

D.A. 5-31-96

027

IN THE SUPREME COURT
OF FLORIDA

FILED

CASE NO.: 87,678

SID J. WHITE
MAY 10 1996

CLERK, SUPREME COURT

IN RE: Proposed Amendments
to the Florida Rules
of Judicial
Administration

By _____
**COMMENT ON PROPOSED
AMENDMENT TO
RULE 2.030**

COMMENT

The Court is urged to reject the proposed amendment to Rule 2.030. This proposed rule invites the Court to exceed its constitutional authority by enacting a rule which empowers the Chief Justice to alter legislatively mandated time deadlines, including statutes of limitations.

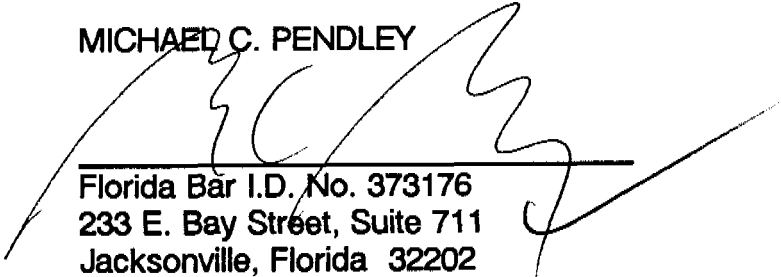
The legislature has specified in section 95.051, Florida Statutes, limited circumstances under which any statute of limitations may be tolled. Section 95.051(2) specifically provides: "No disability or other reason shall toll the running of any statute of limitations except those specified in this section, section 95.091, the Florida Probate Code, or the Florida Guardianship Law." (Emphasis added.)

In addition to being constitutionally infirm, the proposed rule also thwarts legislative intent and presents potential for unequal administration of justice within this state because it is sufficiently vague to afford broad latitude in interpretation and application.

For the foregoing reasons, the Court is respectfully requested to reject the proposed amendment to Rule 2.030. This rule would not be objectionable if limited in

scope to tolling of the Court's procedural deadlines. Tolling of statutory deadlines should be left to the legislature.

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