

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY,
FLORIDA

**ADMINISTRATIVE ORDER NO
21-23-S
SUPERSEDES 93-46-S**

**IN RE: COUNTY COURT – CODE ENFORCEMENT CIVIL CITATIONS PURSUANT TO
CHAPTER 162, PART II, FLORIDA STATUTES (F.S. § 162.21 THROUGH F.S. § 162.30)**

Upon request by the local governmental code enforcement divisions of the various jurisdictions within Seminole County and upon request by the Clerk of the Court for Seminole County, the Judges of the County Court of Seminole County, Florida, have determined that the following procedures and forms are necessary for the disposition of County and Municipal civil infraction citations in Seminole County for disposition by the County Court, pursuant to Chapter 162, Part II Florida Statutes, Section 162.21 and it is, upon consideration.

ORDERED AND ADJUDGED:

I. UNIFORM CODE ENFORCEMENT: CIVIL CITATION SYSTEM

- a. The Florida Legislature, pursuant to Sections 125.69, 162.21 and 166.0415, Florida Statutes, has authorized counties and municipalities to address code and ordinance violations in a variety of ways. One method of enforcement includes the issuance of civil citations to persons, including corporate entities, reasonably believed to have committed a violation of duly enacted codes or ordinances and for these citations to be heard by the county court. The citation requirements, enforcement procedures, options of the person cited, and authority for entry of judgment are specifically prescribed in the legislation.
- b. One method of enforcement of county and municipal code and ordinance violations is set forth in Chapter 162, Part II, Florida Statutes, Section 162.21. This section requires that the County or the Municipality enact a civil citation ordinance if utilizing civil citations as a supplemental means of enforcing its codes or ordinances, pursuant to Section 162.21 Florida Statutes.

- c. The availability of a Civil Citation system allows the County and municipalities to address code violations by means other than by criminal prosecution if otherwise allowed.
- d. The availability of a Civil Citation system also allows the County and municipalities to address code violations by means other than presentation to a code enforcement board when the property of the violator is not subject to property liens for violation or where the imposition of a lien involves issues related to ownership of the property or as otherwise allowed by Section 162.21. To ensure compliance with Section 162.21, Florida Statutes, and ensure that County and Municipal civil citations are uniformly processed and enforced under this method, all jurisdictions enforcing County or Municipal codes or ordinances by use of Civil Citations pursuant to this section are ordered to comply with Sections 162.21, Florida Statutes, the civil citation ordinance of the jurisdiction issuing the Citation, and this Administrative Order.

II. RECEIVING AND FILING UNIFORM CODE ENFORCEMENT CITATIONS PURSUANT TO FLORIDA STATUTE § 162.21

- a. All jurisdictions enforcing codes and ordinances by Civil Citations shall utilize the uniformly produced civil citation form approved by the Clerk. The citation form attached as Exhibit A and the warning attached as Exhibit A-2 has been approved by the Clerk.
- b. All jurisdictions issuing Civil Citations are ordered to file the civil citation with the Clerk within five (5) working days of issuance.
- c. Civil Citations may be filed by law enforcement officers or Code Enforcement Officers authorized to issue code enforcement civil citations by the appropriate jurisdictions.
- d. The Law Enforcement Officer or Code Enforcement Officer is responsible for filing complete, legible, signed citations. The issuing agency shall monitor citations and shall not file citations that fail to comply with the following:
 - 1. Civil Citations must be issued on Exhibit A to this Administrative Order.
 - 2. Civil Citations must include the correct code or ordinance numbers for the alleged violation.
 - 3. Civil Citations must be legible and printed using black or blue ink.
 - 4. Civil Citations must be signed by the issuing officer and the alleged violator if hand-delivered (or an indication that the alleged violator willfully refused to sign), or accompanied by a copy of a certified mail receipt (green card), affidavit of service, or other proof of service upon the alleged violator if the citation is not hand-delivered or is issued to and served upon a corporate entity.
 - 5. All required information must be completed on the civil citation, except that a driver's license number is not required on a citation issued to a corporate entity, partnership, or individual violator when delivery of the citation to such individual is by means other than hand-delivery.

