

May 27, 2010 E-Service Subcommittee Report.

The Florida Family Law Rules of Procedure and Family Law Rules of Procedure Forms have been affected by the proposed Florida Rule of Judicial Administration 2.516 draft dated 05-18-2010. Proposed changes by the Florida Civil Rules of Procedure E-service Subcommittee in their report dated 03-10-2010 affect the Family Law Rules of Procedure. This report shall present the affects and proposed changes to the family law rules and forms.

Affect of rule 2.516.

Pursuant to rule 2.110 the Judicial Administration Rules supersede the family law rules. The family law rules have various exceptions to the civil rules when there is a conflict. I'm not sure the family law rules can have exceptions to the judicial administration rules. There are several judicial administration rules that are in conflict with the family law rules. The judicial administration rules should either include each exception or provide for the family law rules to have exceptions when necessary to accommodate a distinct family law matter.

Rule 2.516(b) provides that 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. Rule 12.040(e) requires that all pleadings be served on both the attorney and party.

Rule 2.516(a) provides that no service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them shall be served in the manner provided for service of summons. Rule 12.080(c)(2) provides that notice of final hearings or trials and court orders shall be served on defaulted parties in the manner provided for service of pleadings and papers contained in Florida Rule of Civil Procedure 1.080. However, rule 1.080 as proposed refers to rule 2.516.

It should be noted that rule 2.516 does not prohibit the additional requirement of service on the party client if another rule so provides. Our propose changes to rule 12.080(a)(1) makes e-service applicable to both the attorney and the party client during limited appearance. The additional requirement of service on the party client as provided in rule 12.080(a)(1) is not in conflict with the requirement of service on the attorney as provided in rule 2.516. Similarly, rule 2.516(a) states that "no service need be made", but doesn't prohibit rule 12.080(c)(2) from requiring additional service.

Change to Civil Rule 1.080.

The Florida Civil Rules of Procedure E-service Subcommittee is presenting alternative language for rule 1.080. The majority position is to have rule 1.080 just refer to rule 2.516 while the minority position is to track rule 2.516. Rule 1.080 as proposed by the majority would be:

RULE 1.080. SERVICE OF PLEADINGS AND PAPERS

Every pleading subsequent to the initial pleading, all orders, and any other documents filed in the action must be served in conformity with the requirements of Rule 2.516 of the Rules of Judicial Administration.

If rule 1.080 just refers to rule 2.516, the Family Law Rules of Procedure will probably need to be modified. If rule 1.080 tracks rule 2.516 the Family Law Rules of Procedure can be left unchanged. Until the Florida Civil Rules of Procedure Committee decides, we are unable to decide. They meet the day before we meet. If their majority prevails, our family law rules will be awkward. The family law rules would refer attorneys and self representative parties to civil rule 1.080 which would

in turn refer to rule of judicial administration 2.516. Some civil rule subdivisions refer to 1.080. In those situations, a family law rule subdivision will refer to the corresponding civil rule subdivision which refers to rule 1.080 which refers to rule 2.516.

There are two viable alternatives, leave the family law rules unchanged and referring to the corresponding civil rule or change the family law rules by presenting exceptions, substituting the disagreeable language from the civil rules, and provide references to rule 2.516. The proposed changes to the Family Law Rules of Procedure presented here reflect the latter alternative.

RULES WITH PROPOSED CHANGES:

- Rule 12.040. Attorneys
- Rule 12.080. Service of Pleadings and Papers
- Rule 12.090. Time
- Rule 12.170. Counterclaims and Crossclaims
- Rule 12.285. Mandatory Disclosure
- Rule 12.351. Production of Documents and Things Without Deposition
- Rule 12.410. Subpoena
- Rule 12.440. Setting Action for Trial
- Rule 12.510. Summary Judgment
- Rule 12.611. Central Governmental Depository
- Rule 12.615. Civil Contempt in Support Matters
- Rule 12.630. Extraordinary Remedies

The E-service Subcommittee proposes changes to the Florida Family Law Rules of Procedure. Strikethrough ~~grayed highlights~~ are deletions and the underline yellow highlights are additions. Pertinent Civil Rules are presented as they would read with the proposed changes by the Civil Rules E-service Subcommittee with concerned portions in green highlights.

