



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Metro Miami Action Plan Trust

Office of the Metro Miami Action Plan Trust
19 West Flagler Street
Mezzanine Room 106
Miami, Florida 33128

April 30, 2008

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Karen Leonard, Commission Reporter
(305) 375-1296



OFFICIAL MINUTES
METRO-MIAMI ACTION PLAN TRUST
MEETING OF APRIL 30, 2008

The Metro-Miami Action Plan Trust (MMA) convened a meeting at the Office of MMA Trust Board Room, 19 West Flagler Street, Mezzanine Room #106, on April 30, 2008 at 12:00 Noon, there being present: Chairperson John T. Jones, and Members: Mr. Arthur J. Barnes, Ms. Marie B. Hyppolite, and Mr. Herbert Robinson; (Ms. Greicy Lovin, Ms. Veldrin Freeman, and Dr. Marzell Smith were absent).

ROLL CALL:

Staff members present were: Mr. John Dixon, MMA Trust Interim Executive Director; Ms. Marlene Blanco, Ms. Melba Gasque, Mr. William Simmons, Mr. Joey Walker and Mr. Anthony Williams; Assistant County Attorney Terrence Smith; and Deputy Clerk Karen Leonard.

MOTION TO SET THE AGENDA:

Chairperson Jones called the meeting to order at 12:47 p.m. He expressed appreciation to the Trust members for attending today's (4/30) special meeting to address the item regarding a Teen Court Conference that needed funding from the Teen Court Budget.

DISCLOSURE OF CONFLICTS OF INTEREST

QUERY FOR EARLY DEPARTURES

Special Meeting Item:

Criminal Justice – Teen Court Youth Conference

Chairperson Jones referred to the memorandum from Assistant County Attorney Smith and he asked that Trust members provide some input.

Mr. Robinson noted the question was whether or not the students that would attend the Teen Court Youth Conference were a part of the Teen Court program.

Mr. Dixon advised that the 8th and 9th grade students from MLK Academy were attending a training session regarding Teen Court as well as students from Miami Edison Senior High. He added that MMA had cases of students and participants from Carol City Senior High being in the Teen Court program.

Assistant County Attorney Smith noted that the legal opinion was not based solely on April 15, 2008 Memorandum of Approval (MOA), but was also based on another memorandum submitted on April 23, 2008 from Mr. Dixon. He also noted that based on the summary in that memorandum, he was able to conclude that MMA could use the Teen Court Budget funding in an amount not to exceed \$40,000.00.

Chairperson Jones recommended that the April 15, 2008 MOA from Mr. Dixon be amended by

removing the word “annual,” which preceded the word, “conference,” under the “Purpose of Item” and address this event as a single youth conference to be held on May 6, 2008. He added that after the conference, an evaluation should be performed to determine whether the event should be annual. Chairperson Jones also added that the event would need approval from the Trust each year due to the expenditures involved.

Additionally, Mr. Barnes pointed out an amendment to the April 15, 2008 MOA was needed under the section entitled “Background Information” to remove “the first of several annual” from before the word, “conferences”.

Assistant County Attorney Smith also suggested combining both the April 15, 2008 and April 23, 2008 memorandums with the recommended amendments because his legal opinion was based on the April 23rd memo.

Discussion ensued regarding the April 23, 2008 MOA.

Assistant County Attorney Smith read into the record from the April 23, 2008 MOA the list of goals and format of the Teen Court Youth Conference. He added that based on that list he concluded that the use of monies from the Teen Court Budget for this event was appropriate, those goals and the format should be the parameters used, and the benefits should be noted.

Chairperson Jones requested that the Trust members receive a copy of the amended MOA.

Discussion ensued regarding the fact that all those invited participants for the event had been contacted and others needed to be informed about MLK Academy and the Teen Court program.

