

The Florida Bar's Juvenile Court Rules Committee (committee) has submitted to the Florida Supreme Court a regular-cycle report proposing amendments to the Florida Rules of Juvenile Procedure.

The Court invites all interested persons to comment on the committee's proposed amendments, which are summarized below and which are reproduced in full online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. An original and nine paper copies of all comments must be filed with the Court on or before April 1, 2009, with a certificate of service verifying that a copy has been served on the committee chair, David N. Silverstein, 501 E. Kennedy Blvd, Suite 1100, Tampa, FL 33602-5242, 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, 2009, to file a response to any comments filed with the Court. Electronic copies of all comments also must be filed in accordance with the Court's administrative order In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004).

**IN THE SUPREME COURT OF FLORIDA**

IN RE AMENDMENTS TO THE FLORIDA RULES OF JUVENILE  
PROCEDURE, SC09-141

<b>RULE/FORM</b>	<b>EXPLANATION</b>
8.010	Adds sentence in subdivision (b), incorporating requirements of §985.255(3)(a), Fla. Stat. In response to the NJDC Assessment, creates a new subdivision (e) requiring that the child be advised of the right to counsel at the detention hearing and that counsel be appointed unless waived under <i>Rule</i> 8.165. Deletes current subdivision (e)(2) and renumbers subsequent subdivisions.
8.070	In response to the NJDC recommendations, amends subdivision (a) to require appointment of counsel at the arraignment hearing if the child qualifies for appointment and does not waive counsel under <i>Rule</i> 8.165. Amendments to new subdivision (b), Pleas, conform to <i>Fla.R.Crim.P.</i>

	<p>3.160. New sentences have been added regarding reading of the charges and the filing of written plea agreements. A sentence has also been added providing the child a “reasonable time to prepare for trial.”</p>
8.080	<p>In response to the NJDC recommendations, subdivision (b) has been amended to require that the court determine that the child understand the “rights and consequences of entering a guilty or nolo contendere plea.” A requirement has been added to subdivision (b)(2) that counsel be appointed for a child who qualifies and has not waived counsel under <i>Rule</i> 8.165. Subdivision (b)(8) has been amended to conform to <i>Fla.R.Crim.P.</i> 3.172(c)(9), by advising the child that a plea may subject the child to possible involuntary civil commitment as a sexual predator.</p> <p>Subdivision (f) has been amended to conform to <i>Fla.R.Crim.P.</i> 3.172(h), allowing a plea to be withdrawn if the judge does not concur.</p>
8.100	<p>Amended to conform to the NJDC report by providing that restraints, such as handcuffs, chains, irons, or straitjackets, may not be used during a court appearance unless the use is required by one of three factors and there is no less restrictive means to prevent physical harm to the child or others or flight by the child.</p>
8.115	<p>In conformance with the NJDC recommendations, subdivision (b) has been created to require that counsel be appointed at a disposition hearing, including hearings when the case has been transferred for disposition, if the child qualifies for appointment and has not waived counsel under <i>Rule</i> 8.165.</p> <p>Subdivision (d)(2) has been amended to require that the disposition order specifically list any credit for time served in secure detention before disposition.</p>

8.130	Amends subdivision (b)(3) to state that a motion for rehearing tolls the time for taking an appeal. See also <i>Rule 8.265</i> .
8.225	Subdivisions (a)(4)(A)(iii), (a)(4)(B) and the last sentence of (a)(4)(C) have been amended to eliminate the use of mail to serve summons and other process on persons outside the state. Conforms to requirements for service in the state. Grammatical corrections.
8.235	Amends subdivision (b) to provide that a motion to dismiss may be to dismiss the petition or the allegations against a particular party. Amends subdivision (c) to make the same change for a sworn motion to dismiss.
8.257	Amends subdivisions (b)(3)(A), (e)(2), and (g) to permit the movant to provide a transcript, an electronic recording, or a stipulation by the parties of the evidence considered by the general magistrate when filing exceptions to the magistrate's report.
8.265	Amends subdivision (b)(3) to state that the court must rule on a motion for rehearing within 10 days after filing or it is considered denied. See also <i>Rule 8.130</i> .
8.310	Similarly to <i>Rule 8.235</i> , subdivision (e) has been amended to provide for dismissal of the petition or the allegations against only one party.
8.400	Subdivisions (d)(7), (d)(8), and (f) have been amended to clarify that a case plan must be filed and served 3 business days before the disposition or <u>case plan review hearing</u> .
8.410	Subdivision (a) has been amended to require that the court review the contents of the case plan at the disposition or case plan review hearing.
8.505	Subdivision (c) has been amended to specify the information that must be contained in a notice of action for a termination of parental rights case. See also <i>Form 8.982</i> .

8.978(a)	Creates a new form order concerning a youth's eligibility for a tuition and fee waiver for post-secondary education.
8.982	Creates a new form for a Notice of Action for Advisory Hearing in a termination of parental rights case.