RULE 12.040. ATTORNEYS

Comment:

The language provides that more than one email address can be used by an attorney or designated by a litigant.

RULE 12.040. ATTORNEYS

(c) Scope of Representation.

(1) If an attorney appears of record for a particular limited proceeding or matter, as provided by this rule, that attorney shall be deemed “of record” for only that particular proceeding or matter. Any notice of limited appearance filed shall include the name, address, email address(es), and telephone number of the attorney and the name, address and telephone number of the party. If the party designates email address(es) for service on and by that party, the party’s email address(es) shall also be included. At the conclusion of such proceeding or matter, the attorney’s role terminates without the necessity of leave of court, upon the attorney filing notice of completion of limited appearance. The notice, which shall be titled “Termination of Limited Appearance,” shall include the names and last known addresses of the person(s) represented by the withdrawing attorney.

(d) Preparation of Pleadings or Other Documents. A party who files a pleading or other document of record pro se with the assistance of an attorney shall certify that the party has received

assistance from an attorney in the preparation of the pleading or other document. The name, address and telephone number of the party shall appear on all pleadings or other documents filed with the court. **If the party designates email address(es) for service on and by that party, the party's email address(es) shall also be included.**

(e) Notice of Limited Appearance. Any pleading or other document filed by a limited appearance attorney shall state in bold type on the signature page of that pleading or other document:

“Attorney for [Petitioner] [Respondent] [attorney's address, **email address(es)**, and telephone number] for the limited purpose of [matter or proceeding]” to be followed by the name of the petitioner or respondent represented and the current address and telephone number of that party. **If the party designates email address(es) for service on and by that party, the party's email address(es) shall also be included.**

(f) Service. During the attorney's limited appearance, all pleadings or other documents and all notices of hearing shall be served upon both the attorney and the party. If the attorney receives notice of a hearing that is not within the scope of the limited representation, the attorney shall notify the court and the opposing party that the attorney will not attend the court proceeding or hearing because it is outside the scope of the representation.

Committee Notes

2010 Amendment. Subdivisions (c), (d), and (e) are amended to provide email addresses in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.080. SERVICE OF PLEADINGS AND PAPERS

Comment:

Rule 2.516 doesn't address the uniqueness of limited representation in family law matters which require that both the attorney and party client must be served. Rule 12.020 makes the civil rules applicable to family law matters except when otherwise provided. However, pursuant to rule 2.110, the Rules of Judicial Administration supersede all conflicting rules and statutes. Proposed rule 2.516(b) provides for service upon the attorney or party and an order would be required in limited appearance proceedings.

Proposed rule 2.516(b) Service; 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.

It should be noted that rule 2.516 does not prohibit the additional requirement of service on the party client if another rule so provides. Our propose changes to rule 12.080(a)(1) makes e-service applicable to both the attorney and the party client during limited appearance. The additional requirement of service on the party client as provided in rule 12.080(a)(1) is not in conflict with the requirement of service on the attorney as provided in rule 2.516.

The change to subdivision (b) is to correct a typo and insert a missing comma.

RULE 12.080. SERVICE OF PLEADINGS AND PAPERS

(a) Service.

(1) Family Law Actions Generally. Service of pleadings and papers after

commencement of all family law actions except domestic, repeat, dating, and sexual violence shall be as set forth in Florida Rule of ~~Civil Procedure 1.080~~ **Judicial Administration 2.516**, except that rule ~~1.080~~ **2.516** shall **also apply to service on the party during the attorney's limited appearance as provided in rule 12.040(f) and** be expanded as set forth in subdivisions (b) and (c) to include additional requirements for service of recommended orders and for service on defaulted parties.

