

**IN THE DISTRICT COURT OF APPEAL  
OF THE STATE OF FLORIDA, FOURTH DISTRICT**

**C.D.S, THE FATHER**

**4TH DCA No.: 25-2757**

**L.T. CASE NO: 2025DP000037 A**

**v.**

**DCF, et al.,**  
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**ON REVIEW FROM THE NINETEENTH JUDICIAL CIRCUIT**

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**BRIEF OF AMICUS CURIAE, JAY & CAMPBELL, PLLC,  
IN SUPPORT OF APPELLANT**

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Sarah J. Campbell, Esq.  
Florida Bar No. 089513  
sarah@flfamilyformation.com

Katie Jay, Esq.  
Florida Bar No. 38112  
katie@flfamilyformation.com

Attorneys for Amicus,  
Jay & Campbell, PLLC  
1 SE Ocean Blvd.  
Stuart, Florida 34994  
T:772.480.0162  
F:888.785.0492

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## **IDENTITY AND INTEREST OF AMICUS CURIAE**

Jay & Campbell, PLLC is a Florida-based law firm dedicated to the complex intersection of constitutional, dependency, administrative, and adoption law. As a firm that frequently represents foster parents, prospective adoptive parents, and families navigating the intricacies of Chapter 39, it has a strong interest in the consistent, constitutionally sound application of the Florida Rules of Juvenile Procedure (“Juvenile Rules”).

The firm’s interest stems from the belief that procedural due process is not a discretionary luxury but a fundamental legal requirement. Any interpretation of the Juvenile Rules that permits the State to infringe on constitutional rights while denying discovery tools undermines the integrity of the judicial system and creates an uneven playing field.

Jay & Campbell, PLLC has a long-standing commitment to challenging administrative overreach and ensuring that the voices of those affected by child safety determinations are heard through a full and fair adversarial process. The firm seeks to assist the Court in harmonizing the Juvenile Rules (and the statutory text of Fla. Stat. § 39.504) with the historical and constitutional mandates of discovery,

ensuring that the remedial purpose of Chapter 39 is not achieved at the expense of fundamental fairness. The firm is uniquely positioned to assist the Court in confirming respondents' entitlement to meaningful discovery participation.

### **SUMMARY OF THE ARGUMENT**

This brief addresses a narrow procedural question: whether a respondent brought into court under a Chapter 39 injunction petition may be denied the ordinary tools of discovery before a final hearing when the State seeks binding judicial restraint. Denying discovery while permitting the State to present evidence at the final hearing creates an adversarial imbalance and undermines due process. The law does not allow that result.

The trial court's rehearing order ("Order") rests on a misinterpretation of Rule 8.245, which elevates subsection (b) to a condition precedent to all discovery in Chapter 39 proceedings. Nothing in the text or structure of Rule 8.245 supports that reading. Reading Rule 8.245(b) to silently nullify the express discovery rights granted to "any party" in subsections (d) and (e) violates settled principles of interpretation and invites a "trial by ambush," which

this Court has recognized as a denial of due process. *Heritage Prop. & Cas. Ins. Co. v. Killmeyer*, 382 So. 3d 708, 712 (Fla. 4th DCA 2024).<sup>1</sup>

Because a Chapter 39 injunction initiates a “proceeding” in juvenile court, respondents remain entitled to the discovery tools needed to test the State’s evidence before judicial restraint is imposed. The Order must be reversed.

## **ARGUMENT**

### **A. The plain meaning of a "hearing" under § 39.504 requires an adversarial process with meaningful access to discovery.**

“When the language of a statute is clear and unambiguous, we...‘presume that a legislature says in a statute what it means and means in a statute what it says there.’” *Page v. Deutsche Bank Tr. Co.*

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<sup>1</sup> While modern doctrine often bifurcates due process into a search for "protected liberty interests," a textualist approach recognizes that the Due Process Clause guarantees the full and fair administration of justice to all litigants. *See Nelson v. Colorado*, 581 U.S. 128, 149 (2017) (Thomas, J., dissenting) (explaining that the Due Process Clause requires the government to follow "settled usages and modes of proceeding" whenever it acts against an individual). Under this view, the right to adversarial testing (discovery) is not a discretionary gift based on the weight of the interest at stake but a mandatory procedural requirement for any “hearing” conducted under the exercise of judicial power.

