

## Okaloosa County Clerk of Courts Legal Terms and Definitions

Terms	Definitions
Abate	To put an end to; to nullify.
Abet	To aid, encourage, or incite another to commit a crime.
Acquittal	Finding a defendant "not guilty" in a criminal trial.
Adjudication	Giving or pronouncing a judgment or decree.
Administrative Order	An order prepared and signed by the current Chief Judge.
Admonish	To advise or caution; can be a jury, witnesses, or counsel for wrong practices.
Adoption	A legal proceeding in which an adult takes as the person's lawful child, a minor. The minor loses all legal connection to the previous parent(s), and the adoptive parent permanently undertakes the responsibility of providing for the child.
Adversary Proceeding	A hearing involving a dispute between opposing parties.
Affiant	A person who makes and signs an affidavit.
Affidavit	A voluntary declaration of a person written down and sworn to before an officer authorized to administer oaths.
Affidavit of Violation of Probation	A notarized statement by a probation officer that a defendant has not complied with some condition(s) of probation. Sometime a warrant is issued immediately. Other times a preliminary hearing is scheduled.
Affirm	To take an oath that all statements to be given are true and correct to the best of a person's knowledge. Also, an appellate court ruling that the decision of the trial court is correct.
Alias	A second or further writ which was issued after a former writ had expired without effect. A second name applied to a person.
Amend	To change or to modify an existing order; or if service was unexecuted on the temporary injunction, a 1st amended temporary injunction will be prepared.
Amendment	A correction, or alteration of any pleading, or statement in a cause or matter. An addition to or modification of an existing document.
Appeal	A request made after a trial or ruling, asking another court to decide whether the trial was conducted properly.
Appellant	Person who makes an appeal from one court to another.
Appellate Court	A court having jurisdiction to hear appeals and review a trial court's procedure.
Arraignment	The first court appearance at which a person accused of committing a crime is brought into court, advised of the charges and rights, and asked to plead guilty, not guilty or nolo contendere.
Arrearage	An unpaid and overdue debt - an obligation not met on time - an amount one is behind in paying.
Arrears	An unpaid and overdue debt - an obligation not met on time - an amount one is behind in paying.
Arrest Warrant	Document, signed by a judge, giving a deputy sheriff or police officer the authority to take an individual into custody.
Assault	A threat to inflict injury with apparent ability to do so.
Attachment	Taking a person's property to satisfy a court-ordered debt.
Authenticated Copies	Copies of court documents (generally being sent to another jurisdiction) with an attached certificate signed by the judge and the clerk, each swearing that the other is an officer of the court in their jurisdiction.
Baker Act	Involuntary exam and/or involuntary placement for mental illness.
Bar	The whole body of lawyers.

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Bar Number	Identification number assigned to each attorney as a member of the bar association.
Battery	Wrongful physical violence.
Bench	The seat occupied by the judge, but more broadly used as the court itself.
Beneficiary	A person who is to receive property or money from an estate or trust.
Bill of Particulars	A statement of details of the charge made against a defendant.
Bond	A certificate with a clause, with a sum fixed as a penalty, binding the parties to pay same unless certain conditions are met. Bonds are generally set in Probate matters for personal representatives by the Judge hearing the matter.
Bond	A sum of money paid as bail or surety to guarantee a person's appearance in court.
Bond Forfeiture	If the defendant fails to appear in court when scheduled, the bond is forfeited, that is, all the money is deposited into a county fund and no longer belongs to the person who posted it.
Bond of Guardian	A bond with surety required to be filed by every person appointed a guardian of property in Florida.
Brief	Written statement prepared by one side in a lawsuit to explain to the court its view of the facts of a case and the applicable law.
Capias	An order to arrest and receive a bond from a defendant who has failed to follow the directives of the court, which is created and signed by the clerk. A second capias issued against a person is called an "alias" and all subsequent to the second would be called "pluries".
Capital Crime	A crime punishable by death.
Cash Bond	To be released from jail the defendant may have to pay a specific cash amount to the Sheriff; this is to guarantee his appearance in court.
Caveat	A document filed with the clerk to notify the court that a person or claimant has interest in the estate, and that they should be notified, in writing by the clerk, as each case type requires, and by the attorney representing the estate as statute requires.
Caveater	A person or business filing a caveat.
Certificate of Indigency	<b>Civil:</b> Sworn statement that a party does not have sufficient funds with which to pay filing fee or fees to the sheriff for service of process; and waiver of those fees to the extent necessary to process the petition and serve the injunction. <b>Criminal:</b> Sworn statement made in open court or by written affidavit that a defendant does not have the necessary funds to hire an attorney or pay costs of supervision fees, and waiver of all costs.
Certified Copy	A copy of documents that has a stamp and seal of the Court, signed by a Deputy Clerk attesting that the copy is a true and correct copy of the original.
Certify	A statement that a document, paper or digital, is a true copy of the recorded original, signed and sealed by a deputy clerk of the court and logically attached or associated with the document.
Certiorari	A way of getting an appeals court to review a lower court decision. The requestor of the appeal will ask the appellate court to issue a writ of certiorari which orders the lower court to send the record of the case to the appellate court and to certify it as accurate and complete.
Chambers	A judge's private office. A hearing in chambers takes place in the judge's office outside of the presence of the jury and the public.

