IN THE SUPREME COURT OF FLORIDA

IN RE: REPORT AND RECOMMENDATIONS OF THE WORKGROUP ON IMPROVED RESOLUTION OF CIVIL CASES

Case No. SC22-122

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THE AMERICAN TORT REFORM ASSOCIATION'S COMMENTS ON THE FINAL REPORT OF THE WORKGROUP ON IMPROVED RESOLUTION OF CIVIL CASES

When amending rules of court procedure, this Court should keep in mind the old adage: Measure twice, cut once.

I. *Introduction*

In 2019 this Court created the Workgroup on Improved Resolution of Civil Cases (the "Workgroup") and asked it to consider amendments to Florida's Rules of Court Procedure to enhance the resolution of civil cases. (*See* AOSC19-73 (Oct. 31, 2019)). Some of the recommendations within the Workgroup's Final Report dated November 15, 2021 (the "Final Report") address desirable reforms that could improve resolution of civil cases and should be given further consideration.

But other recommendations could make matters worse for our litigation system. Their adoption could impede judges in exercising

the discretion necessary to actively manage their cases; unfairly impact Florida businesses through disproportionate increases in discovery obligations; constrain litigants with overly bureaucratic procedures; and increase the already too-high cost of litigation.

The Chief Judges of the Circuit and County Courts of Florida have agreed that the Workgroup's proposed recommendations are "[o]verly complex" and may lead to "unproductive compliance efforts" and "increased litigation costs for the public." (Comment by Chief Judge Christopher N. Patterson, pp. 5-6 (Apr. 26, 2022) (the "Chief Judges' Comment"), *as adopted by* Comment by Chief Judge Jonathan Sjostrom (Apr. 29, 2022); *see also* Comment by Eighth Judicial Circuit Civil Judges, pp. 1-2 (Apr. 26, 2022) (the "Eighth Circuit Comment") (noting the "numerous, serious concerns about many of the proposed rule changes" and concluding that "we feel certain that many of these rules will exacerbate and enhance any inefficiencies that currently exist")). Indeed, there is cause for concern when multiple trial court judges warn that "application of these rules will, in fact, lead to the need for more hearings which will cause increased costs to litigants and less efficiency than is present in our current system." (Eighth Circuit Comment, p. 1).

The lack of support from the judiciary and the legal community should cause this Court to think twice before adopting the Final Report's recommendations. The American Tort Reform Association urges the Court to proceed cautiously, reject unworkable proposals, and test any potential amendments through pilot programs run in both rural and urban counties so that this Court may make a proper evaluation as to the impact on judges, litigants, and court dockets.

II. *About ATRA*

The American Tort Reform Association (the "ATRA") is a broad-based coalition of businesses, corporations, municipalities, associations, and professional firms that have pooled their resources to promote reform of the civil justice system with the goal of ensuring fairness, balance, and predictability in civil litigation. For more than three decades, ATRA has filed comments with the court on rules involving important liability and litigation issues.

ATRA works to encourage a business-friendly climate that allows Florida's job creators to add private-sector jobs and contribute to Florida's economy. Nearly 10 percent of all jobs created in the United States are created in Florida, which would boast the 15th largest economy in the world if Florida were a country.

Perhaps the largest hurdle for Florida businesses is navigating rampant lawsuit abuse, excessive and disproportionate discovery obligations, and overly litigious attorneys. Combined, they overburden Florida's judicial system, stifle economic growth, increase consumer costs, and prevent Florida's job creators from building Florida's workforce.

In 2022, the Perryman Group released an economic study showing that lawsuit abuse costs Floridians annually more than 173,000 jobs and 11.7 billion in direct costs to the economy.[1] Most pernicious is the financial abuse foisted on Florida's elderly citizens and those on fixed incomes. Perryman calculated that excessive tort costs result in an individual "tort tax" of $812.52 per person[2]—a debt that many Floridians cannot afford to pay.

We submit the following suggestions and recommendations to reduce litigation costs and enhance public confidence in the civil justice system

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[1] The Perryman Group, *Economic Benefits of Tort Reform; An assessment of excessive US tort costs and potential economic benefits of reform*, 43 (Dec. 2021), *available at* https://cala.com/wp-content/uploads/2022/01/Perryman-National-Tort-Reform-Impact-12-6-2021-1.pdf (last visited June 1, 2022).

