



Supreme Court of Florida

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Tallahassee, Florida 32399-1927

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January 17, 2019

The Florida Bar News Editor
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

*In re: Amendments to the Florida Rules of Judicial Administration -
Parental Leave, Case No. SC18-1554*

Dear Editor:

I have provided you with a copy of the proposed Rules in the above case. Please publish said Rules in the March 1, 2019, Bar News. Please publish a statement that the Court has placed the proposed Rules on the Internet at location: **<http://onlinedocketssc.flcourts.org/>**.

Any comments should be filed with the Supreme Court on or before April 1, 2019. 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. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-

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27 (May 9, 2017). 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 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

Thank you for your cooperation in this matter.

Most cordially,



John A. Tomasino

JAT/sh

Enclosure

cc: Eduardo I. Sánchez, Chair, Rules of Judicial Administration Committee
Honorable Ricky L. Polston, Supreme Court Justice Liaison
Honorable Michelle Renee Suskauer, President, The Florida Bar
Honorable John M. Stewart, President-elect, The Florida Bar
Joshua E. Doyle, Executive Director, The Florida Bar
Krys Godwin, Bar Staff Liaison
Catherine Cole, Interested Party
Theodore F. Greene, III, Interested Party
Glen P. Gifford, Florida Public Defender Association
Tara Scott Lynn, Interested Party
Jane West, Interested Party
Erin L. Deady, Interested Party
Stephanie C. Zimmerman, Deputy Director & Statewide Director of
Appeals, Department of Children and Families
Kimberly Kanoff Berman, Interested Party
Abbe S. Rifkin, Membership Chair, Board of Directors of the Broward
County Women Lawyers Association
Christian George, President, Young Lawyers Division
David R. Bear, Interested Party
Amanda R. Jesteadt, President, Palm Beach County Chapter of the Florida
Association for Women Lawyers
Christa L. McCann, Secretary, Palm Beach County Chapter of the Florida
Association for Women Lawyers

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Jennifer Shoaf Richardson, President, Florida Association for
Women Lawyers

Alan F. Abramowitz, Executive Director, Statewide Guardian ad
Litem Office

Dennis W. Moore, General Counsel, Statewide Guardian ad Litem Office

Thomasina F. Moore, Director of Appeals, Statewide Guardian ad
Litem Office

Michelle Browning Coughlin, Founder & President, MothersEsquire, Inc.

Chief Judges of the District Courts of Appeal

Clerks of the District Courts of Appeal

Chief Judges of the Judicial Circuits

Clerks of the Judicial Circuits

Deborah J. Meyer, Central Staff Director

After considering comments addressing the draft parental-leave continuance rule previously published for comments, The Florida Bar's Rule of Judicial Administration Committee (Committee) has submitted a revised draft rule to the Florida Supreme Court. The Committee continues to oppose and the Board of Governors of The Florida Bar continues to support adoption of a parental-leave continuance rule.

The Court seeks comments on the revised draft rule from those who previously filed comments, including the Board of Governors. The Court also invites other interested persons to comment on the revised rule, which is reproduced in full below, as well as online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. All comments must be filed with the Court on or before April 1, 2019, with a certificate of service verifying that a copy has been served on the Committee Chair, Eduardo I. Sanchez, 99 NE 4th Street, Suite 800, Miami, Florida 33132-2131, eduardo.i.sanchez@usdoj.gov, and on the Bar Staff Liaison to the Committee, Krys Godwin, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, kgodwin@floridabar.org, 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. The Committee Chair has until April 22, 2019, to file majority and minority responses to any comments filed with the Court. 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. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). 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 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL
ADMINISTRATION – PARENTAL LEAVE, CASE NO. SC18-1554**

Original language shown in single underline; revisions shown in strikethrough and double underline.

RULE 2.570. PARENTAL-LEAVE CONTINUANCE

(a) Unless substantial prejudice is demonstrated by another party, a motion for continuance based on the parental leave of a lead attorney in a case must be granted if made within a reasonable time after the later of:

(a1) the movant learning of the basis for the continuance; or

(b2) the setting of the proceeding for which the continuance is sought.

Three months is the presumptive maximum length of a parental-leave continuance absent a showing of good cause that a longer time is appropriate. If the motion for continuance is challenged by another party that makes a prima facie demonstration of substantial prejudice, the burden shifts to the movant to demonstrate that the prejudice caused by denying the continuance exceeds the burden that would be caused to the objecting party if the continuance were to be granted. The court shall enter a written order setting forth its ruling on the motion and, if the court denies the requested continuance, the specific grounds for denial shall be set forth in the order.

(b) In a case governed by the Florida Rules of Criminal Procedure, by the Florida Rules of Juvenile Procedure, or by the Florida Rules of Civil Procedure for Involuntary Commitment of Sexually Violent Predators, a motion for continuance based on the parental leave of a lead attorney is governed by rule 2.545(e) and by any applicable Florida Rule of Criminal Procedure, Florida Rule of Juvenile Procedure, or Florida Rule of Civil Procedure for Involuntary Commitment of Sexually Violent Predators, rather than by this rule, except that in a case governed by Part III of the Florida Rules of Juvenile Procedure, a motion for continuance based on the parental leave of a lead attorney is governed by Florida Rule of Juvenile Procedure 8.240(d). The court should exercise any discretion available to it to reasonably accommodate a request for parental leave within the procedural, statutory, and constitutional constraints applicable to proceedings governed by this subdivision.

Committee Note

2018 Adoption. For purposes of this rule, “parental-leave continuance” means a continuance sought in connection with the birth or adoption of a child by the movant. The Florida Supreme Court and The Florida Bar are committed to the concept of parental leave and to the importance of an appropriate work/life balance. Subdivision (a) of ~~T~~this rule provides a strong presumption that a continuance for parental leave, generally not exceeding three months, will be granted when the request for relief is made within a reasonable time after the basis for continuance is reasonably discernible. However, a continuance or stay may be denied in the sound discretion of the court ~~where~~when there would be substantial prejudice to another party, ~~where~~when an emergency or time-sensitive matter would be unreasonably delayed, ~~where~~when a significant number of continuances have already been granted, or ~~where~~when the substantial rights of the parties may otherwise be adversely affected. Subdivision (b) recognizes that the procedural, statutory, and constitutional constraints in cases governed by the Florida Rules of Criminal Procedure, the Florida Rules of Juvenile Procedure, and the Florida Rules of Civil Procedure for Involuntary Commitment of Sexually Violent Predators restrict the availability of the parental-leave continuances contemplated by subdivision (a), but nonetheless encourages courts to exercise their available discretion to reasonably accommodate parental-leave requests where the circumstances permit.