

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

ADMINISTRATIVE ORDER NO.:
93-46-S

IN RE: **COUNTY COURT - Code Enforcement Citation**

The Judges of the County Court of Seminole County, Florida, have determined that the following procedures and forms are necessary for the disposition of County and Municipal civil infraction citations in Seminole County, it is, upon consideration

ORDERED AND ADJUDGED:

I. UNIFORM CODE ENFORCEMENT: CITATION SYSTEM.

- (a) The Florida Legislature pursuant to Sections 162.21 and 166.0415, Florida Statutes, has authorized counties and municipalities to issue citations to persons reasonably believed to have committed civil infractions in violation of duly enacted codes or ordinances. The citation requirements, enforcement procedures, options of the person cited, and authority for entry of judgment are specifically prescribed in the legislation.
- (b) Sections 162.21 and 166.0415, Florida Statutes, requires that the County or any Municipality utilizing civil citations as a supplemental means of enforcing its codes or ordinances enact a civil citation ordinance.
- (c) To assure compliance with Sections 162.21 and 166.0415, Florida Statutes, and assure that County and Municipal citations are uniformly processed and enforced, all jurisdictions enforcing its codes and ordinances with Code Enforcement Citations are ordered to strictly comply with Sections 162.21 and 166.0415, Florida Statutes, the civil citation

ordinance of the jurisdiction, and this Administrative Order.

II. RECEIVING AND FILING UNIFORM CODE ENFORCEMENT CITATIONS.

- (a) All jurisdictions enforcing codes and ordinances by Code Enforcement Citations shall utilize the uniformly produced citation form approved by the clerk. The citation form attached as Exhibit A has been approved by the clerk.
- (b) All jurisdictions issuing Code Enforcement Citations are ordered to file citations with the clerk within five (5) working days of issuance.
- (c) The clerk is ordered to monitor compliance with this Administration Order and keep appropriate records so the Court can determine whether the various jurisdictions are in compliance with Section 162.21, Florida Statutes, the civil citation ordinance of the jurisdiction and this Administrative Order.
- (d) Code Enforcement Citations may be filed by law enforcement officers or Code Enforcement Officers authorized to issue citations by the appropriate jurisdictions.
- (e) The Law Enforcement Officer or Code Enforcement Officer is responsible for filing complete, legible, signed citations. The clerk shall monitor citations and shall not accept citations which fail to comply with the following:
 - (1) Code Enforcement Citations shall be issued on approved forms;
 - (2) Incorrect or incomplete code or ordinance numbers for the alleged violation;
 - (3) Citations shall be legible printed using black ink;
 - (4) Citations unsigned by the alleged violator or the issuing officer; or
 - (5) Citations incomplete as to any required information.

III. CITATION PROCEDURE

- (a) Sections 162.21 and 166.0415, Florida Statutes, requires that an alleged violator be given a warning notice prior to being cited with a citation unless the alleged violation presents a serious threat to public health, safety, or welfare, or if the violation is irreparable or irreversible.
- (b) Citations issued following a warning notice shall set forth the date of the warning notice and the reasonable time for correction given to the alleged violator.
- (c) A Law Enforcement Officer or Code Enforcement Officer issuing a citation when a warning notice of violation is not required shall indicate by circling whether the violation presents a serious threat to (PUBLIC HEALTH/SAFETY/WELFARE) or is (IRREPARABLE/IRREVERSIBLE).
- (d) If a citation is issued, the alleged violator shall be given thirty (30) days to pay the fine to the Clerk or request a hearing date to contest the citation.
- (e) If a citation is contested, the Clerk shall be responsible for establishing case numbers, appearance dates, issuance of witness subpoenas if requested, and notices to parties.
- (f) The Clerk shall block schedule contested citations of the County and each Municipality on available civil infraction dockets assigned to each jurisdiction.

IV. CIVIL INFRACTION HEARING PROCEDURE

- (a) The issuing law enforcement officer or Code Enforcement Officer shall represent the County or Municipality issuing the citation.
- (b) Sections 162.21 and 166.0415, Florida Statutes, provides that violations of County or Municipal codes and ordinances are civil infractions. The

County or Municipality shall have the burden of proof by a preponderance of evidence.

- (c) The issuing officer shall provide the Court with copies of the code or ordinance alleged to be violated.

V. JUDGMENTS.

- (a) Each citation shall set forth the amount of the civil penalty in accordance with the civil citation ordinance of the jurisdiction.

- (b) Sections 162.21 and 166.0415, Florida Statutes, provides that a person who contests a citation waives the amount of the civil penalty set forth in the ordinance. If a citation is contested, a judgment may be entered against the person for an amount up to the maximum civil penalty not to exceed FIVE HUNDRED AND NO/100 DOLLARS (500.00). A Final Judgment form is attached as Exhibit B.

- (c) Sections 162.21 and 166.0415, Florida Statutes, provides that a person who fails to pay the civil penalty within the time allowed fails to appear in Court to contest the citation on the assigned date shall be deemed to have waived his right to contest the citation. The Clerk shall prepare and provide the County and each Municipality a weekly status report detailing civil penalties paid, requests for court dates and other information necessary to update the status of citations filed with the Clerk.

Default Judgment may be entered against the person when the person fails to appear in Court or fails to pay the penalty or request a Court date for an amount up to the maximum civil penalty not to exceed FIVE HUNDRED AND NO/100 DOLLARS (500.00). The County or Municipality issuing the citation shall be responsible for preparing and scheduling default motions when a person fails to pay the civil penalty within the time allowed or fails to appear at the Clerk's Offices to request a Court date or in other

circumstances where a default judgment may be appropriate. A Final Default Judgment form is attached as Exhibit C.

- (d) The issuing officer shall prepare proposed final judgments for presentation to the Court at the hearing.
- (e) The County or Municipality shall be responsible for filing any judgments entered into the public records.

VI. EFFECTIVE DATE

This Order shall govern the disposition of Code Enforcement Citations issued November 13, 1992, and thereafter.

DONE and ORDERED at Melbourne, Brevard County, Florida, this 18th. day of March, 1993.

John Antoon II

— John Antoon II, Chief
Judge
Eighteenth Judicial
Circuit

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