

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Rules of Judicial Administration—
Parental Leave

No. SC18-1554 · No. SC18-1554 · Decided December 19, 2019

SUMMARY

The Supreme Court of Florida adopted new Florida Rule of Judicial Administration 2.570, governing continuances based on the parental leave of a lead attorney. The rule generally requires timely parental-leave continuances, establishes a presumptive maximum duration of three months, and excludes specified criminal, juvenile, and sexually violent predator commitment proceedings from its requirements.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Canady; Justice Polston; Justice Labarga; Justice Lawson; Justice Muñoz
JURISDICTION	Florida
DECIDED	December 19, 2019
DOCKET	SC18-1554
DISPOSITION	approved
PROCEDURAL POSTURE	Original rulemaking proceeding in which the Florida Supreme Court considered and adopted a new parental-leave continuance rule proposed by the Florida Bar's Rules of Judicial Administration Committee.
PRECEDENTIAL VALUE	Published rulemaking opinion adopting a Florida procedural rule

TOPICS

civil procedure

PRACTICE AREAS

civil procedure judicial administration court rules

QUESTIONS PRESENTED

1. Whether the Florida Supreme Court should adopt a new Florida Rule of Judicial Administration governing continuances based on the parental leave of a lead attorney.
2. What requirements, presumptive duration, burden of proof, judicial discretion, and exceptions should govern parental-leave continuance motions.

HOLDINGS

1. The court adopted new Florida Rule of Judicial Administration 2.570, governing continuance motions based on the parental leave of a movant's lead attorney due to the birth or adoption of a child.
2. Absent one or more specified findings, a court must grant a timely written motion for a continuance based on the parental leave of the movant's lead attorney, subject to the rule's timing, content, prejudice, duration, and exception provisions.
3. The new rule does not govern parental-leave continuance motions in criminal, juvenile, or involuntary civil commitment proceedings involving sexually violent predators; those motions are governed by the applicable procedural rules, with juvenile dependency and termination-of-parental-rights proceedings governed by Florida Rule of Juvenile Procedure 8.240(d).

KEY QUOTATIONS

“Accordingly, we adopt new Florida Rule of Judicial Administration 2.570, as reflected in the appendix to this opinion.” (at 5)

“The new rule shall become effective January 1, 2020, at 12:01 a.m.” (at 5)

“Three months is the presumptive maximum length of a parental-leave continuance absent a showing of good cause that a longer time is appropriate.” (at 7)

FACTUAL BACKGROUND

The Florida Bar's Rules of Judicial Administration Committee proposed a rule requiring courts, subject to specified exceptions, to grant timely continuances based on the parental leave of a lead attorney. The proposal generated comments from bar organizations, the Department of Children and Families, the Statewide Guardian ad Litem Program, and the Florida Public Defender Association concerning its application in criminal, juvenile, dependency, and related proceedings. The court considered the proposed and revised versions, the comments, the Committee's majority and minority positions, and oral argument before adopting a modified rule.

PROCEDURAL HISTORY

The Rules of Judicial Administration Committee submitted a proposed Florida Rule of Judicial Administration 2.570 to the Supreme Court of Florida. After publication for comment, the Committee submitted a revised proposal addressing objections concerning criminal, juvenile, dependency, and sexually violent predator proceedings. Following consideration of the comments and oral argument, the court adopted a modified version of the rule.

DISPOSITION

approved

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