

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

ADMINISTRATIVE ORDER NO:
18-42-B
SUPERSEDES 91-140 CR

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

WHEREAS, defendants are frequently charged with felony and misdemeanor (criminal 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 (criminal 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 (criminal traffic or otherwise) or ordinance violations which arise out of the same circumstances as a felony shall not be separated from the felony.
2. When a felony arrest is made, the law enforcement agency should include, on the felony arrest report, any misdemeanors (criminal traffic or otherwise), or ordinance violations 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 criminal 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 (criminal traffic or otherwise), and ordinance violations listed on the arrest report.
4. Upon receipt of an arrest report including felonies, misdemeanors (criminal traffic or otherwise), or ordinance violations, the court clerk shall assign a felony ("CF") case

number to include all such related charges, including any criminal 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 (criminal traffic or otherwise), and ordinance violations arising out of the same circumstances and included on a single arrest report.
6. All felonies, misdemeanors (criminal 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 criminal traffic charges issued by the arresting officer or State Attorney's office.
7. In the event of an improper separation of felonies, misdemeanors (criminal traffic or otherwise), or ordinance violations 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, then any remaining related misdemeanors (criminal traffic or otherwise), or ordinance violations shall forthwith be reassigned a "MM" case number and be transferred to the appropriate division of the county court.
9. Any civil traffic infractions which arise out of the same circumstances as a felony shall receive their own "TR" case number.

DONE AND ORDERED this 13th day of September, 2018.

TONYA RAINWATER
TONYA RAINWATER
CHIEF JUDGE

DISTRIBUTION:

All Circuit and County Judges (Brevard County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard County)
Public Defender (Brevard County)
Sheriff (Brevard County)
Bar Association (Brevard County)
Law Library (Brevard County)