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

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

ADMINISTRATIVE ORDER NO. 85-1

RE: RESTITUTION /

Section 775.098(1)(a), Florida Statutes, requires the Court to order the defendant to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense, unless the Court finds reasons not to order such restitution. The Court shall make payment of restitution a condition to probation in accordance with Section 948.03. Paragraph (b) of this same section requires the Court to state on record the reasons for not ordering restitution, should that be the case.

This Court takes note that the Legislature of the State of Florida has denied to the County Courts the services of the State Probation and Parole Commission. Through the cooperation of the County Commission of Leon County, Florida, a County Probation Department has been developed for the purpose of assisting the County Court of Leon County with probation services. In January of 1985, the State Attorney of the Second Judicial Circuit advised the County Court of Leon County that the preexisting method of handling worthless bank checks in the State Attorney's Office for all but the most flagrant offenses would be changed and that henceforth, most bad check offenses that were not felonies would be filed with the County Court.

A review of the check case load, the budget of the Leon County Probation Department, and the case load of the Probation Department probation officers leads to the inescapable conclusion that the Leon County Probation Department is not equipped to handle restitution in bad check cases in a large volume without substantial expenditure of funds and hiring of additional personnel. There is no money budgeted for additional personnel and the Courthouse construction and renovation project has made additional space for probation personnel unavailable. It is therefore

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ORDERED AND ADJUDGED that in all worthless bank check cases brought before the Court upon the entry of a plea of guilty or no contest that restitution will not be made a condition of probation or otherwise ordered by the Court. It is further

ORDERED AND ADJUDGED that the above and foregoing reason shall form the basis for such determination by the Court. It is finally

ORDERED AND ADJUDGED that in lieu thereof, a civil judgment shall be entered upon admission by the defendant that restitution has not been paid to the victim at the time of sentencing in the criminal case. Such civil judgment shall refer to this administrative order and statute section as its basis.

Nothing shall impair the authority or jurisdiction of a Judge of this Court to order restitution, however, when in the judgment of the Court such is absolutely necessary for the ends of justice.

DONE AND ORDERED in Chambers, Tallahassee, Leon County, Florida this 10 day of April, 1985.

HAL S. McCLAMMA, ADMINISTRATIVE JUDGE

Copies to:

Judge John E. Crusoe
Judge George S. Reynolds
Judge Donald O. Hartwell
State Attorney's Office
Public Defender's Office
Leon County Probation Department
Misdemeanor Clerk

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CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
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