

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF JUVENILE
PROCEDURE—2018 REGULAR-CYCLE-REPORT**

SC18-

**REGULAR-CYCLE REPORT OF THE
JUVENILE COURT RULES COMMITTEE**

Kara Ann Fenlon, Chair of the Juvenile Court Rules Committee (“Committee”), and Joshua E. Doyle, Executive Director of The Florida Bar, file this regular-cycle report under Florida Rule of Judicial Administration 2.140(b).

All rule amendments have been approved by the full Committee and, as required by Florida Rule of Judicial Administration 2.140, reviewed by The Florida Bar Board of Governors. The voting records of the Committee and the Board of Governors are attached as Appendix A. Pursuant to Florida Rule of Judicial Administration 2.140(b), the proposed amendments, except for Rule 8.257, were published in the July 15, 2017. Due to an oversight, proposed amendments to Rule 8.257 were not published in July 2017. This proposed amendment was published in the January 1, 2018 edition of *The Florida Bar News*. (See Appendix D.) While the amendment to Rule 8.257 was inadvertently not published in the July 15, 2017 *Florida Bar News*, it did appear on the Florida Bar’s website at that time and was voted on by the Board with the full packet.

The publication of the proposed rule amendments yielded a comment from Glenn Gifford from the Florida Public Defender Association, Inc., opposing a proposed amendment to Florida Rule of Juvenile Procedure 8.090(d)(4)(B). In consideration of this comment, the Committee felt it necessary to consider this part of the rule more closely and withdrew the proposed amendments of Rule 8.090(d)(4) from this regular-cycle report.

The Committee proposes amendment to the following rules: Rule 8.005 (Ordering Children into Custody), Rule 8.045 (Notice to Appear), Rule 8.060 (Discovery), Rule 8.080 (Acceptance of Guilty or Nolo Contendere Plea), Rule 8.085 (Prehearing Motions and Service), Rule 8.090 (Speedy Trial), Rule 8.100 (General Provisions for Hearings), Rule 8.110 (Adjudicatory Hearings), Rule 8.255 (General Provisions for Hearings), Rule 8.257 (General Magistrates), Rule 8.320 (Providing Counsel to Parties), Rule 8.425 (Permanency Hearings), Rule 8.435 (Reinstatement of Jurisdiction for Young Adult), Rule 8.947 (Disposition Order—

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Delinquency), Rule 8.964 (Dependency Petition), Rule 8.965 (Arraignment Order), and Rule 8.991 (Final Order Dismissing Petition for Judicial Waiver of Parental Notice of Termination of Pregnancy). The Committee proposes an adoption of a new Rule 8.953 (Waiver of Rights). The Committee proposes deletion of Form 8.974 (Petition to Extend or Reinstate Court’s Jurisdiction). Each proposed amendment is detailed below. The rule amendments, as shown in Appendix B (full page) and Appendix C (two-column), are proposed for the following reasons:

RULE 8.005. ORDERING CHILDREN INTO CUSTODY

The Committee proposes amending Florida Rule of Juvenile Procedure 8.005 by dividing this rule into subdivisions and adding subdivision titles to add clarity for the reader. As well, the Committee suggests renumbering subdivisions (a)–(g) as (a)(1)–(a)(7), respectively. The Committee recommends amending the existing subdivision (g), renumbered as (a)(7), to allow electronic signatures for custody orders. The Committee also proposes adding a new subdivision (b) to prohibit the court from issuing an order to take into custody based on failure to appear for children who are in state custody unless there is evidence that the failure to appear was willful and not due to any failure of the state.

RULE 8.045. NOTICE TO APPEAR

The Committee proposes amending Florida Rule of Juvenile Procedure 8.045 by first making editorial amendments to subdivision (f) in compliance with *In re: Guidelines for Rules Submission*, AOSC06-14 (Fla. 2006) (“*Guidelines*”), and for consistency throughout the rule set. “The” is changed to “the” and the periods are deleted and replaced with semicolons in each of the subdivisions (f)(1)–(f)(8). The conjunction “and” is added to subdivision (f)(7).

Substantively, the Committee also proposes adding a sentence to subdivision (g) to prohibit the court from issuing an order to take into custody based on a failure to appear for children in state custody unless there is evidence that the failure to appeal was willful and not due to any failure of the state.

