

ANDREW M. CHANSEN  
ATTORNEY AT LAW  
SUITE ONE  
215 NORTH FEDERAL HIGHWAY  
BOCA RATON, FLORIDA 33432

TELEPHONE: (305) 388-9800  
BROWARD COUNTY: 426-0440

October 2, 1987

Sid J. White, Clerk of the Supreme Court  
State of Florida  
Supreme Court Building  
Tallahassee, Florida 32399

**FILED**

SID J. WHITE

OCT 5 1987

CLERK, SUPREME COURT

By \_\_\_\_\_  
Deputy Clerk

RE: Florida Rules of Civil Procedure - Rule 1.491; Case #71074

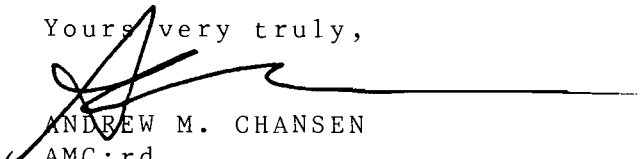
Dear Sirs:

This is to advise that I object to the proposed rule 1.491, Support Enforcement Hearing Officers, for the following reasons:

1. The Hearing Officer would not be a constitutional court. Pursuant to the 1973 revision of the Judicial Judiciary Article of the Florida Constitution, the judicial power of the state is vested in the Supreme Court, District Court of Appeal, Circuit Court and County Court. No other court may be established by the state or by any political subdivision or by any municipality. Article v, Section 1 of the Florida Constitution.
2. The appointment of a Hearing Officer without the consent of the parties would violate the parties due process rights, put simply, a judge cannot delegate its responsibility by delegating that authority to any other person. Lyon v Lyon, 54 So. 2nd 679 (Fla. 1951). Stated in another way, each person has a constitutional right to have access to the court not access to a non elected Hearing Officer. Article I, Section 21 of the Florida Constitution.
3. The proposed Rule 1.491 fails to provide the safeguard currently embodied in the General Master Rule 1.490.
4. Of the five chief judges who responded, three felt that the rule would be inappropriate. If the majority of the chief judges responding feel the rule would be inappropriate it is hard to vision those same chief judges implementing the rule.

I, therefore, suggest that the proposed rule 1.491 not be adopted.

Yours very truly,

  
ANDREW M. CHANSEN  
AMC:rd