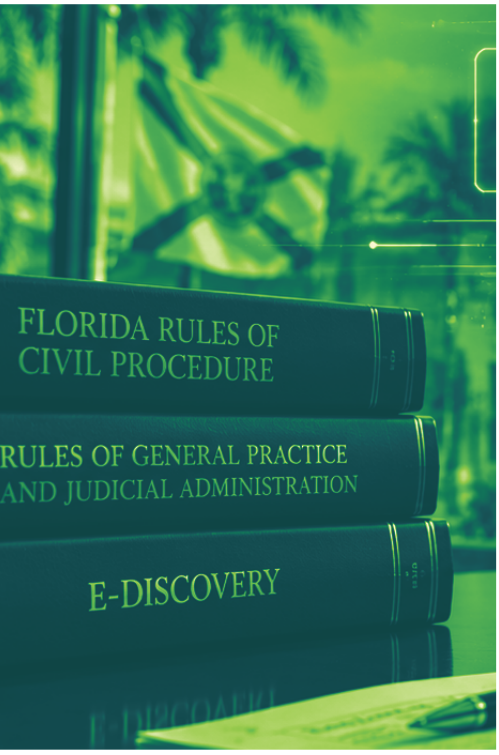
FLORIDA GOT SERIOUS. ARE YOU READY?







Florida's new eDiscovery rules are changing how litigators must approach discovery, making early data collection, proportionality, documentation, and defensibility critical from day one. This white paper explains the new requirements and why partnering with the right eDiscovery provider can help law firms meet tighter deadlines, reduce risk, and stay focused on practicing law.

What Florida's New eDiscovery Rules Mean for Litigators and Why the Right Vendor Partnership Is Now a Strategic Necessity

Florida has never been known as a hotbed of eDiscovery jurisprudence. For years, practitioners could treat electronic discovery as an afterthought, something to scramble around near the discovery cutoff, managed informally and enforced inconsistently. That era is over.

Two waves of rule changes have fundamentally reshaped the eDiscovery landscape for Florida practitioners. The 2025 amendments to the Florida Rules of Civil Procedure introduced mandatory initial disclosures, a federal proportionality standard, stricter sanctions authority, and rigid case management deadlines. The Florida Supreme Court's 2026 amendments to the Rules of General Practice and Judicial Administration extended those reforms further, with expanding judicial powers designed to ensure compliance and efficiency across all case types.

Together, these changes signal something important: Florida's courts are now equipped, and motivated, to reward practitioners who approach eDiscovery with rigor and discipline, and to penalize those who do not. The rules no longer permit a casual or reactive posture. They require a strategy.

This white paper breaks down the key rule changes and their practical implications for Florida litigators, and explains why a trusted eDiscovery partner, one who can move immediately, document defensibly, and adapt to the demands of any case track, is a competitive necessity.



THE RULE CHANGES: WHAT CHANGED AND WHY IT MATTERS

The 2025 Amendments to the Florida Rules of Civil Procedure

The Florida Supreme Court's 2025 amendments to the Rules of Civil Procedure represent the most significant overhaul of Florida discovery practice in a generation. Modeled closely on the Federal Rules of Civil Procedure, the amendments impose new obligations from the first days of a case, well before any discovery requests are served.

1 RULE 1.280 — MANDATORY INITIAL DISCLOSURES

Parties must now serve initial discovery disclosures within 60 days of service of the complaint, without waiting for a discovery request. Required disclosures include: (1) names of individuals with relevant knowledge; (2) copies or descriptions of documents the disclosing party may use to support its claims or defenses; (3) damage computations and supporting documents; and (4) applicable insurance policies. Parties are not excused from compliance because an investigation is incomplete. A continuing duty to supplement applies throughout the matter.

WHAT THIS MEANS FOR YOU

Data collection and organization must begin on day one, not weeks before a discovery deadline. An eDiscovery partner who can ingest, search, and catalog relevant ESI immediately after case filing is essential to meeting the 60-day window without sacrificing completeness or accuracy.

