

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2012-028 PA-CTY

**RE: LOCAL ORDINANCE VIOLATIONS  
FISH AND WILDLIFE CONSERVATION COMMISSION VIOLATIONS  
UNIFORM FINE SCHEDULE**

In order to provide for the orderly and uniform prosecution of county and municipal ordinance violations in Pasco County, Florida; and in accordance with Article V, section 2(d), Florida Constitution, Rules of Judicial Administration 2.215 and 2.265, Rule of Criminal Procedure 3.125, and sections 34.01, 43.26, 125.69, 379.3311 and 379.407, Florida Statutes; it is

**ORDERED:**

1. Pasco County and municipalities located within Pasco County shall utilize the Pasco County Ordinance Citation/Notice to Appear form that has been approved by the Pasco Administrative Judge or his or her designee. The approved Citation/Notice to Appear shall be the official complaint instrument for prosecution of all county and municipal ordinance violations within the jurisdiction of Pasco County, except for

- a. An Indictment or Information
- b. Parking Tickets

2. The Citation/Notice to Appear shall be printed on NCR paper, which shall be coded and distributed to the Clerk of the Circuit Court, the issuing Agency, the County or Municipal Attorney and Defendant.

3. The Fish and Wildlife Conservation Commission shall issue citations on the required state forms issued to the agency.

4. Attachment A is the Pasco County Court Uniform Fine Schedule, including court costs. Except for legislatively dictated fine amounts set by the legislative body of a municipality, the County or the State, it is the sole and exclusive schedule of penalties that can be paid without the necessity of a court appearance. It applies to penalties for the uncontested disposition of local ordinance violations, and violations cited by the Fish and Wildlife Conservation Commission. The Court may authorize a greater or lesser penalty in any individual case.

5. Any person or entity cited for violation of the Fish and Wildlife Conservation Commission may:

- a. Elect not to contest the citation. The defendant who elects not to contest the citation may pay the civil penalty, either in mail or in person at the Clerk of the Circuit Court within thirty (30) calendar days of the date of receiving the citation; or if he or she has posted a bond, forfeit bond by not appearing at the designated time or location.

b. Elect to contest the citation. The defendant electing to contest the citation shall either (1) enter a written plea of not guilty in writing in person or by mail; or (2) appear in Court for the purpose of entering a plea of not guilty and scheduling a trial on the merits of the alleged violation.

6. Any person or entity cited for violation of a local code or ordinance may:

a. Elect not to contest the citation. The defendant who elects not to contest the citation may plead guilty or no contest by signing the plea waiver form on the citation, and paying the applicable fine in full to the Clerk of the Circuit Court by mail or in person within thirty (30) calendar days after issuance of the citation, unless the violation requires a mandatory court appearance; or

b. Elect to contest the citation. The defendant electing to contest the citation shall either (1) enter a written plea of not guilty in writing in person or by mail; or (2) appear in Court for the purpose of entering a plea of not guilty and scheduling a trial on the merits of the alleged violation.

7. If the defendant electing to contest the citation fails to enter a written plea of not guilty or fails to appear for the court appearance date, the presiding judge shall at that time issue a *capias* for the arrest of the defendant for noncompliance with instructions on the citation, dismiss the case or take any other action that the Court deems appropriate. However, a *capias* will not be issued in those cases where the defendant has refused to sign the Notice to Appear or when the Notice to Appear has been posted at the property of the defendant. In such cases, if the defendant does not appear the Court will direct the Clerk of the Circuit Court to issue a Summons for a subsequent date and the Clerk shall arrange for service of the Summons on the defendant by personal service. The Clerk may assess a fee for the issuance of the summons in accordance with section 28.24, Florida Statutes. The fee for issuance by the Clerk and the cost of service assessed by the Sheriff shall be added to the costs assessed to the defendant.