RULE 8.060. DISCOVERY

The Committee proposes amending Florida Rule of Juvenile Procedure 8.060 by first adding a colon to subdivisions (a)(2)(A)(i), (d)(6), and (k) in compliance with the *Guidelines* and for consistency throughout the rule set. The Committee proposes that the indent be removed in subdivision (d)(6) in compliance with the *Guidelines*. The Committee proposes formatting subdivision

(k) into a list in compliance with the *Guidelines* and for greater clarity for the reader.

The Committee proposes renumbering the existing (a)(2)(A)(i)(a)-(a)(2)(A)(i)(g) to (a)(2)(A)(i)a., (a)(2)(A)(i)b., (a)(2)(A)(i)c., (a)(2)(A)(i)d., (a)(2)(A)(i)e., (a)(2)(A)(i)f., and (a)(2)(A)(i)g., respectively, in compliance with the *Guidelines*.

The Committee recommends the following editorial amendments to subdivisions (a)(2)(A)(i)f. and (a)(2)(A)(i)g. to accommodate new subdivision (a)(2)(A)(i)h.: in subdivision (a)(2)(A)(i)f., “and” is deleted and in subdivision (a)(2)(A)(i)g., “and” is added to the end of the sentence; the period at the end of the sentence is deleted in subdivision (a)(2)(A)(i)g. and replaced with a semicolon; and a semicolon is added to subdivision (a)(2)(A)(i)g. in compliance with the *Guidelines*. The Committee recommends replacing “which” with “that” in subdivisions (a)(2)(A), (a)(2)(F), (a)(2)(G), (a)(2)(K), (d)(6)(C), (f), and (h) to correct grammar.

The Committee proposes adding a new subdivision (a)(2)(A)(i)(h) to include informant witness who may offer testimony concerning the child’s statements as Category A witnesses.

The Committee proposes new subdivisions (a)(2)(L)(i)–(a)(2)(L)(vi) that require the state to provide information and material from informant witnesses including statements from the child that the informant may testify to and the time and place which the child’s alleged statement was made, the summary of the criminal history of the informant witness, the summary of the delinquency record of the informant witness by court order only, whether the informant has received or expects to receive anything in exchange for his or her testimony, and the informant’s history of prior cooperation with the state.

The Committee suggests adding “names and addresses of” to subdivision (b)(1)(A) to provide greater specification for the reader of the required witness information that must be provided during discovery.

The Committee also suggests reformatting subdivision (k) by placing (k)(1)-(k)(6) in a list in compliance with the *Guidelines* and for greater clarity for the reader.

RULE 8.080. ACCEPTANCE OF GUILTY OR NOLO CONTENDERE PLEA

The Committee proposes amending Florida Rule of Juvenile Procedure 8.080 by adding subdivision titles to subdivisions (c)(1)-(c)(10) for greater clarity for the reader.

The Committee suggests deleting the second “so” in subdivision (c)(5) as it is superfluous language and for greater clarity for the reader.

The Committee also suggests deleting existing subdivision (c)(10) and replacing it with four new subdivisions to provide more detail to address immigration consequences of a child’s plea. After noting the Florida Supreme Court’s opinion in *In Re: Amendments to The Florida Rules of Criminal Procedure*, 188 So.3d 764 (Fla. 2015), the Committee suggests the subdivision title of “Immigration Consequences” because of the unique vulnerability of a child compared to an adult. The Committee feels that a subdivision title of “Deportation Consequences” is too narrow as it relates to immigration consequences for children and suggests this juvenile rule include enhanced protections for children. The new subdivision (c)(10)(A) ensures that a child who is not a citizen of the United States understands that the underlying facts of the delinquency charge may affect their immigration status when he or she pleads guilty or nolo contendere to a delinquency charge. The Committee recommends new subdivisions (c)(10)(B) and (c)(10)(C) that require the court to advise the child to consult with counsel regarding potential immigration consequences and require the court to allow a reasonable amount of time for the child to consult with counsel regarding their plea in light of immigration consequences. Last, the Committee suggests adding a new subdivision (c)(10)(D) that requires the court’s advisement under (c)(10)(B) be given to all children and states that the court must not require the child to disclose his or her legal status when entering a plea.

