BK: R2062 PG: 00277

R970080131
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BOOK: R2062 PAGE: 00277
OCT 29 1997 10:13 AM
DAVE LANG, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA

CHAMBERS OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO: 97-14

IN RE: ESTABLISHMENT OF AND PROCEDURES FOR TRAFFIC ASSISTANCE PROGRAM

WHEREAS, Chapter 322, Florida Statutes, was created to address drivers' licenses and is so titled; and

WHEREAS, Section 322.42, Florida Statutes, provides that Chapter 322 shall be construed to provide that the greatest force and effect be given to its provisions for promotion of public safety, and

WHEREAS, Section 322.245(3) states that after suspension of the driver's license of a person pursuant to such section, the license may not be reinstated until (1) the person complies with all court directives imposed upon the person, including payment of the required delinquency fee; (2) presents certification of full compliance to a driver's licensing office, and, (3) complies with the requirements of Chapter 322; and

WHEREAS, many individuals have lost their privilege to drive due to failure or inability to pay fines or costs; and

WHEREAS, many individuals have had their driver's licenses suspended due to a failure to appear; and

WHEREAS, it is in the interest of promoting public safety and compliance with the law for citizens to be legally licensed while driving;

WHEREAS, the Department of Highway Safety and Motor Vehicles has agreed that upon presentation of appropriate clearances a license can be issued;

IT IS ORDERED:

That there shall be established a program to facilitate the reinstatement of drivers' licenses of those individuals who have outstanding criminal and/or civil traffic citations *only* in Leon County and who otherwise would be eligible for a driver's license in the State of Florida

This program shall be titled Traffic Assistance Program (subsequently referred to as TAP). This program shall be administered by the Clerk of the Court

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REFERRAL

Possible methods of referral of persons to TAP shall be:

1. Any judge may identify a traffic offender from his or her court docket and consider referral to TAP; or

2. The Clerk of the Court may identify and screen appropriate persons for participation in TAP; or

3. Any Probation Officer may identify and refer appropriate persons to the Clerk of the Court for screening and participation in TAP.

JURISDICTION

Jurisdiction shall only include traffic matters current and/or outstanding in Leon County for possible entry into TAP.

The Traffic Court Judge, for purposes of TAP, will have jurisdiction over any and all traffic matters, civil or criminal, companion cases or otherwise, issued to the individual being considered for TAP.

When judicial direction is required, the clerk shall schedule all current and outstanding traffic matters concerning the individual before the traffic judge assigned to the case reflecting the earliest violation date.

CRITERIA FOR CONSIDERATION

A Court referral to TAP is discretionary with the Court
B. Clerk referral - in determining eligibility for acceptance of an individual into TAP, the Clerk shall consider the following

1 The driver's license shall have been suspended only for failure to pay fines or fees, and/or for failure to appear on civil or criminal traffic matters.

2. Any or all outstanding criminal or civil traffic matters must arise out of Leon County, Florida.

3 No person may be considered if his or her driver's license is currently suspended as a result of either an accumulation of points, classification as a Habitual Traffic Offender, a conviction of an alcohol-related driving offense, a conviction of a violation of Chapter 893, Florida Statutes, or a Financial Responsibility Judgment.

4. Entry into TAP by the individual is voluntary The individual must advise the Court or the Clerk that he or she will voluntarily accept and

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CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
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abide by the terms and conditions of TAP and pay any additional fees related to the program.

5. Order of the Court.

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PROCEDURES

After referral to TAP, but prior to reinstatement of the driver's license, the individual must accomplish the following:

1. The individual must pay a $25 00 application fee to the Clerk.

2. The individual must obtain Personal Injury Protection (PIP) insurance and show proof thereof to the Clerk within 10 days of acceptance into TAP, or complete an affidavit stating the individual is not required to provide PIP insurance

Upon determination by the Clerk that the individual has met the criteria for acceptance into the program and upon payment of the driver's license reinstatement fee, the Clerk is to immediately reinstate the individual's privilege to drive, subject to the conditions stipulated in the TAP agreement.

Upon signing of the agreement, the Clerk will establish a compliance date not exceed 364 days, except upon approval of the Court, for all of the individual's outstanding matters If the individual's outstanding matters are not concluded by said date, or at anytime that a stipulated payment is delinquent, the individual's driver license will be immediately suspended by the Clerk. This date may be extended by the Court upon written request from the participant.

RESPONSIBILITY OF THE CLERK

The Clerk will accomplish the following:

1. Individuals who are referred to or apply for participation into TAP will be screened by the Clerk. Screening shall include, but not be limited to, an inspection of the current driver history of the individual and his or her eligibility under the criteria previously outlined.

2. If it is determined by the Clerk that the individual will be unable to complete the TAP Program within 364 days, the Clerk shall advise the Court as to the financial status of the individual and his or her ability to satisfy any and all current and/or outstanding traffic matters.

3. The individual must complete all of the required steps necessary in order to obtain his or her driver's license.

4. The Clerk will reschedule the individual on an appropriate docket, when there is an active Bench Warrant for a failure to appear charge.

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The Bench Warrant will remain active until release by the Court.

5. The individual shall execute an agreement and payment schedule, so that the individual may make partial payments to the Clerk, in an agreed to and orderly fashion to pay off any and all current and/or outstanding traffic citation fines, fees or costs.

6. A payment schedule shall be prepared reflecting the individual's name and case number, and due date for each required payment.

MONITORING

The Clerk shall monitor the payment progress of the individual and immediately suspend the driving privilege of any individual whose license has been reinstated under this program upon non-compliance with any of the conditions and requirements of TAP

EXTENSIONS OF TIME

When requesting a Court extension for completion of TAP, the Clerk must be given a minimum of fifteen (15) days notice by the individual requesting said extension.

PAYMENT OF FINES AND COSTS

All persons accepted into TAP shall pay the fines and costs directly to the Clerk All payments must be made by cash, money order, cashier's check, or personal check

The $25 00 application fee includes those fees authorized by Section 28.24(11), Florida Statutes, for preparation of documents, Section 322 20(10(a), Florida Statutes, for providing a transcript of a driver history record, and Section 119 04(1)(b), Florida Statutes, for extensive clerical or supervisory assistance.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 24th day of October, 1997.

COUNTY JUDGE, Traffic Division

N SANDERS SAULS, Chief Judge

Copies to:

All Circuit and County Judges (Leon County)
Court Administrator
Clerk of Court
State Attorney
Public Defender
Sheriff
Probation

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