8. Consistent with applicable state statutes and rules, which shall prevail in the event of a conflict, Attachment B, Instructions for Prosecuting Local Ordinance Violations and Flow Chart shall govern the issuance and prosecution of local ordinance violations in the Pasco County Court. In addition, Pasco County and each municipality therein:

a. May elect to establish by appropriate ordinance, resolution or rule its own internal policies and procedures governing the issuance and processing of violation citations insofar as the same do not conflict with the provisions of this order.

b. Shall authorize and designate an official prosecutor who shall be a member of The Florida Bar in good standing and file the name and signature of such person or persons with the Clerk of the Circuit Court for Pasco County who shall maintain a register for such purpose. The right to prosecute ordinance violations on behalf of Pasco County or such various municipalities shall be limited to such official designated and registered prosecutor when the same is required.

c. In accordance with Article V, section 17, Florida Constitution, and section 34.13, Florida Statutes, the registered prosecutor shall be responsible for the prosecution of local ordinance violations of the governmental entity that he or she represents from on and after the date upon which he or she has been notified that the case has been placed on the Court's calendar for disposition. The prosecutor shall respond to requests for discovery, summon necessary witnesses for trial, present the case before the Court and perform any other duties necessary for prosecution of the case.

9. The Pasco County Attorney shall be responsible for calendaring all local ordinance violations. The County Attorney shall:

- a. Cause local ordinance violations to be placed on the Court's calendar for simultaneous plea and trial.
- b. Transmit a copy of the Citation, together with the notification of trial date to the designated prosecutor.

10. All summons and notices of trial shall be for the purpose of pleas and trial and shall be issued not less than twenty-one (21) days prior to such trial date. In a Fish and Wildlife Conservation Commission violation, the Clerk of the Circuit Court is responsible for summoning any witnesses. In local ordinance violation cases, the prosecuting attorney is responsible for summoning its witnesses.

11. In accordance with Rule of Criminal Procedure 3.111, this Administrative Order serves as a written order of no incarceration for all cases governed by it. However, if the prosecuting attorney requests incarceration as a possible penalty and the Court grants this request, such must be stated on the record and the court will appoint counsel for an indigent defendant.

12. Pasco County and the participating municipalities shall:

- a. Reproduce and distribute in booklet form the Instructions for prosecuting Local Ordinance Violations and Uniform Fine Schedule to Pasco County.
- b. Assure that the approved Citation is printed.

Administrative Orders 2003-027 PA-CTY and 2005-036 PA-CTY are hereby rescinded.

**DONE AND ORDERED** in Chambers at Clearwater, Pinellas County, Florida this \_\_\_\_\_ day of August 2012.

ORIGINAL SIGNED ON AUGUST 17, 2012  
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Pasco Judges  
The Honorable Bernie McCabe, State Attorney  
The Honorable Bob Dillinger, Public Defender  
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County  
The Honorable Chris Nocco, Sheriff, Pasco County  
Gay Inskeep, Trial Courts Administrator  
Jeffrey Steinsnyder, Pasco County Attorney  
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk's Office  
Lillian Simon, Deputy Court Administrator, Pasco County  
Dade City Police Department  
New Port Richey Police Department  
Port Richey Police Department  
Zephyrhills Police Department  
Florida Fish and Wildlife Conservation Commission  
Bar Associations, Pasco County  
Law Libraries, Pasco County

## **ATTACHMENT A**

### **UNIFORM FINE SCHEDULE**

#### **ADVERTISING & SIGNS:**

- Erecting or maintaining sign in waterway (IV)
- Erecting or maintaining a prohibited sign (IV)
- Distributing commercial circulars, handbills (I)
- Handbills, distribution generally (V)
- Handbills, distribution in public places (V)
- Handbills, in or on automobiles or other vehicles (V)
- Handbills, on vacant premises (V)
- Handbills, distributing where requested not to do so or posted by signs (V)
- Violations of adult sign requirements (I)
- All other violations of sign requirements (IV)
- Failure to renew annual billboard permit (I)
- All other billboard violations (VI)

#### **ALCOHOLIC BEVERAGES:**

- Unlawful sale of beer and wine (I)
- Doing business in violation of closing hours (I)
- Premises to be closed during certain hours (I)
- Hours of sale (I)
- Persons permitted on the premises after closing (V)
- Indecent exposure at commercial establishment (VI)
- Possession, consumption of alcoholic beverages on public property (IV)

#### **AMUSEMENTS AND ENTERTAINMENT:**

- Failure to obtain required permits for outdoor festival (VI)
- Failure to follow permit conditions (VI)
- Failure to post bond (VI)
- Failure to obtain and/or maintain insurance (VI)
- Finances; performers; fees; county indemnity from damages; bonds (VI)