III. CIVIL CITATION PROCEDURE

- a. Section 162.21, Florida Statutes, requires that an alleged violator be given a warning notice prior to being cited with a citation and a reasonable amount of time to correct the violation not to exceed 30 days. However, a citation may be issued immediately, without giving the alleged violator a reasonable time to correct the violation if the officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible or it is a repeat violation.
- b. Civil Citations issued following a prior warning and opportunity to correct the violation must set forth the date of the warning notice and the reasonable time that was given to the alleged violator to correct the violation.
- c. A Law Enforcement Officer or Code Enforcement Officer immediately issuing a citation without prior warning and opportunity to correct the violation shall indicate whether the violation presents a serious threat to (PUBLIC HEALTH/SAFETY/WELFARE) or is (IRREPARABLE/ IRREVERSIBLE) or is a (REPEAT VIOLATION).
- d. If a civil citation is issued, the alleged violator will be given thirty (30) days to pay the fine to the Clerk or request a hearing date to contest the citation.
If a violator has either failed to pay the fine or request a hearing to contest the citation within thirty (30) days, the issuing agency may, at the agency's discretion, file a motion for a default judgment. Default Judgments may impose a fine up to the amount of \$500.00, but in no event may the fine imposed be less than the base fine as set forth in the jurisdiction's ordinance. A sample Motion for Default Judgment is attached as Exhibit B.
- a. The alleged violator has the right to contest the citation and request a hearing. The County or Municipality also has the right to request a hearing on the citation. If a citation is contested by the alleged violator by requesting a hearing, or if the County or Municipality requests a hearing, the Clerk will be responsible for establishing case numbers, appearance dates, issuance of witness subpoenas, if requested, and hearing notices to parties. In the event an alleged violator requests a hearing to contest the citation, and fails to appear at the hearing, a default judgment may be entered by the Court against the alleged violator as set forth in Section III. (d), above. In the event an agency requests a hearing on the citation, and the issuing officer, or other county or municipal representative fails to appear to prosecute the citation, the citation and case will be dismissed against the alleged violator.
- b. The Clerk will automatically schedule a hearing on the citation if it is the third or any subsequent citation, issued to the same alleged violator for the same alleged violation provided the County or Municipality, or issuing agency on their behalf, indicates on the citation that it is the third or subsequent citation violation and makes clear on the citation that it is requesting a hearing.

- c. The Clerk shall schedule contested citations for the County and each Municipality on the available Friday traffic infraction dockets or at the time animal control hearings are scheduled at least once a month.
- d. Civil Citations must be submitted to the Clerk using the Florida Courts E-Filing Portal system or another means mutually agreed upon by electronic transmission. A filing fee will be paid to the Clerk of Court at the time of submission.

IV. CIVIL CITATION HEARING PROCEDURE

- a. The issuing Law Enforcement Officer, Code Enforcement Officer, or County or Municipal legal representative shall represent the County or Municipality issuing the citation.
- b. Section 162.21 Florida Statutes, provides that violations of County or Municipal codes and ordinances pursued under this provision are civil. The issuing law enforcement officer or code enforcement officer or the County or Municipality on whose behalf the citation is issued will have the burden of proof by a preponderance of evidence.
- c. The issuing Law Enforcement Officer, Code Enforcement Officer, or County or Municipal legal representative shall provide the Court with copies of the code or ordinance alleged to be violated.

