

SUPREME COURT OF FLORIDA

In re Amendments to the Rules of Judicial Administration (Two-Year Cycle)

915 So. 2d 157 (Fla. 2005) · No. SC05-173 · Decided November 3, 2005

SUMMARY

The Supreme Court of Florida adopts most proposed amendments submitted in the 2005 regular-cycle review of the Florida Rules of Judicial Administration, along with an amendment to Rule 2.071(c) from the 2003 cycle. The opinion addresses amendments concerning trial court administration, public access to judicial records, attorney practice restrictions, related family cases, rulemaking procedures, communication equipment, and the cycle for proposing rule amendments. The court declines to adopt the proposed amendments to Rule 2.170 and Rule 2.071(d).

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Pariente, C.J.; Wells, J.; Anstead, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	November 3, 2005
DOCKET	SC05-173
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Florida considered the biennial report of proposed amendments to the Florida Rules of Judicial Administration, together with a previously proposed amendment to rule 2.071.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion adopting amendments to the Florida Rules of Judicial Administration; binding to the extent it establishes the adopted rule provisions and their effective dates.

TOPICS

- civil procedure
- appellate procedure
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt the 2005 proposed amendments to the Florida Rules of Judicial Administration.
2. Whether the Court should adopt the previously proposed amendment to rule 2.071(c) concerning participation in motion hearings through communication equipment.
3. Whether the Court should adopt the proposed amendments to rule 2.071(d) concerning testimony through communication equipment.
4. Whether the Court should adopt the proposed amendments to rule 2.170 concerning photographing jurors, privacy and confidential matters, and use of court security cameras.

HOLDINGS

1. The Court adopted all of the 2005 proposed amendments to the Florida Rules of Judicial Administration except the proposed amendments to rule 2.170.
2. The Court adopted the proposed amendment to rule 2.071(c), changing the exception from delinquency proceedings to juvenile proceedings for purposes of the requirement that a timely request to participate in a short motion hearing through communication equipment generally be granted absent good cause.
3. The Court declined to adopt the proposed amendment to rule 2.071(d) that would have allowed courts to use communication equipment to take testimony over a party's objection.
4. The Court declined to adopt the proposed amendments to rule 2.170 concerning photographing jurors' faces, judicial authority to protect privacy and confidential matters, and use of court security cameras.

KEY QUOTATIONS

“After reviewing the Rules Committee's 2005 proposed amendments, considering the comments filed concerning those proposals, and hearing oral argument, we adopt all the 2005 proposals, except the proposed amendments to rule 2.170.” (at 158)

“Accordingly, we amend the Florida Rules of Judicial Administration as reflected in the appendix to this opinion.” (at 162)

FACTUAL BACKGROUND

The Rules Committee proposed amendments to Florida Rules of Judicial Administration 2.050, 2.051, 2.060, 2.085, 2.130, and 2.170. Various bar committees also submitted reports concerning a previously proposed amendment to rule 2.071 regarding communication equipment and testimony. After receiving comments from media organizations, bar committees, and other interested parties, the Supreme Court reviewed the proposals and determined which amendments to adopt.

PROCEDURAL HISTORY

The Florida Bar's Rules of Judicial Administration Committee submitted proposed amendments after publication and comment. The Board of Governors of The Florida Bar unanimously approved the proposals. The Supreme Court independently published the proposals for comment, considered comments and oral argument, and adopted most of the proposed amendments.

DISPOSITION

other

CASES CITED

- Media General Convergence, Inc. v. Chief Judge of the Thirteenth Judicial Circuit, 840 So. 2d 1008 (Fla. 2003)
- State ex rel. Davis v. City of Avon Park, 158 So. 159 (Fla. 1934)
- Wessells v. State, 737 So. 2d 1103 (Fla. 1st DCA 1998)
- In re Report of the Family Court Steering Committee, 794 So. 2d 518, 526 (Fla. 2001)
- In Amendments to the Fla. Rules of Jud. Admin. (2-year Cycle), 851 So. 2d 698, 700 (Fla. 2003)
- Amendment to Florida Rule of Juvenile Procedure 8.100(a), 796 So. 2d 470 (Fla. 2001)
- Seigle v. Barry, 422 So. 2d 63 (Fla. 4th DCA 1982)
- Barron v. Florida Freedom Newspapers, Inc., 531 So. 2d 113 (Fla. 1988)
- Miami Herald Publishing Co. v. Lewis, 426 So. 2d 1 (Fla. 1982)
- Florida Freedom Newspapers, Inc. v. Sirmons, 508 So. 2d 462 (Fla. 1st DCA 1987)
- State ex rel. Tallahassee Democrat v. Cooksey, 371 So. 2d 207 (Fla. 1st DCA 1979)
- Wootton v. Cook, 590 So. 2d 1039 (Fla. 1st DCA 1991)
- Miami Transit Co. v. Ford, 155 So. 2d 360 (Fla. 1963)
- Chavez v. State, 832 So. 2d 730 (Fla. 2002)
- WFTV, Inc. v. State, 704 So. 2d 188 (Fla. 4th DCA 1997)
- State v. Green, 395 So. 2d 532 (Fla. 1981)
- State v. Palm Beach Newspapers, Inc., 395 So. 2d 544 (Fla. 1981)
- In re Post-Newsweek Stations of Fla., Inc., 370 So. 2d 764, 779 (Fla. 1979)