

SUPREME COURT OF FLORIDA

In re Amendments to Florida Rules of Judicial Administration 2.050,
2.052, and 2.085

826 So. 2d 233 (Fla. 2002) · Decided August 29, 2002

SUMMARY

The Florida Supreme Court adopts amendments to Florida Rules of Judicial Administration 2.050, 2.052, and 2.085 concerning the expedited handling of priority cases, including juvenile dependency and termination-of-parental-rights proceedings. The decision also clarifies that Rule 2.052 provides guidelines, rather than mandatory priorities, for resolving calendar conflicts. The amendments became effective October 1, 2002, at 12:01 a.m.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Chief Justice Anstead; Justice Shaw; Justice Harding; Justice Wells; Justice Pariente; Justice Lewis; Justice Quince
JURISDICTION	Florida
DECIDED	August 29, 2002
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida considered an out-of-cycle petition proposing amendments to Florida Rules of Judicial Administration 2.050, 2.052, and 2.085.
PRECEDENTIAL VALUE	Published precedential rulemaking opinion

TOPICS

family law procedurecivil procedurefamily law

PRACTICE AREAS

Civil procedureFamily law procedureJudicial administration

QUESTIONS PRESENTED

1. Whether Florida’s Rules of Judicial Administration should be amended to establish trial-level procedures for identifying, expediting, scheduling, and reviewing priority cases.

2. Whether Rule 2.052 should be amended to clarify that it provides guidelines for resolving calendar conflicts rather than mandatory priorities and to give juvenile dependency and termination-of-parental-rights cases general preference.
3. Whether Rules 2.050 and 2.085 should be amended to impose duties on trial judges and provide procedures for parties seeking priority treatment.

HOLDINGS

1. The court adopted amendments requiring judges to expedite priority cases to the extent reasonably possible, identify priority cases early, implement docket-control policies to advance them, and provide procedures for parties to give notice of priority status and seek review by the chief judge.
2. Rule 2.052 provides guidelines, not mandatory priorities, for resolving calendar conflicts; the presiding judge retains discretion to consider the guidelines and other relevant circumstances.
3. Juvenile dependency and termination-of-parental-rights cases are generally to be given preference over other cases, except for speedy-trial and capital cases.

KEY QUOTATIONS

“Rule 2.052 does not address the relative importance of any particular type of case. The rule simply provides general guidelines to be considered in resolving calendar conflicts.” (826 So. 2d at 234)

“Every judge has a duty to expedite priority cases to the extent reasonably possible.” (826 So. 2d at 236)

“The resolution of such conflicts is left to the sound discretion of the presiding judge after considering the guidelines and other relevant circumstances, as provided by subdivision (b).” (826 So. 2d at 237)

FACTUAL BACKGROUND

The court considered proposed rule amendments prompted by concerns that termination-of-parental-rights and other time-sensitive child-related proceedings required expedited trial-level processing. The existing calendar-conflict rule addressed attorney scheduling conflicts and supplied general guidelines rather than establishing substantive priorities for categories of cases. The Rules Committee proposed coordinated amendments assigning duties to trial judges, attorneys, and chief judges concerning the identification, advancement, and review of priority cases.

PROCEDURAL HISTORY

Following the court's prior consideration of a proposed amendment concerning termination-of-parental-rights cases, the court referred the broader issue of expediting child-related and other time-sensitive trial-level proceedings to the Rules of Judicial Administration Committee. The committee published its proposals, considered public comments, and submitted them to the court. After oral argument, the court adopted the proposals with modifications and made the amendments effective October 1, 2002, at 12:01 a.m.

DISPOSITION

approved

CASES CITED

- In re Proposed Amendment to Fla. Rule of Jud. Admin. 2.052(a), 770 So. 2d 152, 154-55 (Fla. 2000)

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