#### **ANIMAL CONTROL & FOWL:**

- Interference with Animal Control Officer (I)
- Cruelty to Animals (I)
- Humane Treatment (I)
- Abandonment (I)
- Disposal of Dead Animals (I)
- Animals in parks and on beaches (II)
- Vicious or aggressive animals (I)
- Dangerous dogs (I)
- Ownership of wild animals (IV)
- Rabies vaccination of dogs and cats (III)

Rabies vaccination of other animal species (IV)  
Reporting animal bites (IV)  
Surrender of animal for quarantine or destruction (I)  
Killing or removal of rabid animal from county prohibited (I)  
Surrender of carcass of rabid animal (I)  
Failure to obtain license tags for cats and dogs (III)  
Running at large prohibited; Impounding of dogs and pot-bellied pigs (IV)  
Dogs, pot-bellied pigs and other animals constituting a nuisance prohibited (III)  
Sterilization of cats and dogs upon adoption (III)  
Kennel maintenance and inspection (II)  
Health requirements when transported or offered for sale (II)  
Registration (III)  
Records required for selling dogs (III)  
City designated bird sanctuary (I)  
Keeping livestock, fowl regulated (I)  
Sanitary conditions (V)  
Limitation on number of cats and dogs in households (V)

**BOATS & WATERWAYS:**

Reckless or careless operation of vessel (V)  
Excessive speed by vessel (V)  
Speed limits (II)  
Violation of water-skiing regulations (V)  
Age of operations violation (V)  
Violation of traffic rules (V)  
Junked, wrecked, abandoned, or derelict property (IV)  
Obstruction of watercourse (II)  
Violation of speed limits (II)  
Blocking of waterways (II)  
Water skies and aquaplanes (V)  
Sailboats and rowboats (V)  
Adoption of state safety law (V)  
Traffic rules (V)  
License and operational compliance (V)  
U. S. Coast Guard regulations (V)  
Restricted areas (V)  
Airboats prohibited on certain lakes (V)  
Improper mooring (V)  
Hours for running engines in residential districts (V)  
Wake control; designation of “no wake” areas (V)  
Authority to board and impound vessel (V)  
Muffling and noise devices (V)  
Vessels to observe health and conduct rules (V)  
Cleanliness of docks (V)  
Penalties (V)  
Bathing and swimming in certain lakes (V)

**BUSINESS REGULATIONS:**

- Collection vehicles and equipment (V)
- Curbside Recycling Service (V)
- Garage sales, permit required (V)

**ADULT USE REGULATIONS:**

- General requirements (V)
- Sale or consumption of alcoholic beverages on the premises (V)
- Operation of adult use without valid adult use license (V)
- Prohibited adult use operations (V)
- Allowing employee to engage in prohibited acts (V)
- Advertising prohibited activity (V)
- Minors prohibited (V)
- Working at establishment which does not have valid adult entertainment (V)
- Records for employees (V)
- Engaging in prohibited activity (V)
- Touching of employee by person (V)
- Exceeding occupancy limit of adult booth (V)
- Use of restrooms or dressing room (V)
- Hours of operation (V)
- Alteration of license permit (V)
- False statement or false information in applying for license (V)
- Alcoholic beverages (V)

**CONSUMER PROTECTION:**

**CABLE COMMUNICATONS:**

- Franchise required (VI)

**ELECTIONS:**

- Violations (V)

**EMERGENCY SERVICES:**

- Certificate of public convenience and necessity required (VI)
- Failure to maintain liability insurance (I)

**FIRE PREVENTION AND PROTECTION:**

- Certificate of occupancy required (II)
- Failure to maintain hydrant (VI)

**GARBAGE AND REFUSE:**

- Burying or burning garbage, trash, vegetation (I)
- Depositing garbage and trash in city (III)
- Motor vehicles for collection of garbage or trash (I)
- Hauling of certain garbage prohibited (I)
- Placement of waste for collection (I)

Duties of collector, customer (I)  
Collection hours and days (I)  
Penalty (I)

**HEALTH AND SANITATION:**

Storage of garbage and refuse (III)  
Unlawful accumulation (I)  
Accumulation of certain materials under certain conditions (I)  
Stormwater discharges to the MS4 and U. S. waters (V)  
Stormwater discharges from industrial activities and construction sites (V)  
Control of pollutant contributions from interconnected MS4's (V)  
Control of non-stormwater discharges (V)  
Reporting illicit discharges or illicit connections (V)  
Control of illicit discharges or illicit connections (V)

