Supreme Court of Florida

No. 72,105

THE FLORIDA BAR

RE: RULES OF JUVENILE PROCEDURE

[August 25, 1988]

PER CURIAM.

The Juvenile Rules Committee of The Florida Bar has petitioned this Court to approve its quadrennial report of proposed changes to the Florida Rules of Juvenile Procedure. Pursuant to Florida Rule of Judicial Administration 2.130, the proposed amendments were submitted to The Board of Governors of The Florida Bar for review. With three exceptions--amendments to rules 8.290, 8.710, and 8.800--the board unanimously recommended approval. Additional comments have been received from Florida's Department of Health and Rehabilitative Services (HRS) and from Central Florida Legal Services, Inc. Both groups point out that this Court in The Florida Bar Re: Advisory Opinion HRS Nonlawyer Counselor, 518 So.2d 1270 (Fla. 1988), created an ad hoc committee to study and make recommendations concerning the role of HRS counsellors in dependency cases. This is the subject of present proposed changes to rules 8.710 and 8.800. The

committee's report is due December 1, 1988. In its response to the present proposals, HRS recommends that this Court refrain from acting on the proposed changes to rules 8.710, 8.720, and 8.800 until the report has been received. Central Florida Legal Services similarly recommends that this Court postpone acting on the proposed amendment to 8.800.

In its report, the rules committee proposes that rules 8.710 and 8.800 be amended to empower HRS agents to make court appearances on behalf of the department in certain detention hearings and in certain instances where post-disposition relief is sought. We defer acting upon these changes until the report of the ad hoc committee has been received. We do, however, approve the rules committee's proposed change to rule 8.710(b), which concerns the time limits for detention hearings. The rules committee also proposes that rule 8.720(a) be amended to conform to statutory changes concerning the obligation of the state attorney to review dependency petitions filed by nonlawyers. We approve this change, but we further amend this rule to contain the concomitant statutory provision that this review shall not interfere with the right of any person to file dependency petitions. See § 39.404(1), Fla. Stat. (1987).

We approve the rules committee's request that all committee notes dated prior to 1984 found within the existing rules be deleted. These notes are oftentimes confusing and outdated. We hereby order deleted the committee notes to the following rules: 8.010, 8.030, 8.040, 8.050, 8.070, 8.080, 8.090, 8.100, 8.110, 8.120, 8.130, 8.140, 8.150, 8.170, 8.180, 8.190, 8.200, 8.210, 8.220, 8.230, 8.240, and 8.270. We approve the rules committee's request that outdated forms be deleted from the existing rules. We hereby order deleted the following forms: 8.904, 8.906, 8.912, 8.915, 8.921, 8.923, 8.924, 8.925, 8.926, 8.927, and 8.931.

We approve the remainder of the proposed changes. Appended is the text of the amended portions of the rules. The amended rules become effective January 1, 1989. The committee's

comments (reason for change) are included for explanation and guidance only and are not adopted as an official part of the rules.

It is so ordered.

EHRLICH, C.J., and OVERTON, McDONALD, SHAW, BARKETT, GRIMES and KOGAN, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED. THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE RULES.

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Original Proceeding - Florida Rules of Juvenile Procedure

Rutledge R. Liles, President, Jacksonville, Florida; Stephen N.
Zack, President-elect, Miami, Florida; John F. Harkness, Jr.,
Executive Director, Tallahassee, Florida and Daniel P. Dawson,
Chairman, Orlando, Florida, for The Florida Bar Juvenile Court
Rules Committee,

    Petitioner

B. Elaine New, Assistant General Counsel, Tallahassee, Florida,
for Department of Health and Rehabilitative Services; and
Jim Dulfer, Daytona Beach, Florida, for Central Florida Legal
Services, Inc.,

    Responding