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OFFICE OF THE CLERK OF COURT
LEON COUNTY, FLORIDA
JUN 23 2 10 PM 1983
PAUL L. INZER, CLERK OF COURT

IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA.

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 83-14

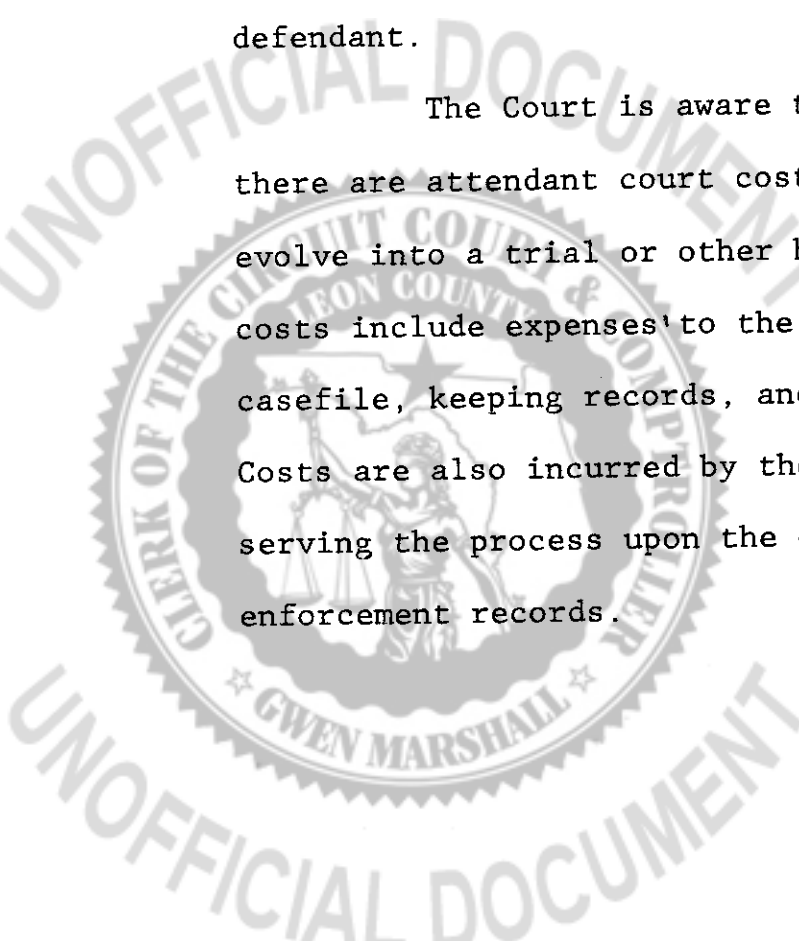
IN RE: NONJUDICIAL RESOLUTION OF CRIMINAL INFORMATION FILED
PURSUANT TO CHAPTER 832, FLORIDA STATUTES, ISSUING
WORTHLESS CHECKS AND DRAFTS

Worthless check case statistics provided by the State
Attorney's Office for the period January 1, 1983 through May 31,
1983 indicate the following for Leon County:

Misdemeanor check complaints.....	2,632
Felony check complaints.....	1,259
TOTAL CHECK COMPLAINTS.....	3,898
Complaints not filed upon payment of restitution....	1,155
Total Informations filed in Leon County.....	2,469
Informations <u>nolle prosequi</u> where restitution and mutually agreeable court costs were paid.....	1,208
Amount of court costs paid upon <u>nolle prosequi</u>	\$30,941


The complaints upon which prosecution was declined upon payment
to the victim of restitution plus the Informations nolle
prosequi in the exercise of prosecutorial discretion upon payment
of both restitution and reasonable attendant court costs appear
to have diverted some 2,363 potential cases into a nonjudicial
resolution that was agreeable to the victim, the State, and the
defendant.

The Court is aware that when an Information is filed,
there are attendant court costs even though the case may not
evolve into a trial or other hearing before a judge. These
costs include expenses to the Clerk of Court in creating the
casefile, keeping records, and issuing a *capias* or a summons.
Costs are also incurred by the County Sheriff's Department in
serving the process upon the defendant and maintaining law
enforcement records.



Therefore, the Court finds that reasonable court costs may be collected in worthless check cases where the defendant agrees to the payment, has paid restitution to the complainant, and where the State of Florida agrees to thereby nolle pross the Information as a nonjudicial pretrial diversion resolution of the criminal case. This is a procedure which may be taken if the proper consents are obtained and it is not intended that such procedures be compelled.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this 23rd day of June, 1983.


 BEN C. WILLIS, CHIEF JUDGE

Copies furnished to:

All Clerks of the Second Judicial Circuit
 Honorable Kenneth E. Cooksey
 Honorable J. Lewis Hall, Jr.
 Honorable George L. Harper
 Honorable Charles E. Miner
 Honorable Ben C. Willis
 Donald S. Modesitt, State Attorney
 Michael E. Allen, Public Defender
 Dozier Allen, Court Administrator



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