

RULE 1.430. DEMAND FOR JURY TRIAL; WAIVER

(a) Right Preserved. The right of trial by jury as declared by the Constitution or by statute shall be preserved to the parties inviolate.

(b) Demand. Any party may demand a trial by jury of any issue triable of right by a jury by serving upon the other party a demand therefor in writing at any time after commencement of the action and not later than 10 days after the service of the last pleading directed to such issue. The demand may be indorsed upon a pleading of the party.

(c) Specification of Issues. In the demand a party may specify the issues that the party wishes so tried; otherwise, the party is deemed to demand trial by jury for all issues so triable. If a party has demanded trial by jury for only some of the issues, any other party may serve a demand for trial by jury of any other or all of the issues triable by jury 10 days after service of the demand or such lesser time as the court may order.

(d) Waiver. A party who fails to serve a demand as required by this rule waives trial by jury. If waived, a jury trial may not be granted without the consent of the parties, but the court may allow an amendment in the proceedings to demand a trial by jury or order a trial by jury on its own motion. A demand for trial by jury may not be withdrawn without the consent of the parties.

Committee Notes

1972 Amendment. Subdivision (d) is amended to conform to the decisions construing it. See *Wood v. Warriner*, 62 So. 2d 728 (Fla. 1953); *Bittner v. Walsh*, 132 So. 2d 799 (Fla. 1st DCA 1961); and *Shores v. Murphy*, 88 So. 2d 294 (Fla. 1956). It is not intended to overrule *Wertman v. Tipping*, 166 So. 2d 666 (Fla. 1st DCA 1964), that requires a moving party to show justice requires a jury.

