

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: NOTICES TO APPEAR)
)
)
)
_____)

ADMINISTRATIVE ORDER
NO. 3.4

WHEREAS, Rule 3.125(j) Florida Rules of Criminal Procedure, requires the Chief Judge of each Circuit to establish rules and regulations of procedure governing the exercise of authority to issue Notices to Appear; and

WHEREAS, it has been determined that additional rules and regulations will assist the various Courts, Clerk, law enforcement agencies and the State Attorney's Office within the Twentieth Judicial Circuit with the Notice to Appear system;

IT IS THEREFORE ORDERED that the following additional rules and regulations shall govern the use of Notices to Appear within the Twentieth Judicial Circuit:

1. The form for Notice to Appear shall be as set forth in Rule 3.125(l), Florida Rules of Criminal Procedure, unless a satisfactory substitute form is submitted and approved by the Chief Judge of the Twentieth Judicial Circuit.

2. Except in those cases which have been established on the general bond list of the respective counties as requiring a mandatory appearance, the Officer issuing the Notice to Appear shall enter the amount of the bond on the Notice to Appear form in the blank provided for the fine and the said fine shall be equivalent to the bond amount. The issuing Officer shall indicate a mandatory Court appearance date when:

a) It is required by the Court, or

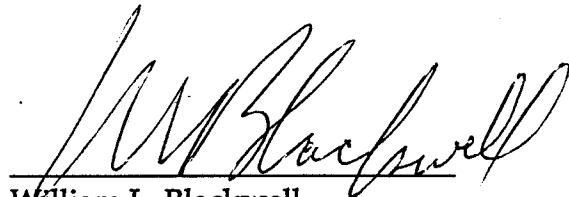
b) The amount of bond and/or fine is unknown. The issuing Officer will enter a Court appearance date which shall be set at least ten days from the date of issuance of the Notice to Appear or the next arraignment date thereafter in the County in which the offense occurred.

3. It will be the obligation of the issuing law enforcement agency to supply the Notice to Appear forms.

4. In all cases where a prosecution on a Notice to Appear form has been continued, it shall be the continuing obligation of the Clerk's Office of the respective counties to re-subpoena necessary witnesses.

DONE AND ORDERED in Chambers in Naples, Collier County, Florida, this

13 day of Jan, 2000.


William L. Blackwell
Chief Judge

History. - Administrative Order 3.4 (January 28, 1991); Administrative Order 86-16.

I CERTIFY THIS DOCUMENT TO BE
A TRUE & CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE.


JAN 14 2000

Charlie Green, Clerk Circuit
Court Lee County, Florida

BY:  D.C.

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

This 14 Day of JAN 2000 Record in Minute
Book 44 Page 1 and Record Verified.
By: 
CHARLIE GREEN Deputy Clerk
Clerk Circuit Court

"I understand the nature of the charge against me; I understand my right to have counsel and waive this right and the right to a continuance. I waive my right to trial before a judge or jury. I plead Guilty [] or Nolo Contendere [] to the charge, being fully aware that my signature to this plea will have the same effect as a judgment of this court."

Total Fine and Cost _____

Defendant Signature _____

Address _____

IN THE COUNTY COURT,
IN AND FOR _____ COUNTY, FLORIDA

SCHEDULE OF WITNESSES AND EVIDENCE FOR NOTICE TO APPEAR

Agency Case # _____

Last Name First M.I. Aliases

Address _____

_____ Offense(s): (1) _____
Date of Notice to Appear (2) _____

TANGIBLE EVIDENCE: (If none, write "None")

Item: _____
Obtained from (person and/or place): _____
first received by: _____ given to: _____

WITNESSES: (If none, write "None")

#1 Name: _____

Res. Tel. No. _____ Address: _____

Bus. Tel. No. _____ Business: _____

Testimony: _____

#2 Name: _____

Res. Tel. No. _____ Address: _____

FL ST RCRP Rule 3.125

[] Mandatory appearance in court, _____ Location
_____, 19____, at _____ () a.m. () p.m.
Month Day

[] You need not appear in court, but must comply with instructions on back.

CO-DEFENDANTS:

- | | | | | |
|----|-------|-------|---------|------------|
| 1. | _____ | _____ | _____ | [] Cited |
| | Name | DOB | Address | [] Jailed |
| 2. | _____ | _____ | _____ | [] Cited |
| | Name | DOB | Address | [] Jailed |

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant

I swear the above and reverse and attached statements are true and correct to the best of my knowledge and belief.

_____ Complainant

_____ Agency or Department

Sworn to and subscribed before me this _____ day of _____, 19_____.

_____ Notary Public, State of Florida

WAIVER INFORMATION

If you desire to plead guilty or nolo contendere (no contest) and you need not appear in court as indicated on the face of this notice, you may present this notice at the county court named on the reverse of this page.

From _____, _____ to _____, _____
Date Hour Date Hour

and pay a fine of _____ dollars in cash, money order, or certified check.

The waiver below must be completed and attached. Read carefully.

Your failure to answer this summons in the manner subscribed will result in a warrant being issued on a separate and additional charge.

"In consideration of my not appearing in court, I the undersigned, do hereby enter my appearance on the affidavit for the offense charged on the other side of this notice and waive the reading of the affidavit in the above named cause and the right to be present at the trial of said action. I hereby enter my plea of Guilty [] or Nolo Contendere [], and waive my right to prosecute appeal or error proceedings.

(l) Form of Notice to Appear and Schedule of Witnesses and Evidence The notice to appear and schedule of witnesses and evidence shall be in substantially the following form:

IN THE COUNTY COURT,

IN AND FOR _____ COUNTY, FLORIDA

NOTICE TO APPEAR

Agency Case #

STATE OF FLORIDA, COUNTY OF _____

In the name of _____ County, Florida: The undersigned certifies that he or she has just and reasonable grounds to believe, and does believe, that:

On the _____ day of _____, 19_____, at _____ () a.m. () p.m.

Last Name First M.I. Aliases

Street--City and State Date and Place of Birth

Phone Race/Sex Height Weight Hair Eyes Scars/Marks

Occupation Place of Employment Employment Phone

Complexion Driver's License # Yr./St. Social Security #

at (location) _____
in _____ County, Florida, committed the following offense(s):

(1) _____ (2) _____

in violation of section(s): _____: _____ () State Statute
DID (Narrative): _____ () Municipal Ord.

Name of Officer ID Agency

FL ST RCRP Rule 3.125

Bus. Tel. No. _____ Business: _____

Testimony: _____

#3 Name: _____

Res. Tel. No. _____ Address: _____

Bus. Tel. No. _____ Business: _____

Testimony: _____

I certify that the foregoing is a complete list of witnesses and evidence known to me.

_____ Investigating Officer

_____ Agency