

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 4.601- 9/08\*

IN RE: COUNTY COURT CRIMINAL PROCEDURES

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Pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

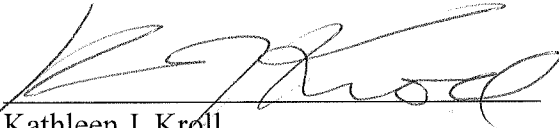
1. CAPTIONS TO INCLUDE DIVISION ASSIGNMENTS: The caption of all pleadings and notices filed in the county criminal division shall include the letter designation of the division to which the case is assigned.
2. NOTICE TO APPEAR: Consistent with Rule 3.125, Fla. R. Crim. P., persons authorized by this order to be released on their own recognizance shall be given a Notice to Appear.
3. BOND SCHEDULE: A uniform bond release schedule for misdemeanors and county or municipal ordinance violations is set forth in Administrative Order 4.202 9/08 as amended. Persons arrested for the violation of a county or municipal ordinance or a misdemeanor who are not released on their own recognizance with a notice to appear, shall be transported to the appropriate facility for booking.
4. MISDEMEANOR MENTAL HEALTH DIVERSION: Notwithstanding the foregoing, if a person is arrested for any of the following:

Trespass (FEC railroad tracks only), F.S. 810.09(1)(a), (2)(a), and (2)(b);  
Possession of Paraphernalia, F.S. 893.147 (1)(b)  
Disorderly Conduct, F.S. 877.03  
Disorderly Intoxication, F.S. 856.011(1)  
Open Container, C.O. 93-14  
Giving a False Name Upon Being Arrested or Detained, F.S. 901.36 (1);  
Panhandling, C.O. 54-146;  
Lodging in Public, C.O. 15-29

and it appears to the Arresting Officer or the Booking Officer that there may be mental health issues, the defendant may be referred to the Mental Health Diversion Specialist (MHDS) for assessment. If the MHDS determines that the person is suitable for mental health assistance, he/she shall make the appropriate referral. If the defendant agrees to follow up with the referral, the defendant shall be released from jail and be given a Notice to Appear in Court for the Tuesday following the arranged referral.

5. MUNICIPAL PROSECUTORS: Each municipality which retains a prosecutor for municipal ordinance violations shall give prompt written notice to the clerk of the county court, with copies to the state attorney and court administrator. The notice shall include the name, business address and telephone number of each prosecutor.
6. MUNICIPAL ORDINANCE HEARINGS: Upon the filing of **citation or Notice to Appear to which the defendant pleads "not guilty"**, the clerk of the county court shall **provide notice of the hearing to the defendant and the municipality.**
7. MUNICIPAL PARKING VIOLATIONS: Other than traffic citations prepared and supplied by the Department of Highway Safety & Motor Vehicles pursuant to Section 316.650, Florida Statutes (2007), municipal citations for parking violations shall be administratively processed by the respective municipalities and shall not be made returnable or payable to or through the county court. Each municipality shall be entirely responsible for collection of fines and penalties and the money so collected shall not be under the supervision or control of the county court system. If provided by appropriate municipal ordinance, nonpayment of a parking citation to the issuing agency within the time designated, and continued failure to pay within the time as specified in the agency's follow-up notice, shall permit the **municipality** to institute proceedings in the county court against the nonpaying violator. The follow-up notice referred to shall be a prerequisite to initiation of proceedings in the county court.
8. ARREST WARRANTS BEFORE CASE ASSIGNED TO A DIVISION: When an arrest warrant is needed by a law enforcement officer before a case has been assigned to a trial division, the arresting officer shall contact the assistant state attorney on duty who, in turn, shall contact the county court judge assigned to hold first appearance hearings or, if after normal court hours, the duty judge. The judge shall determine whether probable cause exists to issue a warrant. If probable cause exists, the judge shall issue the arrest warrant.

**DONE** and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 21 day of September, 2008.

  
Kathleen J. Kroll  
Chief Judge

\* supersedes admin. order 10.001-3/08