

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
CODE AND RULES OF EVIDENCE**

CASE NO.: SC16-181

**AGREED ALLOCATION OF TIME FOR ORAL ARGUMENT AND
AGREED MOTION TO SET TIME ALLOTMENTS BY JULY 15, 2016**

In compliance with this Court's April 11, 2016, order, those requesting Oral Argument have discussed the allocation of time and report as follows:

The Code and Rules of Evidence Committee's ("CREC") cycle report contains three rule recommendations and, as to two recommendations, no requests for oral argument were filed. No comments were received by the CREC or this Court as to the recommendation to adopt section 90.803, Florida Statutes, to the extent it is procedural. There were 7 filed comments supporting the recommendation that the Court not adopt section 766.102, Florida Statutes, to the extent it is procedural and no comments opposing the recommendation. However, recognizing that the Court may have questions it wishes to pose as to these two recommendations, CREC representatives, the Honorable Claudia Rickert Isom and Andrew Hamilton, will be available at oral argument to discuss the recommendations regarding section 90.803, Florida Statutes, and section 766.102, Florida Statutes, respectively, unless advised by this Court that there is no need to appear.

Since there are several oral argument requests for and against the CREC recommendation that the Court not adopt sections 90.702 and 90.704, Florida Statutes, (the *Daubert* amendments) to the extent they are procedural, it is suggested and respectfully requested that 40 minutes be allocated and divided evenly between the opposing sides. The following schedule of appearance is proposed:

Regarding the Code and Rules of Evidence Committee's Three-year Cycle Report, generally:

John Wayne Hogan on behalf of the CREC (2 minutes)

Regarding the CREC's recommendation that the Court adopt section 90.803, Florida Statute, if the Court deems necessary:

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Honorable Claudia Rickert Isom on behalf of the Code and Rules of Evidence Committee (3 minutes)

Regarding the CREC'S recommendation that the Court not adopt section 766.102, Florida Statute, if the Court deems necessary:

Andrew Hamilton on behalf of the Code and Rules of Evidence Committee (3 minutes)

Regarding, and in support of, the CREC's recommendation that the Court not adopt sections 90.702 and 90.704, Florida Statutes: (20 minutes)

John Wayne Hogan on behalf of the Code and Rules of Evidence Committee, commenter Howard C. Coker, and commenter Dan Cytryn

Regarding, and in opposition to, the CREC's recommendation that the Court not adopt sections 90.702 and 90.704, Florida Statutes: (20 minutes)

Commenter Honorable Larry Edward Metz, commenter Stephen Mahle, commenter Seth Miller on behalf of the Innocence Project of Florida, Inc., commenter T. Rankin Terry, commenter Carlos J. Martinez or John Eddy Morrison on behalf of the Florida Public Defenders Association and Eleventh Judicial Circuit of Florida Public Defender's Office, and commenters Rodolfo Sorondo, Jr. or William N. Shepherd on behalf of the National Federation of Independent Business and the Florida Chamber of Commerce

The CREC and the commenters requesting oral argument are undertaking the allocation of the requested 20 minutes apiece for the two sides, and move the Court for permission to notify the Court by July 15, 2016, of time allotments within the sides.

If the Court should conclude that it has no questions regarding either section 90.803, Florida Statutes, or section 766.102, Florida Statutes, the CREC representatives on those two recommendations would both understand and appreciate receiving notice from the Court to that effect.

Each of the participants has authorized the Code and Rules of Evidence Committee Staff Liaison to submit this Agreed Allocation of Time for Oral Argument and Agreed Motion to Set Time Allotments by July 15, 2016, on his or her behalf.

Respectfully submitted on May 2, 2016.

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I HEREBY CERTIFY that a true copy of the foregoing Code and Rules of Evidence Committee Notice of Appearance was served through the Florida Courts E-Filing Portal or by U.S. mail on May 2, 2016, to:

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CERTIFICATE OF COMPLIANCE

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