

**AMENDED ADMINISTRATIVE ORDER GOVERNING NOTICES TO APPEAR
FOR CRIMINAL OFFENSES, ORANGE COUNTY**

The purpose of this Administrative Order is to provide for the efficient and effective processing of criminal cases and related matters and as provided in Florida Rule of Criminal Procedure 3.125(j).

By the power vested in the chief judge under Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and rule 2.215 of the Florida Rules of General Practice and Judicial Administration, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent, it is **ORDERED** that the following procedures, which originally became effective October 7, 2003, are amended as follows:

I. PROCEDURES FOR NOTICES TO APPEAR:

A. When a person is arrested for a misdemeanor of the first or second degree, a criminal traffic offense, or a violation of a municipal or county ordinance, except for charges relating to prostitution, domestic battery/domestic violence, violation of domestic injunction, or driving under the influence, the accused shall be released at the scene of the arrest through the issuance of a Notice to Appear, except in those cases requiring mandatory booking pursuant to section B below. In any case where persons are not booked into jail, the Notice to Appear form must include information stating the type of identification provided by the person arrested and right and left thumb prints of the person arrested. The arresting officer shall have the discretion, however, to book the accused person into the county jail if the officer determines that any of the following factors exist:

1. The subject of the arrest is known by the arresting officer to be a habitual offender;
2. The alleged crime is one of a violent nature or one which indicates a reckless disregard for the safety of others;
3. The nature of the accused person is clearly violent or disorderly;
4. The arresting officer has reason to believe that the accused person will repeat the offense if not detained;
5. The accused person has no valid, verifiable address;
6. The accused person does not reside in Orange County or a bordering county; or
7. The arresting officer has reason to believe that the accused person meets the criteria for the Baker Act, or the Marchman Act, or is a substance abuser, or suffers from a mental illness.

B. The accused person shall be booked into the county jail if any of the following circumstances exist:

1. The accused person failed to sufficiently identify himself or herself or supply the required information;
2. The accused person refused to sign the Notice to Appear;

3. The arresting officer has reason to believe that the continued liberty of the accused person constitutes an unreasonable risk of bodily injury to others;
4. The accused person has no ties with the jurisdiction sufficient to assure the accused's appearance at court or there is substantial risk that the accused will refuse to respond to the notice or citation;
5. The arresting officer has a reasonable belief the accused person may be wanted in any jurisdiction;
6. The arresting officer has a reasonable belief that the accused person has previously failed to respond to a notice or summons or has violated the conditions of any pretrial release program;
7. The accused person is arrested for prostitution or a prostitution related offense, including violations of probation; or
8. The accused person is currently on any criminal court release conditions (e.g. bond, ROR).

C. If a person accused of a misdemeanor, criminal traffic offense, or violation of city or county ordinance is brought to the jail because the person failed to sufficiently identify himself or herself or supply the information necessary for completion of the Notice to Appear, or because it appeared to the arresting officer that the accused person had previously failed to respond to a notice or summons or had violated the conditions of any pretrial release program, Orange County Corrections staff shall begin a preliminary investigation to determine if the accused person is a likely candidate for Release on his/her own Recognizance ("ROR"). The accused will be positively identified through AFIS, an interview, criminal history screening, and investigation shall include:

1. The accused person provides residence information and currently resides in Orange, Seminole, Volusia, Brevard, Lake, Polk or Osceola County;
2. The accused person provides the name, address and phone number of an emergency contact;
3. The accused person provides current employment or student information or is a homemaker, retired or disabled;
4. The accused person is not exhibiting mental illness or behavior indicating he/she may cause harm to himself/herself or another;
5. The accused person's criminal history must not include felony or misdemeanor convictions, FTA's, VOP's, sex offender, predator or high risk sex offender; and
6. The accused person's pretrial risk assessment must be Low or below.

D. Pursuant to paragraph C above, once it is determined that the accused person qualifies, he or she shall be released upon the issuance of a ROR pursuant to Florida Rule of Criminal Procedure 3.125(c).