V. JUDGMENTS

- a. Each civil citation must set forth the amount of the civil penalty in accordance with the applicable code or ordinance of the jurisdiction.
- b. Section 162.21 Florida Statutes, provides that a person who contests a civil citation waives the amount of the civil penalty set forth in the code or ordinance. If a civil citation issued pursuant to section 162.21 Florida Statute is contested, and the violator is found in violation, a judgment may be entered against the person for an amount up to the maximum civil penalty not to exceed FIVE HUNDRED AND NO/100 DOLLARS (\$500.00). A sample Final Default Judgment form is attached as Exhibit C.
- c. Section 162.21 Florida Statutes, provides that a person who fails to pay the civil penalty within the time allowed and fails to request a hearing or fails to appear in Court to contest the citation on the assigned hearing date will be deemed to have waived such person's right to contest the citation. A default judgment may be entered by the Court for an amount up to the maximum civil penalty not to exceed FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) against the person. A default judgment may be requested upon oral request before the court at the hearing when the alleged violator fails to appear for his/her requested hearing. The County or Municipality issuing the citation will be responsible for preparing and scheduling default motions and proposed default judgments and final judgments following a hearing as may be appropriate. A Sample Final Judgment form following a hearing is attached as Exhibit D .
- d. The Clerk shall prepare and provide the issuing agency a weekly status report detailing civil penalties paid, requests for court dates, and other information

necessary to update the status of citations filed with the Clerk pursuant to this Order.

- e. The Court shall issue a final judgment after a hearing on an alleged citation violation. The issuing Law Enforcement Officer, Code Enforcement Officer or the County or Municipal legal representative, shall provide proposed final judgments for presentation to the Court at the hearing.
- f. The County or Municipality will be responsible for recording any judgments into the County's Official Records.

This Order shall govern the disposition of Code Enforcement Civil Citations issued pursuant to Chapter 162 Part II, Florida Statutes, Section 162.21 beginning immediately and thereafter.

DONE and ORDERED this 4th day of May, 2021.

LISA DAVIDSON
LISA DAVIDSON
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Seminole County)
Court Administration (Seminole & Brevard Counties)
Clerk of Court (Seminole County)
State Attorney (Seminole County)
Public Defender (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)

EXHIBIT A

| COUNTY/MUNICIPAL CODE/ORDINANCE CIVIL CITATION | | | | |
|---|-------------|---------------|-----------------|--|
| COUNTY /MUNICIPALITY AS APPLICABLE | | | CASE NUMBER | |
| CITATION ISSUED DATE / TIME | MONTH | DAY | YEAR | <input type="checkbox"/> AM <input type="checkbox"/> PM |
| VIOLATION OCCURANCE DATE / TIME | MONTH | DAY | YEAR | <input type="checkbox"/> AM <input type="checkbox"/> PM |
| NAME OF PERSON ISSUED CITATION | | | | |
| FIRST MIDDLE LAST | | | | |
| EMAIL ADDRESS | | | | |
| STREET ADDRESS | | | | |
| CITY | | | STATE | ZIP CODE |
| TELEPHONE NUMBER | | DATE OF BIRTH | RACE | SEX |
| DRIVER LICENSE OR ID NUMBER | STATE CLASS | | YR LICENSE EXP. | |
| LOCATION OF VIOLATION | | | | |
| CODE/ORDINANCE NO./SECTION VIOLATED: | | | | |
| FACTS PERTAINING TO OFFENSE SUPPORTING REASONABLE CAUSE FOR VIOLATION: | | | | |
| CIVIL PENALTY IF PAID WITHIN 30 DAYS OF ISSUANCE: | | | | |
| MAXIMUM POSSIBLE CIVIL PENALTY SHOULD YOU DECIDE TO CONTEST THE CITATION AND BE FOUND IN VIOLATION: | | | | |

EXHIBIT A
OPTIONS:

1. You may pay the civil citation penalty within thirty (30) days in the amount specified on the front of the citation by mail (include copy of citation) or in person to the Clerk of Court; or
2. You may contest the citation by appearing in person at one of the Clerk's offices listed below within 30 days of the issuance of this citation and request a hearing.

