

IN THE COUNTY COURT OF THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR CITRUS COUNTY

ADMINISTRATIVE ORDER NO. C-2008-23

**ADMINISTRATIVE ORDER REGARDING USE OF UNIFORM NOTICE TO APPEAR
FOR MISDEMEANOR OFFENSES**

The undersigned as Judge of the County Court of Citrus County having considered (1) that by Administrative Order 87-25, the Chief Judge of the Fifth Judicial Circuit established a Uniform Notice to Appear form, (2) that the Order provides that the County Judge shall enter an order establishing those charges which shall not require a mandatory appearance as well as the fine for such charges, and (3) that such procedure has been specifically authorized by the Florida Supreme Court by the Florida Rule of Criminal Procedure 3.125, it is upon consideration thereof

ORDERED AND ADJUDGED as follows:

1. NOTICE TO APPEAR

(a) Definition. Notice to Appear means, unless indicated otherwise, a written order issued by a law enforcement officer in lieu of physical arrest requiring a person accused of violating a law to appear in a designated court or governmental office at a specific date and time.

(b) By Arresting Officer. If a person is arrested for a violation of an offense declared to be a misdemeanor of the first or second degree, or is arrested for violation of a municipal or county ordinance triable in the County, and there is no demand to be taken before a magistrate, then a Notice to Appear may be issued by the arresting officer, unless:

- (1) The accused fails or refuses to sufficiently identify him/herself or supply the required information;
- (2) The accused refuses to sign the notice to appear;
- (3) The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to him/herself or others;
- (4) The accused has no ties with the jurisdiction reasonably sufficient to assure his/her appearance or there is substantial risk that he/she will refuse to respond to jurisdiction;
- (5) The officer has any suspicion that the accused may be wanted in any jurisdiction;
- (6) It appears that the accused has previously failed to respond to a notice or a summons or has violated the conditions of any pretrial release program;
- (7) The accused is charged with a criminal traffic offense; or
- (8) **THE ACCUSED IS CHARGED WITH AN OFFENSE LISTED IN THE SCHEDULE "A" ATTACHED HERETO.**

2. Offenses for which a Notice to Appear may be issued by a law enforcement officer but the Defendant must appear in Court are specified in "Schedule B" attached hereto.

3. The penalty for all such offenses paid pursuant to a Notice to Appear without a required court appearance shall be as specified in "Schedule C" attached hereto.
4. Accompanying fines shall be timely submitted to the Clerk of Court of Citrus County. Upon receipt of payment the Clerk shall prepare an appropriate order and forward the same to the Judge for execution.
5. Nothing in the Order shall be construed to prohibit a law enforcement officer from proceeding by standard arrest procedures in those cases where he or she deems an arrest appropriate. Bond in such cases shall be set pursuant to the Bail Schedule as adopted by the Administrative Order of this Court.
6. The Order supersedes County Court Administrative Order C-2007-35.
7. The Order becomes effective July 1, 2008.

DONE AND ORDERED at Inverness, Citrus County, Florida this 1 day of July, 2008.



MARK J. YERMAN
COUNTY COURT JUDGE

SCHEDULE A

NOTICE TO APPEAR NOT AUTHORIZED
OFFENSES REQUIRING ARREST

<u>GENERAL OFFENSES</u>	<u>FLORIDA STATUTE</u>
ASSAULT	784.011
BATTERY	784.03
CULPABLE NEGLIGENCE	784.05
DISORDERLY INTOXICATION	856.011
FAILURE TO SIGN CITATION	318.14
IMPROPER EXHIBITION OF DANGEROUS WEAPON	790.10
OPEN LEWD/LASCIVIOUS BEHAVIOR	798.02
PROSTITUTION	796.07
RESISTING OFFICER WITHOUT VIOLENCE	843.02

SCHEDULE "B"

**PURSUANT TO NOTICE TO APPEAR
DEFENDANT MUST APPEAR IN COURT**

<u>OFFENSE</u>	<u>FLORIDA STATUTE</u>
ANIMAL CRUELTY	828.02 et seq.
ANY OFFENSE INVOLVING FAILURE TO OBTAIN REQUIRED LICENSE (EXCEPT HUNTING/FISHING)	VARIOUS
CHILD NEGLECT	827.03
CRIMINAL MISCHIEF	806.13
LITTERING >15lbs. BUT <500lbs.	403.413(6)(b)
PETIT THEFT	812.014
POSSESSION ALCOHOL <21 YOA	562.111
POSSESSION ILLEGAL DEER/TURKEY	372.99
POSSESSION MARIJUANA <20 GRAMS	893.13
RETAIL THEFT	812.015
TAKING/SELLING ALLIGATOR	68A-25.002 (FAC) and 372.83
TAMPERING WITH ELECTRIC METER	812.14
WELFARE FRAUD <\$200	414.39(5)(a)
WORTHLESS CHECK	832.05

For the above-listed offenses, the officer shall enter N/A (Not Applicable) in the space on the Notice to Appear form provided for specifying the fine and shall enter the appropriate arraignment date the defendant must appear in court.

SCHEDULE "C"

**PURSUANT TO NOTICE TO APPEAR
DEFENDANT NEED NOT APPEAR IN COURT
BUT MUST TIMELY PAY THE PRESCRIBED PENALTY**

PENALTIES IMPOSED

<u>OFFENSE</u>	<u>FLORIDA STATUTE</u>	<u>PENALTY</u>
ANY TYPE GAME BIRD OVER BAIT	68A-12.002 (FAC) and 372.83	\$318.00
DISCHARGING FIREARM IN PUBLIC	790.15(1)	\$318.00
GAME HUNTING AT NIGHT	68A-4.002 (FAC)	\$318.00
POSSESSION OF GUN IN PARK/MANAGEMENT AREA	68A-15.004(6) or 62D-2.014 (FAC)	\$318.00
POSSESS, HARM, ETC. MAMMAL, BIRD, ETC.	62D-2.014	\$318.00
POSSESS CONCEALED WEAPON (N/A FIREARM)	790.01(1)	\$318.00
RECKLESS MOTORBOAT OPERATION	327.33(1) 327.33(3)(a)	\$318.00
TRESPASS	810.08(2)(a)&(b)	\$318.00
VIOLATION MANATEE ZONE	370.12(2)(s)(2)	\$318.00

ALL OTHER MISDEMEANOR VIOLATIONS, INCLUDING LOCAL ORDINANCE
MISDEMEANOR VIOLATIONS AND FL ADMIN CODE MISDEMEANOR
VIOLATIONS NOT OTHERWISE SPECIFIED **\$318.00**

Any of the above offenses may require a mandatory appearance at the discretion of the arresting officer. In such cases the officer shall enter N/A (Not Applicable) in the space on the Notice to Appear form provided for specifying the fine and shall enter the appropriate arraignment date the defendant must appear in court.

The penalty in all cases is inclusive of the fine and all statutorily imposed court costs, assessments and surcharges.