

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Rules of Criminal Procedure

993 So. 2d 503 (Fla. 2008) · Decided October 16, 2008

SUMMARY

The Florida Supreme Court considered whether to adopt a proposed amendment to Florida Rule of Juvenile Procedure 8.010 concerning consideration of a child’s substance abuse and mental health needs at a detention hearing. The Court declined to adopt the amendment because of objections from the Juvenile Court Rules Committee.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Quince, C.J.; Wells, J.; Anstead, J.; Pariente, J.; Lewis, J.; Canady, J.; Polston, J.
JURISDICTION	Florida
DECIDED	October 16, 2008
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Florida considered whether to adopt a proposed amendment to Florida Rule of Juvenile Procedure 8.010 concerning matters to be considered at juvenile detention hearings.
PRECEDENTIAL VALUE	Published Florida Supreme Court rulemaking decision; limited precedential value on substantive legal issues.

TOPICS

criminal procedure probable cause

PRACTICE AREAS

criminal procedure juvenile law court rulemaking

QUESTIONS PRESENTED

- Whether the Supreme Court of Florida should adopt the Task Force's proposed amendment to Florida Rule of Juvenile Procedure 8.010 concerning considerations at a juvenile detention hearing.
- Whether the proposed amendment was sufficiently consistent with statutory detention criteria and statutory restrictions on the use of preadjudication information to warrant adoption.

HOLDINGS

1. The Supreme Court of Florida declined to adopt the Task Force's proposed amendment to rule 8.010 because of the objections raised by the Juvenile Court Rules Committee.

KEY QUOTATIONS

“After consideration, due to the objections of the Committee, we decline to adopt the amendment to rule 8.010 proposed by the Task Force.” (505)

FACTUAL BACKGROUND

The Task Force proposed adding to Florida Rule of Juvenile Procedure 8.010 a requirement that a juvenile detention court consider the charged offense, the child's need for substance-abuse evaluation or treatment, and the child's mental condition. The Juvenile Court Rules Committee objected, stating that statutory detention criteria did not include those matters and that preadjudication use of mental-health and substance-abuse information could violate statutory restrictions. The Task Force maintained that the amendment was intended only to facilitate early evaluations and would not alter detention criteria or the Risk Assessment Instrument.

PROCEDURAL HISTORY

The Court had previously adopted several recommendations of the Task Force on Treatment-Based Drug Courts but declined to adopt the proposed amendment to rule 8.010 and referred it to the Task Force and Juvenile Court Rules Committee for joint consideration. The Committee continued to oppose the amendment, while the Task Force requested its adoption with a clarifying note. After considering both positions, the Court declined to adopt the proposed amendment.

DISPOSITION

other

CASES CITED

- In re: Amend. to Fla. Rules of Crim. Pro., Fla. Rules of Juv. Pro., & Fla. Fam. Law Rules—Report of Task Force on Treatment-Based Drug Courts, 959 So. 2d 250 (Fla. 2007)
- K.E. v. Dep't of Juv. Justice, 963 So. 2d 864 (Fla. 1st DCA 2007)