RULE 8.085. PREHEARING MOTIONS AND SERVICE

The Committee proposes amending Florida Rule of Juvenile Procedure 8.085 in subdivision (a)(1), by deleting the requirement that pleadings and motions must be signed by both the party and the attorney but instead proposes that when the party is represented by an attorney, pleadings and motions may be signed by the attorney of the party solely. The Committee makes this proposal to avoid undue delay and burden to parties, especially the child, who may be residing in a different county than their attorney and may not be able to travel freely to sign pleadings

and motions. Further, this amendment corrects a probable typographic error within *In Re Petition of the Florida Bar to amend the Florida Rules of Juvenile Procedure*, 589 So. 2d 818 (Fla. 1991). That opinion changed the “or” in subdivision (a)(1) to “and” without explanation or indication that the change was made. In 1991, the Committee sought to amend Rule 8.085 in order to make the rule gender neutral but change to any other language was not intended. The Committee has attached as Appendix G a portion of the Committee’s 1991 report obtained from the State Archives which contains the probable typographical error that changed the “or” to “and” and is not indicated in legislative format. The Committee proposes that the rule be amended to closely align with the rule prior to the 1991 amendment.

In subdivision (e), the Committee suggests adding “or filed electronically” for greater clarity that documents filed via filing the e-portal or other electronic filing system may use any of the “/s/,” “/s”, or “s/” formats.

RULE 8.090. SPEEDY TRIAL

The Committee proposes amending Florida Rule of Juvenile Procedure 8.090 by modifying the rule throughout for clarity and accuracy, deleting superfluous language, and aligning the rule with the legal requirements of speedy trial.

In subdivision (a), the Committee proposes deleting the capital “T” in “The” and replaces it with a lowercase “t” in subdivisions (a)(1) and (a)(2) to comply with the *Guidelines* and for consistency throughout the rule set. The Committee also proposes deleting the period and replacing it with “;” at the end of subdivision (a)(1) to clarify that there are two triggering events that start the 90-day deadline, to comply with the *Guidelines* and for consistency throughout the rule set.

In subdivision (b), the Committee proposes changing the subdivision title from “dismissal” to “motion to discharge” to align with the existing law regarding speedy trial and for greater clarity. Also, in subdivision (b), the Committee proposes amending “respondent” to “child” and rephrasing the last sentence of the subdivision for greater clarity for the reader.

The Committee suggests, in subdivision (c), replacing “deemed” with “considered” in the first sentence for clarity and in subdivision (c), the Committee suggests deleting “before the court” in the first sentence as the language is not necessary. The Committee suggests also amending the subdivision by adding an additional sentence at the end of the subdivision stating “[t]he adjudicatory hearing

is considered to have commenced when the first witness is sworn before the judge” for greater clarity as to when an adjudicatory hearing commences.

In subdivision (d), the Committee proposes changing the subdivision title from “Motion to Dismiss” to “Discharge Exceptions” to align with the existing law regarding speedy trials and for clarity as to the subdivision contents. In subdivision (d), the Committee also proposes replacing “respondent” with “child.” Subdivision (d)(3) is amended to include when that failure is attributable to the child’s counsel. Subdivision (d)(3) is also amended to add that a remedy for failure to commence the adjudicatory hearing is not available when that failure is to accommodate a co-defendant when the state can show the necessity of trying the cases together. In subdivisions (d)(4) and (d)(6), the Committee proposes that “dismissal” and “dismiss” be replaced with “discharge” for greater clarity and to align with the existing legal requirement. Also, in subdivision (d)(4), the Committee recommends deleting superfluous language “any evidence tending to show” and replacing it with “evidence of” for greater clarity to the reader.

The Committee proposes amendments to subdivision (e) to clarify that any motion suggesting the child may be incompetent will toll the speedy trial period until a competency finding is made by the court.

The Committee recommends that in subdivision (f)(2)(B) that “respondent” should be replaced by “child co-defendants” and in (f)(2)(E) that “co-respondent” should be replaced by “co-defendant,” “where” should be replaced with “when” and “respondent” should be replaced with “child” for clarity for the reader. Also, in subdivision (f)(2)(E), the Committee recommends adding “the” after “with” for greater clarity for the reader. In subdivision (f)(3), the Committee recommends replacing “respondent” with “child” for greater clarity for the reader.

In subdivision (g), the Committee recommends deleting “written” and the “en” in the word “entitled” as the language is not necessary.

In subdivision (h), the Committee proposes that “respondent” and “accused” be replaced with “child” and that “which” be replaced with “that” for greater clarity for the reader.