**OFFENSES AND MISCELLANEOUS PROVISIONS:**

Excessive noise levels prohibited (I)  
Unlawful creation of noise at night (I)  
Unnecessary noises prohibited (I)  
Street name and numbering – compliance required; display of numbers required (VI)  
Damaging or removing city property (V)

**PEDDLERS AND SOLICITORS:**

Failure to obtain the required permit (I)  
Failure to display permit (V)  
Home solicitation sales (I)  
Unlawful acts (V)  
Effect of no soliciting signs (V)  
Charitable roadway solicitation – permit, requirements, prohibitions (I)  
Charitable roadway solicitation – additional requirements and prohibitions (V)  
Solicitation of funds from persons in motor vehicles in certain locations (I)

**PRIVATE COLLECTORS:**

Collection vehicles and equipment (V)  
Curbside Recycling Service (V)

**TITLE LOANS:**

All violations (VI)

**LAND DEVELOPMENT REGULATIONS:**

**CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL:**

Failure to obtain required facility permit (VI)  
Failure to comply with conditions of permit approval (VI)  
Failure to provide or maintain required financial responsibility (VI)  
Disposal of non-construction and demolition debris (VI)



Failure to file annual report (VII)  
Failure to pay required fees (VII)

**DEVELOPMENT:**

Failure to obtain a permit (VI)  
Failure to follow permit conditions (VI)

**MINING:**

Failure to obtain required permit (VI)  
Failure to comply with conditions of permit approval (VI)  
Failure to provide or maintain required financial responsibility (VI)  
Failure to pay required fees (VII)  
Failure to follow permit conditions (VI)

**RIGHT-OF-WAY USE PERMIT:**

Failure to obtain required permit (III)  
Failure to restore property (VII)

**SHORT-TERM RENTALS:**

Failure to register (I)  
Failure to comply with requirements of operation – all violations (IV)

**SIGNS:**

Failure to obtain required permit (II)

**SUPPLEMENTAL REGULATIONS:**

Failure to protect uncontrolled access to swimming pools (VII)  
Failure to properly park or store trailers, recreational vehicles and recreational equipment on private property (III)  
Obstruction of clear-sight triangle requirements -Corner lot roadway obstruction (II)  
General storage of trash and junk (III)  
Temporary use permit required for tents, carnivals, revivals, etc. (II)  
Violations of temporary use permit (II)  
Violations relating to junkyards (VII)  
Junkyards, motor vehicle wrecking yards – fence required (VI)  
Junkyards, Motor vehicle wrecking yards – maintenance (VI)  
Improper fence installation on waterfront property (III)  
Violations related to fences and walls (III)  
Improper parking of trucks, truck tractors, and certain commercial vehicles in certain residential districts (III)

**TREE REMOVAL AND PROTECTION:**

Failure to obtain required permit (VI)  
Failure to post permit (V)  
Failure to perform permit conditions (VI)  
All other violations (VII)

**WASTE DISPOSAL AND LAND SPREADING:**

- Failure to obtain required permit (VI)
- Failure to comply with conditions of permit approval (VI)
- Violations of general prohibitions (VI)

**ZONING:**

- Unauthorized uses in a zoning district (II)
- Alteration, extension, expansion, change or restoration of a nonconforming use without proper approvals or beyond allowed limits (VI)

**MINORS:**

- Prohibited in public places, second violation (IV)
- Responsibility of parents, penalty for violation, second violation (IV)
- Curfew (IV)

**NATURAL RESOURCES:**

- Irrigation during restricted days (V)
- Unnecessary washing or cleaning of streets, driveways, sidewalks, or other impervious areas (V)

**PARKS & RECREATIONS:**

**PARK RULES VIOLATIONS:**

- Littering prohibited (V)
- Performing prohibited acts in parks (V)
- Performing acts which require special permission without first obtaining such permission (IV)
- Removal from parks upon request of authorized personnel (V)
- Interference with county officers and employees (V)
- Meetings and group activities prohibited (IV)
- Tampering with park property (V)
- Tampering with natural objects (V)
- Tampering with plants (V)
- Climbing on park property (V)
- Responsibility for children (V)
- Picnicking, not in designated areas (V)
- Fires, igniting not in designated areas (V)
- Animals, molesting, harming, etc. (V)
- Swimming, not in designated areas (V)
- Beach shelters, erecting, maintaining (V)
- Washing in swimming areas (V)
- Watercraft, operating not in designated areas (V)
- Fishing, where swimming and bathing permitted (V)
- Commercial fishing (V)
- Hunting; weapons (IV)
- Firearms, possession and discharge without authorization (IV)

