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

Administrative Order No. 2018-65-CO

AMENDED ADMINISTRATIVE ORDER VACATING, RECALLING, AND QUASHING OUTSTANDING ACTIVE WARRANTS IN CERTAIN MISDEMEANOR AND CRIMINAL TRAFFIC CASES IN BROWARD COUNTY, FLORIDA

(a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Pursuant to the Chief Judge's constitutional and statutory responsibility for the administrative supervision of the courts within this Circuit and obligation to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice, the Chief Judge is required to exercise discretion.

(c) There exists in Broward County, Florida an enormous number of old and outdated outstanding and unserved misdemeanor capias' and warrants.

(d) The maintenance of these exceedingly old warrants, including record keeping and physical storage, places an unnecessary burden on both the Clerk of the Court and the Broward Sheriff's Office.

(e) The undersigned requested the Offices of the State Attorney and Public Defender to confer and render recommendations as to this issue and both recognize the difficulties in proving the underlying charges and allegations contained in these warrants, due to their age.

(f) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**, effective **August 1, 2018**, until further order of this Court:

(1) Any and all outstanding capias' and warrants issued in misdemeanor cases where the underlying charge was Driving Under the Influence (DUI) and the last

capias or warrant was issued prior to January 1, 2003, are hereby vacated, recalled, and quashed.

(2) Any and all outstanding capias' and warrants in all other misdemeanor cases, including criminal traffic cases, where the last capias or warrant was issued prior to January 1, 2008, are hereby vacated, recalled, and quashed.

(3) Any and all outstanding charges, including infraction charges, satisfying the above criteria are hereby dismissed by this Court.

(4) The Clerk of the Court is directed to terminate probation unsuccessfully in any case satisfying the criteria above.

(5) No law enforcement agency shall cause to be served upon any person any warrant or capias that is recalled and quashed pursuant to this Administrative Order.

(6) The Clerk of the Court is directed to administratively close any case satisfying the criteria above and assure that all warrants and capiases subject to this Administrative Order are recalled and quashed. The Clerk of the Court shall complete any task necessary to comply with this Administrative Order within a reasonable period, not to exceed ninety (90) days from the effective date of this Administrative Order. This includes the removal from any infraction case of non-court imposed fines not subject to collection by the Clerk of the Court, such as late fees, or D6 suspensions.

(7) This Administrative Order shall in no way prohibit or otherwise preclude the Clerk of the Court from pursuing the collection of any fees, services charges, fines, court costs, and liens for the payment of attorney fees and costs, as permitted by applicable Florida Statutes, including sections 28.246 and 938.29, Florida Statutes.

(8) This Administrative Order supersedes any provision in prior Administrative Orders that may be inconsistent.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 21st day of February, 2019 *nunc pro tunc* to July 23, 2018.

/s/Jack Tuter
Jack Tuter, Chief Judge