

GUIDELINES FOR RULES SUBMISSIONS

PART I—Rules Style Guide

(a) **General Style Guidelines.**

(1) *Capitalization.*¹

(A) Lower case generic terms; *e.g.*, supreme court, district court of appeal, circuit court, chief judge, judge, state attorney, state, department, rules, rules of civil procedure, bar, board of governors, young lawyers division.

(B) Capitalize proper names; *e.g.*, State of Florida, Supreme Court of Florida, Department of Children and Family Services, Florida Rules of Civil Procedure, The Florida Bar, The Florida Bar Board of Governors, Young Lawyers Division of The Florida Bar. Use proper names if a generic term is ambiguous. Generally a generic term can be used on subsequent reference in a subdivision; *e.g.*, “department” after “Department of Children and Family Services.”

(2) *Commas.* In a series, use a comma before “and” or “or”; (*e.g.*, one, two, and three).

(3) *Numbers in Text.* Use Arabic numbers in the text of rules. Do not spell out numbers and, in particular, do not use both; *e.g.*, five (5). When it is necessary to begin a sentence with a number, spell out the number; do not use Arabic.

(4) *Gender Neutrality.* All rules must be gender neutral.

(5) *Lists.*

(A) If items in a list could stand alone as sentences, begin each with a capital letter and end with a period. Insert needed language into the introduction to ensure clarity on whether all items in the list apply or whether any one of the items apply; (*e.g.*, “The court shall consider all of the following:” or “The court may do any of the following:”). See, for example, *Fla. R. Jud. Admin.* 2.130(b)¹.

(B) If items in a list cannot stand alone and if they complete the thought of the lead-in sentence, begin each item with a lower case letter and end with a semicolon. Insert “and” or “or” before the last item in the list to indicate whether all items apply or whether any one of the items may apply. See, for example, *Fla. R. Civ. P.* 1.442(c)(2). End the last item of the list with a period, unless the sentence continues after the last item. If items are followed by one or more sentences, begin with a lower case letter and end with a period.

(C) If items are not part of the lead-in sentence, use initial capitals and end with a

¹ This order was published in June 2006, prior to the renumbering conducted in September 2006. The current rule number is 2.140(a).

period, even if the items are sentence fragments. See, for example, *Fla. R. Juv. P.* 8.045(f).

- (D) Do not repeat a word or phrase at the beginning of items in a list; move the word or phrase to the sentence introducing the list.
 - (E) Follow general rules of parallelism.
- (6) *Word Choice.* In general, rules should be written in simplified language, not “legalese.” When appropriate, avoid use of words such as “therein,” “wherefore,” and “in lieu of.” Use “on” rather than “upon,” “to” rather than “in order to,” “under” rather than “pursuant to,” “before” rather than “prior to,” “use” rather than “utilize,” and “must” rather than “is required to” or “shall.”

(7) *Forms.*

- (A) A 10-dot line should be used to indicate blanks in the form in which information is to be inserted. A description may be placed in the middle of the dotted line with the type of information to be inserted in parentheses [*e.g.*,(name).....]. If the dotted line falls at the end of a sentence, add an additional dot for the period.
- (B) If the form is intended to be copied and used “as is” (*e.g.*, the Family Law Forms), a solid line should be used for the blanks.
- (C) Signature blocks for attorneys should include lines for the address, telephone number, and Florida Bar number.
- (D) Family law forms should follow specific style developed for them.
- (E) Notice of hearing forms should contain ADA language. See *Fla. R. Jud. Admin.* 2.065².

2

- (b) **Citations.** Citations should be in the style mandated by *Fla. R. App. P.* 9.800. When a citation is used as part of a sentence, however, use “section 61.13, Florida Statutes (Supp. 1990).” Consider using “as required by law” rather than citing a specific statute in a rule. This will avoid the need to amend the rule if the statute is renumbered. See examples below:

- (1) *Statutes.* [*e.g.*, §61.13, Fla. Stat. (Supp. 1990)];
- (2) *Case Law.* [*e.g.*, 666 So. 2d 666 (Fla. 4th DCA 1995)];
- (3) *Rules of Procedure.* (*e.g.*, *Fla. R. Civ. P.* 1.010).

(c) **Subdivisions.**

² This order was published in June 2006, prior to the renumbering conducted in September 2006. The current rule number is 2.540.

