

IN THE COUNTY COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: I-06-U-3B

IN RE:

COLLECTIONS COURT PROGRAM
CRIMINAL CASE PROCEDURES

WHEREAS, the Seventeenth Judicial Circuit has established and implemented a Collection Court Program;

WHEREAS, uniform procedures provide equitable, equal treatment of all who come before the court;

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, and pursuant to section 938.30 and section 28.246 of the Florida Statutes, it is hereby:

ORDERED that effective May 1, 2006 the following procedures shall be implemented as part of the Seventeenth Judicial Circuit Collection Court program for all criminal cases:

1. **WITHDRAWAL/CANCELLATION OF BENCH WARRANT/CAPIAS.**
The Clerk shall withdraw a capias issued for failure of an obligor to appear at a properly noticed, scheduled, failure to pay hearing or a Collection Court hearing without order of the court, upon the obligor entering into a payment plan **and** at that time making a money contribution to reduce the amount owed on that plan. The money contribution may be waived by the Special Magistrate for good cause shown. The Clerk may withdraw the capias a total of two (2) times on the same case. If a third (3rd) capias is entered on the same case, it can only be withdrawn by order of the court, which may be by the court's own initiative or upon order ratifying the Report & Recommendation of the Special Magistrate.
2. **BOOKING PROCEDURE FOR OBLIGORS WHO ARE ARRESTED FOR FAILURE TO APPEAR AT A FAILURE TO PAY OR COLLECTION COURT HEARINGS.** If an obligor is arrested and delivered to the Broward County Jail in accordance with a Judge's capias order or writ of bodily attachment for not appearing at scheduled failure to pay or Collection Court status hearing, the Sheriff's Office shall as part of their booking procedure, provide the obligor with a Notice of Collection Court Hearing Date and release the obligor/arrestee on his/her own recognizance (ROR). The obligor/arrestee will not be held over in custody for arraignment in Magistrate Court.

- a. The Sheriff is to use the collection court date designated by the Clerk of Court schedule.
 - b. The Clerk will provide the Sheriff with a Collection Court schedule detailing which dates are available for setting of these cases.
 - c. The Clerk will provide the form Notices for Appearance to the Sheriff.
 - d. The Clerk and the Sheriff will agree upon and implement a method for the exchange of information regarding cases that are booked under this procedure and a method for noticing and scheduling the obligor/arrestee in Collection Court, which will be subject to review by the Chief Judge or his designee.
 - e. The Clerk will ensure that all obligor/arrestees booked under this procedure are set on a Collection Court docket at the date and time described in the Notice provided by the Sheriff at the time of release.
3. **MAGISTRATE COURT PROCEEDINGS.** Obligor/arrestees whose sole charge is a capias for nonappearance at a failure to pay or Collection Court hearing will no longer be held in custody, they will also no longer be placed on the Magistrate court docket. In the event, that an obligor/arrestee should appear in Magistrate court for a failure to appear capias as described herein, the Magistrate Judge will have the Clerk provide the obligor/arrestee with a Collection Court hearing date in open court and release the obligor/arrestee on his/her own recognizance (ROR).

DONE AND ORDERED at Fort Lauderdale, Florida, this 13th day of September 2006.

/s/DALE ROSS
DALE ROSS, Chief Judge