

ADMINISTRATIVE ORDER
NO. 07-91-40-1

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND

OSCEOLA
COUNTIES, FLORIDA

AMENDED ORDER ON OPERATING POLICY FOR THE ACCEPTANCE OF JUVENILES
BY JAIL FACILITIES CONSISTENT WITH THE FEDERAL JUVENILE JUSTICE AND
DELINQUENCY PREVENTION ACT OF 1974 AND FLORIDA STATUTES, CHAPTER 985

WHEREAS, The Federal Juvenile Justice Delinquency Prevention (JJDP) Act of 1974, as amended [42 U.S.C. 5601, et. seq.], was adopted by the U.S. Congress in order to establish a comprehensive nationwide program of juvenile delinquency prevention, offender rehabilitation and juvenile justice improvements; and

WHEREAS, States which receive JJDP funds are required to comply with the mandates contained in the JJDP Act of which Florida receives the benefits of the Federal JJDP Program; and

WHEREAS, The State's continued funding in this area is contingent upon compliance with this Act;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, do hereby order that the following procedures, which originally became effective on June 10, 1992, in order to effectuate orderly and efficient compliance with Federal and State Law, for the acceptance of juveniles into the Orange and Osceola County Jails, are amended as follows, effective immediately, unless otherwise provided herein:

A juvenile who has not been transferred to the adult system by felony direct file or waiver, grand jury indictment, or has not been found to have previously committed an offense as an adult and received adult sanctions, may be held in temporary custody for a period not to exceed six hours in a secure booking area of the jail for the purpose of awaiting release, fingerprinting and/or photographing the juvenile, or awaiting appropriate transport to the Department of Juvenile Justice pursuant to section 985.115(3), Florida Statutes. Juvenile misdemeanor offenders transferred for criminal prosecution pursuant to section 985.565, Florida Statutes, shall not be detained or held in the Orange or Osceola County Jail for more than six hours. Unless a juvenile is wanted in another jurisdiction for prosecution as an adult, or is convicted of a traffic offense involving death or personal injury, a juvenile shall not be placed in the Orange or Osceola County Jail unless one of the following documents is present:

Indicted Juvenile. The Arrest and Booking Report shall be accompanied by the grand jury indictment.

Waived Juvenile. The Arrest and Booking Report shall be accompanied by a copy of the transfer order certifying that the juvenile has been transferred on felony charges for prosecution as an adult.

Direct Filed Juvenile. The Arrest and Booking Report Shall be accompanied by a certificate of filing of direct information on felony charges by the State Attorney.

Previously Adjudicated Juvenile. Any juvenile who has previously been found to have committed an offense as an adult, on either felony or misdemeanor charges, and the court imposed adult sanctions, may be treated as an adult on any subsequent arrest. The arrest and booking report should reflect the date of the prior adult court disposition and sanctions. This date must be verified by jail staff or authorized court designee at the earliest opportunity.

Juvenile Contempt Citations. Juveniles cited with contempt of court shall be detained pursuant to the court order. All juveniles charged with contempt of court are entitled to bond as set by the court. Juveniles found by the court to be in contempt of court shall be detained pursuant to the order of the court.

When a minor is taken into custody for a criminal traffic offense or a driver license violation, law enforcement is required to make every reasonable effort to notify the minor's parents, guardian or responsible adult relative of the action taken. After making every reasonable effort to give notice and release the juvenile within the six-hour requirement, the arresting officer shall follow the provisions of section 316.635(3), Florida Statutes, in effecting the release of the juvenile within the six-hour period. This can include: The issuance of a notice to appear and subsequent release of the minor with a court date to a parent, guardian, responsible adult relative or other responsible adult within six hours; The issuance of a notice to appear and subsequent release of the minor through a bond process; The issuance of a notice to appear and delivery of the minor to an appropriate substance abuse treatment or rehabilitation facility or refer the juvenile to an appropriate medical facility. If the juvenile cannot be delivered to such a facility, the arresting officer may deliver the juvenile to an appropriate intake office of the Department of Juvenile Justice which shall take custody of the juvenile and make any appropriate referrals; or, if the violation constitutes a felony, and the minor cannot be released on bail, transport or deliver the juvenile to an appropriate Department of Juvenile Justice intake office. The Department shall assume custody. A minor shall not be imprisoned for a traffic offense in an adult jail except upon conviction of an offense involving death or personal injury.

I FURTHER DIRECT that juveniles arrested on capias for traffic offenses who are not issued a notice to appear; not released to their parents; not transferred to the Department of Juvenile Justice; or not bonded out, be released pursuant to the six-hour requirement of the Juvenile Justice Delinquency Prevention Act and Florida Statutes.

Administrative Order 07-91-40 is vacated and set aside and has been incorporated and/or amended herein.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 30th day of March, 2007.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
All Circuit & County Judges, Ninth Judicial Circuit
General E-Mail Distribution List
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