- (1) *Reference to Parts of a Rule.* Refer to parts of a rule as “subdivisions,” not sections, subsections, paragraphs, subparagraphs, or divisions. This rule should be followed carefully within the body of the rules [*e.g.*, “as required in subdivision (b)(1),” not “as required in subparagraph (b)(1)”].

- (2) *Paragraphs.* As a general rule, each subdivision should have only one paragraph and subject. If a subdivision is proposed that contains more than one paragraph, consider creating new subdivisions for each paragraph. Alternatively, the paragraphs can be combined into one paragraph.

- (3) *Numbering.* Subdivisions within a rule should be broken down as follows:
 - (a)
 - (1)
 - (A)
 - (i)

This applies even when enumerating items in a list.

(4) *Titles.*

- (A) **Major Subdivisions Within Rules.** If groups of rules are given a title, the title should be in all capital letters, with no punctuation at the end (*e.g.*, PART I — DELINQUENCY RULES; A. INTRODUCTORY RULES).

- (B) **Rules.** The title of each rule should be in bold type and all capital letters. No punctuation should appear at the end of the title (*e.g.* **RULE 8.010. [TAB] SCOPE AND PURPOSE; RULE 3-6.1 GENERALLY**).

- (C) **Subdivisions.** Subdivision titles should have initial capital letters, except for prepositions (“to,” “for”), conjunctions (“and,” “but”), and articles (“a,” “an,” “the”).

- (D) **Major Subdivisions.** Major subdivisions [those designated by lower case letters (*e.g.*, (a))] must have a title in bold type (including the letter designating the subdivision) and be followed by a period [*e.g.*, **(a) Notice.**].

- (E) **Subsequent Subdivisions**
 - (i) **Court Rules.** All subsequent subdivisions in court rules should have titles when needed for clarity using initial caps, bold type, and followed by a period [*e.g.*, **(1) Notice.**]. If one subdivision in a group has a title, all subdivisions must have one [*e.g.*, **(1) Notice.; (2) Hearing.; (3) Order.**].

 - (ii) **Bar Rules.**

- a. The title of each second-level subdivision [those designated by numbers (*e.g.*, (1))] must be in italics, using initial caps, and followed by a period. The number designating the subdivision, however, should be in Roman type, [*e.g.*, (1) *Notice of Appearance*].
- b. The title of each third or fourth-level subdivision [those designated by capital letters (*e.g.*, (A))] must be in standard type, using initial caps, and followed by a period, [*e.g.*, (A) Appearance in Court.].

(d) Read Against.

- (1) All rules and forms should be read against the most recent edition of West's *Florida Rules of Court*. If there has been an interim amendment, the rule or form should be read against the version contained in the opinion issued by the court adopting the amendment. If there are discrepancies between the submitter's most recent version of the rules and West or the opinion:
 - (A) errors on the submitter's part should be corrected in the submission;
 - (B) errors on West's part should be corrected in the submission and an editor's note inserted into the legislative and two-column format identifying the error and citing the opinion with the correct rule or form.
- (2) The two-column chart should be compared with the legislative format version of the proposed rule changes to ensure that all changes are reflected on both versions.

PART II — Reports to Amend Court Rules

(a) Report.

(1) *Caption.* The report should begin with a caption as follows:

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE
.....(Name of rules).....

CASE NO.

**.....(Type of report, e.g., Regular-Cycle, Emergency,
Out-of-Cycle).....REPORT OF THE(Name of rules committee).....**

(2) *Contents.* The report should contain the following:

- (A) Jurisdictional Statement. The following are possible variations of this statement:
- “The committee files this regular-cycle report, under *Fla. R. Jud. Admin.* 2.140(b).”
 - “The committee files this emergency request for amendment to rule(s), under *Fla. R. Jud. Admin.* 2.140(e).”
 - “The committee files this out-of-cycle report requesting amendment(s) to rule(s), under *Fla. R. Jud. Admin.* 2.140.”
 - “The committee files these comments to the emergency amendment(s) to rule(s) approved by the court on, under *Fla. R. Jud. Admin.* 2.140(d).”
 - “The committee files this request for amendment(s) to rule(s) in response to the court’s order/request of(date)....., under *Fla. R. Jud. Admin.* 2.140(f) [*alternatively: ... in response to the report dated from the Office of State Courts Administrator identifying newly enacted laws that may affect rules of court*].”
- (B) A discussion of proposed amendments (including the committee’s voting record as to each amendment if no table of contents accompanies the report – see (b)(1), with
- (i) a thorough, detailed explanation of each amendment, including a narrative description of how each amendment changes the language of the rule;
 - (ii) detailed reasons for each proposed change, including a discussion of relevant background information, such as:

- a. whether the proposal is in response to a referral from the Court;
 - b. the source of the proposal; and
 - c. a discussion of relevant legislation, with references to any applicable session laws.
- (iii) the name and address of the proponent of each change, if not a committee member;
 - (iv) the names of any committees or individuals that the committee consulted about the proposed amendment;
 - (v) a statement as to when and where notice was published;
 - (vi) an explanation of any changes made by the committee after the initial notice/posting;
 - (vii) a discussion of any dissenting views from the board of governors and any changes made after the board's review (the voting record of the board should be included as to each amendment if no table of contents accompanies the report); and
 - (viii) discussion of any significant dissenting views from members of the committee.
- (3) *Signature Blocks.* The report should end with two signature blocks: one for the rules committee chair and the other for the executive director of The Florida Bar.

(b) Attachments/Appendixes.

- (1) *Table of Contents.* The report should be followed by a table of contents listing all rules. Rules without changes should be followed by “[NO CHANGE]”; new rules should be followed by [NEW RULE]; rules being deleted should be followed by [DELETED]; and rules being amended should be followed by [AMENDED]. The voting record for the rules committee and the board of governors should follow each rule that has proposed changes. For example:

RULE 8.010 SCOPE AND PURPOSE [AMENDED]
Committee vote: 30-0-0
Board of Governors vote: 30-0-0

(The table of contents may be omitted if only a very small number of rules are being amended. In that case, the voting records should accompany the discussion of each rule in the report.)

- (2) *Legislative Format.* Attach a copy of all rules and forms being amended in full-page, legislative format (deleted language stricken-through followed by new language underlined), with committee notes included.
- (3) *Two-column Chart.* All rules being amended, added, or deleted must be presented in two-column format, printed landscape style.
 - (A) The first column should contain the proposed amendment in legislative format.
 - (i) The title and number of the rule should be shown at the top of the first column.
 - (ii) Within a rule, include everything that is in a major subdivision being amended [*i.e.*, (a)], up to the change, unless inclusion of the entire rule or subdivision is needed to understand the amendment.
 - (iii) Subdivisions without changes should be identified by letter and title only and marked “[NO CHANGE].”
 - (iv) New committee notes should be included in the first column. Old notes should be included in the chart only when needed to understand the amendment.
 - (B) The second column should contain a brief summary of the reasons for change contained in the report. When possible, the reasons should appear directly across from the language being amended.
 - (C) Forms need not be presented in chart form. They should be included in the fullpage legislative format only.
- (4) *Additional Attachments.* An appendix with background documents should include:
 - (A) letters from the referring source, including referral letters from the court tabbed in the original for the convenience of the clerk’s office (but not copies of court opinions);
 - (B) relevant administrative orders;
 - (C) relevant legislation in session law format (including the section of the law containing the effective date of the legislation);
 - (D) any written comments received by the committee, as a separate appendix, tabbed (on the original only) for the convenience of the clerk’s office.
 - (E) reports or other documents relied on by the committee in developing the rule amendment, and;

- (F) a copy of the published *Florida Bar News* notice.
- (G) a statement from the person responsible for doing the read against required in Part I (d) certifying that a read against has been done.

(c) **Paper and Electronic Submissions.** Each report must be submitted both in hard copy (include an original and nine copies) and electronically in a format approved by the supreme court. Remove all electronic editor's notes, revision marks, or comments (annotations) from the electronic version submitted to the court. The report, rules in full-page legislative format, two-column chart, and any minority reports must be submitted in MS Word.

(d) **Formatting**

- (1) Draft proposed amendments in accordance with Part I, Rules Style Guide.
- (2) The report, full-page legislative format, and table of contents must be single-spaced, formatted in Times New Roman, 14 point.
- (3) The two-column chart and all forms (other than family law forms, which may require a larger or smaller point size) must be formatted in Times New Roman, 12 point.
- (4) Insert hard page breaks between rules and forms in the full-page legislative format, so that each rule or form begins on the top of a new page.
- (5) Number all pages in the report sequentially. Attachments should be separately identified by appendix letter and page number (example: Appendix A, page 1; Appendix B, page 1).
- (6) Use left justification (not full justification) for the report, the rules in full-page legislative format, and the two-column chart. Forms may be fully justified.
- (7) Do not use embedded codes or automatic outlining features in reports or rules.