[2] *See id.* at 30.

III. *Recommendations to Consider*

ATRA appreciates the considerable time and effort the Workgroup expended over the course of multiple years. Many of the Workgroup's recommendations should be carefully evaluated by this Court, with any concrete proposals put through a pilot program to assess their effectiveness. This Court should evaluate further (and test in a pilot program) amendments in the following three areas:

A. Increasing active case management. ATRA applauds the trial courts in taking an increased and active role in the management of cases. The Rules of Court Procedure should require more active case management, which this Court should explore through pilot programs as well as continuing this Court's authorization permitting each circuit to adopt circuit-specific case management orders and uniform procedures. (*See, e.g.*, AOSC20-23, amd. 10 (Mar. 9, 2021)). Not all Judicial Circuits have the same types of cases and caseloads. The Eleventh Judicial Circuit had 30,383 filings in Fiscal Year 2020-21, while the Sixteenth Judicial Circuit

had 692.[3] Florida's counties differ too—the Eleventh Judicial Circuit's 30,383 circuit civil filings came from Miami-Dade County alone, while Lafayette County had only 20 circuit civil filings.[4]

Other recommendations will also assist with more active case management. The early scheduling of a trial date should naturally encourage cases to progress and reduce the amount of cases stagnating on the dockets. This Court should also consider whether brief, telephonic case management hearings at the outset of circuit civil cases would help engage both the trial judges and parties and help narrow the litigants' focus to the specific procedural and substantive issues within each case. Finally, circuit courts should also have the flexibility to adopt separate case management orders and/or procedures for Florida's county courts, which, according to Florida's 20 Chief Judges, "operate much more quickly and with such a high volume that they are significantly different than circuit courts." (Chief Judges' Comment, p. 4).

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[3] Fla. Office of the State Courts Admin., Trial Court Statistical Reference Guide, Circuit Civil Statistics, 4-6 (FY 2020-21), *available at* https://www.flcourts.org/content/download/830722/file/Chapter%204_Circuit%20Civil.pdf (last visited June 1, 2022).

[4] *Id.* at 4-7, 4-9.

B. Disposing of cases that lack active prosecution. Florida's state courts will greatly benefit from the more timely and cost-efficient resolution of cases, including those which settle through the use of mediation. Cases that are not actively prosecuted clog the state courts' dockets and create uncertainty and unnecessary risk for Florida businesses. This Court should embrace rules that dispose of cases where the plaintiffs fail to advance their claims, while still permitting state court judges to grant the parties additional time in cases where the parties are cooperating and working toward resolution.

C. Enhancing attorney professionalism. A more efficient litigation process requires the cooperation and professionalism of attorneys. State courts should encourage professional behavior, and potential rule changes should be tested in a pilot program. State court judges, however, have enough on their plates without adding new professionalism disputes. This Court should first obtain evidence that current sanctions rules are not sufficient before changing the rules and removing the discretion of state court judges.

D. Considering other important factors. More than 2.1 million civil cases were filed in Florida's circuit and county courts

during Fiscal Year 2020-21.[5] On average, Florida's circuit courts received more than 14,000 civil case filings each month.[6] Each of the 152.6 judges assigned to circuit civil cases, on average, received nearly 92 new civil case filings per month, or approximately 3 new civil cases per day.[7] Florida's county courts saw an average of nearly 162,900 civil cases each month, translating into an average of 1,322 new civil cases per month for each of Florida's 123.2 county judges assigned to the civil docket, or 44 new civil cases per day.[8]

Conversely, Florida's federal district courts are courts of limited jurisdiction and typically receive far fewer civil case filings. For example, each of Florida's 15 judgeships in the Middle District saw 600 new civil case filings during Fiscal Year 2020-21.[9] This represents 50 new civil case filings per month per judgeship, or

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[5] Fla. Office of the State Courts Admin., Trial Court Statistical Reference Guide, Overall Statistics, 2-4 (FY 2020-21), *available at* https://www.flcourts.org/content/download/830720/file/chapter%202_overall%20statistics.pdf (last visited June 1, 2022).

[6] *See id.* (extrapolating numbers).

[7] *See id.* at 2-2, 2-4 (extrapolating numbers).

[8] *See id.* (extrapolating numbers).