In the subdivision title for subdivision (i), the Committee recommends replacing “Dismissal” with “Discharge” to align with the existing law regarding speedy trial and for clarity for the reader.

Throughout subdivision (j) and in the subdivision title for subdivision (j), the Committee proposes replacing the word “trial” with “adjudicatory hearing” to align with the statute. The Committee also proposes replacing “respondent” with “child” throughout subdivision (j) for greater clarity for the reader.

In the subdivision title and throughout subdivision (m), the Committee suggests replacing the word “respondent” with “child” for greater clarity for the reader. In subdivision (m)(3), the Committee suggests rephrasing the first sentence for greater clarity for the reader on when the court shall hold a hearing on the motion for discharge. Also, throughout subdivision (m)(3), the Committee suggests amending the timeframes for bringing the child to trial after a motion for discharge is filed in accordance with the Florida Supreme Court decision in *State v. SA.*, 133 So. 3d 506 (Fla. 2014). The Committee also proposes replacing “crime” with “delinquent act or violation of the law” for greater clarity for the reader.

RULE 8.100. GENERAL PROVISIONS FOR HEARINGS

The Committee proposes amending Florida Rule of Juvenile Procedure 8.100 with several amendments to subdivision (b). The Committee recommends these changes to emphasize the need to prevent needless shackling of a child in court. The Committee recommends listing additional items that may be used as instruments of restraints in the first sentence to provide further examples of items of restraint for the reader. The Committee also recommends adding that a court order is required prior to the child’s appearance if a child is restrained or shackled in court. In addition, the Committee suggests adding a second sentence emphasizing that all instruments of restraint must be removed prior to the child’s appearance unless the court makes an individualized assessment of the child and the requisite findings. In subdivision (b)(1)(A), the Committee suggests deleting “instruments of restraint are necessary” as the language is no longer needed. In subdivisions (b)(1)(B) and (b)(1)(C), editorial amendments are made for greater clarity for the reader. In subdivision (b)(1)(B), the Committee recommends deleting “has a,” making child possessive and adding “that” for clarity. In subdivision (b)(1)(C), the Committee recommends deleting “There is” as the language is not necessary.

The Committee recommends adding new subdivision (b)(3) to provide greater specification of the factors the court must consider when making a finding that use of restraints is necessary. The Committee proposes adding the following factors that the court must consider: past escapes or attempted escapes by the child, evidence of a present plan of escape by the child, a credible threat by the child to

harm himself or herself or another person during court, evidence of self-injurious behavior on the part of the child, and any other fact that is relevant.

The Committee recommends adding new subdivision (b)(4) requiring an opportunity for the child's attorney to be heard regarding use of restraints in court and to allow appointment of counsel for the hearing if the child qualifies. The Committee also recommends adding new subdivision (b)(5) that adds the requirement that the court must make specific and individualized findings of facts if restraints are ordered and requires that if restraints are ordered, the child must be able to use his or her hands for limited movement. The Committee also recommends adding new subdivision (b)(6) that prohibits a child being restrained using fixed restraints to a wall, floor, or furniture.

RULE 8.110. ADJUDICATORY HEARINGS

The Committee proposes amending Florida Rule of Juvenile Procedure 8.110 by reordering the subdivisions throughout this rule to provide a logical order, aligning the rule with the sequential order of adjudicatory hearings, and making other editorial amendments.

The Committee suggests an amendment to subdivision (a) adding an "s" to the word "time" for clarity.

The Committee recommends replacing "judge" with "court" for clarity for the reader in the title of subdivision (c).

The Committee recommends deleting existing subdivision (d) as it will be relocated to subdivision (e). The Committee recommends that existing subdivision (e) become subdivision (d) "Joint and Separate Trials" to provide a logical and sequential order for the rule.

The Committee recommends relocated subdivision (e) "Testimony," which is the same as the existing subdivision (d), be amended by adding "choose to" and "as a witness" to the first sentence for clarity for the reader.

The Committee recommends deleting existing subdivision (f) as it will be relocated to become the new subdivision (g). The Committee recommends that existing subdivision (k) become subdivision (f) "Motion for Judgement of Dismissal." The Committee recommends that the first sentence of the new subdivision (f) remain the same as the existing subdivision (k). The Committee also recommends the new subdivision (f) "Motion for Judgment of Dismissal" add two additional sentences that emphasize that the introduction of evidence on behalf

of the child does not waive a motion to dismiss and that a motion for dismissal must fully set forth the grounds of the motion.