Chairperson Jones recommended that MMAP’s staff schedule some radio talk shows in order to educate the community regarding the process of MMAP’s programs, like Teen Court and Occupational License Tax. He noted the intent would be to explain the scope of each program, the development, and the purpose.

It was moved by Mr. Barnes to approve the MOA as amended to authorize an allocation in an amount not to exceed \$40,000 from Teen Court Budget for MMAP’s staff to host a Teen Court Youth Conference entitled, “Youth Speaking Out Against Violence;” and to be based on the three goals outlined in the memorandum dated April 23, 2008 from the Interim Executive Director, John Dixon, regarding the request for a County Attorney’s legal opinion. This motion was seconded by Mr. Robinson and upon being put to a vote, passed 4-0. (Members: Ms. Veldrin Freemon, Ms. Greicy Lovin, and Dr. Marzell Smith were absent.)

ADJOURNMENT

There being no further business to come before the Trust, the meeting was adjourned at 12:58 p.m.

John T. Jones, Jr., Chairperson
Metro Miami Action Plan Trust



METRO-MIAMI ACTION PLAN

April 30, 2008

Prepared by: Nelson Diaz

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	4/30/2008		Metro-Miami Action Plan Trust Board of Trustees Special Meeting April 30, 2008 Agenda
2	4/30/2008		Metro-Miami Plan Trust Motion and Approval Ballot
3	4/30/2008		Memorandum from John Dixon -Interim Executive Director Re: Miami-Dade County Teen Court Engaging A Youth to Develop Responsible Citizen
4	4/30/2008		Memorandum from John Dixon -Interim Executive Director Re: Request for A-Legal opinion regarding feasibility of Hosting a Teen Court Conference
5	4/30/2008		Emailed letter from the Office of the Attorney General of Florida
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METRO-MIAMI ACTION PLAN TRUST

BOARD OF TRUSTEES SPECIAL MEETING

APRIL 30, 2008

Agenda



SPECIAL MEETING NOTICE

METRO-MIAMI ACTION PLAN TRUST

BOARD OF TRUSTEES MEETING

DATE: WEDNESDAY, APRIL 30, 2008

TIME: 12:00 PM

**LOCATION: BISCAYNE BUILDING
19 WEST FLAGLER STREET – SUITE M106
MIAMI, FLORIDA 33130**



**METRO-MIAMI ACTION PLAN TRUST
SPECIAL TRUST BOARD MEETING
APRIL 30, 2008
AGENDA**

Page

Roll Call

DISCLOSURE OF CONFLICTS OF INTEREST

QUERY FOR EARLY DEPARTURES

Special Meeting Item:

Criminal Justice – Teen Court Youth Conference

Adjourn

* Submitted at Board Meeting

**Not submitted

*** **Added to Special Meeting Notice**

MOA – Memorandum of Approval

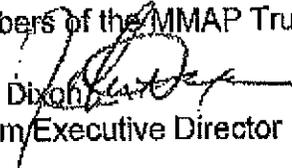


SPECIAL MEETING ITEM

TEEN COURT YOUTH CONFERENCE

MEMORANDUM OF APPROVAL



TO: Members of the MMAP Trust
FROM: John Dixon 
Interim Executive Director
DATE: April 15, 2008
SUBJECT: Miami-Dade County Teen Court Engaging Youth to Develop Responsible Citizen's Conference

PURPOSE OF ITEM

To propose that a resolution be passed permitting Metro-Miami Action Plan Trust's Miami-Dade County Teen Court Program to host annual youth conferences beginning May of 2008, and in successive years as appropriate.

BACKGROUND INFORMATION

Metro-Miami Action Plan Trust's Miami-Dade County Teen Court Program, which diverts youth from the criminal justice system, proposes to host the first of several annual youth conferences aimed at affording youth an opportunity to engage in relations that assist in the development of responsible citizens. The conference will foster leadership skills such as problem-solving, decision making and critical thinking. Various speakers from a cross-sector of the community—to include law enforcement, religious, sports and/or the entertainment arenas will address youth concerning decision making, improving relations, and reducing violence.

