20030037803 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 2850 PG: 432,
04/22/2003 at 10:18 AM, BOB INZER, CLERK OF COURTS

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

ADMINISTRATIVE ORDER NO. 93-1

RE: TRAFFIC DIVISION - JUVENILES IN ADULT FACILITIES AND DETENTION

WHEREAS, juveniles charged with traffic offenses, violations of probations therefrom, and failures to appear therefrom, may be subject to treatment not complying with the Federal Juvenile Justice and Delinquency Prevention Action 42 USC 5601 (hereinafter JJDPA); and

WHEREAS, there is no uniform policy in Traffic Court in the Second Judicial Circuit, Leon County, which details the procedure for the handling and placement of juveniles in adult facilities and juvenile detention;

NOW THEREFORE, IT IS ORDERED AS FOLLOWS:

1. When a minor is taken into custody for a criminal traffic offense or driver's license violation, law enforcement shall make every reasonable effort to notify the minor's parents or guardian of the action taken. After such effort and within the 6-hour time limit, the arresting or booking officer shall release the minor in accordance with Florida Statutes, sections 316.635(3) and 316.655(4).

2. If a juvenile is wanted in another jurisdiction for prosecution as an adult, is convicted of a traffic offense involving death or personal injury; or has been indicted, waived, direct filed, or previously adjudicated as an adult, then this Order does not apply. Otherwise, release must be conditioned only on the following:

a) The issuance of a notice to appear and subsequent release of the minor with a scheduled court date to the parent, guardian, responsible adult relative, or responsible adult; or

b) The issuance of a notice to appear and subsequent release of the minor through the bond process; or

c) The issuance of a notice to appear and subsequent delivery of the minor to an appropriate substance abuse or medical facility. If the juvenile cannot be delivered to such facility, the officer may contact the appropriate HRS office for referral.

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d) If (a)-(c) is not done, the minor shall be delivered to HRS per s. 316.655(4)(d).

e) Actions (a)-(d) must be performed within a 6-hour period, whereafter the minor must be released if in law enforcement custody.

3. Juveniles arrested on a capias or warrant for traffic offenses shall be processed under par. 1. (a)-(e), as required by Florida Statutes and the JJDPA.

4. A minor shall not be imprisoned for a nonfelony criminal traffic offense in an adult jail; nor may the minor be held under Chapter 39 in the juvenile detention center. No juvenile shall be placed in an adult jail facility or juvenile detention center for contempt arising out of a traffic offense. Contempts include a violation of probation arising out of a traffic case.

5. The traffic section of the Court Clerk's office in Leon County shall stamp "JUVENILE" in red block letters on the forms provided for judicial signature in any case involving a minor. Prior to the Clerk issuing a capias, arrest warrant, commitment order, or jail sentence, the Clerk shall review the file to determine whether or not the Defendant is a juvenile. If the juvenile does not meet any of the exceptions listed above for treatment as an adult, then the Clerk shall advise the issuing judge. The issuing judge will dispose of the case consistent with Florida law and the JJDPA.

6. Prior to sentencing a juvenile to jail, the Clerk shall advise the judge that the Defendant is a juvenile, so that any jail sentence imposed may have a report date after the Defendant's 18th birthday. JJDPA coordinators have indicated that this complies with the JJDPA. Attached is a Judgment and Sentence form which should be followed in juvenile traffic sentencing when the jail sentence is on any traffic charge within the jurisdiction of the Leon County court.

7. Leon County Probation shall not request a capias or arrest warrant on a minor without clearly stamping "JUVENILE" in red letters on the face of the warrant requested. Unless one of the exceptions apply, which shall be specifically noted thereon, then no warrant for arrest shall be requested by a probation officer. Rather, the officer, upon violation of a probation on a juvenile traffic offense, may submit an Order to Take Into Custody consistent with the attached form to this Order. A summons may also be issued to the juvenile and/or parent, but in no event shall the juvenile be arrested for failure to appear on such summons, except by an Order to Take Into Custody.

8. No juvenile shall be allowed to plead in absentia to a criminal traffic offense without specific authorization of the Court.

9. The traffic section of the Court Clerk's office shall conduct a review of all commitment orders, capias' issued for failure to appear, and VOP warrants that remain

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unserved to make certain that none are for juvenile offenders. Any such order or capias found to be in violation of the applicable provisions of this Order shall be reported to the issuing Judge for disposition.

10. This Order reflects the current status of state and federal statutory and case law as it relates to the placement of juveniles in adult jail facilities and juvenile detention centers. Any future legislation or case law that conflicts with any of the provisions contained herein shall supersede any conflicting provision within this Order.

DONE AND ORDERED in Leon County, Florida this 24th day of February, 1993.