The Committee recommends deleting existing subdivision (g) as it will become new subdivision (k). The Committee recommends that the existing subdivision (f) become the subdivision (g) “Dismissal.” The Committee recommends new subdivision (g) “Dismissal” remain the same as existing subdivision (f) except “sustained” is replaced with “proven beyond a reasonable doubt” to align with the standard of proof required.

In subdivision (h), the Committee suggests adding “supported by the evidence” to the end of the sentence for greater clarity for the reader.

In subdivision (j)(1), the Committee suggests replacing “the” with “such” for greater clarity for the reader.

The Committee recommends deleting the existing subdivision (k) as it was moved to the new subdivision (f). The Committee recommends that the existing subdivision (g) become the new subdivision (k) “Dispositional Alternatives.” The Committee recommends new subdivision (k) “Dispositional Alternatives” remain the same as existing subdivision (g) except that “supported” is replaced with “proved” and “beyond a reasonable doubt” is added in the first sentence of the subdivision.

RULE 8.255. GENERAL PROVISIONS FOR HEARINGS

The Committee proposes amending Florida Rule of Juvenile Procedure 8.255 by adding a new subdivision (e) “Taking Testimony” to permit taking testimony by communication equipment. The Committee proposes that the new subdivision (e)(1) state that witnesses must be physically present to testify unless otherwise stated by the law or the Rules of Juvenile Procedure. The Committee also proposes that the subdivision states that the rule does not apply to statutory requirements for the parent to personally appear at arraignment hearings, advisory hearings, and adjudicatory hearings. The Committee recommends that the new subdivision (e)(2) permit witnesses to testify at hearings or trials using contemporaneous audio or video equipment if the parties agree or if a party shows good cause after notice to the all parties. The Committee also recommends that the new subdivision (e)(2) address the requirements of the request and notice to take testimony by communication equipment and the factors the court must weigh in considering whether good cause has been shown by the party. The Committee recommends a new subdivision (e)(3) to address how the equipment used to take the testimony must function. The Committee also suggests adding new subdivision (e)(4) regarding the oath that must

be given to witnesses whose testimony is taken by contemporaneous audio or video equipment. The Committee also recommends a new subdivision (e)(5) to address the cost for the use of communication equipment.

The Committee also proposes renumbering subdivisions (e)–(h) to accommodate new subdivision (e) and replacing “shall” with “must” to remove archaic language.

The Committee suggests deleting subdivision (i) “Advising Parents” and instead adds new subdivision (j) that addresses the written notice of the right to a private adoption that parents must receive pursuant to section 39.802, Florida Statutes.

The Committee also suggests a new committee note with more explanation regarding the amendments to subdivision (e).

RULE 8.257. GENERAL MAGISTRATES

The Committee suggests amending Florida Rule of Juvenile Procedure 8.257 by deleting “Florida Rule of Judicial Administration 2.530” in subdivision (d)(3) and adding “these rules” as testimony by communication equipment is addressed in the proposed amendments to Rule 8.255(e).

RULE 8.320. PROVIDING COUNSEL TO PARTIES

The Committee suggests amending Florida Rule of Juvenile Procedure 8.320 to add a new subdivision (a)(4) to address the requirement that the court appoint an attorney for children with special needs. Also, the Committee suggest a grammatical edit within subdivision (a)(1), by adding a comma, for a clearer reading of the sentence.

RULE 8.425. PERMANENCY HEARINGS

The Committee suggests amending Florida Rule of Juvenile Procedure 8.425 by adding a colon to comply with the *Guidelines* in subdivisions(b)(1), newly numbered (d)(4), and newly numbered (d)(6).

The Committee suggests deleting subdivision (b)(4) as it is unnecessary considering the proposed new subdivision (j) in Rule 8.255. The Committee also suggests deleting subdivision (d)(3) as it is also unnecessary in light of the proposed new subdivision (j) in Rule 8.255.

Lastly, the Committee proposes the renumbering of existing subdivisions (d)(4)–(d)(8) to accommodate the deletion of subdivision (d)(3).

RULE 8.435. REINSTATEMENT OF JURISDICTION FOR YOUNG ADULT

The Committee suggests amending Florida Rule of Juvenile Procedure 8.435 by amending subdivision (a)(2) to require the petition for reinstatement of jurisdiction for young adults reentering extended foster care to address appointment of counsel for youth with special needs.