Fireworks, possession, exploding, discharge without authorization (IV)  
Camping, not in designated areas (V)  
Alcoholic beverages (IV)  
Peddling, prohibited (IV)  
Posting handbills, advertising (IV)  
Polluting waters (V)  
Refuse, trash disposal (V)  
Closing times for Sims Park and all other city parks (V)  
Vending within city parks (V)

**PARK TRAFFIC:**

Interfering with traffic (V)  
Authority to direct traffic, compliance required (V)  
Manner of Operation (V)  
Speed limits (V)  
Restricted areas (V)  
Parking on roadway (V)  
Parking in designated areas (V)  
Bicycles (V)

**ROAD AND BRIDGES:**

Commercial use of public rights-of-way prohibited (VI)  
Numbering of buildings required (VI)

**SOLID WASTE:**

Dumping on right-of-way or public property prohibited (I)  
Unlawful disposal of solid waste prohibited (I)  
Dumping on private or public property prohibited; accumulation of solid waste on private property prohibited (I)  
Flow control (I)  
Collection vehicles and equipment (V)  
Curbside recycling service (V)  
Unlawful acts (I)

**TAXATION:**

Failure to obtain required permit (III)  
Failure to display license (III)  
Term of license, delinquency (III)  
Application for, issuance and display of license (III)

**TRAFFIC AND VEHICLES:**

Identification of commercial vehicles required (III)  
Trucks and commercial vehicles on certain streets (V)  
Permit required for moving oversized or overweight loads (VII)  
Storage of abandoned motor vehicles prohibited (III)  
Obstructing mufflers (V)

Storage of abandoned, junked, dismantled vehicles on property prohibited (III)  
Notice of removal of certain motor vehicles (III)  
Removal of certain motor vehicles (III)  
Violation; penalty (III)  
Overnight parking of certain trucks in residential areas (III)

**UTILITIES:**

Access to premises supplied with water required (IV)  
Connections to county water system; violation of regulations (III)  
Meter required prior to connection with county (III)  
Unauthorized discharge to county sewer system prohibited (VI)  
Required water conservation measures (V)

**MISCELLANEOUS ORDINANCE AND WILDLIFE CONSERVATION COMMISSION VIOLATIONS:**

All zoning violations not herein specifically provided shall be deemed to be Class III offenses.  
All violations not herein specifically provided shall be deemed to be Class IV offenses.  
Fines shall be doubled for a second offense and for each subsequent offense thereafter.

**PASCO COUNTY UNIFORM FINE SCHEDULE  
LOCAL COUNTY/CITY ORDINANCE VIOLATIONS**

**CONTESTED**

	FINE	COSTS*	TOTAL
CLASS I	\$155.00	\$ 58.00	\$213.00
CLASS II	\$130.00	\$ 58.00	\$188.00
CLASS III	\$ 80.00	\$ 58.00	\$138.00
CLASS IV	\$ 55.00	\$ 58.00	\$113.00
CLASS V	\$ 30.00	\$ 58.00	\$ 88.00
CLASS VI	\$500.00	\$ 58.00	\$558.00
CLASS VII	\$250.00	\$ 58.00	\$308.00

**UNCONTESTED**

	FINE	COSTS*	TOTAL
CLASS I	\$155.00	\$ 13.00	\$168.00
CLASS II	\$130.00	\$ 13.00	\$143.00
CLASS III	\$ 80.00	\$ 13.00	\$ 93.00
CLASS IV	\$ 55.00	\$ 13.00	\$ 68.00
CLASS V	\$ 30.00	\$ 13.00	\$ 43.00
CLASS VI	\$500.00	\$ 13.00	\$513.00
CLASS VII	\$250.00	\$ 13.00	\$263.00

**\*COSTS INCLUDE:**

- \$3.00 ADDITIONAL COURT COSTS CLEARING TRUST FUND, 938.01, Fla. Stat.
- \$2.00 CRIMINAL JUSTICE EDUCATION FOR LOCAL GOVERNMENT, 938.15, Fla. Stat.
- (Costs shall not be assessed if no court appearance or for cases where adjudication of guilt is withheld).
- \$40 COST RECOVERY, § 34.045 (1)(b), Fla. Stat.
- \$10 FILING FEE RECOVERY, § 34.045 (1)(c) Fla. Stat. (effective 7/1/05).
- \$3.00 TEEN COURT, §938.19, Fla. Stat. (effective 7/1/05). Pasco County Code, Section 34-8.