KATHLEEN F. DEKKER
COUNTY JUDGE

TERRY P. LEWIS
COUNTY JUDGE

HAL MCCLAMMA
COUNTY JUDGE

TOM H. BATEMAN III
COUNTY JUDGE

WILLIAM L GARY
CHIEF JUDGE

Copies to: Chief Judge, William Gary
All County Judges
Clerk of Traffic Division
Leon County Jail
Leon County Probation
Leon County Sheriff's Office
Tallahassee Police Department
Court Administrator

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

STATE OF FLORIDA
vs.
_____/
DEFENDANT
_____/
ADDRESS
_____/
OFFENSE

CASE NO._____
CITATION NO._____
SPN NO._____
JUDGE: __BATEMAN __DEKKER __LEWIS __McCLAMMA

ORDER OF JUDGMENT AND SENTENCE - JUVENILES ONLY

Proceeding: _____ arr _____ cmc _____ motion _____ jury trial _____ non-jury trial _____ vop

Attorney of Record: _____ _____ waive attorney

Plea: _____ no contest _____ guilty _____ not guilty _____ nolle prosequi/no information

THE DEFENDANT BEING PERSONALLY BEFORE THIS COURT AND HAVING BEEN GIVEN AN OPPORTUNITY TO BE HEARD AND TO OFFER MATTERS IN MITIGATION, THE FOLLOWING IS THE JUDGMENT AND SENTENCE OF THE COURT:

Disposition: _____ guilty _____ adjudication withheld _____ not guilty _____ dismiss

Fine: $_____ _____ D6 _____ 30 days to pay or D6 (F.S. § 322.245)

Prosecution Costs: $_____ Public Defender Lien: $_____ [F.S. §27.56(2)(a)]

Probation: _____ months. _____ concurrent _____ consecutive with case no._____. _____ early termination

Jail: (Report Date Must Be After Defendant's 18th Birthday.) _____ days, suspended after the service of _____ days, with credit for _____ days. _____ concurrent _____ consecutive with case no._____. report time _____ (Court reserves jurisdiction to reduce or delete jail upon motion made prior to report date.) _____ voluntary commitment _____ work release recommended subject to approval of sheriff _____ nights _____ weekends

House Arrest:_____ days. _____ concurrent _____consecutive with case no. _____. _____fee waived
(Court may impose curfew or other restriction on liberty not to exceed 6 months.)

Driver license revocation: _____ DUI School Level_____ (includes screening & counseling, if recommended)

Community Service: _____ hours. Work Program: _____ days. _____ Victim Impact Panel

Produce: _____ valid driver license _____ vehicle registration. _____ D6 for failure to produce.

Restitution: $_____ victim:_____

Other:_____

_____DUI (1st offense): Adjudicated Guilty, 6 months probation, $550 fine (includes court costs), DUI School Level 1, 50 hours community service, 6 months driver license revocation, victim impact panel.

SPECIAL CONDITIONS OF PROBATION

___ alcohol, abstain _____alcotec or urinalysis _____ defensive driving school
___ alcohol, screening and counseling _____antabuse _____ defensive driving school, advanced

Bonding Agency:_____ Bond#_____ Estreat:_____

Bondsman:_____ Fax:_____ Video:_____ CJIS:_____

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

STATE OF FLORIDA
vs.
_____/
DEFENDANT

CASE NO._____

CITATION NO._____

SPN NO._____

JUDGE: __BATEMAN __DEKKER __LEWIS __McCLAMMA

ORDER TO TAKE INTO CUSTODY

TO: ALL LAW ENFORCEMENT OFFICERS OF LEON COUNTY, FLORIDA

A traffic citation charging a criminal traffic offense has been filed alleging facts which are determined to be sufficient to authorize taking into custody the below named juvenile who is subject to the jurisdiction of the County Court.

THEREFORE, YOU ARE COMMANDED TO TAKE INTO CUSTODY:

NAME:_____ADDRESS:_____

D.O.B:_____AGE:_____SEX:_____RACE:_____HEIGHT:_____

OFFENSE:_____

For failure to appear at _____on the above charge on _____.

DIRECTIONS TO SHERIFF: This writ shall be executed only during regular business hours. The Defendant (if still less than 18 years of age at the time of service of this Order) shall be brought before a judge of this court immediately after apprehension, and in no event shall be detained for more than 6 hours. The defendant may be admitted to bail in the amount of $_____. If over age 18 at the time of arrest, the defendant shall be treated the same as any other adult who is arrested.

DONE AND ORDERED in Leon County, Florida, this _____ day of _____, 1993.

_____
COUNTY JUDGE

RETURN

THIS Order to take into Custody was executed at _____a.m./p.m. on the _____ day of _____, 1993, by the undersigned.

_____
SIGNATURE/TITLE

Copies: LEON COUNTY SHERIFF (3)
LEON COUNTY DETENTION CENTER (1)

(2/17/93;\WP\TRAFFIC\JUPUP.O)

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