

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO
FLORIDA PROBATE RULES**

CASE NO. SC07-153

**COMMITTEE RESPONSE TO COMMENT FILED TO
REGULAR-CYCLE REPORT OF THE
FLORIDA PROBATE RULES COMMITTEE**

Peter A. Sachs, Chair of the Florida Probate Rules Committee (“Committee”), and John F. Harkness, Jr., Executive Director of The Florida Bar, file this response, under *Fla. R. Jud. Admin.* 2.140(b)(6), to the comment filed by The Honorable Sean O. Cadigan and the Honorable Keela Roberts Samis concerning the regular-cycle report of the Committee.

Magistrates Cadigan and Samis comment that they endorse the Committee’s proposal to promulgate new Rule 5.095, which provides for the appointment of general and special magistrates to provide services as may be required by the court, but they suggest that an additional sentence be added at the end of subdivision (e) of the proposed rule as follows: “The magistrate shall be required to file a report only if a hearing is held pursuant to subdivision (d) of this rule or if specifically directed to do so by the court.”

The Committee, through its Executive Committee, voted 8-0 on April 16, 2007, to endorse this proposed addition to subdivision (e). The Committee concurs that the addition of this sentence will clarify the responsibilities of magistrates appointed under the rule.

Respectfully submitted on April 16, 2007.

/s/ Peter A. Sachs

PETER A. SACHS

Chair

Florida Probate Rules Committee

P. O. Box 3475

West Palm Beach, FL 33402-3475

561/650-0476

FLORIDA BAR NO.: 349062

/s/ John F. Harkness, Jr.

JOHN F. HARKNESS, JR.

Executive Director

The Florida Bar

651 East Jefferson St.

Tallahassee, FL 32399-2300

850/561-5600

FLORIDA BAR NO.: 123390

CERTIFICATE OF FONT SIZE

I certify that this document has been printed in 14-point Times New Roman type.

CERTIFICATE OF SERVICE

I certify that a copy of this Response was furnished on April 16, 2007, by United States mail to The Honorable Sean O. Cadigan, 800 E. Twiggs St., Rm. 418, Tampa, FL 33602; The Honorable Keela Roberts Samis, 501 1st Ave. N., Rm. 635, St. Petersburg, FL 33701; and The Honorable Hugh D. Hayes, Collier County Courthouse, 3301 Tamiami Trail East, Bldg. L, 2nd Floor, Naples, FL 34112.

/s/ J. Craig Shaw

J. CRAIG SHAW

Bar Staff Liaison, Florida Probate Rules Committee

The Florida Bar

651 East Jefferson Street

Tallahassee, FL 32399-2300

(850) 561-5708

Florida Bar No. 253235