

IN THE SUPREME COURT OF FLORIDA

IN RE: REPORT AND RECOMMENDATIONS CASE NO. SC22-122  
OF THE WORKGROUP ON IMPROVED  
RESOLUTION OF CIVIL CASES

**APPELLATE PRACTICE SECTION OF THE  
FLORIDA BAR'S NOTICE OF JOINING  
THE APPELLATE COURT RULES COMMITTEE COMMENT**

The Appellate Practice Section of The Florida Bar ("APS"), by and through its Chair, Kimberly M. Jones, file this Notice of Joining the Appellate Court Rules Committee ("ACRC") Comment addressing rule amendments proposed in the Final Report ("Report") of the Judicial Management Council Workgroup on Improved Resolution of Civil Cases ("JMC Workgroup").<sup>1</sup>

**I. APPELLATE PRACTICE SECTION OF THE FLORIDA BAR.**

The Appellate Practice Section of The Florida Bar is an organization devoted to promoting excellence in Florida's state and federal appellate courts. Its more than 1,600 members include civil and criminal lawyers, plaintiff and defense lawyers, and others

---

<sup>1</sup> These comments are submitted on behalf of the Section only, and do not express the position of The Florida Bar.

interested in the appellate process. The proposed rules are significant to the legal practice of the APS members.

## **II. JOINDER WITH THE APPELLATE COURT RULES COMMITTEE (“ACRC”) COMMENT.**

The APS joins the ACRC’s recommendation that the Court decline to adopt proposed subdivision (b)(10) of Florida Rule of Civil Procedure 1.460. The APS has carefully studied the ACRC’s comments regarding this proposed rule, and shares the ACRC’s concerns regarding including an appellate standard of review in the civil rule set. It also shares the ACRC’s concerns regarding inclusion of a presumption of correctness in any Florida Rule of Civil Procedure. Lastly, APS joins the ACRC’s recommendation that the Court decline to adopt proposed Florida Rule of Civil Procedure 1.271(g) for the reasons set forth in the ACRC’s comments.

## **III. CONCLUSION**

The Appellate Practice Section respectfully requests the Court decline to adopt proposed Florida Rules of Civil Procedure 1.460(b)(10) and 1.271(g).

Respectfully submitted,

/s/ Kimberly M. Jones  
**Kimberly M. Jones**

Florida Bar No. 29069  
[kjones@wshblaw.com](mailto:kjones@wshblaw.com)  
Wood Smith Henning and Berman  
1501 S Church Ave  
Tampa, FL 33629-5811  
***Chair, Appellate Practice Section  
of The Florida Bar***

/s/ Thomasina Moore  
**Thomasina Moore**  
Florida Bar: 57990  
[thomasina.moore@gray-robinson.com](mailto:thomasina.moore@gray-robinson.com)  
Gray Robinson  
301 S. Bronough St. Ste 600  
Tallahassee, FL 32301  
850-577-9090  
***Co-Chair of Legislative Committee,  
Appellate Practice Section of The  
Florida Bar***

/s/ Karla D. Ellis  
**Karla D. Ellis**  
Florida Bar: 122017  
[karlaellislaw@gmail.com](mailto:karlaellislaw@gmail.com)  
Law Office of Karla D. Ellis  
P.O. Box 771450  
Miami, FL 33177  
850-815-1930  
***Co-Chair of Legislative Committee,  
Appellate Practice Section of The  
Florida Bar***

## **CERTIFICATE OF SERVICE**

The undersigned has filed this comment via the eportal and served a copy via **U.S. Mail** to Chief Judge Robert Morris, Workgroup Chair, Second District Court of Appeal, P.O. Box 327, Lakeland, FL 33802, and via **email** to Tina White, OSCA Staff Liaison to the Workgroup, 500 South Duval Street, Tallahassee, Florida 32399, [whitet@flcourts.org](mailto:whitet@flcourts.org); this \_\_\_\_ of May, 2022.

/s/ Kimberly M. Jones

**KIMBERLY M. JONES**

**CERTIFICATE OF COMPLIANCE**

In accordance with Florida Rules of Appellate Procedure 9.045 and 9.210(a)(2), the undersigned counsel hereby certifies that this comment complies with the font and word count requirements of the Rules: Bookman Old Style 14-point font and under 13,000 words.

/s/ Kimberly M. Jones

**KIMBERLY M. JONES**