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CLERK OF CIRCUIT COURT

IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA.

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 83-14

IN RE: NONJUDICIAL RESOLUTION OF CRIMINAL INFORMATIONS FILED PURSUANT TO CHAPTER 832, FLORIDA STATUTES, ISSUING WORTHLESS CHECKS AND DRAFTS

Worthless check case statistics provided by the State Attorney's Office for the period January 1, 1983 through May 31, 1983 indicate the following for Leon County:

Misdemeanor check complaints	2,632
Felony check complaints	1,259
TOTAL CHECK COMPLAINTS	3,898
Complaints not filed upon payment of restitution	1,155
Total Informations filed in Leon County	2,469
Informations nolle prossed where restitution and mutually agreeable court costs were paid	1,208
Amount of court costs paid upon nolle pross	$30,941

The complaints upon which prosecution was declined upon payment to the victim of restitution plus the Informations nolle prossed in the exercise of prosecutorial discretion upon payment of both restitution and reasonable attendant court costs appear to have diverted some 2,363 potential cases into a nonjudicial resolution that was agreeable to the victim, the State, and the defendant.

The Court is aware that when an Information is filed, there are attendant court costs even though the case may not evolve into a trial or other hearing before a judge. These costs include expenses to the Clerk of Court in creating the casefile, keeping records, and issuing a capias or a summons. Costs are also incurred by the County Sheriff's Department in serving the process upon the defendant and maintaining law enforcement records.

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Therefore, the Court finds that reasonable court costs may be collected in worthless check cases where the defendant agrees to the payment, has paid restitution to the complainant, and where the State of Florida agrees to thereby nolle pross the Information as a nonjudicial pretrial diversion resolution of the criminal case. This is a procedure which may be taken if the proper consents are obtained and it is not intended that such procedures be compelled.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this 23rd day of June, 1983.

BEN C. WILLIS, CHIEF JUDGE

Copies furnished to:

All Clerks of the Second Judicial Circuit
Honorable Kenneth E. Cooksey
Honorable J. Lewis Hall, Jr.
Honorable George L. Harper
Honorable Charles E. Miner
Honorable Ben C. Willis
Donald S. Modesitt, State Attorney
Michael E. Allen, Public Defender
Dozier Allen, Court Administrator

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