2 RULE 1.280(C) — FEDERAL PROPORTIONALITY STANDARD ADOPTED

Discovery is now limited to "any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case." The prior standard — which permitted discovery of anything "reasonably calculated to lead to the discovery of admissible evidence" — has been eliminated. Proportionality requires parties to justify who they collected from, what search terms were used, and how burden was balanced against benefit.

WHAT THIS MEANS FOR YOU

Blanket over-collection is no longer defensible. A targeted, documented, methodology-driven collection approach with clear rationale for custodian selection, date ranges, and search parameters is now a prerequisite for surviving proportionality challenges

3 RULE 1.280(F) — SEQUENCING: DISCLOSURES BEFORE DISCOVERY

As amended in June 2025, a party may not seek discovery from any source before its initial disclosures are served on the other party, except by court order or stipulation. This creates a sequencing obligation that makes early data readiness a litigation prerequisite, not a mid-case project.

WHAT THIS MEANS FOR YOU

Any party that falls behind on initial disclosures effectively pauses its own ability to conduct discovery. Getting organized early with a trusted professional eDiscovery support directly protects a client's ability to litigate aggressively and on schedule

4 RULE 1.380 — EXPANDED SANCTIONS AUTHORITY

The amended Rule 1.380 significantly expands the court's authority to impose sanctions for discovery failures. A party that fails to disclose a person or document as required may be barred from using that person or document as evidence at hearing or trial, unless the failure was substantially justified or harmless. Available sanctions also include attorney's fees, costs, and jury notification of the failure. The amendments expressly extend sanctions authority to cover failures to make initial disclosures.

WHAT THIS MEANS FOR YOU

The consequences of an incomplete or late disclosure are no longer limited to a motion to compel. They can be case-dispositive. A defensible, auditable eDiscovery process with documented preservation, collection, and search methodology is the most direct protection against sanctions exposure.

5 RULES 1.200 / 1.201 — MANDATORY CASE MANAGEMENT TRACKS AND DEADLINES

Courts must now assign all civil cases to one of three management tracks — streamlined, general, or complex — within 120 days of filing, based on the amount of judicial attention required. Case Management Orders set binding deadlines for discovery, motions, and trial. Extensions are narrowly available. The track assignment directly governs the pace and scope of eDiscovery obligations.

WHAT THIS MEANS FOR YOU

Track assignment happens fast and locks in timelines early. A complex case designation triggers extensive discovery obligations on a compressed schedule. Having an eDiscovery partner already engaged, rather than scrambling to onboard a vendor after the CMO issues, determines whether those deadlines are met or missed.

