

IN THE CIRCUIT COURT OF
THE EIGHTEENTH JUDICIAL
CIRCUIT IN AND FOR
BREVARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO:
91-140-Cr

IN RE: MISDEMEANOR AND FELONY CHARGES ARISING OUT OF THE
SAME CIRCUMSTANCES

WHEREAS, defendants are frequently charged with felony and misdemeanor (traffic and non-traffic) offenses which arise out of the same circumstances; and

WHEREAS, under F.S. 26.012(2)(d), the circuit court has exclusive original jurisdiction of all misdemeanors (traffic or otherwise) arising out the same circumstances as a felony which is also charged; and

WHEREAS, such misdemeanors arising out the same circumstances as a felony are frequently separated, given separate case numbers, and assigned separate court dates before separate judges; and

WHEREAS, such separation of a misdemeanor arising out of the same circumstances as a felony is contrary to law and the conservation of judicial economy;

THEREFORE IT IS ORDERED that:

1. Any misdemeanors (traffic or otherwise) or ordinance violations which arise out of the same circumstances as a felony shall not be separated from the felony. Initially, for processing purposes, any civil traffic infractions shall also be kept with any felonies, misdemeanors (traffic or otherwise) or ordinance violations arising out of the same circumstances. In the event that a defendant actually requests a hearing on a civil traffic infraction, such hearing shall be assigned to and held by an appropriate county court judge or traffic court hearing officer.
2. When a felony arrest is made, the law enforcement agency should include, on the felony arrest report, any misdemeanors (traffic or otherwise), ordinance

violations or civil traffic infractions which arose out of the same circumstances as the felony. The uniform traffic citation number of any citation actually issued a defendant should be notated with the respective traffic charge on the arrest form.

3. Booking officers, bondsman and pre-trial release officers should give a defendant being released before seeing a judge an appropriate felony court date to cover all related felonies, misdemeanors (traffic or otherwise), ordinance violations and civil traffic infractions listed on the arrest report.
4. Upon receipt of an arrest report including felonies, misdemeanors (traffic or otherwise), ordinance violations or civil traffic infractions, the court clerk shall assign a felony ("CF") case number to include all such related charges, including any traffic charges for which the arresting officer may have issued a uniform traffic citation.
5. Court clerks and judges assigned to first appearances at the jail shall provide a defendant an appropriate felony court date to cover all felonies, misdemeanors (traffic or otherwise), ordinance violations and civil traffic infractions arising out of the same circumstances and included on a single arrest report.
6. All felonies, misdemeanors (traffic or otherwise), and ordinance violations arising out of the same circumstances shall be included in a single indictment or information. For the Clerk's tracking purposes, the indictment or information shall include, along with the "CF" case number, the uniform traffic citation numbers for any misdemeanor or civil traffic infractions issued by the arresting officer or State Attorney's office.
7. In the event of an improper separation of felonies, misdemeanors (traffic or otherwise), ordinance violations or civil infractions arising out of the same circumstances, a court, may on its own motion or that of the State or Defense, consolidate such offenses.

8. In the event the State reduces all pending felony charge to a misdemeanor, or files its notice of no intention to file an indictment or information on all pending felonies, or announces a nolle prosequi of all pending felonies on which it had previously filed an indictment or information, then any remaining related misdemeanors (traffic or otherwise), ordinance violations or civil traffic infractions shall forthwith be reassigned a "M" case number and be transferred to the appropriate division of the county court.

ORDERED in Melbourne, Brevard County, Florida this 11th day of December, 1991.

JOHN ANTOON

—
JOHN ANTOON, II,
Chief Judge
Eighteenth Judicial
Circuit

DISTRIBUTION:

All Brevard County Circuit Judges
All Brevard County Court Judges
R. C. Winstead, Jr., Clerk of the Court
Jake Miller, Brevard County Sheriff
All Brevard County Law Enforcement Agencies

Recorded:
Brevard County 12-18-91 OR BK 3168 PG 0025-0027

Index: CRIMINAL - Administrative Practices and Procedures