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83-2

IN THE COUNTY COURT IN THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

FILED
MAR 16 PM 1983
CLERK OF CIRCUIT COURT
RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.
BOOK PAGE NO.

RE: PROCEDURES FOR COUNTY COURT

_____/

O R D E R

The attached Procedures for County Court are hereby adopted by this Court.

DONE and ORDERED en banc this 3 day of March, A.D., 1983.

APPROVED:

Ben C. Willis

BEN C. WILLIS
Chief Judge

John E. Crusoe

JOHN E. CRUSOE

Charles D. McClure

CHARLES D. McCLURE

Hal S. McClamma

HAL S. McCLAMMA

cc: Honorable Charles D. McClure
Honorable Hal S. McClamma
Mrs. Marjorie S. Moody
Mr. Dozier Allen
Leon County Sheriff's Office
State Attorney's Office
Tallahassee Police Department
FSU Police Department
FAMU Police Department
Florida Game and Fresh Water
Fish Commission
Florida Highway Patrol
Florida Marine Patrol
Department of Transportation
Bureau of Weights
Chancey-Stoutamire Bonding
Mr. W. P. Smith
Mr. Jim Yates, A-1 Bonding
Mr. Charles Jenkins
Perks Bonding
Tallahassee Bar Association
State Beverage Department
Jenkins-Aloi Bonding
Parrish Bonding Co.

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IN THE COUNTY COURT IN THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

ADMINISTRATIVE ORDER 83-2

RE: PROCEDURES OF THE COUNTY COURT
IN AND FOR LEON COUNTY, FLORIDA.
_____/

The following Sections I through XVI shall constitute the procedures of County Court:

I. DIVISIONS

For the purpose of practice, in issuing, serving and returning process, and for the trial and dispositions of all cases, this Court is hereby divided into four divisions.

A. CRIMINAL DIVISION

The criminal division will handle all criminal matters filed in this Court including first appearances on all criminal matters, misdemeanors, preliminary hearings in felony cases, and violations of municipal ordinances, county ordinances, functions of the coroner and rules of the Game and Fresh Water Fish Commission.

B. TRAFFIC DIVISION

The traffic division will handle all traffic matters coming before the Court, both criminal offenses and civil infractions.

C. CIVIL DIVISION

The civil division will handle all civil cases filed including summary claims (up to $1,500.00) procedurally governed by the Rules of Summary Procedure, and other claims ($1,500.00 to $5,000.00) procedurally governed by Rules of Civil Procedure.

D. ADMINISTRATIVE DIVISION

The administrative division shall handle all non-civil or criminal matters and court functions not specifically assigned herein to other divisions.

II. PLEA AND TRIAL OF CASES

A. CRIMINAL DIVISION

Arraignment shall be held on Wednesday of each week commencing at 9:00 a.m. Pleas of not guilty with demand for jury trial shall be returnable on docket sounding and shall also be assigned a tentative trial date.

The Court will be available at 9:00 a.m. each Wednesday to dispose of other matters subsequent to arraignment including sentencing.

One day each month shall be set aside for the trial of non-jury criminal cases.

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All criminal jury trials shall commence at 9:00 a.m. and shall continue for the number of days assigned by the Court in its instructions to the Clerk.

All criminal division matters shall be disposed of in the Leon County Courthouse.

B. TRAFFIC DIVISION

Arraignments shall be held on Monday, Tuesday, Wednesday and Thursday of each week commencing at 9:30 a.m. unless there is a conflict with traffic jury trials. All pleas of not guilty with demand for jury trial shall be returnable on docket sounding.

All non-jury criminal traffic trials and infraction hearings shall be set for Thursday afternoon at 2:00 p.m. of each week and at such other times as the docket may require.

Traffic jury trials shall commence at 9:00 a.m. following completion of criminal jury trials and shall continue for the number of days assigned by the Court in its instructions to the Clerk. All traffic jury trials shall be tried in the Leon County Courthouse.

All other traffic division matters, except motions, shall be handled at 1920 Thomasville Road.

