. SERVICE AND FILING OF PLEADINGS AND PAPERS, AND DOCUMENTS</u></p> <p>(a) Service; When Required. Unless the court otherwise orders, every pleading subsequent to the initial pleading and every other paper <u>document</u> filed in the action, except applications for a witness subpoena, shall be served on the opposing party.</p> <p>(b) Service of Subsequent Pleadings Other Than Original Petition; How Made. When service is required or permitted to be made upon a party represented by an attorney, service shall be made upon the attorney unless service upon the party is ordered by the court. Service on the attorney or party shall be made by delivering a copy or mailing it to the attorney or the party, or as provided in 4.070(b) <u>as required by Fla. R. Jud. Admin. 2.516.</u></p> <p>(c) Service by Electronic Mail. Service by electronic mail shall be permitted if all parties or their counsel file with the clerk of the court a written agreement that such service is acceptable. The agreement shall set forth the method of service and provide e-mail addresses or facsimile numbers. The original pleadings shall be filed with the clerk with the counsel's attestation of the time of electronic service.</p> <p><u>(c) Filing.</u> All documents that are “court records” as defined in the Florida Rules of Judicial Administration must be filed with the clerk in accordance with Fla. R. Jud. Admin. 2.520 and 2.525.</p> <p><u>(d) Deposit with the Clerk.</u> Any paper document that is a judgment or required by statute or rule to be sworn to or notarized shall be filed and deposited with the clerk immediately thereafter. <u>The clerk shall maintain deposited original paper documents in accordance with Fla. R. Jud. Admin. 2.430, unless otherwise</u></p>	<p>Title changed to reflect both service and filing, and to reflect its inclusion of documents.</p> <p>Substitute “document” for “paper” in accordance with SC11-399, and to conform to corresponding Rules of Civil Procedure and Rules of Criminal Procedure.</p> <p>Conforms service to the Rules of Judicial Administration.</p> <p>Deleted subdivision (c) is proposed to be replaced with a revised subdivision (b) above.</p> <p>Conforms filing provision to Florida Rule of Criminal Procedure 3.030(b) and requires filing in compliance with Rules of Judicial Administration.</p> <p>Conforms to Florida Rule Criminal Procedure 3.030(c) and references clerk’s duty to maintain certain documents pursuant to Florida Rule of Judicial Administration 2.430.</p>
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ordered by the court.

RULE 4.100. PLEADINGS AND MOTIONS

(a) Pleadings. [NO CHANGE]

(b) Motions. [NO CHANGE]

(c) Caption. Every pleading, motion, order, judgment, or other ~~paper~~ document shall have a caption containing the name of the court, the uniform case number, the name of the party on each side, and a designation identifying the party filing it and its nature or the nature of the order, as the case may be. All ~~papers~~ documents filed in the action shall be styled in such a manner as to indicate clearly the subject matter of the paper and the party requesting or obtaining relief.

Substitute “document” for “paper” in conformity with Florida Rule of Criminal Procedure 3.090.

RULE 4.440. RULES OF PROCEDURE AND EVIDENCE

(a) In all commitment proceedings initiated under part V, chapter 394 Florida Statutes and this rule, the following applies:

(1) The Florida Rules of Civil Procedure and Florida Rules of Judicial Administration apply unless otherwise superseded by these rules.

(2) [NO CHANGE]

(3) [NO CHANGE]

(4) [NO CHANGE]

(5) [NO CHANGE]

(b) [NO CHANGE]

(c) [NO CHANGE]

Because this petition recommends certain amendments that incorporate, or make reference to, various rules of judicial administration, it is proposed that the Jimmy Ryce rules include this provision to alert practitioners that the Florida Rules of Judicial Administration apply to Jimmy Ryce proceedings.