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Charging Document	That paper which charges a defendant with an offense, such as NTA, Information of Traffic Citation.
Charging the Jury	The judge's instructions to the jury concerning the law that applies to the facts of the case on trial.
Citation	A direction to appear in court, rather than an arrest.
Civil Cover Sheet	A form containing all pertinent information of a civil case, required for the use of the clerk for the purpose of reporting judicial workload data.
Class Action	Lawsuit brought by one or more persons on behalf of a larger group.
Clerking	Court clerks attend hearings, provide the files and record court information regarding the hearing.
Co-Defendants	When more than one defendant is involved in the same action, they are referred to as co-defendants.
Codicil	A document drawn up after a will revoking or amending all or part of the previous will or codicil. Each consecutive codicil is numbered. Ex. Will, 1st Codicil, 2nd Codicil, etc.
Commitment	An assembled packet of documents required when a defendant is sentenced to the Department of Corrections (State prison).
Companion Case(s)	All citations issued to the same defendant at the same time.
Concurrent	Sentences for more than one crime that are to be served at the same time, rather than one after the other.
Consecutive	One after the other; also describes jail sentences or probation periods.
Consolidate	To combine, by order of the court, two or more actions involving the same parties or issues into a single action.
Constructive Service of Process	Publication in a newspaper in the county in which the court is located, of a notice of action [Fl. St. 49.10(1)]
Conviction	A judgment of guilt against a criminal defendant.
Corpus Delicti	Body of the crime. Tangible proof that a crime has been committed. Not necessarily the body of a victim.
Counter Petition	When respondent of a case files a petition against the petitioner.
Counterclaim	A claim presented by the defendant in opposition to the claim of the plaintiff (a lawsuit within a lawsuit).
Court Calendar	An alphabetical or numerical listing of cases set for hearing/trial on a certain date, time, in a certain division.
Court Date	A day and time certain action is set before the court.
Court Registry	A trust account where money is deposited by court order.
Court Reporter	A person making a word-for-word record of what is said in court and producing a transcript of the proceedings upon request.
Cross-Claim	A claim by co-defendants or co-plaintiffs against each other, and not against persons on the opposite side of the lawsuit.
Custody	The right to a child's care and control, carrying with it the duty of providing food, shelter, medical care, education and discipline. Also, detaining a person by lawful process to assure appearance to any hearing, and the jailing or imprisonment of a person convicted of a crime.
D-6	A form provided by the DHSMV which is prepared by the clerk and sent to the DHSMV when someone has failed to take care of a traffic ticket. The DHSMV then suspends the person's driver's license.
Default	Failure to respond or defend one's self in an action.
Default Judgment	A judgment entered against a party who fails to appear in court or respond to charges.
Defendant	In a civil case, the person being sued. In a criminal case, the person accused of a crime.