*Am.*, 308 So. 3d 953, 958 (Fla. 2020). Section 39.504(2) is clear and unambiguous: every petition seeking an injunction requires a “hearing.” Fla. Stat. § 39.504(2) (“Upon filing the petition, the court shall set a hearing to be held at the earliest possible time.”).

A “hearing” is not a mere formality but a proceeding in which a court receives evidence, resolves disputed facts, and renders a binding decision after the parties have been afforded a meaningful opportunity to be heard. The dependency injunction statute was enacted in 1984 as Section 39.4055. Amicus App. A-1. An enactment-era statute defined “hearing,” in relevant part, as follows:

Hearing. Proceeding of relative formality (though generally less formal than a trial), generally public, with definite issues of fact or of law to be tried, in which witnesses are heard and parties proceeded against have right to be heard, and is much the same as a trial and may terminate in final order.

Black’s Law Dictionary 649 (5th ed. 1979); *see* Amicus App. B-3. This enactment-era definition confirms that hearings have long been understood as adversarial proceedings—not summary proceedings in which one party alone controls the evidentiary record.

Section 39.504 injunction hearings are no different from their predecessor. Although time-sensitive, they are formal proceedings

that warrant the full and fair administration of justice. Any other interpretation, as discussed further below, results in a non-adversarial adjudication, where the respondent party tries to fend off the petitioning party's bazooka with a pocketknife.

**B. All respondents are “parties” entitled to discovery.**

The injunction respondent (a.k.a. the “alleged offender”) qualifies as a party under the Juvenile Rules, regardless of whether that respondent is a parent. See § 39.504(2) & (3) (identifying the moving party as the “petitioner seeking the injunction” and the respondent as the “alleged offender”). Party status does not depend on parental relationships; a Chapter 39 injunction respondent may include parents, household members, caregivers, or other individuals alleged to pose a risk to the child.<sup>2</sup> *Id.* And nothing in the Rules

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<sup>2</sup> The availability of discovery to all respondent parties in a Chapter 39 injunction proceeding does not undermine the confidentiality protections that govern dependency records and child welfare information. Chapter 39 expressly provides mechanisms to safeguard confidential information through redaction, protective orders, and controlled disclosure, and trial courts retain broad authority to regulate access to sensitive materials. The fact that a Chapter 39 injunction respondent may be a non-parent does not alter that analysis; confidentiality concerns are addressed through case management, not by denying a party the procedural tools necessary to defend against judicial restraint. Nothing in Chapter 39 or the

classifies a respondent subject to injunctive relief as a participant rather than a party.<sup>3</sup>

This point may not ultimately be relevant to this case because *this* respondent is a parent explicitly recognized as having *automatic* standing in *all* aspects of Chapter 39. Amicus raises this recurring issue to identify and explain an important split among the district courts of appeal and to urge precise language that does not gloss over the standing divide.

Florida’s standing doctrine has not been consistently applied, and case law does not identify the source of the doctrine. *Planned Parenthood of Sw. & Cent. Florida v. State*, 384 So. 3d 67, 89–90 (Fla. 2024) (Sasso, J., concurring) (encouraging future litigants to identify the source of standing in the state constitution, such as the judicial power or access to the courts). Florida’s courts of appeal have tried

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Florida Rules of Juvenile Procedure suggests that confidentiality operates as a categorical bar to discovery once a judicial proceeding has commenced.

<sup>3</sup> The Rules distinguish “parties” from “participants.” *Compare* Fla. R. Juv. P. 8.210 (a) & (b) (Participants may only be “heard” by the court and receive notice of hearings). Section 39.504 does not deem respondents “participants,” or otherwise mention participants at all.

to reconcile this uncertainty in different ways.