The May 2008 conference and successive conferences will target at-risk middle and high school students.

May 2008 conference particulars include the following:

Target Group: At-risk middle and high school students

School/Organization	Number of Student Attendees
Martin Luther King Jr. Academy	120
Miami Edison Senior High School Law Academy	40
Miami Carol City Senior High School Law Magnet	40
Miami-Dade County Teen Court Participants	10

Date: May 6, 2008

Location: Hilton Miami/Downtown, 1601 Biscayne Boulevard, Miami, Florida 33132

Time: 9:00 a.m. to 2:00 p.m.

Youth will be picked up from and delivered back to their various school locations by MMAP sponsored transportation. As a result of the duration of the conference, meals should be served due to the length of the conference and the ages of the attendees.

The conference will provide the following benefits:

- Provide students with an understanding of legal and criminal processes;
- Help develop students' public speaking, communication and interpersonal skills;
- Help foster critical thinking, problem solving, decision making and other positive leadership skills;
- Help in the development of well-educated law respecting citizens.

FISCAL IMPACT

The fiscal impact will be in an amount not to exceed \$ 40,000.00 from the Teen Court Budget.

RECOMMENDATION

It is recommended that the Board of Trustees of the Metro-Miami Action Plan Trust approve staff hosting the first of several annual youth conferences aimed at affording youth an opportunity to engage in relations that assist in the development of responsible citizens with a budget not to exceed forty thousand dollars (\$40,000.00) and additionally approve an expenditure to serve meal due to the length of the conference and the ages of the attendees.



**METRO-MIAMI ACTION PLAN TRUST
BOARD MEETING ON APRIL 30, 2008
AMENDED MEMORANDUM OF APPROVAL**

TO: Members of the MMAP Trust
FROM: John Dixon
Interim Executive Director
DATE: May 2, 2008
SUBJECT: Miami-Dade County Teen Court Engaging A Youth to Develop Responsible Citizen

PURPOSE OF ITEM

To propose that a resolution is passed permitting Metro-Miami Action Plan Trust's Miami-Dade County Teen Court Program to host a youth conference on May 6, 2008.

BACKGROUND INFORMATION

Metro-Miami Action Plan Trust's Miami-Dade County Teen Court Program, which diverts youth from the criminal justice system, proposes to host a youth conference aimed at affording youth an opportunity to engage in dialogue that assist in the development of responsible citizens. The conference will foster leadership skills such as problem-solving, decision making and critical thinking. Various speakers from a cross-sector of the community-to include law enforcement, religious, sports and/or the entertainment arenas will address youth concerning decision making, improving relations, and reducing violence.

This conference is a programmatic effort to meet three goals that address the needs of this targeted population:

1. An intervention/prevention effort to facilitate diverting youth at high-risk of entering the criminal justice system through a structured discussion of the following topics:
 - a) Violence: How has it affected you at home, at school or your neighborhood?

- b) How does technology help or hinder your future? Cell phones, text messaging, YouTube, Myspace.com etc.
 - c) Hip-hop: Do you live by the message in the music?
 - d) Respected or Discipline: When is the right time to give it or take it?
2. Better preparing those students who will serve as jurors, bailiffs, attorneys and clerks to advocate/make decisions on behalf of the client.
 3. Assist participants who have been sanctioned through the Teen Court Program to engage in a discussion that will help clarify their values thus leading to improved decision making in order to prevent future involvement in the legal system.

The format of this conference is an opening plenary session addressing the future implications of decisions program participants make on their future. The participants will then be broken down into small groups. A staff member from MMAP will facilitate the discussion to process the issues listed below:

The May 2008 conference will target at-risk middle and high school students. The May 2008 conference particulars include the following:

Target Group: At-risk middle and high school students.

