

**IN THE SUPREME COURT OF FLORIDA
No. SC21-990**

**IN RE: AMENDMENTS
TO FLORIDA RULES
OF CIVIL PROCEDURE,
FLORIDA RULES OF
GENERAL PRACTICE
AND JUDICIAL
ADMINISTRATION,
FLORIDA RULES OF
CRIMINAL
PROCEDURE, FLORIDA
PROBATE RULES,
FLORIDA RULES OF
TRAFFIC COURT,
FLORIDA SMALL
CLAIMS RULES, AND
FLORIDA RULES OF
APPELLATE
PROCEDURE**

**COMMENT PROPOSING AMENDMENT TO PROPOSED
RULE OF GENERAL PRACTICE AND JUDICIAL
ADMINISTRATION
RULE 2.530 COMMUNICATION TECHNOLOGY
TO INCLUDE PROCEEDINGS FOR INVOLUNTARY CIVIL
COMMITMENT IN THE EXCEPTION PROVIDED FOR
CRIMINAL AND JUVENILE CASES**

The proposed RGPJA Rule 2.530 (b)(1) for
Communication Technology submitted to the Court
provides:

(1) Non-Evidentiary Proceedings.

Except for proceedings governed by the rules of criminal procedure or juvenile procedure, a court official must grant a motion to use communication technology for a non-evidentiary proceeding scheduled for 30 minutes or less unless the court official determines that good cause exists to deny the motion.

If the Court adopts the proposed Rule 2.530, the above exception in (b)(1) for criminal and juvenile cases should also include civil proceedings for involuntary commitment.

Civil proceedings for involuntary commitment of an individual require the constitutional protections of due process and the right of confrontation. *Addington v. Texas*, 441 U.S. 418, 425, 99 S.Ct. 1804, 60 L.Ed.2d 323 (1979) (“civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection”); *Pullen v. State*, 802 So.2d 1113, 1119 (Fla. 2001); *Burley v. State*, 59 So.3d 131 (Fla. 3rd DCA 2011); *Ibur v. State*, 765 So.2d 275, 276 (Fla. 1st DCA 2000) (“Because involuntary commitment is a

substantial deprivation of liberty at which fundamental due process protections must attach, the patient cannot be denied the right to be present, to be represented by counsel, and to be heard.”); *Madden v. State*, 463 So.2d 270, 270 (Fla. 2d DCA 1984; *Feiler v. State*, 443 So.2d 1072, 1072 (Fla. 2d DCA 1984). See also Eric Janus and Wayne Logan, Connecticut Law Review, Vol. 35, No. 2003, *Substantive Due Process and the Involuntary Confinement of Sexually Violent Predators*; Matthew R. Davidson, Loyola University Chicago Law Journal, Vol. 30, No. 1, 2021, *No Ordinary Process: The Flaws in Illinois Courts' Use of Remote Video Technology in Mental Health Trials*.

Should the Court adopt proposed Rule 2.530, the provision in (b)(1) should be amended as follows:

(1) Non-Evidentiary Proceedings.

Except for proceedings governed by the rules of criminal and juvenile procedure and civil proceedings for involuntary commitment, a court official must grant a motion to use communication technology for a non-evidentiary proceeding scheduled for 30 minutes or

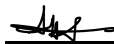
less unless the court official determines that good cause exists to deny the motion.

CONCLUSION

WHEREFORE, the undersigned respectfully request that should this Honorable Court adopt the proposed Rule 2.530, it amend the proposed language and include involuntary civil commitment proceedings in the exception provided in proposed RGPJA Rule 2.530(b)(1) for criminal and juvenile cases.

Respectfully submitted,

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