The Third and Fifth Districts award standing in dependency cases via the Florida Rules of Civil Procedure. *T.R.-B. v. DCF*, 335 So. 3d 729 (Fla. 3d DCA 2022); *I.B. v. Dep't of Children & Families*, 876 So. 2d 581 (Fla. 5th DCA 2004); *but see DCF v. S.T.*, 353 So. 3d 1246 (Fla. 5th DCA 2022) (adopting the rule-based standing approach of the Fourth and Second, but not explicitly overturning *I.B.*).

The Second and Fourth Districts have narrowly construed the technical definitions in Chapter 39 to bar standing to anyone not defined as a party under 39.01(61). *See M.K. v. DCF*, 380 So. 3d 469 (Fla. 4th DCA 2023); *K.N. v. DCF*, 359 So. 3d 741 (Fla. 4th DCA 2023), *decision clarified and conflict certified on denial of reh'g*, 359 So. 3d 792 (Fla. 4th DCA 2023), *rev. granted but subsequently dismissed*, No. SC23-0665 (Fla. Dec. 18, 2023); *Interest of J.R.*, 379 So. 3d 592 (Fla. 2d DCA 2024); *Interest of K.M.*, 381 So. 3d 638 (Fla. 2d DCA 2024).<sup>4</sup>

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<sup>4</sup> In a separate category of case law, dependency interventions by prospective adoptive parents are generally barred when parental rights are still intact. There can be no "adoption matter" in dispute before parental rights are terminated, and therefore, prospective adoptive parents have no cognizable legal interest before termination. *See, e.g., W.K. v. DCF*, 230 So. 3d 905 (Fla. 4th DCA 2017); *D.C. v.*

What the Third and Fifth Districts misapprehend is that procedural rules cannot create or limit substantive law. *Davis v. Clark*, 326 So. 3d 781, 784 (Fla. 2d DCA 2021). Procedural rules are adopted by the Florida Supreme Court to prescribe the means and methods of applying and enforcing the law. *Jordan v. State*, 348 So. 3d 624, 626 (Fla. 5th DCA 2021).

The Second and Fourth Districts, on the other hand, have misapplied the negative-implication canon to standing in dependency and have unreasonably overextended it. See Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 107–11 (2012) (explaining the negative-implication canon, *expressio unius est exclusio alterius*, or “the expression of one thing implies the exclusion of others,” applies as long as the *unius* can *reasonably* be thought to be the expression of all that shares in the grant or prohibition involved) (emphasis added). Recently, this Court recognized that its

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*J.M.*, 133 So. 3d 1080 (Fla. 3d DCA 2014); *In the Interest of M.V.-B. v. DCF*, 19 So. 3d 381 (Fla. 2d DCA 2009); *In re J.P.*, 12 So. 3d 353 (Fla. 2d DCA 2009); *J.L. v. G.M.*, 687 So. 2d 977 (Fla. 4th DCA 1997). In another category of inapposite cases, people who were never parties to a termination of parental rights proceeding tried to appeal the termination order. See *e.g.*, *C.M. v. DCF*, 981 So. 2d 1272 (Fla. 1st DCA 2008); *R.H. v. DCF*, 994 So. 2d 1153 (Fla. 3d DCA 2008).

precedents may have gotten it wrong when it noted that the definition of “participant” anticipates that standing may be obtained by filing a motion to intervene. *B.D. v. C.D.*, 417 So. 3d 322, 327 (Fla. 4th DCA 2025).

This Amicus agrees with Justice Sasso that standing derives from the Florida Constitution and recognizes that the Legislature sometimes streamlines proceedings by conferring automatic standing on specific individuals, thereby avoiding prolonged litigation over who has standing. Chapter 39 does just that: it assigns automatic standing to certain persons in dependency. Fla. Stat. § 39.01(61).

But granting automatic standing does not bar everyone else from entering the courthouse. The right of litigants to access the courts and to due process, and the duty of the judiciary to adjudicate cases, are protected by the state constitution. The Legislature may not take away those rights and responsibilities. Nor has it. The text of 39.01(61) and Florida Rule of Juvenile Procedure 8.210(a) lists who qualifies as an automatic party but does not bar everyone else (including § 39.504 alleged offenders) from ever becoming a party and receiving discovery.