**ORDINANCE VIOLATIONS WITH CORRESPONDING FLORIDA STATUTE  
WRITTEN BY: FISH AND WILDLIFE CONSERVATION COMMISSION**

	FINE	COSTS**	TOTAL
CLASS I	\$150.00	\$270.50	\$420.50
CLASS II	\$125.00	\$269.25	\$394.25
CLASS III	\$ 75.00	\$266.75	\$341.75
CLASS IV	\$ 50.00	\$265.50	\$315.50
CLASS V	\$ 25.00	\$264.25	\$289.25
Licensure and permit violations	\$ 50.00	\$265.50	\$315.50

**\*\*COSTS INCLUDE:**

- \$3.00 ADDITIONAL COURT COSTS CLEARING TRUST FUND, 938.01, Fla. Stat.
- \$2.00 CRIMINAL JUSTICE EDUCATION FOR LOCAL GOVERNMENT, 938.15, Fla. Stat.
- (Costs shall not be assessed if no court appearance or for cases where adjudication of guilt is withheld).
- \$50.00 CRIMES COMPENSATION TRUST FUND, 938.03(1), Fla. Stat.
- 5% OF FINE SURCHARGE, 938.04, Fla. Stat.
- \$50 FINE AND FORFEITURE, 938.05, Fla. Stat.
- \$20 CRIME PREVENTION, 775.083(2), Fla. Stat. (Costs not assessed for cases when adjudication of guilt is withheld)
- \$20 CRIME STOPPERS, 938.06, Fla. Stat.
- \$65 COURT AND JUVENILE PROGRAMS, 939.185, Fla. Stat.
- \$40 COST RECOVERY, § 34.045 (1)(b), Fla. Stat.
- \$10 FILING FEE RECOVERY, § 34.045 (1)(c) Fla. Stat. (effective 7/1/05).
- \$3.00 TEEN COURT, §938.19, Fla. Stat. (effective 7/1/05). Pasco County Code, Section 34-8.

**EXCEPTION:** VIOLATIONS OF THE FOLLOWING STATUTES ARE NON-CRIMINAL INFRACTIONS PAYABLE WITH A \$50.00 FINE WITHIN THIRTY (30) CALENDAR DAYS. ANY PERSON FAILING TO PAY THE CIVIL PENALTY OR FAILING TO APPEAR, HAVING ELECTED TO APPEAR OR BEING REQUIRED TO APPEAR, IS GUILTY OF A MISDEMEANOR OF THE SECOND DEGREE. NON-CRIMINAL INFRACTIONS: Sections 327.73, 370.0605(1)(a), 370.0605(1)(b), 370.1111(1)(a), 370.14(10)(a), 372.57, 372.83, 372.988, Fla. Stat.

## ATTACHMENT B

### INSTRUCTIONS FOR PROSECUTING LOCAL ORDINANCE VIOLATIONS IN PASCO COUNTY

#### **Before Beginning Prosecution<sup>1</sup>**

The issuance of a Citation/Notice to Appear with the intent to dismiss upon compliance or correction is not permitted. Use all proper means short of issuance of a Citation/Notice to Appear to accomplish these purposes.

#### **Completing the Citation**

The Citation/Notice to Appear is on NCR paper and does not require carbon paper. However, in filling in the blanks you must type or print firmly enough to show on all copies.

Fill in every blank on the form. If it is not applicable to the particular charge, write "N/A" in the blank.

#### **CITATION/NOTICE TO APPEAR:**

Although the Citation/Notice to Appear serves many purposes, these instructions address only the usage of the form for non-criminal violations. These include ordinance violations and misdemeanors where there is no arrest and the Notice to Appear section is to cite a civil penalty owed or notify the alleged offender of a required court date and time.