In all traffic cases involving a defendant having multiple charges of criminal and infraction violations arising out of the same occurrence the Clerk is directed to handle each charge separately in accordance with the Rules of the Supreme Court for that type of case unless the defendant enters a plea of not guilty in a criminal traffic offense and a civil infraction. In the event, the charge shall be consolidated and disposed of at the same time. The jury or trial judge in a non-jury case shall hear the criminal violation and the judge shall try the infraction.

C. DOCKET SOUNDING AND PLEAS

Docket sounding for criminal jury trials shall be held twice each month on Friday, 5 days prior to the first day of jury trials.

Docket sounding for traffic jury trials shall be held twice each month on Friday, 5 days prior to the first day of jury trials.

All pleas of not guilty accompanied by demand for jury trial shall be returnable on the respective docket sounding day. Failure to appear shall result in the defendant's arrest.

All discovery shall be completed and all motions filed by docket sounding. The Court shall accept no negotiated pleas subsequent to docket sounding. Trials will be set in order of priority established by the State Attorney on the tentative trial date, unless court congestion shall require reassignment.

D. CIVIL DIVISION

Pre-trial for all civil and summary claims cases not filed by attorneys shall be set for 9:00 a.m. and 2:00 p.m. on the days set for such matters. Cases filed by attorneys shall be set for pre-trial at 10:00 a.m. on such days. Setting of civil jury trials shall be with the concurrence of the judge assigned the case.

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III. CRIMINAL AND TRAFFIC APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS

Counsel may be appointed for indigent defendants that qualify under the guideline set forth in Section 27.52, Florida Statutes. Appointed counsel may be available to all indigent defendants in misdemeanor and criminal traffic offenses where the Court advises the defendant of the possibility of incarceration should the defendant plead guilty or be convicted and where the defendant otherwise qualifies under the guideline set forth in Section 27.52, Florida Statues. In the event the Public Defender's office has a conflict in the representation of an indigent defendant the Court, upon motion by the Public Defender, may allow the Public Defender to withdraw from the case and the Court shall thereafter appoint private counsel from those attorneys submitting their names on a voluntary basis to represent indigent clients.

The Court shall not appoint counsel to any indigent defendant in a non-criminal traffic infraction violation.

The Court accepts the concept that to a certain degree counsel to indigent is a public service rendered by the Bar and the fees to be allowed are not to be measured by the same standard that would govern private employment. Since the standard of fees is not comparable to that enjoyed in ordinary private employment, the Court prefers to appoint counsel who have indicated their willingness to accept cases. The Court appoints such attorneys from a list on a rotating basis.

IV. TRIAL SETTING

The State Attorney shall determine the trial docket in misdemeanor and criminal traffic cases both jury and non-jury, subject to these rules.

All traffic non-criminal infraction hearings shall be set by the Clerk.

All civil cases shall be set for trial as provided in Rule 1.449, Florida Rules of Civil Procedure. Summary claims cases shall be set for trial as provided in Rule 7.090, S.C.P.R.

V. CRIMINAL AND TRAFFIC SENTENCING, DISPOSITIONS, FINES AND COSTS

All costs shall be included in the fine or civil penalty imposed by the Court unless otherwise directed by the Court.

All defendants charged with multiple infractions who elect to go to traffic school on each infraction shall complete a separate traffic school for each violation within one month of said violation or enter a plea of guilty and pay the civil penalty for each infraction or enter a plea of not guilty and request an infraction hearing before the Court for each separate infraction. All multiple infractions violations shall be set before the Court for hearing and disposition at the same time.

Any judge of Court may order in each case or by standing order filed with the Clerk of Court prescribe alternative sentencing in any case or class of cases.

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VI. CONTINUANCES

Continuances may be granted by the proper Clerk in either civil or criminal matters only when both parties agree to said continuance in writing. Other continuances of pleas must be with the approval of the Court.

VII. MOTIONS

Hearings on motions in criminal, traffic and civil matters shall be set by the Court with notice to all parties.

VIII. SETTLEMENTS

Where possible in civil or criminal matters a settlement or disposition of cases has been reached by the parties, settlement shall be communicated by the parties to the Clerk and each party shall be responsible for notifying their own witnesses that said witnesses attendance at a particular case will not be required.