(b) Service and Preparation of Orders and Judgments. A copy of all orders or judgments involving family law matters except domestic, repeat, dating, and sexual violence shall be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. The court may require that recommended orders, orders, or judgments be prepared by a party. If the court requires that a party prepare the recommended order, order, or judgment, the party shall furnish the court with stamped, addressed envelopes to all parties for service of the recommended order, order, or judgment. The court may also require that any proposed recommended order, order, or judgment that is prepared by a party be furnished to all parties no less than 24 hours before submission to the court of the recommended order, order, or judgment.

(c) Defaulted Parties. No service need be made on parties against whom a default has been entered, except that:

(1) Pleadings asserting new or additional claims against defaulted parties shall be served in the manner provided for service of summons contained in Florida Rule of Civil Procedure 1.070.

(2) Notice of final hearings or trials and court orders shall be served on defaulted parties in the manner provided for service of pleadings and papers contained in Florida Rule of ~~Civil Procedure 1.080~~ **Judicial Administration 2.516**.

(3) Final judgments shall be served on defaulted parties as set forth in Florida Rule of ~~Civil Procedure 1.080(h)(2)~~ **Judicial Administration 2.516**.

Committee Notes

2010 Amendment. Subdivision (a)(1) is amended to provide for service on the party during the attorney's limited appearance. Subdivisions (a)(1), (c)(2), and (c)(3) are amended to provide for service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.090. TIME

Comment:

Pursuant to rule 2.516(b)(1)(D)(3) "Email service shall be treated as service by mail for the computation of time" and pursuant to rule 2.516(b)(1) "When the sender seeks to have the differing time limits or other provisions of another means of service apply, the sender may use that means of service in addition to email". At present the CR E-service Subcommittee is not proposing a change to 1.090.

RULE 1.090. TIME

(e) Additional Time after Service by Mail. When a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon that party and the notice or paper is served upon that party by mail, 5 days shall be added to the prescribed period.

We propose changing rule 12.090 to apply the additional 5 days for service by email.

RULE 12.090. TIME

Time shall be governed by Florida Rule of Civil Procedure 1.090, except that an additional 5 days added to the prescribed period after service, as provided in rule 1.090(e), shall also apply to service by email.

Committee Notes

2010 Amendment. Rule 12.090 is amended to treat email service as service by email for the computation of time in accordance with Fla.R.Jud.Admin. 2.516(b)(1)(D)(iii).

RULE 12.170. COUNTERCLAIMS AND CROSSCLAIMS

Comment:

Left unchanged rule 12.170 would refer to rule 1.170 which refers to rule 1.080 which refers to rule 2.516.

Here are the proposed changes to rule 1.170.

RULE 1.170. COUNTERCLAIMS AND CROSSCLAIMS

(g) Crossclaim against Co-Party. A pleading may state as a crossclaim any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter of either the original action or a counterclaim therein, or relating to any property that is the subject matter of the original action. The crossclaim may include a claim that the party against whom it is asserted is or may be liable to the crossclaimant for all or part of a claim asserted in the action against the crossclaimant. Service of a crossclaim on a party who has appeared in the action shall be made pursuant to rule 1.080(b). Service of a crossclaim against a party who has not appeared in the action shall be made in the manner provided for service of summons.

We propose copying the pertinent language of rule 1.70 and substituting “rule 1.080” with “Florida Rule of Judicial Administration 2.516”.

RULE 12.170. COUNTERCLAIMS AND CROSSCLAIMS

Counterclaims and crossclaims shall be governed by Florida Rule of Civil Procedure 1.170, except that service of a crossclaim on a party who has appeared in the action, as provided in rule 1.170(g), shall be made pursuant to Florida Rule of Judicial Administration 2.516.

Committee Notes

2010 Amendment. Rule 12.170 is amended to provide for service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.285. MANDATORY DISCLOSURE

Comment:

Pursuant to rule 2.516(b)(1)(D)(3) “Email service shall be treated as service by mail for the computation of time” and pursuant to rule 2.516(b)(1) “When the sender seeks to have the differing time limits or other provisions of another means of service apply, the sender may use that means of service in addition to email”. Thus email has the same 7 day time limit as mail, but delivery can be made at least 2 days before the hearing as long as email service follows.