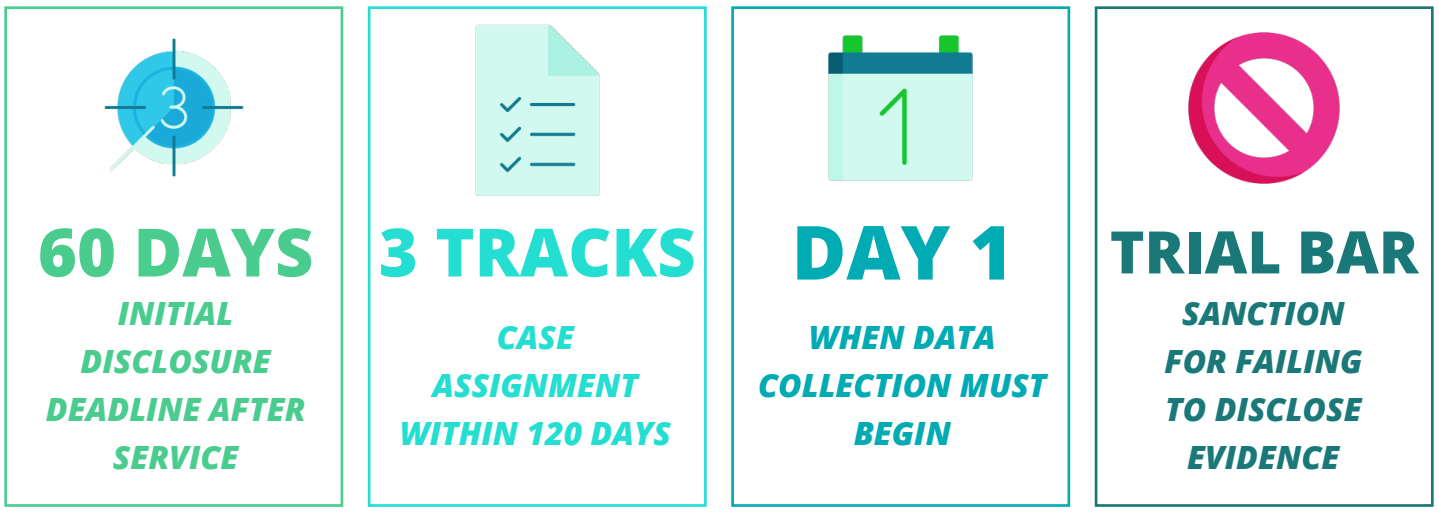
What These Rules Are Really Demanding

The Shift from Reactive to Proactive

Read together, Florida's new discovery rules send a single unmistakable message: eDiscovery can no longer be treated as a reactive, back-end function that kicks in when something goes wrong. It must be integrated into case strategy from the first day of litigation.

The structure of the new rules creates a cascade of interdependencies. Initial disclosures must be served within 60 days. Discovery cannot begin until disclosures are complete. Case management deadlines are set early and enforced strictly. Proportionality objections require justification of every collection decision. And the sanctions available for failure have real teeth.

For practitioners who approach discovery casually, this creates serious exposure. For those who approach it strategically, with the right partner and the right infrastructure, it creates a genuine competitive advantage.



The Proportionality Trap

The old "reasonably calculated" standard was extraordinarily permissive; and therefore, routinely exploited. Requesting parties could demand every email from every employee across a 15-year range, with no obligation to justify the scope. The responding party bore the full cost. Over time, this became a

litigation tactic: discovery demands designed not to find relevant information but to impose costs, delay proceedings, and pressure settlements. The proportionality standard exists specifically to end that dynamic. A request that cannot survive its scrutiny is not a legitimate discovery request. Florida's courts now have the explicit authority to say it is a fishing expedition.

The rule requires courts to weigh six factors for every discovery request:

- The importance of the issues at stake in the action
- The amount in controversy
- The parties' relative access to relevant information
- The parties' resources
- The importance of the discovery in resolving the issues
- Whether the burden or expense outweighs the likely benefit



BEFORE: THE FISHING EXPEDITION

"PRODUCE ALL DOCUMENTS, COMMUNICATIONS, AND ESI FROM JANUARY 1, 2015 TO PRESENT, RELATING IN ANY WAY TO THE PRODUCT, ITS DESIGN, TESTING, MARKETING, SALE, OR CUSTOMER COMPLAINTS, FROM ALL CURRENT AND FORMER EMPLOYEES."

RESULT: TERABYTES OF DATA. YEARS OF REVIEW. SIX-FIGURE COSTS. OFTEN IN A CASE WORTH A FRACTION OF THAT.



AFTER: THE PROPORTIONATE REQUEST

"PRODUCE DOCUMENTS AND COMMUNICATIONS FROM JANUARY 1, 2020 TO DECEMBER 31, 2022, RELATING TO THE SPECIFIC DESIGN MODIFICATION AT ISSUE, FROM THE FIVE CUSTODIANS IDENTIFIED IN YOUR INITIAL DISCLOSURES AS HAVING PRIMARY RESPONSIBILITY FOR THAT MODIFICATION."

RESULT: TARGETED SCOPE. DEFENSIBLE RATIONALE. DISCOVERY THAT MATCHES THE ACTUAL NEEDS OF THE CASE.

The effect runs in both directions. For responding parties, proportionality is now an enforceable shield against overreaching requests. For requesting parties, it is the scope your requests to what the case requires, and be prepared to justify them. Either way, every collection decision must be documented: who was collected from, what search terms were used, and why the scope was appropriate. That is the record a court will ask for when a proportionality challenge is filed. IST's project managers build that record as a standard part of every engagement.