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Deferred Prosecution	Defendant is placed on an absentee docket in order to allow enough time to pay restitution or perform community service to correct a criminal act.
Delinquency	Denotes behavior in a child which, if committed by an adult, would be criminal conduct. Does not include status offenses, that is, juvenile misbehavior not amounting to criminal conduct.
Delinquent	Failing or neglecting to do what duty or law requires - past time for payment - overdue.
Demand for Bill of Particulars	Requests more specific information regarding witnesses, evidence and the crime itself. The State complies by furnishing this information in a Bill of Particulars or Statement of Particulars.
Demand for Discovery	Request by the defendant that State Attorney furnish the names of witnesses and a list of any evidence that they have. The State complies by furnishing all this in an "Answer to Demand for Discovery".
Demand for Speedy Trial	Pleading, filed by a defendant, requesting they be tried immediately. An informal hearing or calendar call must be heard, by the court, within 5 days. After which the defendant must be tried within 60 days from the filing of the demand.
Dependency	1) Denotes the lack in a child's life of proper parental care or supervision. 2) The word dependency is used generally to mean pertaining to child abuse or neglect as opposed to delinquency. 3) A condition imposed by the juvenile court on a child and family when it adjudicates the child to have been abused or neglected.
Deponent	One who gives written testimony under oath.
Deposition	An oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial.
Detention Hearing	A court hearing held within 24 hours of the child's being taken into custody to determine whether a child should be kept away from that child's parents pending further court order or completion of the investigation.
Device of Personal Property	A document written by a person stating specific distribution of property to specific persons.
Discharge	The act by which a person held to answer a charge of felony or misdemeanor is set at liberty.
Discharge	An order entered by the court which releases the personal representative in an estate or a guardian of a ward from further responsibility or duty.
Disclaimer	A waiver or rejection signed by an individual relinquishing his or her right as an heir.
Discovery	Pretrial process by which one party discovers the evidence that will be relied upon in the trial by the opposing party.
Dismissal	Termination of the lawsuit by the plaintiff or by the court. <u>With prejudice</u> - prevents re-filing. <u>Without prejudice</u> - can be re-filed.
Dispose	To deal with conclusively.
Disposition	Final conclusion in a court case.
Dissolution	The legal breaking up or ending of a marriage.
Distribution	Division to the heirs, under authority of the court, of the remainder of property of an estate after payment of claims and debts is made in an inestate estate.
Docket	(noun) Similar to an index - a listing of brief entries which describes all the documents filed in a case file.
Docket	(verb) The act of putting the entries in the computer which describes the documents received for filing in the case file.

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Docket	A list of cases to be heard by a court, or a log containing brief entries of court proceedings.
Docket	To enter basic information of a pleading or case action in the computer in chronological order.
Docket Sheet	A record of the documents filed in a civil action case on a per case basis.
Domestic Violence	Assault, battery or sexual battery by a person against any other person related by blood or marriage to the petitioner or respondent, who is or was residing in the same single dwelling unit.
Duces Tecum	A Latin phrase meaning "bring with you"; used on a subpoena to advise the witness to bring documents or records to support his testimony.
En Pais	Latin phrase meaning "out of court"; informal instructions from a judge. Action ordered by the court when it is not in session.
Ex Parte	On behalf of only one party, without notice to any other party. For example, a request for a search warrant is an ex parte proceeding, since the person subject to the search is not notified and not present at the hearing.
Ex Parte Proceeding	Legal procedure in which only one side is represented. It differs from adversary system or adversary proceeding.
Examining Committee	Three individuals, a physician, a psychologist and a private citizen, court appointed to evaluate a person alleged to be incapacitated.
Execute	Individual service of an order upon a respondent or service defendant by a sheriff's deputy. To sign before a witness. Also, to put the final judgment of the court into effect. Can also be the punishment for a crime.
Executed Service	Individual service of a temporary injunction or other order upon a respondent by a sheriff's deputy.
Executor	Person named or nominated by a person in their will to represent his/her estate.
Executrix	Female executor.
Exemplified Copy	see: Authenticated Copy
Exhibit	A paper or document produced at a hearing, trial or deposition as proof.
Expungement	To remove a conviction from a person's criminal record resulting in the sealing of the court record with no permissible access except upon order of the court.
Extradition	The process by which one state or country surrenders to another state, a person accused or convicted of a crime in the other state.
Felony	Crime punishable by more than one year in a State facility of the Division of Corrections.
File	To stamp date and time on a paper or pleading. To place in a court file for view by authorized parties.
File Date	The date which a pleading was taken in and time stamped as filed with the court.
Final Disposition	A form used by the clerk of court for reporting judicial workload data and stating means by which case was closed.
Final Hearing	A date and time scheduled by the clerk for hearing testimony of all parties involved in a case to the end that a final disposition will be entered by the court.
Financial Affidavit	A written pleading regarding financial status of a party to a case sworn to before an officer authorized to administer oaths.
First Appearance	The initial appearance before a judge by an arrested person to determine whether or not there is probable cause for the arrest. If a person cannot bond out of jail, the first appearance must be held within 24 hours of the arrest.

