

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA  
RULES OF JUVENILE PROCEDURE                      CASE NO: SC06-140**

**RESPONSE TO COMMENTS FILED  
WITH SUPREME COURT**

Alan Abramowitz, Chair, Juvenile Court Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this response to comments to the Committee's two-year-cycle report.

Following filing of the Committee's two-year-cycle report on January 27, 2006, a summary of the proposed changes was published for comment in the March 1, 2006, Florida Bar *News*, with a requirement that comments be filed with the Court on or before April 3, 2006. Comments were received from General Magistrate Robert J. Jones; Members of the Parents Bar, Dependency Court, Second Judicial Circuit; Judges of the Second Judicial Circuit; General Magistrate Thomas W. Lager; Dennis Moore, Statewide Guardian ad Litem Program; and the Hon. Scott Kenney.

Many of the comments filed concerned the Committee's proposal to amend *Fla. R. Juv. P. 8.257* to limit the types of hearings that may be heard by a general magistrate. Many of these issues were considered by the Committee at the time the rule was adopted. The Committee, however,

continues to adhere to its original recommendation. Mr. Moore points out that following the Committee's reasoning, there are other types of dependency hearings that a general magistrate should not hear. The Committee agrees that if the time requirements for the hearing do not allow for the 10-day period to object to referral to a general magistrate, the matter should be heard by a judge.

Regarding the proposed amendment to *Rule 8.257(f)* to change the word "serve" to "file," the Committee continues to believe that its reasoning is correct. If exceptions to the general magistrate's report are only served (on the other party) the court will have no notice of them. The Family Law Rules Committee has approved the same amendment to *Fla. Fam. L. R. P.* 12.490(f), which it will be filing with its next cycle report.

Comments filed by the Hon. Scott M. Kenney, related to a juvenile having access to an attorney before entering a plea in a delinquency case. This issue is not before the Court in the Committee's current report. A similar issue, however, was considered by the Court in the Committee's 2004 cycle report (Case No. SC04-97). The Court amended *Rule 8.165(b)(3)* to require that a written waiver of counsel be submitted in the presence of a parent, legal custodian, responsible adult relative, or attorney assigned to assist the child. See *Amendments to the Florida Rules of Juvenile Procedure*,

894 So. 2d 875 (Fla. 2004). If the Court wishes, the Committee will consider the issue raised by Judge Kenney at a future meeting.

Therefore, the Committee respectfully requests that the Court approve its amendments as originally submitted.

I certify that a copy of these comments were provided by mail on

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