The Clerk must receive proof of payment or your request for hearing to contest the citation within the time limits above. **IF YOU FAIL TO PAY THE CIVIL PENALTY WITHIN THE TIME ALLOWED, OR FAIL TO REQUEST A HEARING OR AFTER HAVING REQUESTED A HEARING FAIL TO APPEAR IN COURT TO CONTEST THE CITATION, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO CONTEST THE CITATION AND IN SUCH CASE, JUDGMENT MAY BE ENTERED AGAINST YOU FOR AN AMOUNT UP TO THE MAXIMUM CIVIL PENALTY NOT TO EXCEED \$500.00.**

FOR SPECIFIC INFORMATION AND ASSISTANCE CONTACT:

SEMINOLE COUNTY COURTHOUSES

CRIMINAL JUSTICE CENTER

101 Eslinger Way
Sanford, FL 32773
407-665-4300

CIVIL COURTHOUSE LOCATION

301 N. Park Ave
Sanford, FL 32771
407-665-4300

CASSELBERRY BRANCH

376 Wilshire Boulevard
Casselberry, FL 32707
407-665-4700

ALTAMONTE SPRINGS BRANCH

990 N. State Rd 434 #1124
Altamonte Springs, FL 32714
407-665-4270

EXHIBIT A-2

COUNTY/MUNICIPAL CODE/ORDINANCE CIVIL CITATION WARNING

| | | | | |
|--|-------|---------------|-------------|--|
| COUNTY /MUNICIPALITY AS APPLICABLE | | | CASE NUMBER | |
| WARNING ISSUED DATE / TIME | MONTH | DAY | YEAR | <input type="checkbox"/> AM <input type="checkbox"/> PM |
| VIOLATION OCCURRENCE DATE / TIME | MONTH | DAY | YEAR | <input type="checkbox"/> AM <input type="checkbox"/> PM |
| NAME OF ISSUED WARNING | FIRST | MIDDLE | LAST | PERSON |
| EMAIL ADDRESS | | | | |
| STREET ADDRESS | | | | |
| CITY | | | STATE | ZIP CODE |
| TELEPHONE NUMBER | | DATE OF BIRTH | RACE | SEX |
| DRIVER LICENSE OR ID NUMBER | STATE | | CLASS | YR LICENSE EXP. |
| LOCATION OF VIOLATION | | | | |
| CODE/ORDINANCE NO./SECTION VIOLATED: | | | | |
| FACTS PERTAINING TO OFFENSE SUPPORTING REASONABLE CAUSE FOR VIOLATION: | | | | |
| YOU HAVE UNTIL THE FOLLOWING DATE AND TIME TO CORRECT THE VIOLATION: | | | | |
| POTENTIAL ACTION IF YOU FAIL TO CORRECT THE VIOLATION BY THE DATE AND TIME ALLOWED: CIVIL PENALTY IF VIOLATION PURSUED IN ACCORDANCE WITH FLORIDA STATUTE CHAPTER 162 PART II, § 162.21. | | | | |

X
SIGNATURE OF PERSON CITED (Indicate if individual refuses to sign)

OFFICER ID NUMBER AGENCY

SIGNATURE OF OFFICER: _____

EXHIBIT B

IN THE COUNTY COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY,
FLORIDA

CASE NO.:

SEMINOLE COUNTY,
a political sub-division
of the State of Florida,

Plaintiff,

vs.

Defendant

_____ /

**MOTION FOR FINAL DEFAULT AND JUDGMENT PURSUANT TO CHAPTERS CHAPTER
162 PART II, FORIDA STATUTES, AS AMENDED- CIVIL CITATION**

COMES NOW, Petitioner, SEMINOLE COUNTY, by and through the undersigned attorney, and moves the COURT to enter a default judgment against Defendant, pursuant to Florida Rule of Civil Procedure 1.500(b) and 1.500 (e) and states in support thereof:

1. Defendant was given a citation for violation of Seminole County Code or Ordinance as evidenced by copy of the attached citation on the _____ day of _____ 20__.