The Committee also recommends adding new subdivision (c)(3) to require the order for reinstatement of jurisdiction for young adults reentering extended foster care to address appointment of counsel for youth with special needs.

FORM 8.947. DISPOSITION ORDER—DELINQUENCY

The Committee suggests amending Florida Rule of Juvenile Procedure 8.947 by making editorial amendments throughout the form to comply with the *Guidelines* including deleting archaic language and adding the correct number of periods to indicate blanks. The Committee also recommends grammatical changes and adding missing language throughout the form to make the form easier for reader to understand. The Committee also suggests reordering paragraphs for greater clarity throughout the form.

The Committee suggests reorganizing the paragraphs regarding where the child is committed on the bottom of the first page of the form for clarity for the reader. Specifically, in the “ORDERS THAT” portion of the form, the phrase “the Department of Juvenile Justice for placement in” becomes an independent option that begins “The child is committed to.”

Within the order list, the Committee suggest replacing “...low or...moderate” with “non-secure residential” for greater specification of the child’s placement.

Within the list following this amendment, the Committee suggest adding a period to the fifth option and “the” to the sixth option for clarity for the reader. The Committee suggest adding a colon and additional periods to indicate blanks to the list that begins “The child shall be placed in” in compliance with the *Guidelines*.

In the list that follow this amended sentence, the Committee suggests adding “or had adjudication withheld” within the second option and “within the previous 18 months” within the third option for greater specification for the reader.

The Committee recommends adding a sentence regarding conditional release not exceeding the child’s 21st birthday or the maximum term of imprisonment an adult could receive toward the end of the “ORDERS THAT” list, for greater clarity for the reader.

Within the “JUVENILE PROBATION” section of the form, the Committee recommends adding an option to indicate that the child is placed on juvenile probation as a part of a sex offender treatment program for greater specification as to the child’s probation terms.

The Committee proposes deleting “DISMISS The case is dismissed” as this sentence is unnecessary.

The Committee proposes adding periods to indicate blanks and the words “with” and “to” to the middle of the third page of the form in compliance with the *Guidelines* and for clarity for the reader.

The Committee proposes deleting “shall” and replacing it with “must” in the “GENERAL CONDITION OF JUVENILE PROBATION” section of the form in compliance with the *Guidelines*.

The Committee recommends rephrasing the paragraph on the fourth page of the form to clarify who will be responsible for payment of restitution and adding a new option to indicate that the court may reserve jurisdiction to determine the amount of restitution to be paid.

The Committee proposes adding periods to indicate blanks throughout the fourth page of the form.

The Committee recommends deleting a sentence on the top of page 56 of Appendix B regarding enforcement of the restitution order as the sentence is unnecessary.

The Committee recommends adding a new subdivision to conform with section 790.22, Florida Statutes, regarding community service for a delinquent act involving the use or possession of a firearm.

The Committee proposes deleting the option to indicate that the parent must complete counseling on the bottom of page 56 of Appendix B as another section of the form was created to address orders to the parent and counseling for the parent would be better addressed in the section of the form order.

The Committee proposes deleting “at” and replacing it with “from” and “to a.m.” at the bottom page 56 of Appendix B for greater clarity of a curfew for the reader.

The Committee recommends deleting the reference to the child’s driver license being suspended or revoked on the bottom page 56 of Appendix B as another section of the form was created to address the child’s driver license.

The Committee recommends deleting the sentence regarding a jail or detention tour at the bottom of page 56 of Appendix B.

The Committee recommends rephrasing the last two sentences regarding random urinalysis and electronic monitoring at the bottom of page 56 of Appendix B of the form for greater clarity for the reader.

The Committee suggests replacing the word “sanctions” with the word “special conditions” and deleting “the original” on the top of page 57 of Appendix B of the form for clarity for the reader. The Committee also suggests adding a date when the child must complete all of the special conditions of probation for greater specification for the reader.

The Committee recommends a sentence regarding modifications to terms of probation be relocated to the top of page 57 of Appendix B of the for greater clarity for the reader.

The Committee recommends adding a new paragraph header “Driver License” and adds new paragraphs on the top of page 57 of Appendix B to reflect

the requirements of sections 790.022, 985.435, and 322.056, Florida Statutes, regarding the child's driver license.