THE PROPORTIONALITY STANDARD IN PRACTICE: Under amended Rule 1.280(c), discovery must be 'proportional to the needs of the case.' Broad requests invite challenges. Targeted, documented requests withstand them and targeted objections to overreaching requests now have the rule squarely behind them.

The Hidden Deadline: Why Day One Matters

Initial Disclosures Are an eDiscovery Project

The 60-day initial disclosure requirement is a substantive obligation that requires a party to identify the individuals with relevant knowledge, describe the documents it may use to support its claims or defenses, and produce or make available the ESI underlying those documents.

Meeting that deadline with complete, accurate disclosures requires exactly what a professional eDiscovery engagement provides: rapid custodian identification, targeted data collection, processing and indexing of ESI, and a systematic review of what exists and what is relevant. Attempting to do this without professional support, in 60 days, across the full range of data sources a modern organization generates, is not realistic.

And the stakes are clear. A party that fails to disclose a document may be barred from using it at trial. A party that discloses late and without justification faces fee-shifting and potential jury notification. The 60-day clock is not a soft target.

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The Supplementation Obligation

The new rules also impose a continuing duty to supplement. When a party learns that a prior disclosure was materially incomplete or incorrect, it must correct the record in a timely manner. This means that the eDiscovery process cannot be treated as a one-time exercise completed at the beginning of a case. It must be an ongoing workflow, with visibility into what has been collected, what has been reviewed, and what may need to be revisited as facts develop.

IST's managed services model is designed precisely for this: a persistent engagement with a dedicated project manager, consistent platform access, and the flexibility to scale collection and review efforts as the case evolves. Under Florida's new rules, it is the only responsible way to manage discovery obligations throughout a matter.

Sanctions Are Real. Defensibility Is the Answer.

The New Teeth in Rule 1.380

Florida courts have always had the authority to impose sanctions for discovery abuse. What the 2025 amendments did was expand that authority explicitly to cover failures in the new initial disclosure regime and make the consequences concrete and severe.

The most significant sanction is also the most straightforward: a party that fails to disclose a person or document may be barred from using that person or document as evidence. In a case where a key witness or critical document was not disclosed on time, that sanction can end the case. Beyond exclusion, courts can award attorney's fees, costs, and instruct the jury that the party failed to comply with discovery obligations.

These are not theoretical risks. They arise directly from the gap between the obligations the new rules impose and the readiness of legal teams to meet them. The firms and clients who will be exposed are those who underinvest in eDiscovery infrastructure and then find themselves unable to demonstrate, when challenged, that their collection and disclosure process was complete, timely, and defensible.



THE EXCLUSION SANCTION: Under amended Rule 1.380(d), if a party fails to disclose a person or document as required, that party may not use the person or document as evidence, unless the failure was substantially justified or harmless. The burden of showing substantial justification or harmlessness falls on the party that failed to disclose. A documented, professionally managed eDiscovery process is the most direct protection against this risk.

What Defensibility Requires

Defensibility is not a claim, but a record. A defensible eDiscovery process is one that can be explained to a court, step by step, with documentation at every stage. It requires:

- A written collection plan documenting who was collected from, what systems were searched, what date ranges and search terms were applied, and why those parameters were chosen.
- Chain-of-custody documentation establishing an unbroken record from collection through production, with hash verification to confirm data integrity.
- Proportionality analysis showing how the collection was scoped to the needs of the case, not just the convenience of the collecting party.
- Audit trails for every processing, review, and production decision, so that any question about what was produced, when, and from where can be answered with precision.
- Expert support from professionals who can explain the methodology in plain terms to a court or discovery referee, and who can withstand cross-examination on the process.

IST builds this record as a matter of standard practice. Our project managers document collection rationale, our forensic team maintains auditable chain-of-custody records, and our experts are available to provide testimony when the process is challenged.

Why Vendor Partnership Is Now a Strategic Decision

The Old Model No Longer Works

The traditional eDiscovery vendor relationship is no longer adequate under Florida's new rules because they are reactive, transactional engagement triggered by discovery deadlines. The obligations begin too early, the deadlines are too tight, the documentation requirements are too specific, and the sanctions for failure are too severe for a casual vendor relationship to manage.



