



Supreme Court of Florida

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February 10, 2022

The Florida Bar News Editor
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

*In Re: Amendments to the Florida Rules of Juvenile Procedure -
2021 Fast-Track Report, Case No. SC21-1681*

Dear Editor:

I have provided you with a copy of the proposed Rules in the above case. Please publish said Rules in the March 1, 2022, Bar News. Please publish a statement that the Court has placed the proposed Rules on the Internet at location:

<http://onlinedocketssc.flcourts.org/>.

Any comments should be filed with the Supreme Court on or before April 19, 2022. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida*

Courts E-Filing Portal, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

Thank you for your cooperation in this matter.

Most cordially,



John A. Tomasino

JAT/so

Enclosure

cc: Hon. John D. Couriel, Supreme Court Justice Liaison
Diane West, Director of Central Staff, Florida Supreme Court
Chief Judges of the District Courts of Appeal
Clerks of the District Courts of Appeal
Chief Judges of the Judicial Circuits
Clerks of the Judicial Circuits
Michael G. Tanner, President, The Florida Bar
Gary S. Lesser, President-elect, The Florida Bar
Joshua E. Doyle, Executive Director, The Florida Bar
Mikalla Andies Davis, Bar Liaison, The Florida Bar
Candice K. Brower, Chair, Juvenile Court Rules Committee

The Florida Supreme Court recently adopted amendments to the Florida Rules of Juvenile Procedure, as proposed by The Florida Bar's Juvenile Court Rules Committee (Committee). The amendments were made in response to statutory changes enacted in chapter 2021-169, Laws of Florida, which took effect on October 1, 2021. See *In Re Amends. To Fla. R. Juv. P.–2021 Fast-Track Report*, No. SC21-1681 (Fla. Feb. 3, 2022).

The Court invites all interested persons to comment on the amendments, which are summarized below and reproduced in full online at <https://www.floridasupremecourt.org/Case-Docket/SC21-1681>. All comments must be filed with the Court on or before April 19, 2022, with a certificate of service verifying that a copy has been served on the Committee Chair, Candice Kaye Brower, 235 S. Main Street, Suite 205, Gainesville, Florida 32601-6585, candice.brower@rc1.myflorida.com, and on the Bar Staff Liaison to the Committee, Mikalla Andies Davis, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, midavis@floridabar.org, 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 May 10, 2022, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUVENILE PROCEDURE - 2021 FAST-TRACK REPORT, CASE NO. SC21-1681

Rule	Explanation
Rule 8.217 (Attorney Ad Litem)	Adds “attorney for the child” to the title to make the rule more expansive. Adds a sentence to subdivision (b) specifying that a court must appoint an attorney for any child who is the subject of a motion to modify custody. Replaces the phrase “an attorney ad litem” in subdivision (d) with “any attorney appointed under this rule” for greater clarity. Adds a Committee Note to specify the statutory change that required this rule amendment.
Rule 8.305 (Shelter Petition, Hearing, and Order)	Adds the phrase “fictive kin, or nonrelatives” throughout subdivision (b) to describe priority placement options for the child. Adds a new subdivision (c)(3) to address the order of priority for placement specified by statute and renumbers the remaining subdivisions to accommodate new subdivision (c)(3). Adds a Committee Note to specify the statutory change that required this rule amendment.

<p>Rule 8.345 (Post-Disposition Relief)</p>	<p>Replaces the second sentence of subdivision (a) with a new sentence that tracks the recent amendments to section 39.522, Florida Statutes. Modifies a sentence in subdivision (a) to explain who can object to a change of placement. Adds language explaining that the best interest standards are provided by law. Replaces the list of factors for changing custody with “as provided by law.” Replaces instances of “shall” with “must.” Adds a new subdivision (b)(2) to address the rebuttable presumption created by section 39.522(3)(b)1, Florida Statutes, and renumbers the remaining subdivisions to accommodate new subdivision (b)(2). Adds a Committee Note to specify the statutory change that required this rule amendment.</p>
<p>Rule 8.415 (Judicial Review of Dependency Cases)</p>	<p>Adds a new subdivision (b)(3) that provides the requirements for initial judicial review of dependent children, and renumbers the remaining subdivisions to accommodate new subdivision (b)(3). Adds a Committee Note to specify the statutory change that required this rule amendment.</p>

<p>Rule 8.540 (Motion to Reinstate Parental Rights)</p>	<p>Creates a new Rule 8.540 to conform with section 39.8155, Florida Statutes. The rule adds a subdivision describing how proceedings are to be initiated, a subdivision explaining the requirements for notice of hearing, including the parties' burdens and legal standard, a subdivision addressing home visits and reports that must be completed by the department, a subdivision addressing final evidentiary hearings, and a subdivision addressing retention of jurisdiction upon reinstatement of parental rights. Adds a Committee Note to specify the statutory change that required this rule amendment.</p>
<p>Forms 8.973A-C</p>	<p>Creates a new form, designated as form 8.973A, to conform with section 39.701(3), Florida Statutes, which requires a judicial review hearing when a dependent child turns 16. New form 8.973A addresses this hearing and explains the factors a court must consider. Redesignates forms 8.973A, B, and C as forms 8.973B, C, and D to accommodate the new form. Makes minor modifications to redesignated form B to delete aspects that are now relevant to the initial judicial review hearing addressed in new form A.</p>