

obligations that are secured *solely* by pledge of revenues produced by the facility or facilities for the benefit of which the certificates are issued and the sale proceeds used, that *do not constitute a general debt of the Authority, that are not secured directly or indirectly, in whole or in part, by pledge of taxing powers, and that do not constitute a lien or encumbrance, legal or equitable, on any real property of the Authority or on any of its personal property other than the revenues pledged to secure payment of the certificates.* (Emphasis supplied.)

Your second question is answered in the negative.

Florida case law generally regards a mortgage on the physical properties to be financed as partial or complete security for an obligation issued by a public body as the functional equivalent of a bond requiring approval by the electorate as mandated by Art. VII, §12(a), State Const. *Boykin v. Town of River Junction*, 164 So. 558 (Fla. 1935); AGO 073-164; *cf. State v. Putnam Co. Develop. Auth.*, 249 So.2d 6 (Fla. 1971). In certain instances, under the Florida Industrial Financing Act, when the lessee of publicly owned property is a private individual or commercial organization, a mortgage securing revenue bonds is constitutionally permissible. *Id.* at p. 12. However, the instant project is not one being financed under Art. VII, §10(c), State Const. as implemented by the Florida Industrial Financing Act, and §11(a) of Ch. 72-592, *supra*, specifically inhibits the encumbering of any real property of the authority.

Your third question is answered in the affirmative.

It appears that the powers you are seeking are within the authority of the legislature to grant, and thus it is possible for Ch. 72-592, *supra*, to be revised accordingly, recognizing, of course, the aforementioned requirement that any bonds secured by a pledge of the taxing power and any obligation of any nature secured by a lien on real property must be approved by the electors of the district. Article VII, §12, State Const.; AGO 073-164.

073-262—July 17, 1973

COURTS

JUVENILE HEARINGS—WHERE HELD

To: *Oliver J. Keller, Jr., Director, Division of Youth Services, Department of Health and Rehabilitative Services, Tallahassee*

Prepared by: *Jan Dunn, Assistant Attorney General*

QUESTION:

Are there any constitutional reasons why a juvenile hearing—detentional, adjudicational, or dispositional—could not be held at a youth center located at a place other than the county seat?

SUMMARY:

There are no constitutional reasons why a circuit court cannot hold juvenile hearings—detentional, adjudicational, or dispositional—at any place within its territorial jurisdiction as may be designated by the chief judge of the circuit.

Revised Art. V, §7, State Const., in pertinent part provides that “[a] circuit . . . court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the chief judge.”

The Constitution gives the circuit courts exclusive original jurisdiction over

juveniles (except traffic offenses as provided in Chs. 39 and 316, F. S.). Article V, §20(c) (3), State Const.; §§26.012(2) (c), 39.01, and 39.02, F. S. (1972 Supp.). Circuit courts by definition include juvenile courts. Section 39.01(1). As of this date, the Florida Supreme Court has not approved any permanent rules of juvenile procedure. Neither the temporary rules of juvenile procedure nor Supreme Court Transition Rule No. 11 addresses itself to the question of whether a court can hold juvenile hearings at various places within the circuit other than the county seat. Hence, there is no applicable rule governing this question. What must, therefore, be decided, in order for a juvenile court to be able to hold hearings at a youth center or elsewhere, is whether the "civil and criminal trial and hearings" of Art. V, §7, *supra*, apply to juvenile cases.

Article V, §20(c) (3), *supra*, and §26.012(2), F. S., vest in the circuit courts exclusive original jurisdiction "in all cases in equity including all cases relating to juveniles." "Cases in equity" are civil actions, trials, or hearings. Therefore, Art. V, §7, *supra*, does apply to holding juvenile hearings at any place in the circuit as may be designated by the chief judge. By virtue of the foregoing, such juvenile hearings may constitutionally be held anywhere within the territorial jurisdiction of the circuit court on the designation of the chief judge of the circuit.

It may also be noted that, historically and traditionally, juvenile proceedings have been treated as civil as opposed to criminal. *See, In re Gault*, 387 U. S. 1 (1967); *In re T.A.F.*, 252 So.2d 255 (1 D.C.A. Fla., 1971); *In re R.E.F.*, 251 So.2d 672 (1 D.C.A. Fla., 1971); §14, Ch. 22709, 1945, Laws of Florida, creating the juvenile court of Broward County. This has been true in Florida despite the language and provisions of former §12 of Art. V, empowering the legislature to vest jurisdiction in juvenile courts of "all or any criminal cases." Article V, §20, *supra*, is the first Florida constitutional characterization of juvenile cases as civil actions in equity.

Therefore, a juvenile court (being by definition a circuit court) may hold hearings of any nature in juvenile cases anywhere within its territorial jurisdiction as designated by the chief judge of the circuit.

Your question is answered in the negative.

073-263—July 17, 1973

REGULATION OF PROFESSIONS

LOCAL BUILDING CODE—CONFLICT WITH STATE REGULATIONS

To: Stuart L. Simon, Dade County Attorney, Miami

Prepared by: Halley B. Lewis, Assistant Attorney General

QUESTIONS:

1. May the South Florida Building Code be more restrictive than Chs. 467 and 471, F. S., which regulate the professions of architecture and engineering on a statewide basis, by requiring: Design by a professional engineer on certain kinds or sizes of buildings; design by an architect on certain kinds or sizes of buildings; or design by both a professional engineer and an architect on certain kinds or sizes of buildings?

2. Is the South Florida Building Code more restrictive than Chs. 467 and 471, F. S., in the following sections of the Code: 302.2(b) (c) (d); 305.1(f); 2404.1(b); 2408; 2505.1(f); 2505.2(d); 2508.1(b); 2508.2(a); 2508.8; 2509.1(b); 2704.10(a) (3); 2808.7(b); 3003; 3505.1(j); 4203.2(d); 43.03.1(b); 4402.1(b); 4403.04(d); 5002.3; 4505.2; 4601.5(e) (2); and 4901.2(c)?