

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2004-058 PA/PI CIR

RE: COMMUNITY ARBITRATION/JUVENILE ARBITRATION PROGRAM

Section 985.304¹, Florida Statutes, authorizes the establishment of Community Arbitration Programs in order to provide a system by which children who are involved in alleged violations of local ordinances, misdemeanors, and certain third degree felonies may avoid a juvenile court record and be handled in an informal manner at the community or neighborhood level.

The Sixth Judicial Circuit has operated a Community/Juvenile Arbitration Program in Pinellas County since on or about the year 1979. Uniform Circuit-wide procedures for the referral of such children to arbitration pursuant were established in Administrative Order PA/PI-CIR-97-72.

Administrative Order PA/PI-CIR-97-72 also provided, in part, that Community/Juvenile Arbitrators shall pass a law enforcement record check and a Department of Children and Family Services abuse registry background check. Florida Rule of Juvenile Procedure 8.185(b)(3) requires arbitrators to pass those records checks under written guidelines developed by the Chief Judge, the Senior Circuit Court Judge assigned to juvenile cases, and the State Attorney.

Therefore, in order to confirm the existing Circuit-wide program and publish the guidelines for passing law enforcement record checks and Department of Children and Family Services abuse registry background checks, it is hereby

ORDERED:

1. The Juvenile Arbitration Program:

A. The Juvenile Arbitration Program (Program), which has been in existence since 1979 in Pinellas County, is confirmed as the Sixth Judicial Circuit's Community Arbitration Program.

B. The Program shall operate Circuit-wide in accordance with this order under the supervision of the Administrative Office of the Courts. The Program shall perform such duties as are assigned by administrative order or general policy as adopted by the judges of the Circuit.

C. The Program shall:

(1) Provide administrative and intake support in accordance with Chapter 985, Florida Statutes, and the Florida Rules of Juvenile Procedures; and

¹ Prior to October 1, 1997, this authority was codified at § 39.026.

- (2) Refer participants to appropriate safety and educational classes in accordance with Section 985.304, Florida Statutes; and
- (3) Perform such other duties as directed.

D. The Administrative Office of the Courts shall maintain a list of qualified community arbitrators who meet the qualifications of Florida Rule of Juvenile Procedure 8.185(b) and who have agreed to serve in the Sixth Judicial Circuit as community arbitrators for the purposes of carrying out the provisions of § 985.304, Florida Statutes. The Program shall select Arbitrators for service from the list of Arbitrators on a strict rotation basis. Arbitrators serve at the pleasure of the Chief Judge.

2. Community/Juvenile Arbitrators:

A. Each Community/Juvenile Arbitrator or member of a community/juvenile arbitration panel shall:

- (1) Be selected pursuant to law and shall meet the minimum qualification requirements set forth in Fla. R. Juv. P. 8.185; and
- (2) Be at least 18 years of age; and
- (3) Be a person of the temperament necessary to deal properly with cases involving children and with the family crises likely to be presented; and
- (4) Complete training in accordance with this order; and
- (5) Pass a Department of Children and Family Services abuse registry background check and a law enforcement records check. A person is deemed to pass a Department of Children and Family Services abuse registry background check when that check reveals that the person's name is not listed in the Abuse Registry or the person's name is listed as "no finding." A person is deemed to pass a law enforcement records check when that check reveals no felony convictions; no misdemeanor convictions within the previous six years; and no older misdemeanor convictions that indicate a lack of honesty, trustworthiness, diligence, reliability, or impartiality. For the purposes of this Administrative Order, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

B. Each Community/Juvenile Arbitrator or member of a community/juvenile arbitration panel shall successfully complete the following training program consisting of not less than 8 hours of instruction which has been developed by the Chief Judge, the Administrative Judge for the Juvenile Court in Pinellas County, the Pasco Administrative Judge, the senior circuit court judge assigned to handle juvenile delinquency cases in Pasco County, and the State Attorney after consultation with Program staff. A variety of training and teaching techniques shall be utilized, including lectures, audiovisual aids, and participatory activities such as role-plays, demonstrations, and question and answer sessions. Training of Arbitrators providing services to the Sixth Judicial Circuit shall include, but shall not be limited to the following issues and topics:

- (1) Conflict Resolution
- (2) Juvenile Delinquency Laws, with specific emphasis on Chapter 985, Florida Statutes
- (3) Sixth Circuit Juvenile/Community Arbitration Program and Policies

- (4) Delinquency Disposition and Penalty
- (5) Court Policies and Procedures
- (6) Child Psychology
- (7) Availability of Community Resources

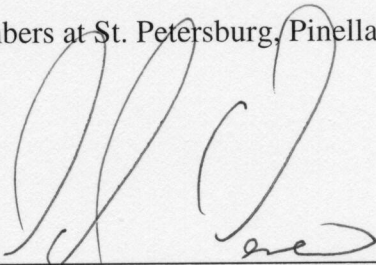
C. As a part of the training program each Community/Juvenile Arbitrator or member of a community/juvenile arbitration panel shall:

- (1) Observe a minimum of three (3) community arbitration hearings conducted by an approved arbitrator in a juvenile case; and
- (2) Participate in a mock arbitration hearing; and
- (3) Conduct at least one (1) community/juvenile arbitration hearing under the personal observation of an approved community/juvenile arbitrator.

3. Community/Juvenile Arbitrator Compensation: Pursuant to § 985.304, Florida Statutes, whenever possible, qualified volunteers shall be used as community/juvenile arbitrators. In the event paid Community/Juvenile Arbitrators are used to provide services, Arbitrators shall be independent contractors compensated for actual time served conducting community/juvenile arbitration hearings. Any community/juvenile arbitrators agreeing to service and compensation under this agreement shall execute a contract for services.

4. Administrative Order PA/PI-CIR-97-72 is hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida
this 31st day of August 2004.



David A. Demers, Chief Judge

cc: All Pasco and Pinellas Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Robert Dillinger, Public Defender
The Honorable Karleen F. DeBlaker, Clerk of Court, Pinellas County
The Honorable Jed Pittman, Clerk of Court, Pasco County
Gay Inskeep, Trial Courts Administrator
Kerry L. Rice, Deputy Courts Administrator, Pasco County
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