School/Organization	Number of Student Attendees
Martin Luther King, Jr. Leadership Academy	120
Miami Edison Senior High School Law Magnet	40
Miami Carol City Senior High School Law Magnet	40
Miami-Dade County Teen Court Participant	10

Location: Hilton Miami/Downtown, 1601 Biscayne Boulevard, Miami, Florida 33132.
Time: 8:00 a.m. – 2:00 p.m.

Youth will be picked up from and delivered back to their various school locations by MMAP sponsored transportation. Meals will be served due to the duration of the conference and the ages of the attendees.

The conference will provide the following benefits.

- Provide students with an understanding of legal and criminal processes;
- Help develop students' public speaking and communication and interpersonal skills;
- Help foster critical thinking, problem solving, decision making and other positive leadership skills;
- Help in the development of well-educated law respecting citizens

FISCAL IMPACT:

The fiscal impact will be an amount not to exceed \$40,000.00 from the Teen Court Budget.

RECOMMENDATION:

It is recommended that the Board of Trustees of the Metro-Miami Action Plan Trust approve staff hosting the May 6, 2008 youth conference aimed at affording youth an opportunity to engage in dialogue that assists in the development of responsible citizens with a budget not to exceed \$40,000.00 and additionally approve an expenditure to serve meals due to the length of the conference and the ages of the attendees.

Memorandum

April 23, 2008

To: Terrance Smith, Esq.

From: John Dixon
Interim Executive Director of MMAP

RE: Request for a Legal opinion regarding feasibility of hosting a
Teen Court Conference

Introduction

In an effort to address the prevention and intervention of youth criminal behavior, the Metro Miami Action Plan Trust (MMAP) Teen Court is planning a conference entitled *Youth Speaking Out Against Violence*. The purpose of the conference is to increase the awareness of youth in their understanding of the legal process, to discuss their interaction with the legal system and to gain information about choices and decisions that can impact their lives. The conference is scheduled on May 6, 2008, at the Hilton Miami Downtown 1601 Biscayne Blvd, 8:00 am – 2:00 pm. This correspondence serves as a request for your office to provide a legal opinion regarding the feasibility of the MMAP Trust Teen Court to host the conference utilizing the funds from the Teen Court Program.

Miami-Dade County Teen Court

The MMAP Trust Teen Court program is Miami-Dade County's only peer sanctioning initiative for youth offenders that commit first-time misdemeanors. The program helps to decrease juvenile delinquency by interrupting the beginning stages of criminal behavior.

The following information concerns the participants of the conference

Participants that attend the conference are considered at risk and may have been involved in the Teen Court process and the criminal justice system. Teen Court has entered into an Affiliation Agreement with Miami-Dade County Public Schools to coordinate and implement a Restorative Justice Program along with Teen Court. Currently, a Teen Court Program is in place at Miami Carol City Senior High School. To date, Teen court has trained students at Miami Carol City High School as jurors, bailiffs, attorneys and clerks to operate court proceedings at the school. In addition, Teen Court has held court at the school to hear cases and sanction the students. Teen Court staff is in the beginning stages to coordinate the Teen Court program with Miami Edison Senior High School for the upcoming school year. The administration in these schools will utilize Teen court as an alternative to suspension for school rule violations, negative behavior, truancy, fighting and aggressive behavior.

In addition to the selected students from both high schools that have been identified as high risk students, another group of students that have been sanctioned as a result of their participation in the overall Teen Court program will participate in the conference.

Finally, the MMAP Trust operates the Martin Luther King Jr. Leadership Academy (MLK) which is an Alternative school. These students have already demonstrated behaviors that place them at high-risk for involvement in the legal system and were referred to MLK as a result of behavioral problems such as truancy, fighting, school rule violations, negative behavior and/or aggressive behavior towards peers. These students are being included to assist them with processing their decision making skills as related to demonstrated behaviors that might led to further involvement in the legal system.