We propose changing rule 12.825 by inserting “email or” where appropriate.

RULE 12.285. MANDATORY DISCLOSURE

(b) Time for Production of Documents.

(1) Temporary Financial Hearings.

(B) The responding party shall serve the required documents on the party seeking relief on or before 5:00 p.m., 2 business days before the day of the temporary financial hearing if served by delivery or 7 days before the day of the temporary financial hearing if served by **email or** mail unless the documents have been received previously by the party seeking relief under subdivision (b)(2) of this rule. A responding party shall be given no less than 12 days to serve the documents required under this rule, unless otherwise ordered by the court. If the 45-day period for exchange of documents provided for in subdivision (b)(2) of this rule will occur before the expiration of the 12 days, the provisions of subdivision (b)(2) control.

Committee Notes

2010 Amendment. Subdivision (b)(1) is amended to provided for email service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.351. PRODUCTION OF DOCUMENTS AND THINGS WITHOUT DEPOSITION

Comment:

Left unchanged rule 12.351 would refer to rule 1.351 which refers to rule 1.080 which refers to rule 2.516.

Here are the proposed changes to rule 1.351.

RULE 1.351. PRODUCTION OF DOCUMENTS AND THINGS WITHOUT DEPOSITION

(b) Procedure. A party desiring production under this rule shall serve notice **as provided in rule 1.080** on every other party of the intent to serve a subpoena under this rule at least 10 days before the subpoena is issued if service is by delivery and 15 days before the subpoena is issued if the service is by mail or email. The proposed subpoena shall be attached to the notice and shall state the time, place, and method for production of the documents or things, and the name and address of the person who is to produce the documents or things, if known, and if not known, a general description sufficient to identify the person or the particular class or group to which the person belongs; shall include a designation of the items to be produced; and shall state that the person who will be asked to produce the documents or things has the right to object to the production under this rule and that the person will not be required to surrender the documents or things. A copy of the notice and proposed subpoena shall not be furnished to the person upon whom the subpoena is to be served. If any party serves an objection to production under this rule within 10 days of service of the notice, the documents or things shall not be produced pending resolution of

the objection in accordance with subdivision (d).

We propose copying the pertinent language of rule 1.351(b) and substituting “Florida Rule of Judicial Administration 2.516” for “rule 1.080”.

RULE 12.351. PRODUCTION OF DOCUMENTS AND THINGS WITHOUT DEPOSITION

Production of documents and things without deposition shall be governed by Florida Rule of Civil Procedure 1.351 except that a party desiring production under this rule, as provided in rule 1.351(b), shall serve notice as provided in Florida Rule of Judicial Administration 2.516 on every other party of the intent to serve a subpoena under this rule at least 10 days before the subpoena is issued if service is by delivery and 15 days before the subpoena is issued if the service is by mail or email.

Committee Notes

2010 Amendment. Rule 12.351 is amended to provide for service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.410. SUBPOENA

Comment:

Left unchanged rule 12.410 would refer to rule 1.410 which refers to rule 1.080 which refers to rule 2.516.

Here are the proposed changes to rule 1.440.

RULE 1.410. SUBPOENA

(c) For Production of Documentary Evidence. A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein, but the court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive, or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things. A party seeking production of evidence at trial which would be subject to a subpoena may compel such production by serving a notice to produce such evidence on an adverse party as provided in rule 1.080 (b). Such notice shall have the same effect and be subject to the same limitations as a subpoena served on the party.

We propose copying the pertinent language of rule 1.410 and substituting “Florida Rule of Judicial Administration 2.516” for “rule 1.080”.

RULE 12.410. SUBPOENA

Subpoenas shall be governed by Florida Rule of Civil Procedure 1.410 except that a party seeking production of evidence at trial, as provided in rule 1.410(c), which would be subject to a subpoena may compel such production by serving a notice to produce such evidence on an adverse party as provided in Florida Rule of Judicial Administration 2.516.