[9] On average and not accounting for vacancies. *See* U.S. Courts, Fed. Court Mgmt. Statistics—Judicial Caseload Profile, June 2021, p. 91, *available at* https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0630.2021.pdf (last visited on June 1, 2022).

approximately 1.67 new cases per day.[10] Similarly, each of Florida's 18 judgeships in the Southern District saw 547 new civil case filings during Fiscal Year 2020-21.[11] This represents fewer than 46 new civil case filings per month per judgeship, again, approximately 1.5 new cases per day.[12]

With double the civil case workload (and dramatically less legal support than their federal counterparts), Florida's state court judges need more resources to execute meaningful active case management in the more than 2 million civil cases filed each year. (*See* Chief Judges' Comment, p. 3 (noting "a severe lack of resources"); Eighth Circuit Comment, p. 1 ("[W]e do not currently have the resources needed in the state court system to implement these changes . . . .").

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[10] *See id.* (extrapolating numbers).

[11] *Id.* at 92.

[12] Again, on average and not accounting for vacancies. *See id.* (extrapolating numbers). This comment does not include the statistics for civil filings for the Northern District of Florida, which as a result of an MDL case involving the 3M Company, has received a wildly disproportionate share of civil case filings (more than 190,000, representing more than 41% of the total federal court civil case filings in the entire United States for the 12-month period ending March 31, 2021). *See* U.S. Courts, Fed. Jud. Caseload Statistics 2021, Summary, U.S. Dist. Courts, Civil Filings, *available at* https://www.uscourts.gov/statistics-reports/federal-judicial-caseload-statistics-2021 (last visited June 1, 2022).

At a minimum, state courts need increased funding for trained staff that create efficiencies for both judges and litigants. For example, the Final Report noted that Florida's Eleventh Circuit recently ran a pilot project involving the use of case managers. (Final Report, pp. 42-32). The judges who received assistance from case managers held "more case conferences per case" and "more scheduled hearings per case," which the Workgroup presumed increased the cost of litigation. (*Id.* at 43). And although the Final Report noted the judges with case managers had statistically significant increases in closed cases, those increased resolutions appear to be the result of more settlements between the parties, not increases in dismissals or cases going to judgment. (*Id.*).

Notably, this Court previously sought recommendations to enhance the civil case management process not just in a timely manner, but also a cost-efficient one. (*See* AOSC19-73). Would trained judicial law clerks provide a different or even greater benefit than case managers? Does improved technology exist that would reduce the amount of staff time necessary to schedule hearings and complete other tasks? More analysis and examination are required as to the types of infrastructure/technology and the levels of

additional funding and staff support that would permit Florida's state court judges to more actively manage their civil caseloads without increasing the cost of litigation for the participants.

IV. *Recommendations This Court Should Reject*

ATRA is concerned that many of the Final Report's recommendations do not model the Federal Rules of Civil Procedure or procedural rules from other states. Some recommendations are too complicated and unduly restrict both the attorneys and state court judges. The Final Report also proposed amendments that unfairly shift the burden and the cost of discovery onto defendants. This Court should reject the Final Report's recommendations that disproportionately and unfairly target Florida businesses.

Some of the recommendations this Court should reject include:

A. Increasing the burden and cost of discovery on Florida businesses. The Final Report proposes a dramatic increase in both the burden and cost of discovery obligations onto Florida businesses. Currently, the Florida Rules of Civil Procedure do not require the parties to exchange initial discovery disclosures. But proposed Rule 1.280(a)(1) requires the parties,

> without awaiting a discovery request, [to] ***provide to the other parties*** the following initial discovery disclosures unless privileged or protected from disclosure:
> . . . .
> (B) ***a copy of all documents, electronically stored information*** [("ESI")]***, and tangible things*** that the disclosing party has in its possession, custody, or control (or, if not in the disclosing party's possession, custody, or control, a description by category and location of such information) and ***that are relevant to the subject matter of the action***, unless the use would be solely for impeachment.

(Final Report, App. 1, p. 152). The Final Report requires this exchange to occur within 45 days after service of the complaint. (*See id.*, App. 1, p. 153 (proposed Rule 1.280(a)(3)). This Court should reject this recommendation as unworkable.

