

SUPREME COURT OF FLORIDA

IN RE: REPORT AND
RECOMMENDATIONS OF THE
WORKGROUP ON IMPROVED
RESOLUTION OF CIVIL CASES

CASE NO. SC22-122

FCCC'S MOTION FOR EXTENSION OF TIME TO FILE COMMENTS

The Florida Association of Court Clerks, Inc. d/b/a Florida Court Clerks & Comptrollers ("FCCC") moves for an extension of time to file comments in the above-styled case and states:

1. The Workgroup on Improved Resolution of Civil Cases ("Workgroup") was charged by the Court with, among other things, "Making recommendations, if warranted, to improve the resolution of civil cases and propose revisions of the state's laws, rules of court, or practices necessary to implement the Workgroup's recommendations." Fla. Admin. Order No. AOSC19-73.

2. The Workgroup consisted of ten Florida judges and attorneys all with extensive experience in civil cases. However, there was no Florida clerk of court included in the Workgroup.

3. The Workgroup's Final Report dated November 15, 2021, is 121 pages and has more than 600 footnotes. The Final Report is accompanied by an appendix of proposed rule changes that is 184 pages

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long, and a second 145-page appendix consisting of a summary explanation of the proposed rule amendments. The proposed changes are not only to the Rules of Civil Procedure, but also to the Rules of General Practice and Judicial Administration, the Small Claims Rules, and the Rules of Mediation. The Final Report including the two appendices is 450 pages.

4. Prior to the issuance of the Final Report, the Workgroup circulated a draft report and sought input and suggestions from certain groups including specifically affected Florida Bar rules committees. However, the FCCC was not sent the draft nor asked to comment even though at least two proposed rule changes mention the clerks of court.

5. The FCCC was unaware that the Final Report had been submitted to the Court. However, pursuant to a notice published in the March 1, 2022 issue of The Florida Bar News, the Court mandated that any comments on the Final Report be filed with Court on or before March 31, 2022.

6. Of course, in adopting new rules there is always an issue of implementation in addition to the merits of the rules. In fact, one of the charges to the Workgroup was to consider “practices necessary to implement the Workgroup’s recommendations.”

7. Any implementation of the types of expansive recommendations made by the Workgroup will necessarily involve the clerks of court. Even a cursory review of the proposed changes leads to the undeniable conclusion that the impact on clerks will be substantial. As a result, the FCCC has determined that it is necessary to provide the Court with comments on the proposed amendments.

8. The FCCC is a non-profit voluntary association, whose membership includes each of the 67 elected clerks of the circuit and county courts throughout Florida. Through the FCCC, the clerks of court in Florida work together on issues of mutual interest and concern. Although the FCCC and its members, with a few exceptions, are not concerned about the merits of the substantive amendments, they are nevertheless directly affected by what will need to be done to implement the changes. Because the proposed amendments to the rules would impact each clerk of court in Florida, the FCCC has planned to provide collective comments to the Court on behalf of its membership. The FCCC's comments will provide the Court with valuable state-wide information and will assist the Court in its evaluation of when such amendments, if adopted, should be put into place.

9. The FCCC has established a workgroup of clerks and senior staff who have undertaken an in-depth review and analysis of the

anticipated impact the adoption of the proposed amendments to the rules will have on clerks' offices. The workgroup is diligently working to have a report for submission to the Court as soon as possible but given the extent of this effort are not able to accomplish a thorough review and recommendation within the time currently allotted for comments to be filed.

10. Given the length of the Final Report, in order for the FCCC to accurately describe the implementation practices that will be required and the true effect that the implementation will have on clerks' offices, an extension of 30 days to provide comments is needed. A 30-day extension of time, through and including May 2, 2022, would allow the FCCC adequate time to collect and thoroughly prepare comments for the Court's consideration.

11. This extension request is made in good faith and not for purposes of delay. It is respectfully suggested that a 30-day extension would not inordinately delay the Court's consideration of the amendments, especially considering that the Final Report has been a work in progress since 2019.

WHEREFORE, the FCCC respectfully requests the Court to extend the time within which it may file comments to the proposed amendments for 30 days through and including May 2, 2022.

/s/ Fred W. Baggett
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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2022, a copy of the foregoing was E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided by U.S. Mail to Chief Judge Robert Morris, Second District Court of Appeal, P.O. Box 327, Lakeland, Florida 33802, and by U.S. Mail and email to Tina White, 500 South Duval Street, Tallahassee, Florida 32399, whitet@flacourts.org.

/s/ Fred. W. Baggett