Committee Notes

2010 Amendment. Rule 12.410 is amended to provide for service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.440. SETTING ACTION FOR TRIAL

Comment:

Left unchanged rule 12.440 would refer to rule 1.440 which refers to rule 1.080 which refers to rule 2.516.

Here are the proposed changes to 1.440.

RULE 1.440. SETTING ACTION FOR TRIAL

(c) **Setting for Trial.** If the court finds the action ready to be set for trial, it shall enter an order fixing a date for trial. Trial shall be set not less than 30 days from the service of the notice for trial. By giving the same notice the court may set an action for trial. **In actions in which the damages are not liquidated, the order setting an action for trial shall be served on parties who are in default in accordance with rule 1.080 (a).**

We propose copying the pertinent language of 1.440 and substituting “Florida Rule of Judicial Administration 2.516” for “rule 1.080”.

RULE 12.440. SETTING ACTION FOR TRIAL

Florida Rule of Civil Procedure 1.440 shall govern general provisions concerning setting an action for trial in family law matters, with the following exceptions and additions.

(a) **Setting for Trial.** If the court finds the action ready to be set for trial, it shall enter an order setting the action for trial, fixing a date for trial, and setting a pretrial conference, if necessary. In the event a default has been entered, reasonable notice of not less than 10 days shall be given unless otherwise required by law. **In actions in which the damages are not liquidated, the order setting an action for trial shall be served on parties who are in default in accordance with Florida Rule of Judicial Administration 2.516.** Trial shall be set within a reasonable time from the service of the notice for trial. At the pretrial conference, the parties should be prepared, consistent with Florida Family Law Rule of Procedure 12.200, to present any matter that will prepare the parties for trial and that can expedite the resolution of the case. The trial court may also direct the parties to reciprocally exchange and file with the court all documents relative to the outcome of the case; a list of all witnesses, all issues to be tried, and all undisposed motions; an estimate of the time needed to try the case; and any other information the court deems appropriate. This information should be served and filed no later than 72 hours before the pretrial conference or 30 days before the trial.

Committee Notes

2010 Amendment. Subdivision (a) is amended to provide for service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.510. SUMMARY JUDGMENT

Comment:

Pursuant to 2.516(b)(1)(D)(3) “Email service shall be treated as service by mail for the computation of time” and pursuant to 2.516(b)(1) “When the sender seeks to have the differing time limits or other provisions of another means of service apply, the sender may use that means of service in addition to email”. Thus email has the same 5 day time limit as mail, but delivery can be made at

least 2 days before the hearing as long as email service follows.

Here are the proposed changes to rule 1.510. The yellow highlights are theirs.

RULE 1.510. SUMMARY JUDGMENT

(c) **Motion and Proceedings Thereon.** The motion shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall specifically identify any affidavits, answers to interrogatories, admissions, depositions, and other materials as would be admissible in evidence (“summary judgment evidence”) on which the movant relies. The movant shall serve the motion at least 20 days before the time fixed for the hearing, and shall also serve at that time copies of any summary judgment evidence on which the movant relies that has not already been filed with the court. The adverse party shall identify, by notice ~~mailed to the movant's attorney~~ **served pursuant to rule 1.080** at least 5 days prior to the day of the hearing, or delivered no later than 5:00 p.m. 2 business days prior to the day of the hearing, any summary judgment evidence on which the adverse party relies. To the extent such summary judgment evidence has not already been filed with the court, the adverse party shall serve copies on the movant by serving as provided in rule 1.080 ~~mailing~~ them at least 5 days prior to the day of the hearing, or by delivering them to the movant's attorney no later than 5:00 p.m. 2 business days prior to the day of hearing. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, admissions, affidavits, and other materials as would be admissible in evidence on file show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

The changes proposed by the Civil Rules E-service Subcommittee cause concern. The green highlights are ours to emphasis how their proposed changes would read. The language in issue is: “The adverse party shall identify, by notice ~~mailed to the movant's attorney~~ **served pursuant to rule 1.080** at least 5 days prior to the day of the hearing, **or delivered** no later than 5:00 p.m. 2 business days prior to the day of the hearing, any summary judgment evidence on which the adverse party relies. To the extent such summary judgment evidence has not already been filed with the court, the adverse party shall serve copies on the movant by serving as provided in **rule 1.080** ~~mailing~~ them at least 5 days prior to the day of the hearing, or by delivering them to the movant's attorney no later than 5:00 p.m. 2 business days prior to the day of hearing”.