**C. One subsection's omission does not negate an independent subsection's express inclusion.**

The Department's Motion for Rehearing relied heavily on *expressio unius est exclusio alterius*—the mention of one thing implies the exclusion of another—to argue that because Rule 8.245(b) mentions specific petitions but omits "injunctions," discovery is prohibited in § 39.504 proceedings. R. 71-72. But, as Amicus noted above, the negative-implication canon applies only when what is listed can reasonably be read to cover everything the rule is meant to include or exclude. *S. Marion Real Estate Holdings, LLC v. Florida Gaming Control Comm'n*, 387 So. 3d 1246, 1251 (Fla. 5th DCA 2024).

Rule 8.245(b) sets out a mandatory list of disclosures that are automatically triggered upon the filing of specific types of petitions. By contrast, Rule 8.245(d) and (e) provide a general grant of discovery rights to "any party" without limiting that right to specific types of petitions. The Department's reading of Rule 8.245(b) misapplies the *expressio unius* canon by extending the limitations on mandatory disclosures to all other discovery.

Under a reasonable reading of the Rules, the specific mandatory list in subpart (b) does not negate the broader discovery tools

available to parties under the rest of the rule. Structurally, subsections (d) and (e) operate independently of subpart (b) and contain no limiting language tying their application to specific petition types. Nothing in Rule 8.245(b) purports to define the universe of proceedings in which discovery may occur. It prescribes additional mandatory disclosures in specified cases; it does not withdraw baseline discovery rights elsewhere.

**D. Rule 8.245 must be read in harmony with the rest of the Juvenile Rules.**

Rules must be read to give effect to all provisions and to avoid internal contradiction. In *Boltri v. State*, this Court held that statutes must be read to harmonize and incorporate the whole text. *Boltri v. State*, 178 So. 3d 483, 485 (Fla. 4th DCA 2015) (citing *Reading Law* at 167-69 & 180-82).

A harmonious reading of the Juvenile Code clearly entitles respondents, such as Appellant, to discovery. If an injunction petition "commences" a proceeding, then, by definition, it is a "case" or "cause" within the meaning of the Juvenile Rules. Fla. R. Juv. P. 8.000; *see also* Fla. R. Juv. P. 8.201(a)(4). All "cases" or "causes" are

governed by “...the procedures in the circuit court in the exercise of its jurisdiction under Chapter 39.” Fla. R. Juv. P. 8.000.

Petitioners initiate dependency injunction proceedings when they seek an injunction. *See* Fla. Stat. § 39.504(2); *see also* Fla. R. Juv. P. 8.201(a)(4). The Juvenile Rules define “party” to include “petitioner.” *See* Fla. R. Juv. P. 8.210(a) (defining a “party” as, among others, the “petitioner”). Therefore, the individual against whom the petition seeks relief is the respondent party. All parties have general discovery rights to documents. *See* Fla. R. Juv. P. 8.245(d) & (e) (providing document production to “any party”).

The Department urged the lower court to read Rule 8.245 as a harmonious whole, invoking *in pari materia* principles to argue that subsections (b), (d), and (e) must be construed together.<sup>5</sup> R. 172-73.

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<sup>5</sup> In the same breath, the Department also argues that discovery is unavailable in Chapter 39 injunction proceedings because section 39.504 requires a final hearing within fifteen days. R. 171. That contention conflates the availability of discovery with its management. The Rules vest trial courts with broad discretion to regulate discovery, including the authority to expand, contract, or tailor discovery deadlines to the exigencies of a particular case. Fla. R. Juv. P. 8.245(d)(2). An expedited statutory hearing requirement informs case management; it does not operate as a categorical bar to discovery. Courts routinely permit limited or expedited discovery in time-sensitive proceedings. And nothing in Chapter 39 demonstrates

But harmonization requires giving effect to all parts of the rule—not elevating one subsection to nullify the others.

