20030037814 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 2850 PG: 470, 04/22/2003 at 10:18 AM, BOB INZER, CLERK OF COURTS

IN THE COUNTY COURT, IN AND FOR LEON COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 90-2

RE: WARRANT, CAPIAS, AND BOND ESTREATURE

The following provisions shall apply to the Misdemeanor and Traffic Divisions of the County Court immediately:

1. When any properly noticed defendant fails to appear for a regularly scheduled event in County Court, the Clerk of Court shall, on the sixth working day after the event, issue a capias for the arrest of the absent defendant, setting bail in the amount of $250, unless otherwise ordered by the court.

2. The Clerk shall further ascertain whether there is a cash, surety, or other approved bond posted, and on the sixth working day after the failure to appear in accordance with the conditions of the undertaking, estreat such bond according to law.

3. Before issuing a capias, the Clerk shall first ascertain:

a. A proper notice to the defendant's last known address for the correct date and time is in the file.

b. The notice shows service on defendant or counsel.

c. There is no previous capias outstanding in this case.

4. Before estreating a bond, unless otherwise ordered by the court, the Clerk shall ascertain:

a. The defendant was properly noticed of the event.

b. The bondsman was properly noticed of the event.

c. The bondsman or other surety was notifed within 24 hours of the missed event of the absence of the defendant.

5. If, within five working days of the event missed, the defendant, when a capias was ordered or the bondsman where estreature is ordered, may file a motion to stay the issuance of a capias or estreature of a bond. The filing of the motion shall stay the proceedings until further order of the court. A motion to stay issuance of a capias will also toll speedy trial. No

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motion filed after five days shall operate as a stay. However, the Clerk shall immediately bring such motion to the attention of the assigned judge or, in that judges's unavailability, any other judge of this court.

6. All capiases and other judicial orders for arrest shall be delivered to the sheriff within 24 hours of their being ordered or signed by the judge except that "five day capiases" shall be delivered to the Sheriff on the sixth working day.

7. In addition, when a capias is issued in case, that case shall not be placed back on any active court calendar until the capias is served and the defendant is thereby given proper notice, unless ordered by the court.

8. No clerk shall set a court date for any defendant in any case in which a capias is outstanding until service of the capias on the defendant, unless by order of court.

9. All orders withdrawing a warrant, capias, or other arrest order shall be entered in the appropriate location of the CJIS or traffic computer systems within 15 minutes of their entry by the court with a copy delivered by FAX or otherwise to the sheriff simultaneously. If done in open court, such entry and delivery must be accomplished within 30 minutes of adjournment. A log of such actions will also be maintained manually, noticing date and time, and made available to the sheriff daily.

10. The proper language for entry of the issuance of the capias shall be:

"Capias; name of charge; statute; FTA event missed."

i.e. "Capias; Petit larceny, 812.014, F.S.; FTA Arraignment", or

"Capias; DWLSR; 322.34, F.S.; FTA Sentencing", or

"Capias; VOP DUI; 316.193, F.S.; FTA Arraignment."

Section 843.15, Florida Statutes, provides for an entirely separate criminal charge of failing to appear and in almost all instances must be filed by the State Attorney. It does not arise from the issuance of a capias by the court for failure to appear.

11. In the event of any confusion arising among the Clerk and the Sheriff as to the appropriate computer "location" for all entries mandated hereby, the CJIS Coordinator of Leon County is requested to mediate such confusion and establish a procedure for data entry.

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DONE AND ORDERED in Chambers, Tallahassee, Leon County, Florida, this 21 day of May, 1990.

ADMINISTRATIVE JUDGE

Copies to:

County Judges
Court Administrator
State Attorney
Public Defender
Misdemeanor Clerk
Traffic Clerk
Sheriff
Warrant Unit
Leon County Jail
CJIS Coordinator
Leon County Bail Bondsmen

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