

March 16, 2021

Via Florida Courts E-Filing Portal

The Honorable Justices of the Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1925

IN RE: AMENDMENTS TO FLORIDA SC20-1490 RULE OF CIVIL
PROCEDURE 1.510

The U.S. Chamber Institute for Legal Reform and Florida Chamber of Commerce Litigation and Regulatory Reform Center strongly support the Court's drive to improve Florida's legal system and ensure that disputes within the state are fairly and expeditiously adjudicated. Adoption of the Court's proposed Rule of Civil Procedure 1.510 would eliminate waste, curb the pursuit of non-meritorious claims, and discourage venue shopping between Florida's federal and state courts.

As other commenters, including Attorney General Moody and the Florida Justice Reform Institute, correctly note, Florida's trial courts grant summary judgment less frequently than federal courts presented with factually similar cases. The difficulty of securing summary judgment in Florida as compared to federal courts or courts in the supermajority of states that have adopted the federal summary judgement approach is, unsurprisingly, reflected in subjective and objective analyses of Florida's litigation environment.

For over a decade, Florida's legal climate has ranked among the worst in the country. When the U.S. Chamber Institute for Legal Reform last surveyed senior in-house litigators' perception of states' legal climates, in 2019, Florida was ranked 46th overall and 46th in its treatment of tort and contract litigation. Approaching summary judgment in the same manner as federal courts and Florida's economic competitors will be an important step towards improving businesses' perception of the speed, fairness, and predictability of litigation in the state.

Florida's current summary judgement standard also contributes to the exceptional cost of litigation in the state. An economic review published in 2018 found that tort system costs equal 3.6% of Florida's gross domestic product, the highest in the country and well above the national average of 2.3%. This equates to over \$4,400 in tort costs, per year, for each Florida household. The unnecessary continuation of litigation past the summary judgement stage is undoubtedly a factor in these high costs, which businesses must either bear or pass on to their consumers.

Our organizations ardently support legislative and other changes that will strengthen the rule of law in Florida; however, the Court's extensive authority over matters of judicial practice and procedure require that it address certain issues to "improve the fairness and efficiency of Florida's civil justice system" and "relieve parties from the expense and burdens of meritless litigation."

Proposed Rule 1.510 would further the Court's stated goals, make Florida's legal system fairer for all parties, and allow businesses to focus on serving their customers and communities rather than defending non-meritorious lawsuits. We urge the court to finalize the rule. We also encourage the court to seriously consider Attorney General Moody's recommendation that the final rule incorporate disclosure and briefing timelines consistent with those used in Florida's federal courts.

Respectfully Submitted,



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