

Florida Juvenile Rules Amendments

(Since 2006 National Juvenile Defender Center Assessment)

Passed and now law (fast-tracked separately)

- **8.165** **Appointment of Counsel**
Right to a meaningful opportunity to confer with counsel before waiving counsel
- **8.100** **General Provisions for Hearings**
Right to a court transcript by a party without requiring a court Order
- **8.010** **General Provisions for Hearings**
Mandates presence of prosecutor and public defender at all detention hearings
- **8.150** **Contempt**
Numerous procedural due process protections added, including the right to counsel, the right to disqualify a judge on indirect contempt if the alleged contempt involved criticism of the judge, and the right for the child to have the court consider alternative sanctions instead of detention. Additionally, procedural protections, including specifying that contempt on a juvenile party who has turned 18 still must be treated as a juvenile. Lastly, limitations as to detention prior to the contempt hearing have been added.

Passed and now law (three-year packet, effective January 2010)

- **8.010** **Detention Hearing**
Right to a detention hearing within 24 hours

Right to counsel subject to 8.165
- **8.070** **Arraignments**
Right to a reasonable time to prepare for trial

Right to counsel subject to 8.165

- **8.080** **Acceptance of Plea**
Right to withdraw plea if the court does not accept

Right to be warned of Jimmy Ryce (civil commitment for sexually motivated offenses) consequences during plea colloquy

Right to counsel subject to 8.165
- **8.100** **General Provisions for Hearings**
Right to an individualized determination whether a child is shackled for a court hearing
- **8.115** **Disposition**
Right to counsel subject to 8.165, including restitution hearings and out of county transfers

Right to credit for previous secured detention time (to be included on the disposition order)

Passed and now law (three-year packet, effective July 2013)

- **8.035** **Petitions for Delinquency**
Right to a copy of the petition at least 24 hours before being required to enter a plea

Right to a plain, concise, and definite written statement of the essential facts constituting the charge

Right to a detailed statement of particulars
- **8.070** **Arraignment**
Right to a reasonable time to deliberate before entering a plea
- **8.075** **Pleas**
Right to withdraw a no contest plea for good cause (previously the rule only allowed this for guilty pleas)
Right to a reasonable time to deliberate before entering a plea

- **8.080** **Acceptance of Plea**
 Right to be warned of immigration/deportation consequences during plea colloquy

 Right to be warned of possible sexual offender registration consequences during plea colloquy

 Right for plea taken in open court, except hearing may be closed as provided by law
- **8.115** **Disposition Hearing**
 Right to be sentenced by the judge who conducted the trial or accepted the plea
- **8.952** **Findings For Juvenile Sexual Offender Registration (Form)**
 This form is a guide as to whether a child will be required to register as a juvenile sexual offender

Passed and now law (three-year packet, effective January 2016)

- **8.075** **Pleas**
 Right to withdraw a plea after disposition
- **8.165** **Appointment of Counsel**
 Requirement that an attorney verifies on the record that any waiver of counsel has been knowing and voluntary

Passed and now law (three-year packet, effective January 2019)

- **8.005** **Custody Orders**
 Prohibits custody orders on failures to appear for children in the care or custody of the state unless the court has information that the child willfully failed to appear

- **8.045 Notice to Appear**
Prohibits custody orders when a child fails to appear after signing a notice to appear for children in the care or custody of the state unless the court has information that the child willfully failed to appear
- **8.060 Discovery**
Expands discovery as to an Informant Witness
- **8.085 Motions**
Corrects an error that required both child and attorney to sign all motions. (fast-tracked and added to packet.)
- **8.100 Shackling**
Significant procedural protections added, including a court requirement that an individualized assessment and specific findings of fact must be made prior to the child's appearance in the courtroom and that the child's counsel has a right to be heard before the court orders the use of restraints.
- **8.110 Adjudicatory Hearings**
Added minor procedural protections
- **8.947 Disposition Order**
(Form)
Updated the form
- **8.953 Waiver of Rights Form**
(Form)
New form (kid friendly waiver of rights)

Passed by the Juvenile Rules Committee and awaiting Board of Governors and Florida Supreme Court Approval

- **8.100** **General Provisions for Hearings**
Allows the court to permit “remote testimony” via a video device upon stipulation of the parties or upon motion of a party if the court finds good cause.

- **8.120** **General Provisions for Hearings**
48 hour rule for VOP Hearings

*Juvenile Rules Amendments
Rob Mason
February, 2019*