The remedial purpose of Chapter 39—protecting children while preserving families<sup>6</sup>—requires a complete record. If an injunction petition "commences" a judicial proceeding, consistency requires the court to use *all* available procedural tools to reach an accurate decision. Denying discovery after a case has officially "commenced" creates injustice and results in a final injunction entered on an incomplete, untested record.

**E. Section 39.504 and its statutory history—like most statutes—are silent about discovery rights.**

Appellant’s brief outlines how the current injunction statute, § 39.504, evolved from its predecessor, § 39.4055. Appellant’s Initial Brief (“IB”). 20-23. As Appellant notes, before 2008, injunctive relief

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that the Legislature sought to eliminate discovery rather than entrust trial courts with control over its scope and timing.

<sup>6</sup> Fla. Stat. § 39.001(1)( "The purposes of this chapter are... [t]o provide for the care, safety, and protection of children in an environment that fosters healthy social and emotional development; to promote the health and well-being of all children under the state’s care; and to ensure that all children are left in their own homes, or are returned to their own homes, whenever it is safe to do so.").

was explicitly tied to the filing of a dependency or detention petition. IB. 24. Because the injunction was a temporary measure in an active dependency case, the full suite of discovery rights under the Juvenile Rules was unquestionably available to all parties to the injunction.

Then, in 2008, the Legislature amended the statutes to allow an injunction to serve as a stand-alone cause of action initiated through a protective investigation rather than a formal petition for dependency. IB. 24. The Legislature separated the injunction from the requirement of an active dependency petition, allowing it to function as an independent cause of action. While this decoupled the injunction from the dependency case, the Legislature remained silent on discovery rights *and did not specifically repeal the respondent's discovery rights*. Compare Fla. Stat. § 39.504 (2007) with Fla. Stat. § 39.504 (2008).

The Department's argument rests on "repeal by implication," R. 173-74, a doctrine that Florida courts strongly disfavor absent clear legislative intent. *City of St. Petersburg v. Pinellas Cnty. Power Co.*, 100 So. 509 (Fla. 1924); *see also Reading Law* at 327-333. Besides, most statutes neither permit nor prohibit discovery because the

constitutional right to due process protects discovery rights.<sup>7</sup> And even if a statute prohibited discovery exchange, statutes “... can be trumped by constitutional rights, such as due process.” *State v. Wooten*, 260 So. 3d 1060, 1074 (Fla. 4th DCA 2018) (Conner, J., concurring).

At the end of the day, “...a court always has the inherent power to ensure that a party before it is accorded constitutional rights of due process and a fair trial, whether or not a statute or rule of court explicitly covers the needs shown by the particular circumstance.” *State v. Diamond*, 553 So. 2d 1185, 1190 (Fla. 1st DCA 1988). Ultimately, procedural rules define the parameters for the orderly administration of justice—they do not deprive the people of it entirely.

**F. The presumption against change in the common law requires that § 39.504 be construed to preserve settled procedural and equitable rights.**

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<sup>7</sup> The Department also argues that §§ 39.507 and 39.802’s references to discovery (as opposed to § 39.504’s silence) bolster its argument against discovery exchange in § 39.504. R. 171. This is another misuse of the negative implication canon and leads to an unreasonable reading of the statute, particularly given a litigant’s constitutional right to due process.

Florida courts have consistently applied a strong presumption against statutory changes to the common law, requiring explicit and unequivocal legislative language to alter established common law principles, including equitable doctrines. *Florida Dep't. of Health & Rehab. Services v. S.A.P.*, 835 So. 2d 1091 (Fla. 2002) (holding that the doctrine of equitable estoppel tolls the statute of limitations for actions against the state because § 768.12(13) did not expressly change the common law).

Statutes are construed to alter the common law only when that intent is *clear*. *Ripple v. CBS Corp.*, 385 So. 3d 1021, 1026 (Fla. 2024) (“[u]nless a statute unequivocally states that it changes the common law or is so repugnant to the common law that the two cannot coexist, the statute will not be held to have changed the common law.”). Because the text of § 39.504 provides no clear mandate to displace these historical rights, any interpretation of Rule 8.245 that implies such displacement must be rejected—not only as a matter of textualism but also to avoid a direct collision with the Florida Constitution.

