

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF JUVENILE
PROCEDURE FORM 8.933**

SC21

REPORT OF THE JUVENILE COURT RULES COMMITTEE

Matthew Charles Wilson, Chair of the Juvenile Court Rules Committee (the "Committee"), and Joshua E. Doyle, Executive Director of The Florida Bar, file this report pursuant to Florida Rule of General Practice and Judicial Administration 2.140(b)(1).

The Committee proposes an amendment to Form 8.933 (Waiver of Counsel). Pursuant to Florida Rule of General Practice Judicial Administration 2.140(b), proposed amendments were published in the May 2020 edition of *The Florida Bar News*. (See Appendix B.) No comments were received regarding Form 8.933. Rule 8.060 (Discovery) was published alongside Form 8.933 for comment but the Committee is not submitting this rule for the Court's consideration at this time as the Committee wishes to propose additional amendments. As well, Rule 8.120 (Post-Disposition) was published for comment alongside this amendment, and a comment was received by the Florida Public Defender Association. After deliberation, the Committee withdrew its amendment and does not seek any amendment to Rule 8.120 at this time. The rule amendments to Form 8.933 were approved by a vote of 19-0-5, and The Florida Bar Board of Governors recommends the amendments' acceptance by a vote of 50-0. For the Court's convenience, a proposed publication chart is provided as Appendix C.

The amendments are shown in Appendix A (legislative format). In compliance with *In re: Guidelines for Rules Submissions*, AOSC06-14, no two-column chart is provided as the amendments are to a form. The proposed amendments are as followed.

FORM 8.933. WAIVER OF COUNSEL

The Committee on its own initiative decided to review this form for accuracy and suggests several amendments. In the second number

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paragraph in the form, the Committee recommends replacing the period with a semicolon for grammar. The Committee suggests a new third number paragraph to match Rule 8.615(b) regarding waiver of counsel.

In the last paragraph before the child’s signature, the Committee proposes adding “and after the opportunity to confer with a lawyer,” and replaces “understandingly” with “voluntarily” for greater clarity for the reader.

The Committee requests deleting that the last sections of form including the requirement that witnesses would sign the form, the statement of responsible adult, and the order assessing attorney’s fee as the portion of the form. The Committee believes these sections are not required and the deletions would streamline this form.

Last, the Committee suggests adding a new section of the form for the attorney to sign regarding their explanation to the child.

WHEREFORE, the Committee respectfully requests that the Court amend Florida Rule of Juvenile Procedure Form 8.933 as detailed above.

Respectfully submitted on April 20, 2021.

/s/ Matthew Charles Wilson
Matthew Charles Wilson,
Chair
728 N. Ferdon Blvd Ste 4
Tallahassee, FL 32536-2166
850/603-6031
matthew.wilson@myflfamilies.com
Florida Bar No. 92608

/s/ Joshua E. Doyle
Joshua E. Doyle
Executive Director
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-6584
850/561-5600
jdoyle@floridabar.org
Florida Bar No. 25902

CERTIFICATE OF COMPLIANCE

I certify that these rules were read against Thomson Reuters’ *Florida Rules of Court—State* (2020 Edition rev). I certify that this report was prepared in compliance with the font requirements of Florida Rule of Appellate

Procedure 9.045.

/s/ Mikalla Andies Davis

Mikalla Andies Davis, Rules Attorney
Juvenile Procedure Rules Committee
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
850/561-5663
midavis@floridabar.org
Florida Bar No. 100529