

ADMINISTRATIVE ORDER
NO. 07-96-38-1

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE COUNTY,
FLORIDA

**AMENDED ADMINISTRATIVE ORDER: CODE ENFORCEMENT CITATIONS
ISSUED BY ORANGE COUNTY OR ANY MUNICIPALITY LOCATED IN ORANGE
COUNTY TO BE FILED IN THE CRIMINAL JUSTICE DIVISION OF THE COUNTY
COURT OF ORANGE COUNTY ONLY AND TO BE ASSIGNED TO SUBDIVISIONS
62, 63, 64 AND 65, COUNTY COURT; PROVIDING STANDARDIZED CITATION
FORMS; SETTING AN ADMINISTRATIVE FEE**

WHEREAS, by enacting sections 162.21 and 166.0415, Florida Statutes, the Florida Legislature has authorized counties and municipalities to issue citations to persons reasonably believed to have committed civil infractions in violation of duly-enacted codes and ordinances; and

WHEREAS, sections 162.21 and 166.0415, Florida Statutes, mandate that any county or municipality which wishes to use civil citations as a supplemental means of enforcing its codes or ordinances must enact a civil citation ordinance; and

WHEREAS, Orange County, the City of Orlando, the City of Winter Park and the City of Apopka have enacted ordinances creating a supplemental method of enforcing certain Codes and Ordinances through the issuance of civil citations by Code Enforcement Officers; and

WHEREAS, these ordinances require the citations to be filed with the Clerk of the County Court and provide for a hearing before a county court judge should the person receiving the citation elect to contest its issuance; and

WHEREAS, other municipalities located in Orange County are considering similar ordinances; and

WHEREAS, the Criminal Justice Division of the County Court of Orange County is already overburdened; and

WHEREAS, a uniform citation form would be beneficial to the maintenance of records by the Clerk of the Court and the County Court and would greatly decrease the time necessary to process the large number of code enforcement citations which are anticipated to be filed; and

WHEREAS, the adoption of a uniform citation form will also assist code enforcement officers in fully complying with local and state law; and

WHEREAS, the Chief Judge of this Court has the obligation to establish a schedule of costs to be assessed against a defendant in the county courts for a violation of a municipal ordinance under Florida Rule of Judicial Administration 2.110(b);

NOW, THEREFORE, taking into consideration case loads and other relevant factors affecting the prompt and proper administration of justice and the work of the county court and pursuant to Florida Rule of Judicial Administration 2.050, I, Ted Coleman, Chief Judge of the Ninth Judicial Circuit of Florida, do hereby order that:

1. All code enforcement citations issued pursuant to any county or municipal ordinance authorized by sections 162.21 and 166.0415, Florida Statutes, shall be returnable and filed at the Criminal Justice Division of the County Court of Orange County, Florida and shall be assigned to Subdivisions 62, 63, 64 and 65, County Court.

2. All code enforcement citations shall be issued on a one-page, two-sided, standard form, entitled "Orange County Uniform Code Citation", a copy of which is attached to this order as Exhibit "A", or in substantially the same form. The reverse side shall be inverted so that it may be read by flipping the page. Municipalities and the County may print a schedule of penalties and fees, additional notices, or other information in the blank space remaining on the reverse side of the citation.

3. Each code enforcement citation shall be issued so that it is returnable by the violator at 8:00 a.m. on an exact date, which must fall more than twenty-one (21) days after the citation is issued. The County Court arraignments on code enforcement citations will be held daily Mondays through Fridays at 8:00 a.m. and contested hearings will be scheduled at that time.

4. In those cases in which a violator is entitled to pay a reduced civil penalty, the appropriate civil penalty and any administrative fee must be paid to the Clerk of the County Court no later than fourteen (14) calendar days from the date of issuance of the citation. Otherwise, the alleged violator shall appear in person on the return date set forth in the citation.

5. The Clerk shall collect an administrative fee of ten dollars (\$10.00) from every violator who pays a reduced civil penalty authorized by law or otherwise waives his/her right to a hearing.

6. In those cases where there is a contested hearing and an alleged violator is found to have committed the violation, the County Court shall assess an administrative fee of ten dollars (\$10.00) and other court costs against a violator in addition to any other penalty. The Clerk shall retain any administrative fee so assessed.

7. This Administrative Order applies in Orange County, Florida only and is effective immediately.

8. Administrative Order No. 07-96-38 dated January 10, 1997 is vacated and set aside.

DONE AND ORDERED at Orlando, Florida, this 24th day of March, 2000.

/s/ Ted Coleman
Ted Coleman
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar Association
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

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A hard copy of the Orange County Uniform Code Citation form will be forwarded upon request.