***i. Discovery pre-dates modern statutes.***

To discern the "fixed standard" of law regarding discovery, one must look to the adversarial system's historical baseline—a baseline deeply rooted in the English equitable tradition of the Courts of Chancery. Discovery exchange originated in English courts of chancery before the founding of America. Patricia I. McMahon, *Rediscovering the Equitable Origins of Discovery*, in *Equity and Law: Fusion and Fission* 280 (John C.P. Goldberg, Henry E. Smith & P.G. Turner eds., 2019). 19th-century English litigants considered discovery— “the ability to inspect documents and question litigants”—indispensable to the due administration of justice. *Id.*

English settlers brought the discovery procedure to the thirteen American colonies in the late 18<sup>th</sup> Century, including the use of depositions. Amalia D. Kessler, *Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial*, 114 *Cornell L. Rev.* 1181, 1181–1276 (2005). New York became the first state to merge common law and equity procedures by expressly authorizing “depositions” and allowing pretrial oral examinations of both opposing parties and third-party witnesses by

the middle of the 19<sup>th</sup> Century. Alan K. Goldstein, *A Short History of Discovery*, 10 ANGLO-AM. L. REV. 257, 257–70 (1981).

**ii. *Historically, Florida courts have protected discovery rights.***

Florida quickly followed New York's example and first addressed discovery rights in *B. H. Thrasher v. Doig & Geiger*, 18 Fla. 809 (Fla. 1882), where it considered the scope of a bill of discovery in equity. The Florida Legislature later permitted interrogatories and depositions in cases at law under certain circumstances when it adopted former Fla. Stat. §§ 90.17 and 90.18 in 1927. According to the Florida Supreme Court, these statutes were limited to discovery of “essential matters of fact” and were not intended to “make the opposite party a witness to testify respecting the whole case. . . .” *May v. Whitehurst*, 144 So. 326 (Fla. 1932).

A few years later, in 1938, the United States issued the Federal Rules of Civil Procedure, which significantly expanded the use of discovery in legal practice. *See* Fed. R. Civ. P. (adopted 1938). About a decade later, Florida adopted the federal discovery rules in 1947. *See* Former Fla. Stat. § 91.30 (1953), repealed 1955. Then, in 1954, Florida implemented the Florida Rules of Civil Procedure, making the

discovery rules applicable to both law and chancery actions. *Poling v. Petroleum Carrier Corp.*, 194 So. 2d 925, 926 (Fla. 1st DCA 1967).

**iii. Section 39.504's silence does not clearly repeal discovery rights**

This centuries-old lineage of discovery shows that when the Legislature 'decoupled' the injunction from dependency petitions in 2008, it did so against a backdrop of settled procedural expectations that it never explicitly revoked. This historical pedigree confirms that discovery is not a modern legislative gift but a foundational requirement that the 2008 Legislature could not silently repeal. Courts do not presume the Legislature repeals by implication or hides “elephants in mouseholes” through mere silence or reorganization. *Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 468 (2001).

**G. Interpreting the Juvenile Rules to deprive respondents of their right to prepare for the final injunction hearing raises constitutional doubt.**

Where a rule is susceptible to competing interpretations, courts must adopt the construction that avoids constitutional infirmity. *Arthur Young & Co. v. Mariner Corp.*, 630 So. 2d 1199, 1203 (Fla. 4th DCA 1994); *see also Reading Law* at 247. As outlined above, the production of documents under Rules 8.245(d) and (e) may be

resolved without constitutional analysis because the Juvenile Rules' text plainly supports a respondent's right to discovery.

Rule 8.245(g), which governs depositions in dependency cases, is unique and requires further constitutional consideration because Appellant is entitled to due process under the law. The Court may not adopt an interpretation of the Rules that strips him of that right, even if a rule appears to limit his access to specific discovery tools (such as depositions). *See Fla. R. Juv. P. 8.245(g)* (prescribing depositions only after the filing of dependency and termination petitions).