Rule 1.510(c) as proposed does not state upon whom the notice is to be served. Delivery of the notice or the evidence is a means of service pursuant to rule 1.080 which refers to rule 2.516 and is not an alternative means of service. Delivery of the evidence to movant should also be permitted and not be limited to movant's attorney. As proposed, delivery of the evidence is prohibited if the movant is self represented.

We propose clarifying that service by the adverse party as set forth in rule 1.510(c) shall be on the movant in accordance with Florida Rule of Judicial Administration 2.516.

RULE 12.510. SUMMARY JUDGMENT

Summary judgment shall be governed by Florida Rule of Civil Procedure 1.510, **except that service by the adverse party, as set forth in 1.510(c), shall be on the movant in accordance with Florida Rule of Judicial Administration 2.516.**

2010 Amendment. Rule 12.510 is amended to state who the adverse party serves and provide for service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.611. CENTRAL GOVERNMENTAL DEPOSITORY

Comment:

We propose changing the manner of service on a defaulting party to be in accordance with rule 2.516.

RULE 12.611. CENTRAL GOVERNMENTAL DEPOSITORY

(b) Payments to Public Officer.

(3) Payment may be enforced by the party entitled to it or the court may establish a system under which the officer issues a motion for enforcement and a notice of hearing in the form approved by the supreme court. The motion and notice shall be served on the defaulting party in ~~person or by mail~~ **accordance with Florida Rule of Judicial Administration 2.516**. At the hearing the court shall enter an appropriate order based on the testimony presented to it.

Committee Notes

2010 Amendment. Subdivision (b) is amended to provide for service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.615 CIVIL CONTEMPT IN SUPPORT MATTERS

Comment:

We propose changing the manner of service on a defaulting party to be in accordance with rule 2.516.

RULE 12.615 CIVIL CONTEMPT IN SUPPORT MATTERS

(b) Motion and Notice. Civil contempt may be initiated by motion. The motion must recite the essential facts constituting the acts alleged to be contemptuous. No civil contempt may be imposed without notice to the alleged contemnor and without providing the alleged contemnor with an opportunity to be heard. The civil contempt motion and notice of hearing may be served ~~by mail~~ **in accordance with Florida Rule of Judicial Administration 2.516** provided notice ~~by mail~~ is reasonably calculated to apprise the alleged contemnor of the pendency of the proceedings. The notice must specify the time and place of the hearing and must contain the following language: "FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD." This notice must also state whether electronic recording or a court reporter is provided by the court or whether a court reporter, if desired, must be provided by the party.

Committee Notes

2010 Amendment. Subdivision (b) is amended to provide for service in accordance with Fla.R.Jud.Admin. 2.516.

RULE 12.630. EXTRAORDINARY REMEDIES

Comment:

Here are the proposed changes to 1.630.

RULE 1.630. EXTRAORDINARY REMEDIES

(d) Process. If the complaint shows a prima facie case for relief, the court shall issue:

(5) a writ of habeas corpus.

The writ shall be served in the manner prescribed by law, **except the summons in certiorari shall be served as provided in rule 1.080(b).**

We propose copying the pertinent language of rule 1.630 and substituting “Florida Rule of Judicial Administration 2.516” for “rule 1.080”.

RULE 12.630. EXTRAORDINARY REMEDIES

Extraordinary remedies shall be governed by Florida Rule of Civil Procedure 1.630, **except summons in certiorari, as set forth in rule 1.630(d)(5), shall be served as provided in Florida Rule of Judicial Administration 2.516.**

Committee Notes

2010 Amendment. Rule 12.630 is amended to provide for service in accordance with Fla.R.Jud.Admin. 2.516.