The proposed recommendation does not find any safe harbor in the Federal Rules, which require the exchange of only "a copy—or a description by category and location—of all documents" and ESI "that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment." (Fed. R. Civ. P. 26(a)(1)(A)(ii)). Two important differences exist here. First, Federal Rule 26 requires only a description of the documents and ESI that a party has in its possession, which helps opposing counsel craft reasonable discovery

requests. Conversely, proposed Rule 1.280(a)(1) requires the actual *exchange of all documents and ESI* in a party's control, as well as a description of documents and ESI that are *not* in the party's control.

Second, Federal Rule 26 requires a party to disclose a description of only the documents and ESI that the disclosing party "may use to support its claims or defenses." It makes sense that a party bears the burden to describe the documents within its possession and control which that party might use in the litigation. Conversely, proposed Rule 1.280(a)(1) as written requires both parties to produce all documents and ESI that are "relevant to the subject matter of the action," regardless of whether any parties may or may not actually use the documents or ESI. And, this burdensome production is required within 45 days.

Proposed Rule 1.280 places an unreasonable burden on litigants, and in particular businesses that possess thousands and thousands (and in some cases, millions) of documents and other records in the form of ESI that could meet the exceptionally low bar of "relevant to the subject matter of the action" and would need to be produced within 45 days. The proposed rules provide no option to provide a description of this information as opposed to the actual

documents and ESI themselves. And the proposed rules strengthen the grounds for sanctions imposed against parties for any noncompliance. (*See, e.g.*, Final Report, App. 1, pp. 165-70 (proposed Rule 1.380)). Florida businesses are already overwhelmed with discovery requests that are disproportionate to the claims in the litigation; this recommendation does nothing to provide relief and instead codifies a standard so high that it is impossible to meet.

Moreover, proposed Rule 1.280(a)(1) would render Rule 1.350 superfluous. There would be no reason to send requests for production to another party if that party is already obligated to produce every relevant document and all ESI within 45 days—as there would be nothing relevant left to produce. It is unclear how these two rules would co-exist.

If proposed Rule 1.280(a)(1) is enacted, Florida's state courts should expect parties to routinely file motions for relief pursuant to Florida Rule of Civil Procedure 1.280(d)(2). Such motions are almost certain to be contested, requiring additional court hearings and resources from all involved, needlessly driving up the cost of litigation.

Additionally, the Final Report recommended other discovery changes that exacerbate this burden, further increasing the cost and making compliance with discovery obligations more difficult, if not impossible. The Workgroup rejected the concept of "proportionality," which could have tempered the impact of a new rule requiring initial disclosures. (*See* Final Report, pp. 83-84 (dismissing the concept of proportionality because it would "create yet another trigger point for discovery litigation"). And the Final Report recommended adding a duty to supplement discovery. (*See* Final Report, App. 1, p. 156 (proposed Rule 1.280(g)). When coupled with proposed Rule 1.280(a)(1)'s duty to produce all relevant documents and ESI, the proposed rules mandate a continuous, rolling production of all relevant documents and ESI, regardless of proportionality, throughout the duration of the litigation. Failure to comply with this impossible burden is grounds for sanctions. (*See* Final Report, App. 1, p. 156 (proposed Rule 1.280(g)). ATRA cannot overstate the severity of the financial and logistical burden these recommendations would impose on Florida businesses.

The Final Report also recommended expanding the existing limitations on interrogatories in certain cases. Within 45 days of

service of the complaint, proposed Rule 1.280(a)(1)(E) would require the parties to provide responses to the standard interrogatory forms if they exist for that case category, and it expressly exempts those interrogatories from the 30-interrogatory limit per party. (*See id.*, pp. 94-95; *see also id.*, App. 1, pp. 152-53). Standard interrogatory forms currently exist for general personal injury negligence, medical malpractice, and automobile negligence cases. (Fla. R. Civ. P., App. 1 (involving between 22 and 29 interrogatories for plaintiffs and 15 and 23 interrogatories for defendants). The Final Report provides no support for such an expansion, and it is not necessary to add dozens of interrogatories in these cases.

Finally, the Final Report's proposed discovery process requires the parties to file a joint case management report more than two weeks before receiving the opposing party's initial disclosures. (*Compare* Final Report, App. 1, p. 133 (proposed Rule 1.200(e)(3)(B)(iii), which would require the parties to file their joint case management report 30 days after service of the complaint), *with id.*, App. 1, p. 153 (proposed Rule 1.280(a)(3), which sets the deadline for initial disclosures at 45 days from service of the complaint)). Under the federal rules, initial disclosures are required no later than

when the parties file their joint status report. (*See* Fed. R. Civ. P. 26(a)(1)(C) and 26(f)(2)). A written proposed joint management report might be more meaningful if the parties are able to receive initial disclosures first or closer in time.