What Florida's new rules require is a partner: a firm that understands the litigation timeline, engages at the earliest stages of a matter, builds a defensible process from day one, and maintains that process through the life of the case.

The distinction matters. A vendor provides a platform and charges for storage. A partner provides expertise, proactive guidance, and the institutional knowledge to help practitioners navigate exactly the kind of rules that Florida's courts have just put in place.

What to Look for in an eDiscovery Partner Under the New Rules

Not every eDiscovery provider is equipped to support the demands Florida's new rules create. The right partner for the current environment brings specific capabilities:

- Immediate mobilization: The ability to engage within hours of a case filing, begin custodian identification and data collection, and meet 60-day disclosure deadlines without sacrificing accuracy or completeness.
- Proportionality expertise: Project managers with the experience to help counsel develop targeted, defensible collection strategies, scoped to the issues in the case, not the convenience of broad collection.
- Documentation discipline: Built-in processes for capturing collection rationale, chain-of-custody records, search methodology, and audit trails that can withstand court scrutiny.
- Scalability across case tracks: From a lean, focused collection for a streamlined matter to a full-scale managed review deployment for complex litigation, IST offers the flexibility to right-size the engagement to the assigned case track.
- Expert witness capability: When the process is challenged, the ability to provide credible testimony about the methodology, tools, and results of the eDiscovery engagement.
- Continuity: A dedicated project manager who knows the case from the beginning, can satisfy the supplementation obligation as the matter evolves, and can adapt to changes in scope without rebuilding the process from scratch.

IST'S APPROACH: IST's project managers are recruited from Am Law 100 environments and bring an average of 13+ years of eDiscovery experience. They engage at the start of a matter, not at the discovery cutoff. They document every collection decision. They build the record that makes a process defensible. And they are available, with 24/7 responsiveness, throughout the life of the case.

No ghosting. No guessing. Just guidance.

Questions Florida Practitioners Are Asking

Q: Our firm has always handled eDiscovery in-house. Do the new rules change that calculus?

Answer: The new rules significantly raise the bar for what in-house eDiscovery management must deliver. Initial disclosures within 60 days, documented proportionality analysis, ongoing supplementation, and the risk of evidence exclusion for disclosure failures all create exposure that informal in-house processes were not designed to manage. For complex cases, the risk of handling this without professional support now outweighs the perceived cost savings.

Q: How does proportionality change how we approach collection?

Answer: Proportionality requires you to be able to explain every collection decision. Who were the key custodians, and why? What search terms were chosen, and based on what case analysis? How was the scope balanced against the burden? These are questions that must be answered in writing before a proportionality challenge is filed. IST's project managers build this documentation as a standard part of every engagement.

Q: We have a streamlined case. Does this still matter?

Answer: Streamlined cases have leaner discovery, but the initial disclosure obligation and proportionality standard apply across all tracks. And the track assignment is made by the court, a case that looks simple at filing can be reassigned if complexity emerges. Having a flexible partner who can scale to meet the actual track is more valuable than making assumptions at the outset.

Q: What is the most important thing our client can do to prepare?

Answer: Two things. First, issue litigation holds immediately upon reasonable anticipation of litigation, before any complaint is filed. The preservation obligation predates the case, and the sanctions for failure to preserve begin there. Second, engage an eDiscovery partner before the case is filed if at all possible, so that collection can begin the moment litigation commences. The 60-day clock starts at service, not at the first CMC.

The New Rules Create a New Opportunity

Florida's eDiscovery rules have caught up with the federal standard. For practitioners who were already approaching discovery with discipline and professional support, these changes validate and reward that approach. For those who were not, the new rules create genuine exposure and a clear incentive to change.

The firms and clients that will thrive under this new framework are those who treat their eDiscovery partner relationship as a strategic asset: engaged early, trusted completely, and embedded in the case from filing through final production.

That is exactly the relationship IST builds with every client we serve. From the first custodian interview to the last production, our project managers are in the matter documenting, advising, and ensuring that when Florida's courts ask whether the discovery process was defensible, the answer is always yes.







Greg Caraway
Vice President, Legal Solutions
IST Management Services

404.394.4166