The Committee recommends adding a new paragraph header "Secure Detention for Firearm Charges" and new paragraphs on the bottom of page 57 and top of page 58 of Appendix B to track language in section 790.022, Florida Statutes, which replaces the "Gun Charges" paragraph.

The Committee recommends a new paragraph header "fines, fees, and costs" for clarity and reorganizes the paragraphs regarding fines, fees, and costs on the top of page 58 of Appendix B.

The Committee recommends deleting a phrase that specifies what the court costs on the top of page 58 of Appendix B of the form as the phrase is not necessary.

The Committee recommends that the grammar is corrected and that the correct number of periods to indicate blanks are corrected throughout page 58 of Appendix B in compliance with the *Guidelines*.

On the top of page 59 of Appendix B, the Committee recommends adding the language "Florida Statutes" and "ness; indecent exposure" and deleting "or lascivious" for clarity for the reader so that the parenthesis explaining chapter 800, Florida Statutes, would say: "Lewdness; indecent exposure." The Committee also recommends commas to be added as appropriate in that sentence in compliance with the *Guidelines*.

On the middle of page 59 of Appendix B, the Committee recommends adding a new subdivision header "Specimens from the Child" for clarity for the reader and rephrases the paragraph following the header for clarity for the reader.

On the bottom of page 59 of Appendix B, the Committee recommends adding a new subdivision header "Orders to Parents and Guardians" for clarity for the reader and adding additional paragraphs to specify optional orders a court may make to the parent.

The Committee recommends rephrasing the paragraphs on the bottom of page 59 of Appendix B for greater clarity of fees that may be charged when a child is found delinquent.

The Committee recommends that the correct number of periods to indicate blanks are corrected throughout the last page of the form in compliance with the *Guidelines*.

The Committee recommends deleting the sentence regarding modifying the conditions of probation on the last page of the form as it is proposed to be relocated in the form.

FORM 8.953. WAIVER OF RIGHTS

The Committee suggests a new form that was created to ensure that juveniles understand their delinquent charges and potential consequences of pleading nolo contendere or guilty. The form is phrased to be “child friendly.” The form addresses the child’s right to counsel, whether the child understands what his or her plea means, the nature of the charges against him or her, that he or she could present evidence for their defense the consequences of the plea and ensures that the plea is made voluntarily and intelligently. As well, the Committee suggests that the form address a child’s right to constitutional rights including the presumption of innocence, the right to go trial, to call and cross exam witnesses at trial, the right to appeal, the right to testify on their own behalf, and the right to remain silent.

FORM 8.964. DEPENDENCY PETITION

The Committee suggests amending Florida Rule of Juvenile Procedure 8.964 by adding a new paragraph in the form to address whether a child requires an attorney because that child has special needs.

The Committee also recommends amending the signature block to add the Florida Bar number for consistency and clarity for the reader.

FORM 8.965. ARRAIGNMENT ORDER

The Committee recommends amending Florida Rule of Juvenile Procedure 8.965 by adding “Attorney/Attorneys for.....Child/Children.....” to list of persons present before the Court and adding colons after Petitioner on the first page and second page of the form and on the second page of the form after shall for consistency and compliance with the *Guidelines*.

~~FORM 8.974. — PETITION TO EXTEND OR REINSTATE COURT’S JURISDICTION~~

The Committee suggests deleting the form as it not necessary and does not comply with the 2014 amendments to section 39.013, Florida Statutes.

FORM 8.991. FINAL ORDER DISMISSING PETITION FOR JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY

The Committee recommends extensive amendments to the form to comply with the legislative changes to 390.01114, Florida Statutes, as amended in Section 1, Chapter 2011-227, Laws of Florida. (See Appendix F.)

The amendments, simply, are the removal of the current judicial finding statement and was substituted with the factors articulated in the statute regarding whether the minor was sufficiently mature to decide whether to terminate the pregnancy.

WHEREFORE, the Juvenile Court Rules Committee respectfully requests that the Court amend the Florida Juvenile Court Rules as detailed above.

Respectfully submitted on February 1, 2018.

/s/ Kara A. Fenlon
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by e-mail, via the Florida Courts E-filing Portal, on February 1, 2018, to:

Glen P. Gifford
Florida Public Defender Association
Appellate Division Chief
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CERTIFICATE OF COMPLIANCE

I certify that these rules were read against *Thomson Reuters' Florida Rules of Court—State* (2017 Rev. Edition).

I certify that this report was prepared in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Mikalla Andies Davis
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