

SEP 30 1999

CLERK, SUPREME COURT

By _____

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENT TO THE FLORIDA
RULES OF JUDICIAL ADMINISTRATION**

CASE NO: 96-265

**COMMENTS ON EMERGENCY PETITION TO AMEND FLORIDA RULE
OF JUDICIAL ADMINISTRATION 2.052**

Governor Jeb Bush files these comments in support of Mr. Frank A.

Kreidler's and Mr. John F. Harkness, Jr.'s, proposed emergency amendment to Florida Rule of Judicial Administration 2.052(a). The Governor makes these comments pursuant to Florida Rule of Judicial Administration 2.130.

1. Florida Rule of Judicial Administration 2.052, Calendar Conflicts, establishes priorities to be followed when there is a scheduling conflict. This rule currently provides that criminal cases take priority over civil cases, and jury trials take priority over non-jury trials. Because cases brought to terminate parental rights are civil, non-jury trial cases, these cases currently are the lowest priority if there is a scheduling conflict.

2. As this Court has recognized, actions brought to terminate parental rights are very serious cases. While criminal cases involve the deprivation of liberty for a season, a case to terminate parental rights involves the permanent severing of parental rights. There should be no unnecessary delay in making a determination to terminate parental rights.

3. The Florida Rules of Appellate Procedure provide that cases involving the termination of parental rights should be handled in an expedited manner. "The court shall give priority to appeals under this rule." Fla. R. App. P. 9.146(g). There is need at the trial level as well as at the appellate level that termination of parental rights cases be handled in an expeditious manner, yet Florida Rule of Judicial Administration 2.052(a) does not provide that termination of parental rights cases be given any priority.

4. The Governor therefore respectfully requests that this Court modify Florida Rule of Judicial Administration 2.052(a) to provide that cases involving the termination of parental rights be given appropriate priority when there is a scheduling conflict.

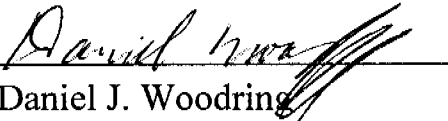
Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to The Honorable Robert Butterworth, Attorney General of the State of Florida, The Capitol, Tallahassee, FL 32399-1050; The Honorable Scott Silverman, Chair, Judicial Administration Rules Committee, 1351 N.W. 12th St. Suite 712, Miami, FL 32399-2300; Sarah H. Bohr, Chair, Juvenile Court Rules Committee, Jacksonville Area Legal Aid, 126 W. Adams St., 700, Jacksonville, FL 32202-3874; The Honorable Kathleen Kearney, Secretary of the Department of Children and Families, 1317 Winewood Blvd., Tallahassee, FL 32399-0700; Frank A. Kreidler, 1124 South Federal Highway, Lake Worth, FL 33460-5244; and John F. Harkness, Jr., Executive Director, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300, on this 30 day of September, 1999.


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