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First Appearance Packet	Detailed arrest report attached to a booking slip, detailing the probable cause as to why an arrest was made.
Florida Abuse Registry	Records of child abuse and neglect reports compiled under state law. New reports of suspected abuse or neglect are checked to determine whether prior reports have been received concerning the same child or parents. The purposes for central registries such as FAR are: 1) To alert authorities of prior incidents of abuse or neglect among families. 2) To provide data for statistical analysis of child abuse trends. 3) To provide management reports on compliance with procedural requirements.
Foreign Court	A court or tribunal outside the State of Florida. Federal courts for a district within Florida are not considered foreign courts.
Forfeiture	To surrender a bond that was posted as a contract to have a defendant guarantee his/her appearance at a court proceeding. The loss of some right or property as a penalty for some illegal act, or some negligence or breach of contract.
Foster Care	A court-ordered or voluntary service designed to provide short-term substitute care for a planned period until a child can be returned home under supervision or find a permanent home.
Garnishee	see: Garnishment
Garnishment	The taking of property of a judgment debtor that is in the hands of a third party, the garnishee, and applying the property to satisfy the judgment. Most familiar form of garnishment is against wages.
Grand Jury	A body of eighteen (18) people whose duty is to hear evidence, and if appropriate, bring accusations (indictments) against suspected criminals.
Guardian	A person appointed by the court to act on a ward's behalf (either incapacitated adults or minor children) or to manage the ward's property, or both.
Guardian Ad Litem	Persons appointed by the court to appear in court on behalf of minors and incapacitated persons.
Habeas Corpus	(That you have the body) words used in various writs, commanding one who detains another to "have", or bring him before the court.
Heir	A person who is to inherit money or property from an estate.
Hit	Possible match when querying from the computer. If you are looking for a name record, the screen may return several different matches, or "hits", for you to choose from.
Holographic Will	A will that is written, dated and signed by the person making the will.
Hung Jury	A jury whose members cannot agree upon a verdict.
Incapacitated Person	A person who the court, through due process, has determined to be lacking the capabilities to manage some or all of his/her property or to adequately see to his/her own well being.
Indexing	Entering the names and information of parties to a case or documents, resulting in an alphabetical listing or directory. Can also be used to enter documents by document type or related information in a listing, case or application.
Indictment	A written accusation by a grand jury charging a person with a crime.
Indigent	Needy or impoverished. A defendant who can demonstrate indigence may be assigned a court-appointed attorney at public expense (Public Defender), or have fees and costs waived.
Information	A formal accusation or complaint, filed by the prosecutor (State Attorney), charging a person or corporation with some crime or violation of the law.
Infraction	A violation of law not punishable by imprisonment. Minor traffic offenses are generally considered infractions.

