

MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

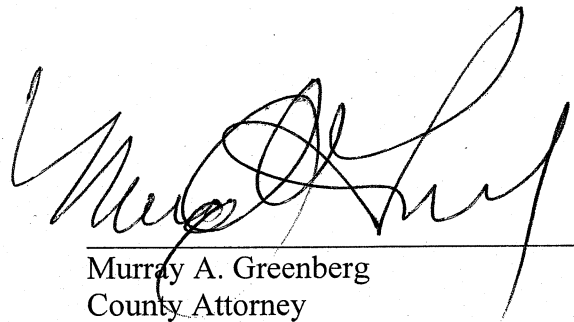
(Second Reading 01-25-07)
DATE: July 18, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance Amending
Section 21-210(b) of
The Code of Miami-
Dade County Which
Provides for Remedy
For Violation of the
Juvenile Curfew
Ordinance

O#07-02

The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.



Murray A. Greenberg
County Attorney

MAG/dc

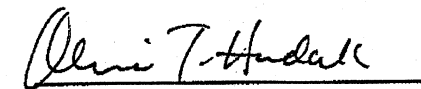
Memorandum

MIAMI-DADE
COUNTY

Date: January 25, 2007
To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
From: George M. Burgess
County Manager
Subject: Ordinance Amending Section 21-210(b) of the Code Provides for Remedy for
Violation of the Juvenile Curfew Ordinance

The ordinance amending Section 21-210(b) of the Code of Miami-Dade County which provides for remedy for violation of the Juvenile Curfew Ordinance will not have a fiscal impact to Miami-Dade County.

The proposed ordinance, if approved, will impact the type of petition filed by the Miami-Dade Police Department in Juvenile Court commencing with the third and any subsequent violation in accordance with the provisions of Chapter 984, Florida Statutes.


Assistant County Manager

Fiscal00406



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Amended
Agenda Item No. 7(A)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Amended

Veto _____

Agenda Item No. 7(A)

Override _____

1-25-07

ORDINANCE NO. 07-02

ORDINANCE AMENDING SECTION 21-210(b) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, WHICH PROVIDES REMEDY FOR VIOLATION OF THE JUVENILE CURFEW ORDINANCE TO PROVIDE FOR ISSUANCE OF A JUVENILE CIVIL CITATION, RATHER THAN A PETITION FOR DEPENDENCY, COMMENCING WITH THE THIRD AND ANY SUBSEQUENT VIOLATION OF THE JUVENILE CURFEW ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-210(b) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 21-210. Penalty or remedy for violations.

* * *

(b) Any juvenile violating the provision of Section 21-204 shall be taken into custody and transported immediately to the police station, substation, or other appropriate holding facility in accordance with Chapter 39, Florida Statutes, or to the juvenile's home. Miami-Dade County and the municipalities may enter into the contracts with the community based organizations, including churches, to operate such holding facilities. After recording pertinent information about the juvenile, the law enforcement agency or holding facility shall, in the event the juvenile is not taken immediately to his or her home, attempt to contact the parent or legal guardian of the juvenile and, if successful, shall request the parent or legal guardian to immediately come to the facility where the juvenile is being held, and upon presenting documents identifying the juvenile and the parent or legal guardian shall release the juvenile to the parent or legal guardian. If after two (2)

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

hours of reaching the holding facility the law enforcement agency or holding facility is unsuccessful in contacting the parent or legal guardian, or if the parent or legal guardian fails or refuses to come to obtain custody of the juvenile, the law enforcement agency or holding facility shall transport the juvenile to his or her current residence. The procedures established for the first violation shall be repeated for the second and any subsequent violation except that commencing with the third and any subsequent violation, a ~~[[petition for adjudication of dependency may be filed in the Juvenile Court]]~~ >>juvenile civil citation may be issued<< in accordance with the provisions of ~~[[Chapter 39]]~~ >>Section 985.301<<, Florida Statutes.

* * *

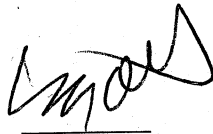
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



RW

Prepared by:

Roy Wood

Sponsored by Sen. Javier D. Souto