E. Any accused person booked into the Orange County Jail on a worthless check warrant may be released on his or her own recognizance once the Orange County Corrections staff determines the accused person is likely to appear based on the criteria set out in paragraphs C, and D of this subsection.

F. Any accused person who is released on his or her own recognizance pursuant to this Order, shall receive a notice substantially stating the following:

You are being released pursuant to administrative order because you have met the criteria for release. You have supplied an address to which all future court process will be sent. As a condition of your release, you must refrain from criminal activity of any kind and you must refrain from any contact with the alleged victim of the crime which you have been charged except through pretrial discovery if stipulated by all parties or if ordered by the judge on a showing of good cause pursuant to Florida Rule of Criminal Procedure 3.220(h)(7). If you violate these conditions or fail to appear for any of your court dates, your recognizance status will be revoked and you may remain in jail or be required to post a substantial bond until your charges have been disposed. You must notify the Clerk of Court if your address has been changed within 24 hours from the date the address has changed.

II. CLERK OF COURT PROCESSING:

A. Receive and process all Notices to Appear issued for offenses committed within the geographical area of jurisdiction of the court served.

B. Receive, receipt for, account for and distribute in accordance with section 34.191, Florida Statutes, and other applicable statutes, once sentenced by the Court, all fines and court costs assessed upon conviction or plea of guilty of offenses charged under Notices to Appear issued pursuant to Florida Rule of Criminal Procedure 3.125.

C. Accept an appearance and plea of "Not Guilty," in writing, in person or by an attorney, to a charge of committing a first or second degree misdemeanor offense, or a county or municipal ordinance violation, when a Notice to Appear was issued and have the case assigned for trial at a future date.

D. Retain the original of each Notice to Appear and Schedule of Witnesses and Evidence.

E. Schedule for arraignment and assign to a judge, who will handle all proceedings after arraignment.

F. Receive payment of all fines and costs resulting from Notices to Appear.

G. Receive motions for new hearings or in arrest of judgment pursuant to Florida Rules of Criminal Procedure, within prescribed time limits and notify the defendant or his counsel of the time scheduled for a hearing.

H. Maintain records of all cases processed, numbering and reporting for identification and statistical purposes, separately from cases disposed of in open court.

I. Issue a *capias*, pursuant to Florida Rule of Criminal Procedure 3.730, for the arrest of any resident of this State, or any non-resident upon whom process may be served in this State, who fails to respond to a Notice to Appear lawfully served upon such person. The *capias* shall be directed to all law enforcement officers, state, county or municipal, in the State, and may be executed in any county in this State.

J. Any additional duties or responsibilities as may be delegated by the Chief Judge of the Ninth Judicial Circuit.

III. FAILURE TO APPEAR:

When a person signs a written Notice to Appear in the case at issue and fails to appear, a warrant of arrest shall be issued pursuant to Florida Rule of Criminal Procedure 3.121, or a capias pursuant to Rule 3.730, and that the minimum bond on either a capias or a warrant is set in the amount of \$2,000.00 as required by section 903.046(d), Florida Statutes.

IV. VENUES:

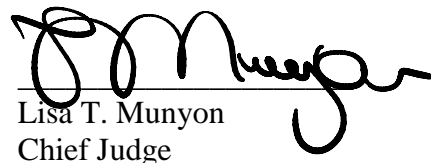
A. All Notices to Appear issued in Orange County shall be returnable to the Division of the County Court of Orange County located in the geographical area in which the offense occurred. This location is subject to change upon order of the Chief Judge.

B. All Notices to Appear issued in Osceola County will be returnable to the County Court of Osceola County in the Osceola County Courthouse, Kissimmee.

V. VACATING/INCORPORATION OF RELATED ADMINISTRATIVE ORDERS:

Administrative Order 2022-02 and the provisions of Administrative Order 2003-39-25 addressed in this Administrative Order are vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 20th day of September, 2022.


Lisa T. Munyon
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>