2. Notice of the Citation was provided to the Defendant as evidenced by

The Citation was signed by the Defendant or Service of the citation was provided as evidenced by the following Proof of Service: _____

3. Defendant, has failed to pay the fine (plus any late penalty if applicable) and has not requested a hearing to contest the citation in the time period provided by statute and as set forth on the citation as reflected in the court file for the instant action.

WHEREFORE, Plaintiff requests this court enter a default against the Defendant and enter a Judgement against the Defendant in the amount of _____ and assess court costs in the amount of _____.

DATED this _____ day of _____, 2020.

SEMINOLE COUNTY
Sanford, Florida 32773

Attorney for Petitioner

EXHIBIT C

IN THE COUNTY COURT FOR THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY,
FLORIDA

CASE NO.:

SEMINOLE COUNTY, a political sub-division
of the State of Florida,

Plaintiff,

vs.

Defendant.

_____ /

**CIVIL CITATION FINAL DEFAULT JUDGMENT PURSUANT TO CHAPTER 162.21, PART II
FLORIDA STATUTES, AS AMENDED**

THIS CAUSE having come on to be heard by the undersigned County Court Judge, and upon the written or oral Motion for Default Judgement by Seminole County, a political subdivision of the State of Florida, review of the Court File and being otherwise fully advised in the premises, it is hereupon

ORDERED AND ADJUDGED as follows:

1. Defendant's name and address is:

2. The Defendant was served with the civil citation in this matter and has failed to pay the civil penalty and has not requested a hearing to contest the citation or the defendant failed to pay the fine but requested a hearing and then failed to appear for the hearing after having been given notice.

3. The Defendant is found to be in DEFAULT.

4. The Defendant is also found to be in violation of the following provisions of the Seminole County Code, Land Development Code or ordinance of Seminole County:

5. The said violation being the following:

6. The Court further Orders the Defendant to pay a fine in the amount of \$_____ plus court costs in the amount of \$_____ for all of which **LET EXECUTION ISSUE.**

DONE AND ORDERED in Chambers at _____, Seminole County, Florida this _____ day of _____, 20_____.

COUNTY COURT JUDGE

Copies furnished to: Defendant; Seminole County Attorney's Office; Issuing Agency

EXHIBIT D

IN THE COUNTY COURT FOR THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY,
FLORIDA

CASE NO.

SEMINOLE COUTY, a political sub-division
of the State of Florida,

Plaintiff,

vs.

Defendant.

_____ /

**FINAL CIVIL CITATION JUDGMENT AFTER HEARING
PURSUANT TO CHAPTER 162 PART II, FLORIDA STATUTES**

THIS CAUSE having come on to be heard by the undersigned County Court Judge, and upon the appearance of a duly authorized Code Enforcement Officer or Law Enforcement Officer authorized to enforce the Codes and/or Ordinances of Seminole County, a political subdivision of the State of Florida, and the Defendant, having appeared and the Court having been made aware of the Seminole County Code or other applicable codes or ordinances, and the Court having heard argument of counsel, if any, the testimony and evidence, and being otherwise fully advised in the premises, it is hereupon

ORDERED AND ADJUDGED as follows:

6. The Defendant name and address is:

7. The Court finds that the Defendant HAS VIOLATED the following provision(s) of the Seminole County Code, Land Development Code or ordinance of Seminole County: _____ **OR** HAS NOT VIOLATED the above Code/Ordinance provision(s).

8. Said violation took place on: _____

9. The violation is further described as follows:

10. The Court finds that the defendant was given prior Notice of the Violation (WARNING) and a reasonable time to correct the violation **OR** prior warning and opportunity to correct the violation was not required.

11. The Court further finds and determines that the Defendant is hereby ordered and directed to pay a fine in the amount of \$_____ plus court costs in the amount of \$_____ for all of which **LET EXECUTION ISSUE.**

DONE AND ORDERED in Seminole County, Florida this ____ day of _____, 20____.

COUNTY COURT JUDGE

Copies furnished to: Defendant; Seminole County Attorney's Office; Issuing Agency