

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: PETITION TO AMEND  
FLORIDA RULES OF JUDICIAL  
ADMINISTRATION - RULE 2.054.**

**Case No.** \_\_\_\_\_

\_\_\_\_\_ /

The District Court of Appeal Budget Commission respectfully petitions this court to amend Florida Rule of Judicial Administration 2.054(e), without the necessity of awaiting the rule change cycle. In support, petitioner would show:

1. The District Court of Appeal Budget Commission (Commission) is established pursuant to Rule 2.054, and its membership is controlled by Florida Rule of Judicial Administration 2.054(e).
2. Contemporaneous with this filing, the Commission has submitted to the Florida Supreme Court proposed operational procedures pursuant to Florida Rule of Judicial Administration 2.054(c) . The proposed operational procedures are attached hereto as Appendix A.
3. In Article III of the operational procedures, the Commission suggests a change in its composition. In particular the Commission suggests that membership should be expanded from five judges to ten judges, to include the chief judge of each district court of appeal, and one

additional judge from each district court of appeal, appointed by the chief justice, with advice from each chief judge. The Commission also suggests that the marshal of each district court of appeal should serve as a non-voting participant of the Commission.

4. As reason for the proposed change, the Commission has determined that its current size, five, is problematic in several regards. First, with only five members, an absence of one or two members at a Commission meeting greatly impacts the ability of the Commission to do business. Moreover, the present size of the Commission impedes its ability to ensure that the view of each court is taken into account. Additionally, because the chief judges of each court rotate on the same two-year cycle, the Commission experiences a complete turnover in membership every two years. This has resulted in a difficult startup process every two years with all members, including the chair and co-chair, basically having to begin almost from the ground up. The Commission believes, after much consideration, that appointment of a second member from each court would be conducive to both continuity, and institutional memory on the Commission. Also, the Commission has concluded that, because district court of appeal marshals essentially serve as chief

financial officers, these marshals should be included in meetings as non-voting participants.

5. Because the Commission and its membership are established pursuant to Florida Rules of Judicial Administration 2.054, a change in the rule is necessary in order to accomplish the beneficial result sought by the Commission and reflected in the proposed operational procedures. A copy of the proposed change, in legislative format, is attached as Appendix B. A copy of the proposed change, in two-column format, is attached as Appendix C.

WHEREFORE, the District Court of Appeal Budget Commission respectfully requests the court to amend Florida Rules of Judicial Administration 2.054(e), as set forth in more detail in this Petition and Appendix B.

Respectfully submitted,

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Charles J. Kahn, Chief Judge  
Chair, Florida District Court of Appeal  
Budget Commission  
First District Court of Appeal  
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Tallahassee, Florida 32399  
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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to John F. Harkness, Jr., Esquire, Executive Director, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300 and Gary D. Fox, Esquire, Chair of Florida Rules of Judicial Administration, Stewart, Tilghman, Fox & Bianchi, One S.E. Third Avenue, Suite 3000, Miami, Florida 33131, on this \_\_\_\_\_ day of August, 2006.

## **CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that this Petition has been prepared using Times New Roman 14- point font in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

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Charles J. Kahn, Chief Judge