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AT THE TIME & DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 73-42

RE: Processing parking violations in County Court of Leon County

1. Because there are many unique features involved in the processing in the County Court of violations of parking regulations in Leon County under municipal ordinances of the City of Tallahassee or rules promulgated under law pertaining to areas under the control of a state university in the county, this Administrative Order is issued to set forth the procedures which may be followed to dispose of charges of such violations.

2. Whenever the Chief of Police of the City of Tallahassee, or his designee, or the officer in charge of parking violations at a state university or his designee shall determine that an alleged violation has occurred which should be made the basis of a prosecution in the County Court of Leon County he shall cause to be prepared a complaint/affidavit in which such violation or violations shall be set forth, which shall be accompanied by a certificate of appropriate city or university officers that the administrative penalty for such violation has not been paid and also by a certificate of the Chief of Police or his designee or the appropriate officer of the state university, or his designee that the motor vehicle in question, was, on the date of the alleged offense, registered in the name of the defendant, or registered at the university by a student, according to information furnished by the state agency or university, having control of motor vehicle registration.

3. Such complaint/affidavit, with supporting certificates, shall be submitted to a deputy county court clerk, who, after taking the oath of the ticketing officer of the truth of the charge, shall cause the complaint/affidavit to be

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numbered and filed after attaching to same the parking ticket or tickets which are the basis for the complaint/affidavit. He shall then cause a summons to be issued to the defendant directing him to appear before a designated County Court Judge at a specified time and date at the Traffic Division, Leon County Court, 234 East 7th Avenue, Tallahassee, Florida.

4. A copy of the complaint/affidavit and of the summons shall be provided the State Attorney and the summons, with appropriate copies, shall be forwarded to the Sheriff for service and to be returned.

5. The Clerk of the Circuit Court shall appoint one or more deputy county court clerks for the purpose of taking the affidavit of any person charging another person with the violation of ordinances or rules within the purview of this Order and to issue the summons or warrant, as the case may be, returnable to the appropriate judge of the County Court as aforesaid. Warrants for arrest may issue, as in other cases, for flagrant violations or failure to respond to a summons, but normally the process served shall be by summons.

6. When the complaint/affidavit has been filed and the summons served, the case is deemed matured for processing to a final disposition by the County Court in the same manner as other cases in the Traffic Division of the County Court.

7. The foregoing are guidelines and not inflexible rules and this Order is intended not only to offer a procedure of simplicity, but also to adequately safeguard the rights of all persons involved, to firmly enforce parking regulations, and to appropriately punish those who deliberately or indifferently violate such regulations.

8. A parking regulation found to be violated by the presence of a motor vehicle at a prohibited place or time may be deemed probable cause to believe that there is such violation by the person to whom the vehicle is registered under

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the laws of the State or university and proof of such violation and of such registration may also be considered by the court as prima facie of evidence of guilt. However, nothing herein shall be considered as a directive or as binding on the judicial discretion of a trial judge.

ORDERED and ADJUDGED in Chambers at Tallahassee, Florida this 19th day of October, A.D., 1973.

Chas E. Wells

CHIEF JUDGE

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LEON COUNTY
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