

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO:
17-28
SUPERSEDES 91-139

**IN RE: JUVENILE - ALL CHILDREN IN THE JUVENILE DIVISION REPRESENTED BY
THE OFFICE OF THE PUBLIC DEFENDER**

Pursuant to Rule 8.060, Florida Rules of Juvenile Procedure, a child may make a written demand to participate in discovery in juvenile cases.

This Court has been informed of an agreement submitted by the Public Defender and the State Attorney to eliminate the necessity of filing a written demand for discovery in each juvenile case.

Upon filing a Notice of Discovery with the Chief Judge of the Eighteenth Judicial Circuit, requesting compliance in all juvenile cases in the Eighteenth Judicial Circuit, this agreement allows the Public Defender, when appointed, to participate in all discovery authorized by Rule 8.060, Florida Rules of Juvenile Procedure, except when electing not to participate. When choosing not to participate the Public Defender shall file a "Notice of Intent Not To Participate In Discovery" with the Court and the State.

The State Attorney has informed this Court of its concurrence in this working agreement.

It is therefore **ORDERED:**

In all juvenile cases where the Public Defender is appointed, except where the Public Defender has filed a "Notice of Intent Not to Participate in Discovery", the State Attorney and Public Defender shall fully participate in discovery as provided by the Juvenile Rules of Procedure. The State Attorney shall disclose and permit inspection, copying, testing, and photographing of all material provided for in Rules 8.060 and 8.245, Florida Rules of Juvenile Procedure, within the State's possession or control within five (5) days after a Petition is filed or after an Answer to Demand for Discovery is filed, whichever occurs first. The Public Defender will notify the State of its intent to copy all available discovery, and the State shall make the same available the next working day. Discovery materials actually obtained by a secretary for the Public Defender's office will be deemed to have been demanded and received irrespective of any written notice to the contrary.

The prosecuting attorney, pursuant to Rule 8.060 and Brady v. Maryland, 373 U.S. 83 (1963), shall disclose to the Public Defender any material information within the State's possession or control which tends to negate the guilt of the child as to the offense charged.

If subsequent to compliance with this Order, the prosecuting attorney discovers additional witnesses or material which the prosecuting attorney would have been under a duty to disclose or produce at the time of such previous compliance, the prosecuting attorney shall promptly disclose or produce such witnesses or material in the same manner as required under this order for initial discovery.

If a child elects to participate in discovery, either through filing the appropriate notice or by participating in the discovery process outlined in this agreement, the child through his/her Public Defender shall comply with all requirements of Rule 8.060(b), Florida Rules of Juvenile Procedure.

If problems arise which cannot be satisfactorily resolved, suspension of this procedure will become effective upon the filing of written notice with this Court.

DONE and ORDERED this 27th day of June, 2017.

JOHN D. GALLUZZO
JOHN D. GALLUZZO
CHIEF JUDGE

Distribution:

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