

Supreme Court of Florida

No. SC22-521

IN RE: AMENDMENT TO FLORIDA RULE OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION 2.215.

May 12, 2022

PER CURIAM.

The Court, on its own motion, amends Florida Rule of General Practice and Judicial Administration 2.215 (Trial Court Administration). We have jurisdiction. *See* art. V, § 2(a), Fla. Const.; Fla. R. Gen. Prac. & Jud. Admin. 2.140(d).

Specifically, we amend rule 2.215(b)(4) to remove the requirement that a chief judge of a circuit court seek the approval of the outside circuit chief judge before requesting the Chief Justice of this Court to temporarily assign an additional judge or judges from the outside circuit to duty in the requesting court. The amendment is intended to eliminate the appearance of any impropriety that the requesting court is choosing the outside judge or judges, particularly in the context of the recusal of the requesting court.

This amendment also is consistent with article V, section (2)(b) of the Florida Constitution, which provides that the Chief Justice of this Court “shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified.”

Accordingly, we amend the Florida Rules of General Practice and Judicial Administration as reflected in the appendix to this opinion. Deletions are indicated by struck-through type. The amendment shall become effective immediately. Because the amendment was not published for comment previously, interested persons shall have seventy-five days from the date of this opinion in which to file comments with the Court.¹

1. All comments must be filed with the Court on or before July 26, 2022, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ,
COURIEL, and GROSSHANS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER
THE EFFECTIVE DATE OF THIS AMENDMENT.

Original Proceeding – Florida Rules of General Practice and Judicial
Administration

South Duval Street, Tallahassee, Florida 32399-1927; no additional
copies are required or will be accepted.

APPENDIX

Rule 2.215. TRIAL COURT ADMINISTRATION

(a) [No Change]

(b) Chief Judge.

(1)-(3) [No Change]

(4) The chief judge shall assign judges to the courts and divisions, and shall determine the length of each assignment. The chief judge is authorized to order consolidation of cases, and to assign cases to a judge or judges for the preparation of opinions, orders, or judgments. All judges shall inform the chief judge of any contemplated absences that will affect the progress of the court's business. If a judge is temporarily absent, is disqualified in an action, or is unable to perform the duties of the office, the chief judge or the chief judge's designee may assign a proceeding pending before the judge to any other judge or any additional assigned judge of the same court. The chief judge may assign any judge to temporary service for which the judge is qualified in any court in the same circuit. If it appears to the chief judge that the speedy, efficient, and proper administration of justice so requires, the chief judge shall request the chief justice of the supreme court to assign temporarily an additional judge or judges from outside the circuit to duty in the court requiring assistance, ~~and shall advise the chief justice whether or not the approval of the chief judge of the circuit from which the assignment is to be made has been obtained.~~ The assigned judges shall be subject to administrative supervision of the chief judge for all purposes of this rule. When assigning a judge to hear any type of postconviction or collateral relief proceeding brought by a defendant who has been sentenced to death, the chief judge shall assign to such cases a judge qualified to conduct such proceedings under subdivision (b)(10) of this rule. Nothing in this rule shall restrict the constitutional powers of the chief justice of the supreme court to make such assignments as the chief justice shall deem appropriate.

(5)-(13) [No Change]

(c)-(i) [No Change]

Committee Notes

[No Change]

Court Commentary

[No Change]

Criminal Court Steering Committee Note

[No Change]