

IN THE CIRCUIT COURT OF THE 16TH  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 10.004/01-1  
**AMENDED IN ENTIRETY**

IN RE:

NOTICE TO APPEAR  
\_\_\_\_\_:

**WHEREAS**, Rule 3.125 FRCP, provides for the issuance of a notice to appear in lieu of physical arrest to require a defendant's court appearance at a future date; and

**WHEREAS**, section (j), thereof, directs the chief judge to establish rules and regulations concerning the exercise of authority to issue said notice; it is therefore

**ORDERED** that:

A. The arresting officer only is authorized to issue notices to appear, in lieu of physical arrest, to any person arrested for an offense declared to be a misdemeanor of the first or second degree or to any person arrested for a violation of a municipal or county ordinance, except a notice shall not be issued when:

1. The accused demands to be taken before a magistrate.
2. The accused fails or refuses to sufficiently identify himself or herself or supply the required information;
3. The accused fails to sign the notice to appear;
4. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to the accused or others;.
5. The accused has no ties with the jurisdiction reasonably sufficient to assure the accused's appearance or there is substantial risk that he will refuse to respond to the notice;
6. The officer has any suspicion that the accused may be wanted in any jurisdiction; or
7. It appears that the accused has previously failed to respond to a notice or a summons or has violated the conditions of any pretrial release program.

B. Procedure concerning service, supplemental witness information, and delivery of copies shall be prescribed by applicable provisions of Rule 3.125, except that provisions of Sec. (c), therein, are not authorized in this Circuit.

C. Pursuant to Rule 6.160, Florida Traffic Court Rules, criminal traffic offenses are excluded from application of Rule 3.125, FRCP, and this Order.

D. The Notice to Appear form prepared and distributed by the Clerk of the Court is deemed acceptable for use in connection with this Order.

**DONE AND ORDERED**, at Plantation Key, Monroe County, Florida, this the \_\_\_\_\_ day of July, 2001.

\_\_\_\_\_  
Richard G. Payne  
Chief Judge