Here, Appellant clearly preserved his due process arguments in the lower court, R. 94, but he has not specifically articulated a facial constitutional challenge to Rule 8.245(g). Instead, he has preserved an as-applied challenge to any deprivation of discovery. R. 122. Therefore, this Court should assess the constitutional application of that Rule to determine whether denying Appellant the opportunity to depose adverse witnesses violates his due process rights under the state or federal constitutions. Art. I, § 9, Fla. Const.; *see also* U.S. Const. amend. XIV, § 1.

Even if Rule 8.245(g) limits depositions, it cannot be applied here in a way that deprives a respondent of due process at a final hearing imposing judicial restraint. Final injunctions may deprive respondents of several important constitutional rights, including parental liberty interests, the right to privacy and the security of their home, and freedom of movement, while also creating a substantial risk that untested allegations will carry prejudicial weight in subsequent dependency or related proceedings. Depositions are crucial because they test the credibility of the State's witnesses. Where the State's case turns on witness testimony and credibility, pre-hearing examination is essential to due process. The Department's reading of Rule 8.245 invites the very constitutional doubt that courts seek to prevent.

As noted above, injunctions commenced under Rule 8.201(a) are part of a consistent whole and initiate a Chapter 39 proceeding in which any respondent must be afforded the traditional tools of the adversarial system. To hold otherwise would imply that the Juvenile Rules Committee and the Florida Supreme Court intended to create a procedural vacuum in which a respondent's fundamental interests are condemned without a meaningful opportunity to be heard. Rather

than jeopardize the constitutionality of the Juvenile Rules, this Court must adopt the interpretation that permits respondents to engage in discovery.

## **CONCLUSION**

This Court should reverse the Order and clarify that respondents in § 39.504 injunction proceedings are entitled to all the discovery tools the Juvenile Rules provide. A "hearing" where the State's evidence remains untested is a mere formality that violates procedural due process.

The Department's "condition precedent" theory creates an internally inconsistent framework where the State may use the Juvenile Rules to burden a respondent while simultaneously asserting that those same rules are "self-contained" to deny a defense. To uphold the fair administration of justice and prevent arbitrary fact-finding, the Court must confirm that once an action is legally commenced under Rule 8.201(a)(4), the full suite of procedural safeguards—including discovery—remains intact. A hearing that denies a respondent any meaningful opportunity to test the State's evidence cannot satisfy due process.

Dated this 30<sup>th</sup> day of December 2025.

Respectfully submitted,

/s/ Sarah J. Campbell

Sarah J. Campbell, Esq.

Florida Bar No. 089513

[sarah@flfamilyformation.com](mailto:sarah@flfamilyformation.com)

/s/ Katie Jay

Katie Jay, Esq.

Florida Bar No. 38112

[katie@flfamilyformation.com](mailto:katie@flfamilyformation.com)

**Jay & Campbell, PLLC**

1 SE Ocean Blvd.

Stuart, FL 34994

T: 844.624.2361

F: 888.785.0492

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30th day of December 2025, a true and correct copy hereof was filed electronically via the Florida e-filing portal and served via e-mail, pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516, to the following addresses:

Andrew Holness, Esq.  
Andrew A. Holness, P.A.  
2101 Vista Pkwy Ste 4026  
West Palm Beach, FL 33411-2706  
[holnesslaw@yahoo.com](mailto:holnesslaw@yahoo.com)

Andrew Feingenbaum, Esq.  
Dept. of Children and Families  
111 S Sapodilla Ave Ste 307  
West Palm Beach, FL 33401-5208  
[Andrew.Feigenbaum@myflfamilies.com](mailto:Andrew.Feigenbaum@myflfamilies.com)

By:     /s/ Sarah J. Campbell      
Sarah J. Campbell, Esq.

**CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that this computer-generated brief is presented in Bookman Old Style 14-point font and complies with the font and word count limit requirements of Florida Rule of Appellate Procedure 9.045 and Florida Rule of Appellate Procedure 9.210.

By:     /s/ Sarah J. Campbell      
Sarah J. Campbell, Esq.