The following information concerns the goals and format of the conference

This conference is a programmatic effort to meet three goals that address the needs of this targeted population:

1. An intervention/ prevention effort to facilitate diverting youth at high-risk of entering the criminal justice system through a structured discussion of the following topics:
 - a) Violence: How has it effected you at home, at school or your neighborhood?
 - b) How does technology help or hinder your future?: cellphones, text messaging, UTube, Myspace.com, etc.
 - c) Hiphop: Do you live by the message in the music?
 - d) Respect or Discipline: When is the right time to give it or take it?
2. Better preparing those students who will serve as jurors, bailiffs, attorneys and clerks to advocate/make decisions on behalf of the client.
3. Assist participants who have been sanctioned through the Teen Court Program engage in a discussion that will help clarify their values thus leading to improved decision making in order to prevent future involvement in the legal system.

The format of this conference is an opening plenary session addressing the future implications of decisions program participants make on their future. The participants will then be broken down into small groups. A staff member from MMAP will facilitate the discussion to process the issues listed below:

We appreciate your attention to this matter and look forward to your response.

April 22, 2008



Advisory Legal Opinion - AGO 2002-09

[Print Version](#)

Number: AGO 2002-09
Date: January 23, 2002
Subject: Judge, changing use of revenues from filing fees

The Honorable Marc A. Cianca
Chief Judge, Nineteenth Judicial Circuit
St. Lucie County Courthouse
315 Courthouse Addition
218 South Second Street
Fort Pierce, Florida 34950

RE: COURTS-JUDGES-ARBITRATION-MEDIATION--filing fee imposed under statute for mediation and arbitration may not be used for other purposes. s. 44.108, Fla. Stat.

Dear Judge Cianca:

As Chief Judge of the Nineteenth Judicial Circuit of Florida, you ask the following question:

Does the chief judge have the authority or discretion to use funds generated from filing fees designated solely for mediation or alternative dispute resolutions for the purpose of hiring a part-time general master to conduct judicial reviews on juvenile dependency issues?

In sum:

Funds generated from filing fees designated solely for mediation or alternative dispute resolutions may be used only for those purposes, and therefore, such funds may not be used for the purpose of hiring a part-time general master to conduct judicial reviews on juvenile dependency issues.

You state that as chief judge you are charged with the administration of the circuit so that cases are disposed of promptly. According to your letter, a dependency court general master would be able to assist the judiciary in the prompt disposition of juvenile dependency cases and to conserve judicial resources. Such a general master would conduct the regularly required judicial reviews to determine if a parent is in compliance with a court-ordered case plan.

Under the Rules of Family Law, circuit court judges are permitted to appoint general masters to assist the court.[1] It is necessary, however, to identify funding for these positions. You state that there are monies available in the mediation/ alternative dispute resolution account established pursuant to section 44.108, Florida Statutes. The question raised is whether monies in this account may be used to fund the salary of a part-time general master to conduct judicial reviews on juvenile dependency cases.

The Nineteenth Judicial Circuit has implemented a mediation program pursuant to section 44.108, Florida Statutes. The statute recognizes that mediation should be accessible to all parties regardless of financial status. It provides for each board of county commissioners to support mediation and arbitration services by appropriating moneys from county revenues and by:

"(1) Levying, in addition to other service charges levied by law, a service charge of no more than \$5 on any circuit court proceeding, which shall be deposited in the court's mediation-arbitration account fund under the supervision of the chief judge of the circuit in which the county is located; and

(2) Levying, in addition to other service charges levied by law, a service charge of no more than \$5 on any county court proceeding, which shall be deposited in the county's mediation-arbitration account fund to be used to fund county civil mediation services under the supervision of the chief judge of the circuit in which the county is located.

