

ORIGINAL

IN THE FLORIDA SUPREME COURT

FILED  
DEBBIE CAUSSEAU  
FEB 02 2000  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

In re: Amendments to the Florida  
Rules of Judicial Administration 2.050;  
2.075 and 2.160 and Form of Judicial  
Administration 2.90 1

Case No. 1999-162

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COMMENTS

The Co-Chairs of the Ad Hoc Committee on Kayla McKean (Co-chairs) submit the following comments for the Court's consideration.

The Juvenile Rules Committee of The Florida Bar has requested that this Court grant an extension of time for it to comment on the proposed rule amendments submitted by the Ad Hoc Committee on Kayla McKean. The Rules of Judicial Administration Committee of The Florida Bar also voted to request an extension of time to respond to the proposed rule amendments.

The Co-Chairs respectfully suggest that an extension of time should not be granted. The issues raised in the Report of the Ad Hoc Committee on Kayla McKean include proposed rule changes, proposed statutory changes, and recommendations for increased funding. All three of these issues must be addressed on an interrelated basis. If the Court grants the extension and postpones consideration of the proposed rules changes until after the legislative session

begins, it will not be possible to persuade the 2000 Legislature that the statutory changes and the funding recommendations should be adopted. Unless this issue is in a bill that is filed prior to the legislative session, there is little likelihood of the Legislature passing legislation to address this issue this session.

In particular, a significant concern is the criminal sanction that judges are currently exposed to for failure to make a report to an executive branch agency. In order to persuade the Legislature that judges should be exempt from this criminal penalty, a rule must be in place. If there is an alternative mechanism through the Judicial Qualifications Commission, the Legislature may be convinced to exempt judges from this criminal penalty. If an alternative mechanism is not in place, there is little chance the Legislature would exempt judges from this criminal penalty.

If the Court is convinced that rules adopted by this Court should govern the behavior of judges in this area, then a rule of judicial administration must be adopted. Judges who are exposed to criminal sanctions for failure to comply with a legislatively imposed duty should not be required to wait another year before the Court requests the Legislature to exempt judges from this law.’

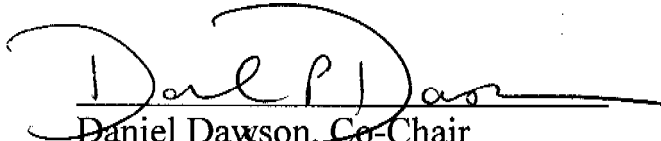
Wherefore, the Co-Chairs respectfully suggest that the Court should deny

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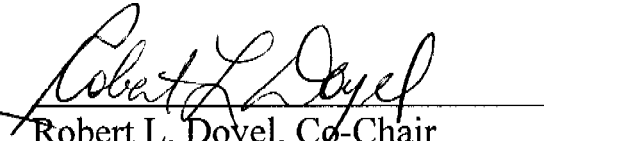
‘If there are drafting concerns, or other technical concerns with the rule, these issues could be considered by the **Court** in a further comment period after adoption of the rule.

the request for an extension of time and proceed as expeditiously as possible to adopt the proposed Rules of Judicial Administration submitted by the Ad Hoc Committee on Kayla McKean.

Respectfully submitted,

  
Daniel Dawson, Co-Chair  
Ad Hoc Committee on Kayla McKean  
12 South Vernon St.  
Kissimmee, FL 34741  
407/343-2506

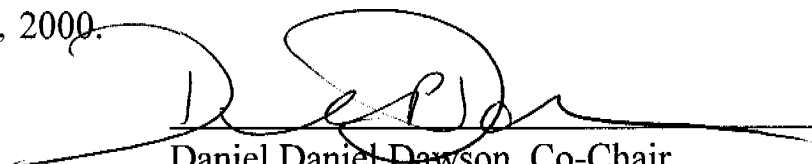
Florida Bar # 274666

  
Robert L. Doyel, Co-Chair  
Ad Hoc Commit& on Kayla McKean  
255 North Broadway  
Bartow, FL 3383 1  
863/534-4668

Florida Bar # 07 14429

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Comment was provided by U.S. Mail to Mr. John F. Harkness, Jr., Executive Director, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida, 32399; Sarah Harriet Bohr, Chair, Juvenile Rules Committee, Jacksonville Area Legal Aid, 126 W. Adams St. Ste. 700, Jacksonville, FL 32202-3874; and The Honorable Scott Jay Silverman, Chair, Rules of Judicial Administration Committee, 135 1 N. W. 12th St. Ste. 7 12, Miami, FL 33 125-4291, this   1   day of February, 2000.

A handwritten signature in black ink, appearing to read "Daniel Dawson", written over a horizontal line.

Daniel Daniel Dawson, Co-Chair  
Ad Hoc Committee on Kayla McKean  
12 South Vernon St.  
Kissimmee, FL 34741  
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