

72,105

IN THE SUPREME COURT OF FLORIDA

IN RE: :
: AMENDMENTS TO :
: THE FLORIDA RULES OF JUVENILE PROCEDURE :
: :
: :
: :

PETITION OF THE FLORIDA BAR
JUVENILE COURT RULES COMMITTEE
SUBMITTING PROPOSED CHANGES TO
THE FLORIDA RULES OF JUVENILE PROCEDURE

The Juvenile Court Rules Committee of the Florida Bar, pursuant to the procedures established by Rule of Judicial Administration 2.130(c), submits its report of proposed changes in the Florida Rules of Juvenile Procedure.

Each rule originated from one of two subcommittees, or was presented to the full committee by an individual member. This report contains the proposals that were passed out of the committee pursuant to the committee's internal operating rules.

The rules that are being submitted were presented to the Florida Bar Board of Governors, in accordance with Rule 2.130. The vote on each rule was as follows:

- Rule 8.160 Board of Governors concurred 25 to 0.
- Rule 8.190 Board of Governors concurred 23 to 0.
- Rule 8.230 Board of Governors concurred 24 to 0.
- Rule 8.290(b) Board of Governors concurred 26 to 0.
- Rule 8.320 Board of Governors concurred 26 to 0.
- Rule 8.290(a) Board of Governors dissented 21 to 4.
(The Board of Governors comments are attached.)
- Rule 8.530 Board of Governors concurred 27 to 0.

Rule 8.800 Board of Governors dissented 22 to 5.
(The Board of Governors comments are attached.)

Rule 8.710(b)(2) Board of Governors concurred 27 to 0.

Rule 8.710(b)(7) Board of Governors dissented 11 to 7.
(The Board of Governors comments are attached.)

Rule 8.720 Board of Governors concurred 27 to 0.

Rule 8.800 and Rule 8.710 address the participation of the Department of H.R.S. lay counselors in judicial proceedings without legal counsel. These changes were formulated prior to the Court's ruling The Florida Bar Re: Advisory Opinion H.R.S. Nonlawyer Counselor, decided February 4, 1988.

Rule 8.050 is the delinquency counterpart to the dependency Rule 8.710(b)(2), which was approved by the Board of Governors 27 to 0. The Committee intended to change both sections but only Rule 8.710(b)(2) was submitted to the board of Governors. Rule 8.050 will be presented to the Board of Governors during their March, 1988 meeting.

The Florida Rules of Juvenile Procedure underwent major changes in 1984, including substantial rewording and renumbering of many pre1984 rules. The Committee requested that any committee notes as found in the printed rules that are dated prior to 1984 be deleted. Most of these committee notes are confusing or outdated, and some refer to rules or sections that no longer exist.

The Committee also reviewed the forms that are found following the rules. Although the Committee is not prepared to submit revised forms, there are forms that are so out of date that the committee requests that they be deleted from the Rules.

The forms that the Committee requests be deleted are as follows:

Form 8.904

Form 8.906

Form 8.912

Form 8.915

Form 8.921

Form 8.923

Form 8.924

Form 8.925

Form 8.926

Form 8.927

Form 8.931

REQUEST FOR ORAL ARGUMENT

This Committee request oral argument on the proposed rule changes at a time convenient to the Court.

NOTICE TO THE BAR

The proposed rule changes or a summary will be published in The Florida Bar News before oral argument. The notice will request that any comments be in writing and submitted to the Court.



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