(3) Levying, in addition to other service charges levied by law, a service charge of no more than \$45 on any petition for a modification of a final judgment of dissolution, which shall be deposited in the court's family mediation account fund to be used to fund family mediation services under the supervision of the chief judge of the circuit in which the county is located." [2]

You have supplied this office with a copy of Saint Lucie County Ordinance Number 90-39, which imposes the additional service charges and provides that the costs collected for mediation-arbitration services shall be deposited in the mediation-arbitration account funds. Such funds are to be used for circuit civil mediation-arbitration services, county civil mediation-arbitration services and family mediation-arbitration services under the supervision of the chief judge.

In Attorney General Opinion 01-40, this office considered whether funds received from the \$3 court cost assessed pursuant to section 938.19, Florida Statutes, for the operation and administration of a teen court, could be applied to other programs or go into the county's general revenue fund. In concluding that the assessment could not be applied to other programs or go into the general revenue fund, this office relied on the Supreme Court's decision in *Dickinson v. Stone*, [3] in which the Court held, "[i]t is a violation of an elemental principle in the administration of public funds for one who is charged with the trust of their proper expenditure not to apply those funds to the purposes for which they are raised."

In addition, this office recognized the principle of statutory construction that when the controlling law directs how a thing is to be done, that is, in effect, a prohibition against its being done in any other way. [4] Thus, this office concluded that section 938.19, Florida Statutes, requires that funds received from the \$3 assessment be deposited into an account specifically for the operation and administration of the teen court and does not authorize application of the funds to other programs or to the county's general revenue fund.

Similarly, section 44.108, Florida Statutes, recognizes that the service charges authorized thereunder are to be used to fund mediation and arbitration services. Nothing in the statute authorizes or recognized that the funds may be used for other purposes. While funding the position of a general master to conduct required reviews to determine if a parent is in compliance with the court-ordered case plan may well provide an effective and efficient manner of providing such reviews and conserve judicial resources, it does not fall within the authorized uses of the funds collected pursuant to section 44.108.

Accordingly, I am of the opinion that funds generated from filing fees designated solely for mediation or alternative dispute resolutions may be used only for those purposes. Thus, such funds may not be used for the purpose of hiring a part-time general master to conduct judicial reviews on juvenile dependency issues.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tjw

[1] Family Law Rules of Procedure, Fla. Rules of Court (2001), Rule 12.490(a) providing in part that "[j]udges of the circuit court may appoint as many general masters from among the members of The Florida Bar in the circuit as the judges find necessary, and the general masters shall continue in office until removed by the court."

[2] If a board of county commissioners levies the service charge set forth in s. 44.108(1), (2) or (3), s. 44.108(4), Fla. Stat., requires the clerk of the court to forward \$1 of each charge to the Office of the State Courts Administrator which shall deposit the funds in a state mediation and arbitration trust fund to be used by the Supreme Court to carry out its responsibilities set forth in s. 44.106, Fla. Stat.

[3] 251 So. 2d 268, 273 (Fla. 1971) (unless otherwise expressly provided by law, appropriated money must be expended only for the purpose for which it was appropriated). *And see, Taylor v. Williams*, 196 So. 214 (Fla. 1940); *Supreme Forest Woodmen Circle v. Hobe Sound Co.*, 189 So. 249 (Fla. 1939) (funds raised by taxation for one purpose cannot be diverted to another without legislative authority and it is a violation of official duty in handling public funds for those charged by law with the lawful payment thereof to divert the funds to a purpose contrary to that for which they were raised); *Oven v. Ausley*, 143 So. 588 (Fla. 1932).

[4] *See, Alsop v. Pierce*, 19 So. 2d 799, 805-806 (Fla. 1944); *Thayer v. State*, 335 So. 2d 815, 817 (Fla. 1976) (a legislative direction as to how a thing is to be done is, in effect, a prohibition against its being done in any other way). *And see, Ops. Att'y Gen. Fla. 00-37* (2000) (expenditure of funds strictly limited to those purposes and projects recognized by the statute), and *00-25* (2000) (specific enumeration in statute of those projects for which tourist development tax revenues may be spent implies the exclusion of others).