IX. OFFICE HOURS

Office hours shall generally conform with other office hours of the Courthouse. Each judge shall be responsible for setting his own chamber calendar.

X. TRAFFIC VIOLATIONS BUREAU

Pursuant to Rule 6.100, Florida Rules of Practice and Procedure before Traffic Courts, there is hereby established a Traffic Violations Bureau at 1920 Thomasville Road, Tallahassee, Florida, which said Bureau shall accept appearances, waivers of trial, pleas of not guilty, guilty, or nollo contendre and elections by the defendant pursuant to Chapter 318, Florida Statutes. Actual payments of fines and costs in accordance with Chapter 318, Florida Statutes shall be made immediately upon appearance and entering of a plea at the Bureau. All criminal traffic citations and traffic infractions shall be returnable to the Violations Bureau unless otherwise provided in Chapter 318, Florida Statues.

XI. FILES AND EXHIBITS

No original documents or exhibits may be removed from the Court in any cases filed within the criminal or traffic division without approval of the Court.

Cases filed and exhibits in those cases filed within the civil division may be removed only by members of the Florida Bar in good standing upon approval of the Clerk and the execution of an appropriate receipt for the delivery of the file. Any file shall be returned immediately to the Court upon demand by the Clerk.

XII. ASSIGNMENT OF JUDGES

Each judge shall be available for general assignment by the Administrative Judge. Assignments shall be made so that each judge will serve in all divisions of the Court equally with the other judges. Judges shall be available for assignments in cases of disqualification and emergency. The Administrative Judge should be notified of such changes so far as it affects the trial calendar.

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Cases in all divisions will be assigned to the several judges of the Court on a rotation basis according to the instructions to the Clerk.

When a matter is filed in any division of this Court, all appointments, conferences, telephone calls, motions and other matters affecting the disposition of a case, either civil or criminal, or intended to influence judicial action including the trial of the case, shall be before the judge assigned to the trial of that specific case unless upon order of said judge or in an emergency. However, nothing in these rules shall abridge the jurisdiction of the judge of this Court to dispose of any matter properly before him under the Constitution and Laws of Florida or the Rules of the Supreme Court of Florida. Further, a judge assigned docket sounding may accept a plea and impose sentence in any case properly set for that docket sounding.

No person shall attempt to have any matter, civil, criminal or traffic disposed of in an ex parte hearing unless said hearing is authorized by law. All matters shall be disposed of in open court with notice to both sides unless the party seeking an ex parte disposition has the written authorization from the opposing side. Any person attempting to dispose of a matter in violation of this rule is subject to prosecution for criminal contempt.

XIII. CRIMINAL FIRST APPEARANCES

First appearances of all persons not previously released in a lawful manner shall be held in Courtroom #4, Leon County Courthouse at 1:00 p.m. each day, Monday through Friday of each week, except holidays. First appearance on holidays and weekends shall be held at the Leon County Jail. All judges from Leon, Wakulla, Jefferson, and Gadsden Counties shall rotate first appearance on weekends upon assignment of the Administrative Judge. Judges may exchange weekends with another judge, however, the assigned judge shall be responsible for a substitute when changes are made.

XIV. TRANSMITTAL OF FINAL JUDGMENT

The Clerk shall transmit a copy of the Final Judgment to each attorney of record in a civil or summary claims cause of action. In the event a party is not represented by an attorney in a civil or summary claims matter, the Clerk shall mail to the party a copy of the Final Judgment.

XV. PRIOR ADMINISTRATIVE ORDERS

These Procedures supersede all previous Procedures of this Court. Administrative Orders issued prior to this date to the extent not inconsistent herewith are specifically re-adopted.

XVI. ADMINISTRATIVE JUDGE

The Administrative Judge shall serve for a period of one year, commencing the first Tuesday after the first Monday of January. The office shall rotate among the judges of the Court according to seniority with judge with the longest service on the Court serving first.

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DONE and ORDERED this 3 day of March, A.D., 1983, at Tallahassee, Leon County, Florida.

JOHN E. CRUSOE

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