

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENT TO
FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.160**

CASE NO.

**REPORT BY
THE FLORIDA RULES OF JUDICIAL ADMINISTRATION COMMITTEE
FOR AMENDMENT OF THE FLORIDA RULES OF JUDICIAL ADMINISTRATION**

Stanford R. Solomon, Chair of the Florida Rules of Judicial Administration Committee (the “RJA Committee”), and John F. Harkness, Jr., Executive Director of The Florida Bar, file this recommendation for the amendment of Florida Rule of Judicial Administration 2.160. This report is submitted outside the two-year cycle reporting period, pursuant to Florida Rule of Judicial Administration 2.130(f).

Rule of Judicial Administration 2.160 regulates the disqualification of trial judges. In *Tableau Fine Art Group, Inc. v. Jacoboni*, 853 So. 2d 299, 303 (Fla. 2003), this Court requested that the RJA Committee analyze and propose an amendment to Rule 2.160 consistent with the Court's ruling in *Jacoboni*. Pursuant to the Court's charge in *Jacoboni*, the RJA Committee has analyzed Rule of Judicial Administration 2.160, with particular emphasis on the time within which a trial judge must rule on a motion for disqualification. The RJA Committee approved the proposed amendment submitted in this report by a vote of 36 to 4. The Florida Bar Board of Governors also reviewed and approved the proposed amendment by a vote of 27 to 0.

The RJA Committee is recommending certain revisions in an effort to update Rule 2.160, conform the rule to the Court's mandate in *Jacoboni*, and make clarifying editorial changes. The RJA Committee's recommended amendment to Rule 2.160 includes, among other revisions, a new subdivision (j) to the rule. The proposed subdivision provides that a trial judge “shall rule on a motion to disqualify immediately, but no later than 30 days after the service of the motion.” In addition, the proposed subdivision provides that if the trial judge does not rule on the motion to disqualify within 30 days, “the motion shall be deemed granted and the moving party may seek an order from the court directing the clerk to reassign the case.”

The RJA Committee proposes the amendment of Rule 2.160 as shown in the attached Appendix.

Respectfully submitted,

Stanford R. Solomon, Chair
Florida Rules of Judicial
Administration Committee
The Solomon Tropp Law Group, Inc.
400 North Ashley Plaza – Suite 3000
Tampa, FL 33602-4331
(813) 225-1818
Florida Bar No. 302147

John F. Harkness, Jr.,
Executive Director
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
(850) 561-5600
Florida Bar No. 123390