B. Overly complicating motion practice. The recommendations for changes to civil motion practice are unnecessarily complex and, in some areas, overly broad. These recommendations will create inefficiencies, not reduce them. (*See, e.g.*, Eighth Circuit Comment, pp. 1-2).

For example, the recommendations require a pre-filing conference between counsel for nearly *all* motions. (*See* Final Report, App. 1, pp. 122-24 (proposed Rule 1.160(c))). But this Court should not require a prior meet and confer on dispositive motions, *Daubert* motions, and motions in *limine*, as such motions are routinely opposed. Moreover, the obligation in proposed Rule 1.160(c)(3) to schedule phone conferences (*see id.*, App. 1, p. 123) increases litigation costs by requiring formal conferences. It also introduces the opportunity for miscommunication that cannot be subsequently evaluated by the courts because there is no written record of any agreement or conversations. In addition, the requirements in

proposed Rules 1.160(c)(4) and (5) to make three separate good-faith attempts to reach opposing counsel prior to filing any motion for relief—and then to file a motion detailing those dates/times—(*see id.*, App. 1, pp. 124-25) needlessly delays the filing of dispositive and other motions for an unclear amount of time. Is three days enough time to make three good faith attempts? It also requires state court judges to spend their precious time policing attorney behavior.

A better way to handle a meet-and-confer requirement can be seen in Northern District of Florida's Local Rule 7.1(B), which encourages—but does not require—oral conferences and permits the filing of a motion if opposing counsel is unavailable for 24 hours or more following receipt of email correspondence requesting the attorney's position on a written motion. (*See* N.D. Fla. R. 7.1(B)). Local Rule 7.1(D) is also beneficial, as it exempts motions that would determine the outcome of a case or claim from the attorney conference requirement. (*See* N.D. Fla. R 7.1(D)). Thus, Local Rule 7.1 requires conferences between the parties only where they have the potential to be meaningful and balances a party's need to seek relief from the courts without allowing opposing counsel the opportunity to delay.

The recommendations also complicate the process of requesting a hearing on a motion. Proposed Rules 1.160(c)(2)(A) and 1.161 require an exhaustive back-and-forth exchange between the parties and court personnel. (*See* Final Report, App. 1, pp. 123, 126-28). This Court should instead consider requiring that the movant file a notice contemporaneously with the filing of a motion identifying whether a hearing is requested (or the nonmovant within five days of service of the motion), along with the reasons for the request and dates and times the parties could be available for a hearing. The judge can decide based on the request(s) whether a hearing should be held, and, if so, schedule a date and time for the hearing.

Other recommendations also appear problematic. Proposed Rule 1.160(j)(2) allows the judge to decide a motion summarily, but does not address the nonmovant's right to file a response. (*See id.*, App. 1, p. 125). It also appears that the Final Report contemplates a significant amount of time between the filing of motions and the filing of memoranda of law. (*See, e.g.*, *id.* (proposed Rule 1.160(1)). Under proposed Rules 1.160(c) and 1.161(b), up to 15 days can pass between the filing of a motion and a court issuing an order confirming that no hearing is required. (*See id.*, App. 1, pp. 123-24, 126-27).

Under proposed Rule 1.160(j)(1), another 10 days can pass before the Court issues another order that gives the movant an additional 20 days to file a memorandum of law on the motion. (*See id.*). And the proposed rules do not appear to address the filing of memoranda if a hearing is scheduled on a motion. (*See, e.g.*, *id.*, App. 1, p. 124 (proposed Rule 1.160(c)(5) (discussing written memoranda only if no hearing is requested); *see also id.*, App. 1, p. 125 (proposed Rule 1.160(j)(1) (same)).

If this Court's goal is efficiency and prevention of needless delay, *every motion*—regardless of whether or not a hearing is necessary—should be accompanied with a memorandum of law. (*See, e.g.*, N.D. Fla. Local Rules 7.1(E) and 7.1(H), with exceptions for certain motions listed under Local Rule 7.1(G)). Requiring simultaneous filing will eliminate the passage of as many as 45 days between the filing of a motion and the filing of an accompanying memorandum of law and will ensure the parties are prepared prior to any hearing on the motion that may be held.

