

**IN THE COURTS OF ESCAMBIA COUNTY,
IN THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE DIRECTIVE 2009-01
(Vacates Administrative Directive 2008-04)**

**IN RE: JUVENILE DIVISION – ESCAMBIA COUNTY
 PROCEDURE FOR RESTITUTION COLLECTIONS**

WHEREAS, the Juvenile Division judges have instituted a “pay or appear” program to stimulate the collections of restitution from juveniles adjudicated delinquent or juveniles for whom adjudication has been withheld and payment of restitution is ordered; and

WHEREAS, certain complications arise in this process when determining how the proceeds of these monthly payments are to be distributed; and

WHEREAS, it is understood a procedure must be implemented that will be in the best interest of the juvenile, the victims, the Court, the Clerk’s Office, the State Attorney and the Public Defender, it is

ORDERED that:

The Clerk of Court shall follow the following priority order in applying funds received:

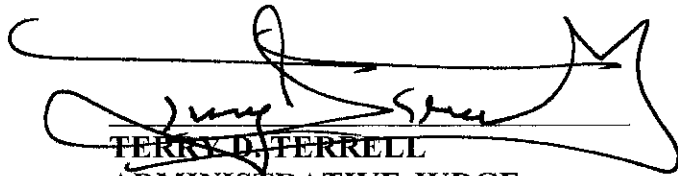
1. In those cases in which the Public Defender has been appointed and a Public Defender Application Fee has been ordered, the first \$50 collected shall be applied to the Public Defender Application Fee. In the event multiple case numbers generate multiple Public Defender Application Fees and one disposition hearing resolves multiple cases, the first \$50 collected

shall be applied to the Public Defender Application Fee, if previously unpaid, in the earliest case number. Any additional Public Defender Application Fees, other fees owed for Public Defender services, subsequent Public Defender Application Fees, or other Public Defender fees assessed in the same case(s) shall be paid after any and all restitution as described below has been paid.

2. Additional monies received shall be applied first to payment of restitution to the victim and shall include application of \$3.50 to the Clerk's processing fee.
3. All restitution payments shall be made first to an individual, then a corporation, then an insurance company.
4. If more than one victim is owed restitution, amounts collected will be paid first to the victim owed the least amount, then to any additional victim(s) in the order of the next least amount owed, applying first the order outlined in Paragraph 3 above.
5. If the juvenile owes restitution in multiple cases, individuals in the earliest case shall be paid first, and then individuals in the next earliest case shall be paid before any corporation or insurance company in the earliest case. After all individuals in each case are paid, corporations in each of the cases shall be paid next beginning with any corporation listed as a victim in the earliest case. After all corporations are paid in each of the cases, any insurance company listed as a victim in the earliest case shall be paid next.

6. Once restitution amounts have been paid in full to all individuals, corporations and insurance companies, the juvenile and the parent(s) are responsible for continued payments to satisfy any and all outstanding court costs and fees. The "pay or appear" program will cease upon payment in full of all restitution amounts.

DONE AND ORDERED at Pensacola, Escambia County, Florida this 15th
day of January, 2009.


TERRY D. TERRELL
ADMINISTRATIVE JUDGE

Copies furnished to:

Juvenile Judges – Escambia
William E. Eddins, State Attorney (Marjorie Anders, ASA Juvenile)
James Owens, Public Defender (Dennis Shuman, APD Juvenile)
Ernie L. Magaha, Clerk of Courts, Escambia County
EscaRosa Bar Association for publication in *The Summation*