

Supreme Court of Florida

No. SC21-440

IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUVENILE PROCEDURE—FORM 8.989.

September 9, 2021

PER CURIAM.

This matter is before the Court for consideration of proposed amendments to the Florida Rules of Juvenile Procedure. *See* Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1). We have jurisdiction. *See* art. V, § 2(a), Fla. Const.

The Florida Bar’s Juvenile Court Rules Committee (Committee) filed a report proposing amendments to form 8.989 (Advisory Notice to Minor). The Committee and the Board of Governors of The Florida Bar approved the proposed amendments. The Committee published its proposal for comment prior to filing it with the Court, and no comments were received. After the Committee filed its report, the Court published the proposal for comment, and no comments were received.

Having considered the proposed amendments, the Court hereby amends Florida Rule of Juvenile Procedure form 8.989 (Advisory Notice to Minor) as proposed by the Committee with a minor modification.

First, form 8.989 (Advisory Notice to Minor) is amended by replacing “48 hours” with “3 business days” in the fifth paragraph to conform with section 390.01114(6)(b)1, Florida Statutes (2020).

Additionally, language is added to the form providing that if the hearing and decision have not occurred within three business days, the minor may petition for a hearing to the chief judge of the circuit, who must ensure a hearing is held within 48 hours after receipt of the petition and an order is entered within 24 hours after the hearing.

Finally, to conform with section 390.01114(6)(a), we amend form 8.989 to inform the minor that upon request, counsel must be provided to the minor at least 24 hours prior to the court proceeding.

Accordingly, we amend the Florida Rules of Juvenile Procedure form 8.989 as reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by

struck-through type. The amendments to the rule shall become effective October 1, 2021, at 12:01 a.m.

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Juvenile Procedure

Candice K. Brower, Chair, Gainesville, Florida, Matthew Charles Wilson, Past Chair, Juvenile Court Rules Committee, Tallahassee, Florida, Joshua E. Doyle, Executive Director, and Mikalla Andies Davis, Staff Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

Appendix

FORM 8.989. ADVISORY NOTICE TO MINOR

ADVISORY NOTICE TO MINOR

[Case No.:]

YOU ARE NOTIFIED as follows:

YOUR CASE NUMBER APPEARS AT THE TOP OF THIS FORM. KEEP IT IN A SAFE PLACE. YOU CAN NOT GET INFORMATION FROM THE CLERK WITHOUT YOUR CASE NUMBER.

YOU HAVE BEEN GIVEN A COPY OF THE SWORN STATEMENT YOU SIGNED WITH YOUR TRUE NAME. KEEP IT IN A SAFE PLACE. YOU MAY NEED TO SHOW IT AND THE FINAL JUDGMENT IN YOUR CASE TO YOUR DOCTOR BEFORE TERMINATING YOUR PREGNANCY.

All information in your case is confidential. No papers will be sent to your home, and you will be contacted by this court only through the method you elected in the petition. Your name will not be on your court papers.

If you would like an attorney to help you with your case, the court will appoint one for you at least 24 hours before the court proceeding at no cost to you. Your attorney will receive notices about your case so he or she can prepare for and attend hearings with you. You may also name someone else you trust to receive notices for you. You can also contact the clerk of court yourself to check on your case.

You have a right to a hearing and a decision on your case within ~~48 hours~~ 3 business days of filing your petition unless you or your attorney waives this right or asks for an extension of time. If this time limit is not met, you have the right to ~~ask the clerk for a form that will allow your doctor to perform a termination of pregnancy without notifying a parent~~ petition for a hearing upon the expiration of the 3 business day period to the chief judge of the circuit, who must ensure a hearing is held within 48 hours after receipt of your petition and an order is entered within 24 hours after the hearing.

If the court dismisses your petition, you have the right to appeal. You will be given information regarding how to proceed with an appeal, and if you would like an attorney to help you with an appeal, you may request that the court appoint one.

I certify that I have given a copy of this advisory form to the minor.

Dated: _____

Clerk of Court
_____ County Courthouse
_____, Florida