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To: Clerks of the Circuit Court
Attention: County Criminal Supervisors

From: Gregory Youchock, Chief of Court Services

Date: May 6, 2003

Subject: **OBTS Technical Memo 03-02**

The following technical memorandum corrects the OBTS requirement to change the charge level of a **municipal infraction** from "I" to "M" when a defendant fails to pay a fine on the infraction and subsequently appears in court. The correct change in charge level is from "I" to "L." Please make the following corrections to your SRS manual.

County Criminal Section page 8-2, fourth gray note box which reads "For the OBTS, non-criminal ordinance violations should contain..." Delete and replace with the following:

1. For the OBTS, non-criminal ordinance violations should contain an "I" in the "Level of the Charge" field and reflect a statute number of all 8's for county ordinances or all 9's for municipal ordinances. If a non-payment occurs and the defendant appears in court, change the "Level of the Charge" code from "I" to "C" if reporting a county ordinance or from "I" to "L" if reporting a municipal ordinance. This change should be made in all phases of the OBTS record.
2. In the county criminal section *Frequently Asked Questions #8* (page 8-23), delete question 8 and replace with the following:

Question: Should non-criminal violations of local and county ordinances be reported for SRS?

Answer: For counties that do not report via the OBTS, a non-criminal violation of a local or county ordinance (i.e., not supported by Florida Statute) should only be reported for SRS if the case is filed due to non-payment of a fine and the defendant appears before the court.

For counties reporting via the OBTS, non-criminal violations should be reported when they are initiated. The OBTS record should contain an "I" in the "Level of the Charge"

field and reflect a statute number of all 8's for county ordinances or all 9's for municipal ordinances. If a non-payment occurs and the defendant appears in court, submit a new record changing the "Level of the Charge" code from "I" to "C" if reporting a county ordinance or from "I" to "L" if reporting a municipal ordinance. This change should be made in all phases of the new OBTS record.

If you have questions or comments concerning the content of this technical memorandum, please contact PJ Stockdale (stockdap@flcourts.org) 850/410-1523 or Jim Brown (brownj@flcourts.org) 850/488-8622). Thank you.

GY/PS