##### **■ BEFORE BEGINNING PROSECUTION:**

Once a Citation/Notice to Appear is issued, it may not be dismissed simply because the cited party complies with the applicable ordinance or corrects a violation. Therefore, if you would be satisfied with compliance or correction, use all proper means short of the issuance of a Citation/Notice to Appear to accomplish these purposes.

##### **■ COMPLETING THE CITATION:**

The Citation/Notice to Appear is on NCR paper. However, in filling in the blanks, you must type or print firmly enough to show on all copies.

Fill in every blank on the form except the case number. If it is not applicable to your particular charge, then write N/A in the blank.

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<sup>1</sup> For a copy of the Pasco County Complaint Affidavit and Notice to Defendant Form please contact the Pasco County Sheriff's Office at (727) 847-5878.

The certificate is certifying the signature of the law enforcement officer or complainant, not the signature of the defendant. This can be accomplished when the Citation/Notice to Appear is delivered to the agency.

An officer issuing a Citation/Notice to Appear shall inform the defendant that he or she may plead guilty or no contest by signing the plea and waiver on the back of his or her copy of the Citation/Notice to Appear and forwarding it to the Clerk of the Circuit Court at the address indicated, with a cashier's-check or money order in the amount of the fine. Otherwise, he or she must either file a written plea of not guilty in person or by mail, or appear in court on the day and time specified. If the defendant is charged with a violation that requires a mandatory court appearance, the officer shall explain that the defendant *must* appear in court on the day and time specified.

In the event the defendant refuses to accept his/her copy of the Citation/Notice to Appear or to acknowledge it by signing where defendant's signature is specified, the issuing officer shall note such occurrence on the face of the Citation/Notice to Appear and leave the defendant's copy in his or her presence or post it in a conspicuous location on the premises. The issuing officer shall also note on the face that a copy of the Citation/Notice to Appear was left with the defendant.

When the issuing officer returns an unsigned Citation/Notice to Appear to the appropriate agency, the officer shall sign a certification that he or she left a copy with the defendant or conspicuously posted it. The leaving/posting of the Citation/Notice to Appear constitutes sufficient notice to a defendant and the defendant is required to comply. However, failure to comply will result in the issuance of a summons rather than a *capias*.

#### ■ **FILING THE CITATION/NOTICE TO APPEAR:**

Within 48 hours after a copy of the Citation/Notice to Appear is given to the defendant, the Clerk and County or Municipal Attorney's copies of the Notice to Appear must be sent to the Clerk of the Circuit Court, Traffic Violations Bureau, at the West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL 34654 or at the Robert D. Sumner Judicial Center, 38053 Live Oak Avenue, Dade City, FL 33525 or, placed in your agency's pick-up location for the Clerk's courier.

Your prosecutor must acknowledge the original Citation/Notice to Appear in the area provided for such acknowledgment. If your prosecutor declines to do so, then he or she must write "void" across the original Citation/Notice to Appear. If a copy of the Citation/Notice to Appear has been provided to the defendant, the Clerk of the Circuit Court must be advised that the charge has been voided. This can be accomplished by forwarding a copy of the Citation/Notice to Appear to the Clerk. Note, however, that if the citation has been issued by a police officer, then it may not be voided.

The additional copy of the Citation/Notice to Appear may be retained by the agency. It is recommended that the issuing officer's department and the authorized prosecutor keep a copy of the Citation/Notice to Appear.

■ **PROSECUTING WHERE CITATION/NOTICE TO APPEAR HAS NOT BEEN ISSUED BY A POLICE OFFICER (PLEASE REFER TO FLOWCHART):**

When the Citation/Notice to Appear is received in the Clerk's office, it is entered in the computer and assigned a case number. If it is not voided by the County or Municipal Prosecutor, the County Attorney will calendar the case for appearance on the date you have listed on the Notice. If the defendant has not paid the fine prior to the hearing date and does not appear in Court or enter a written plea of not guilty, a capias may be issued for the arrest of the defendant. However, a capias will not be issued in those cases where the defendant has refused to sign the Notice to Appear acknowledging receipt of a copy or when the Notice to Appear has been posted at the property of the defendant. In such cases, if the defendant does not appear the Court will direct the Clerk of the Circuit Court to issue a summons for a subsequent date and the Clerk shall arrange for personal service of the summons. The Clerk may assess a fee for the issuance of the summons in accordance with section 28.24, Florida Statutes. The fee for issuance by the Clerk and the cost of service assessed by the Sheriff shall be added to the costs assessed to the defendant.