C. Rushing development of a case management order. In proposed Rule 1.200(e)(3)(A), a meet and confer on a proposed joint case management report is required within 30 days of service of the

complaint on the *first* defendant. (*See* Final Report, App. 1, p. 132). Proposed Rule 1.200(e)(3)(B)(iii) requires the case management report to be filed within 30 days of service on the *last* defendant. (*See id.*, App. 1, p. 133).

But how do these requirements play out in cases where three or more weeks pass between service of the first and last defendants? Even the process of choosing the right attorney and entering an appearance generally takes some time. Under this schedule, defendants served last may feel rushed or risk missing out on important conversations about the scope and progress of the litigation. Consider also the impact to a Florida business that is served *after* the other parties have already held an initial meet and confer and started developing a proposed joint case management report. Although efforts to move litigation forward should start as early as possible, the meet and confer process should not begin before all defendants in the litigation are served.

D. Eliminating judicial discretion to manage cases. The prohibitions on extensions of time and continuances divest the trial judges of their discretion to take an active and informed approach to the management of each case. For example, proposed Rule

1.460(b)(1) prohibits the granting of a motion to continue trial unless the movant can show "extraordinary unforeseen circumstances involving the personal health of counsel or a party, court emergencies, or other dire circumstances that provide extraordinary cause." (*Id.*, App. 1, p. 175). This is unduly restrictive. Proposed Rule 1.460(b)(3) also unreasonably requires that "[a]ny motion to continue trial must be filed within 14 days after the appearance of grounds to support such a motion." (*Id.*, App. 1, p. 175). Thus, this requirement would force counsel to publicly disclose private health information (including information as sensitive as a cancer or pregnancy diagnosis) within 14 days, which could be well before the plaintiff has decided on a course of treatment or shared the information with his or her family or employer.

The Final Report criticizes current Rule 1.460 as "provid[ing] little guidance" and Florida Rule of General Practice and Judicial Administration 2.545(e) as "mostly aspirational." (*See* Final Report, pp. 112-13). But the existing "good cause" standard is sufficient. Proposed Rule 1.460(b)(5) explicitly prohibits trial judges from granting continuances in numerous situations where a trial court judge might otherwise rule that a continuance is proper, including

where the parties have failed to complete mediation, the court has not ruled on outstanding dispositive motions, and a party's counsel withdraws within 60 days of trial. (*See id.*, App. 1, pp. 175-76). Not only do these prohibitions strip considerable discretion from trial judges, but the standards for attorneys are set so high that they may be impossible to meet in nearly all circumstances, even where all parties agree a continuance is in the interest of justice.

Finally, proposed Rule 1.460(b)(10) makes the process more complicated by encouraging trial judges to make factual findings on any motion for continuance to shield them from reversal on appeal. (*See id.*, App. 1, p. 176). This will require the scheduling of yet another hearing on a motion for continuance that otherwise could be decided without one. This Court should also reject elevating the normal appellate standard of review (recommending a "gross abuse of discretion"), as well as to include such a standard in the civil rules. (*See id.* (proposed Rule 1.460(b)(10))).

V. ***Conclusion.***

When reviewing the recommendations within the Final Report, ATRA requests that this Court keep foremost in mind the objective of improving the timely and cost-effective resolution of civil cases.

Beneficial change is welcome, but it would be unwise to proceed hastily. ATRA requests that this Court test new rule changes in pilot program involving both rural and urban counties. Overly complicated or prescriptive proposals should be scrapped, as should any recommendations that force Florida businesses to bear the brunt of onerous discovery obligations. This Court should elevate recommendations that increase efficiencies, preserve judicial discretion, and allow the various circuit and county courts to employ the procedures best suited for their geographic regions.

Respectfully submitted this 1st day of June, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been e-filed with the Florida Supreme Court in the above-captioned case this 1st day of June, 2022, with a copy provided by U.S. mail to Chief Judge Robert Morris, Second District Court of Appeal, P.O. Box 327, Lakeland, Florida 33208; and by email to Tina White, the Office of State Court Administration Liaison to the Workgroup, 500 South Duval Street, Tallahassee, Florida 32399 (whitet@flcourts.org).

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