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04/22/2003 at 10:18 AM, BOB INZER, CLERK OF COURTS

IN THE COUNTY COURT IN AND
FOR LEON COUNTY, FLORIDA

TRAFFIC DIVISION

ADMINISTRATIVE ORDER NO. 91-5

At a recent meeting of all Leon County Judges, it was agreed that the Traffic Division of this Court handles the largest caseload and has the ability to impact more people from all walks of life than any other Division of this Court. It was further agreed that the role of Clerk of Court is one of the most important in the entire judicial system and all Judges are extremely appreciative of the fine work done by the Office of the Clerk. It was further agreed that in implementation of Leon County's new CJIS program, the Traffic Division has been neglected.

It is the consensus of the Judges of the County Court of Leon County that the implementation of certain programs is of an absolute necessity to allow the Traffic Division to fulfill its responsibility to the people of this County. The proposals contained herein are not meant as criticism of the Court, the Clerk or any individuals involved in the administration of justice but are intended to recognize the need to apply new technology to old problems.

It is further the consensus of the Judges that a Deputy Clerk be assigned to each Judge to coordinate the work between the Judge and the Office of the Clerk and to provide advice to the Judge concerning the day to day operation of the Clerk's Office.

The Court further recognizes the separation of powers between Executive, Legislative and Judicial but notes that the ultimate responsibility for the operation of the Traffic Court system in this County is vested in the Court. It is therefore

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ORDERED AND ADJUDGED that the following programs shall be implemented by Traffic Division of the Office of the Clerk in conjunction with the Court and those ancillary agencies necessary to the smooth and orderly functioning of the Court.

1. All acts of the Court in open Court shall be entered into the appropriate data base simultaneously with their occurrence in the Courtroom. Acts that affect the liberty of any Defendant shall also be entered into any other data base that will allow inquiry of such defendant's status by law enforcement agencies or the Leon County Detention Center. The Clerk of Court shall coordinate this function with the Detention Center, law enforcement, and the Data Center to ensure its workability.

2. Any acts of the Court not done in open Court shall be entered in the appropriate data bases as noted in paragraph 1. as follows:

a. Within fifteen (15) minutes of its receipt and time stamp by the Clerk if affecting the liberty of a Defendant.

b. Within one-half (1/2) day of its time stamped receipt in the Clerk's office if not immediately affecting the liberty of a Defendant. This shall include the data entry into the appropriate data base of cases certified from CJIS as well as those filed directly with the Traffic Violations Bureau

3. The Clerk shall supply a current calendar reflecting all cases set and a case file or electronic data docket entry for every case presented to the Court for its attention and action in open Court or in Chambers. Such entry shall be easily discerned and shall inform the

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Court of the essentials of the pending case including all continuances and the reason therefor. The Court shall not be required to search the file for this information.

4. The Clerk shall proceed with all deliberate speed to issue automated appearance notices in the courtroom and at the Traffic Violations Bureau. The program for notices should "lockout" or prohibit issuance of a notice to any Defendant with an outstanding warrant or capias.

5. The Clerk shall participate with the Leon County Data Center, the Misdemeanor Division, the Office of State Attorney, and the Office of Public Defender in implementing a sentencing "screen" whereby the State Attorney may make a recommendation for sentence and the Public Defender may respond, with the final result available to the Court at sentencing, if appropriate.

6. The Clerk shall prepare an automated "sentencing guideline" that shall include maximum and minimum sentences for all traffic cases and shall be available to the Court and counsel.

7. The Clerk shall supply the Court with a printed or electronic criminal and traffic record of each Defendant appearing before the Court.

8. The Clerk shall assist the State Attorney in having information available for the purpose of providing to the Court a recommendation as to a sentence in all cases set for arraignment. The Clerk shall further coordinate with the Office of the Public Defender so that in all cases where Public Defender appointment is made prior to scheduled

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arraignment, the Defendant and counsel shall be present at arraignment and be permitted to enter into negotiations with the State. This information shall include a transcript of the driver's record of each Defendant.

9. The Clerk, in conjunction with the Data Center, shall study and install the necessary hardware and software to implement a "full page scanner" program so that all of the above data may be more easily and accurately stored and retrieved. Charging documents, probable cause information and criminal and traffic history may be made available in this manner.

10. The Leon County Data Center shall supply to the Clerk of Court the necessary hardware and software to accomplish the above automation including, but not limited to, the ability to "toggle" between the several CJIS programs and the Traffic program, and the ability to use "VTERM".

11. The Clerk of the Traffic Division shall coordinate with the Clerk of the Misdemeanor Division and prepare a folio of all presently used forms in both Divisions. Each Clerk shall then present such folio to the presiding Judge of the respective divisions for their approval or disapproval. It is the intent of this order that, except for special needs, all forms be uniform between the Court divisions.

12. The Clerk shall prepare an operations and training manual or manuals for use in the Traffic Violations Bureau, the Court Services section and for automation purposes. The manuals will include such things as a recitation of the necessary rules and laws for the day to day operation of the Clerks office. The manuals should suggest appropriate dialogue for

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Deputy Clerks to use when talking with Defendants. The manuals should deal with, inter alia, procedures on plea in absentia, interrelationships of withdrawal of capias and setting new court date, "5 day" rule, communication with ancillary agencies, etc. A Clerk of Court is not permitted to offer legal advice but should be knowledgeable of options the law makes available to Defendants. It is expected that these manuals will be maintained up to date and that personnel will be periodically trained in them.

13. Under its inherent, Constitutional, statutory and Rule power the Court instructs the Clerk that this Order may be used in any manner necessary to provide for the budgeting and retention of additional personnel and equipment if necessary for the implementation of this Order.

14. In the event any of the mandates of this Order are incapable of fulfillment by the Clerk or any ancillary office within the timetable set forth the nature of such inability shall be communicated to the Court in writing.

15. This Order shall be accomplished by the 31st day of December, 1991. The Chief Clerk of the Traffic Division shall present to the Court, after consultation with ancillary agencies, a proposed schedule for implementation of this Order. This proposed schedule shall be made available to the Court by October 18, 1991.

16. It is requested that Patricia Knauf be assigned to the Court as liaison with the Clerk in all matters of every day operation not requiring a decision by supervisory personnel, such as obtaining calendars, scheduling, understanding office policy, etc.

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DONE AND ORDERED in Chambers this 2 day of October, 1991.

JUDGE

Copies to:

Honorable Paul F. Hartsfield
Chief Clerk, Traffic Division
Honorable Thomas Bateman
Chief Clerk, Misdemeanor Division
Leon County Data Center
Leon County Detention Facility (Jail)
Warrant Unit
Office of State Attorney
Office of Public Defender
Patricia Knauf
Court Administrator

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