The County or Municipal Prosecutor is responsible for adequately preparing the case for trial, including issuance of witness subpoenas and responding to all demands for discovery.

All pre-trial motions shall be heard on the day of trial unless the defendant and the Prosecutor stipulate to the contrary.

The original court files will be kept in the Clerk's office, Traffic Violations Bureau.

Each city or other governmental unit must advise the Clerk's office in the Traffic Violations Bureau of the name of its current authorized prosecutor or prosecutors.

**FISH AND WILDLIFE CONSERVATION COMMISSION CASES:**

All minor violations Class (IV)

The Florida Fish and Wildlife Conservation Commission will issue citations on the required state form issued to the agency. Upon issuance, the form must be completed and defendant's signature must be obtained. In addition, the Instructions to Violator form (sample below) must be completed and a copy attached to the citation given to the defendant if the information is not available on the reverse side of the defendant's copy. The original is to be forwarded to the Clerk of Court, Traffic Violations Bureau. Insert amount of fine on the Instructions to Violator form and on upper right corner of Court copy of citation.

Any person cited for a violation by the Florida Fish and Wildlife Conservation Commission may elect to enter a written plea of guilty or no contest and pay a civil penalty, to satisfy a class IV offense without the necessity of a court appearance.

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**SAMPLE INSTRUCTIONS TO VIOLATOR FORM — FISH AND WILDLIFE**

\_\_\_\_\_  
VIOLATOR'S NAME

\_\_\_\_\_  
DATE

**INSTRUCTIONS TO VIOLATOR  
YOU MUST, WITHIN THIRTY (30) DAYS OF TODAY'S DATE, DO ONE OF THE  
FOLLOWING:**

1. If you desire to plead guilty or no contest and not appear in court, you must pay a fine of \$\_\_\_\_\_ including court costs, either in person or by mail at one of the addresses listed below. If you pay the fine you will be deemed to have admitted the civil infraction and you will be adjudicated guilty of the violation. If you desire to pay the fine by mail, you must sign the Plea & Waiver below and enclose it with your citation and payment. Cashiers checks or money orders are to be made payable to Clerk of Circuit Court. Personal checks will be accepted only in person with proper identification.

( ) Clerk of Court  
West Pasco Judicial Center  
7530 Little Road  
New Port Richey, FL 34656-0338

OR ( ) Clerk of Court, Room 207  
Robert D. Sumner Judicial Center  
38053 Live Oak Avenue  
Dade City, FL 33525-3894

2. If you wish to plead not guilty and appear in court, you must enter a written plea of not guilty either in person or by mail at the West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL 34654 or the Robert D. Sumner Judicial Center, 38053 Live Oak Avenue, Dade City, FL 33525. Forms for Not Guilty Pleas may be obtained at either location.

**FAILURE TO PAY THE FINE IN THE AMOUNT STATED ABOVE  
WITHIN THIRTY (30) DAYS OR FAILURE TO APPEAR FOR  
COURT MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR  
ARREST. ADDITIONAL COSTS MAY ALSO BE ASSESSED.**

3. Violations of law under the jurisdiction of the Fish and Wildlife Conservation Commission may be considered misdemeanors. All convictions will be on record.

I HEREBY CERTIFY that I received a copy of these instructions on the above listed date.

\_\_\_\_\_  
VIOLATOR'S/DEFENDANT'S SIGNATURE

**PLEA & WAIVER**

I understand the nature of the charge against me; I understand I am waiving my rights to be represented by an attorney, to request a continuance of my hearing and my right to a trial before a judge or a jury.

I plead \_\_\_\_\_ Guilty \_\_\_\_\_ No Contest

Defendant \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

**MOST IMPORTANT--DATE FOR MANDATORY COURT APPEARANCE--**

At the time any type of citation is written, schedule the hearing at one of the locations listed below on the first available date not less than 30 days from the date of the citation in accordance with the calendar provided by the Court.

West Pasco Judicial Center, 7530 Little Road, New Port Richey, Florida, County Courtroom

OR

Robert D. Sumner Judicial Center, 38053 Live Oak Ave., Dade City, Florida, County Courtroom

Since court schedules are subject to change, please refer to recent memoranda and directives for valid court dates.

