



**Amended Rule 1.510 governs the adjudication of summary judgment motions decided on or after May 1, 2021, including in pending cases.**



**E**ffective May 1, 2021, the Florida Supreme Court has adopted the federal summary judgment standard.

The Court initially amended Florida Rule of Civil Procedure 1.510 by simply adding that the summary judgment standard “shall be construed and applied in accordance with the federal summary judgment standard articulated in *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986); and *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986).”<sup>1</sup> Those cases are commonly referred to as the *Celotex* trilogy.

After receiving comments and hearing oral argument, however, the

Court determined the best way to adopt the federal summary judgment standard is to adopt the text of Federal Rule of Civil Procedure 56, and it largely replaced the text of Rule 1.510 with that of Federal Rule 56.<sup>2</sup> The Court reasoned that doing so makes it more likely that Florida’s adoption of the federal summary judgment standard will take root, that textual overlap will provide greater certainty and eliminate unproductive speculation, and that litigants and judges will get the full benefit of the large body of case law interpreting and applying Federal Rule 56.

The Court noted that embracing the *Celotex* trilogy means abandoning certain features of

Florida jurisprudence that have unduly hindered the use of summary judgment. The Court explained that those applying amended Rule 1.510 must recognize (a) the similarity between the summary judgment and directed verdict standards, (b) that a moving party that does not bear the burden of persuasion at trial can obtain summary judgment without disproving a nonmoving party’s case, and (c) that the correct test for the existence of a genuine factual dispute is whether the evidence is such that a reasonable jury could return a verdict for the nonmoving party.

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There are differences between Federal Rule 56 and amended Rule 1.510, however. For example, Federal Rule 56 provides that a court should state on the record its reasons for granting or denying a summary judgment motion, and amended Rule 1.510 provides that a court *shall* do so. In addition, unlike Federal Rule 56, amended Rule 1.510 provides that summary judgment motions must be filed at least 40 days before the hearing and that responses with supporting factual positions must be filed at least 20 days before the hearing.

Amended Rule 1.510 governs the adjudication of summary judgment motions decided on or after May 1, 2021, including in pending cases. However, the Court stated that in cases where summary judgment was denied under the pre-amendment rule, courts should give parties reasonable opportunities to file renewed summary judgment motions under amended Rule 1.510, and that in cases where summary judgment has been briefed but not decided, courts should allow parties reasonable opportunities to amend to comply with amended Rule 1.510. ■



<sup>1</sup> *In re Amendments to Fla. R. Civ. Pro. 1.510*, 309 So. 3d 192, (Fla. 2020).

<sup>2</sup> *In re Amendments to Fla. R. Civ. Pro. 1.510*, No. SC20-1490, 2021 WL 1684095 (Fla. Apr. 29, 2021).

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