

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
09-31-B

**IN RE: JUVENILE - ADMINISTRATIVE DISPOSITION OF CERTAIN JUVENILE
DELINQUENCY CASES AND TAKE INTO CUSTODY ORDERS**

WHEREAS, certain juveniles who have pending cases and some with an outstanding Take Into Custody Order, have reached the maximum age of nineteen, twenty-one or twenty-two, and the efficiency of the disposition of the outstanding cases and the Take Into Custody Orders would greatly increase if the clerk would administratively dismiss these cases and recall the Take Into Custody Orders; and

WHEREAS, Florida Statute 985.0301 provides for the exclusive jurisdiction over juvenile delinquency cases, until the juvenile reaches his/her nineteenth birthday. Additionally, jurisdiction over a juvenile who has been committed may be extended until his/her twenty-first or twenty-second birthday. In no case shall the jurisdiction of the court be retained beyond the juvenile's twenty-second birthday. Delinquency cases shall be considered disposed of when the juvenile reaches said age as provided for above. The efficiency of the Juvenile Delinquency Division would greatly increase if the clerk administratively dismissed said pending cases and recalled any outstanding Take Into Custody Orders for those cases wherein jurisdiction has expired; and

WHEREAS, law enforcement is in possession of juvenile Take Into Custody Orders and the named juvenile has not been located by their nineteenth, twenty-first or twenty-second birthday; and

WHEREAS, sworn complaints are filed in the office of the clerk and delivered to the State Attorney for further proceedings and the clerk has historically assigned a case number, created an index and established a pending case. In some instances, the clerk has not

received either a Petition or Notice of No Petition and jurisdiction over the juveniles has expired since the filing of said complaint and in such instances the cases remain pending; and

IT IS ORDERED;

1. DISMISSAL OF DELINQUENCY CASES:

Excluding juveniles who have been committed and thereafter ordered to conditional release where the court has extended jurisdiction until the age of twenty-one or twenty-two, the clerk shall administratively dismiss all delinquency cases when the juvenile has reached the age of nineteen due to lack of jurisdiction.

For juveniles ordered to conditional release and jurisdiction has been retained until their twenty-first birthday, the clerk shall administratively dismiss all delinquency cases when the juvenile has reached said age due to lack of jurisdiction.

For juveniles ordered to conditional release and jurisdiction has been retained until their twenty-second birthday, the clerk shall administratively dismiss all delinquency cases when the juvenile has reached said age due to lack of jurisdiction.

2. OUTSTANDING TAKE INTO CUSTODY ORDERS:

Excluding juveniles who have been committed and thereafter ordered to conditional release where the court has extended jurisdiction until the age of twenty-one or twenty-two, if the juvenile has reached his/her nineteenth birthday after the issuance of the Take into Custody Order, the clerk shall administratively recall the Take Into Custody Order and administratively dismiss the case for lack of jurisdiction.

For juveniles ordered to conditional release and jurisdiction has been extended until the twenty-first birthday and the juvenile has reached the age of twenty-one after the issuance of a Take Into Custody Order, the clerk shall administratively recall the Take Into Custody Order and administratively dismiss the case for lack of jurisdiction.

For juveniles ordered to conditional release and jurisdiction has been extended until the twenty-second birthday and the juvenile has reached the age of twenty-two after the issuance of the Take Into Custody Order, the clerk shall administratively recall the Take Into Custody Order and administratively dismiss the case for lack of

jurisdiction.

3. SWORN COMPLAINTS:

If the age of nineteen has been reached by the juvenile since the filing of a misdemeanor, felony or municipal or county ordinance sworn complaint and the clerk has not received a Petition or Notice of No Petition from the State Attorney, the clerk shall administratively dismiss the case for lack of jurisdiction.

4. This Order only applies to Juvenile Delinquency Cases.

DONE AND ORDERED this 6th day of August, 2009.

J. PRESTON SILVERNAIL
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CHIEF JUDGE

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