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Injunction	An order by the court requiring or prohibiting a specific action by a person or group.
Insolvency	An incapacity to pay debts upon the date when they become due in the ordinary course of business; the condition of an individual whose property and assets are inadequate to discharge the person's debts.
Instanter	Immediately; at once.
Interlocutory	Incident to a suit still pending. An order or decree, made during the progress of a case, which does not amount to a final decision, is termed interlocutory.
Interrogatories	Written questions asked by one party in a lawsuit for which the opposing party must provide written answers.
Intestate	A person having died without making a will. An estate without a will.
Inventory	The initial guardianship report of a guardian of property.
Inventory	A document prepared by the personal representative and the attorney of an estate listing all the real property, assets and funds in the estate. An inventory is NOT public record and is not available for review or copying to individual/businesses as per the current statute.
Invoke the Rule	Keeping all witnesses out of the courtroom except for their time on the stand, and cautioning them (admonish) not to discuss their testimony with other witnesses. This prevents a witness from being influenced by the testimony of a prior witness.
Issue	A matter that is in dispute between two or more parties - a point of debate or controversy. Also, the act of sending out officially, as in to issue an order, warrant or summons.
Judge Pro Tem	A temporary judge.
Judgment	A legal decision or order - a debt or other obligation resulting from a court order - a document recording this obligation.
Judgment of Guilt	A document on which a defendant is fingerprinted and which the judge signs upon conviction for a crime.
Juvenile	Generally a person under the age of 18.
Letters of Administration	An order signed by the judge giving the named personal representative the legal right to take control of assets in the deceased person's name.
Letters of Guardianship	A document issued by the court to the guardian specifying whether the guardianship pertains to the person, property or both and stating the scope of the powers and duties of the guardian.
Limine	A motion requesting that the court not allow certain evidence that might prejudice the jury.
Limited Guardian	A guardian who has been appointed by the court to exercise the legal rights and powers specifically designated by court order after the court has found that the ward lacks the capacity to do some, but not all, of the tasks necessary to care for his person or property, or after the person has voluntarily petitioned for appointment of a limited guardian.
Limited Guardianship	Guardianship in which only specific rights are removed in areas where the ward has been found incapacitated.
Lis Pendens (Notice of)	A notice filed in Public Records for the purpose of warning all persons that the title of certain property is in litigation.
Litigant	Party to a lawsuit. Litigation refers to a case, controversy or lawsuit.
Mandamus	A writ commanding the performance of a particular act.
Mandate	Document from the District Court of Appeals affirming or reversing an appeal.

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Mandate	A command, order or direction, written or oral, from a court; a direction that a court has the authority to give and an individual is bound to obey.
Marchman Act	Common name for the Comprehensive Alcohol Prevention, Control and Treatment Act. Provides for involuntary examination and/or involuntary placement and treatment for substance abuse.
Minor	A person under 18 years of age, who, by virtue of his/her age, lacks the capacity to adequately take care of himself or to manage his property.
Minute Sheet	A sheet used by the clerk to list all pleadings entered, court notes, and other pertinent information on a case.
Misdemeanor	Any crime or other offense not amounting to a felony.
Mistrial	An invalid trial, caused by some error. When a mistrial is declared, the trial must start again from the selection of the jury.
Mitigate	Reduce; lessen; usually to "mitigate a sentence".
Modify	To affect some type of change. To change partial in character.
Moot	A moot case or moot point is one not subject to a judicial determination because it involves an abstract question or controversy that has already been resolved, or has not actually arisen yet.
Motion	A request made to the court for action.
Motion for Continuance	A pleading filed by a defendant or attorney requesting a case be reset to a future date and stating reasons for the request.
Motion in Limine	A request for protective order against prejudicial questions during a trial.
Motion to Compel Judicial Notice	Motion for the court to accept a well-known and indisputable fact without requiring a party's proof.
Motion to Suppress	A request that the court not allow certain evidence be used at a trial.
Motion to Withdraw	Pleading, filed by an attorney, to be removed from a court case when a problem arises in representing a defendant.
Mute	Term used of one who abstains from pleading to an Information or Indictment.
Neglected Child	A child whose physical or mental health or welfare is harmed, or threatened with harm, by the acts or omissions of the parent or other person responsible for the child's welfare.
No Bill	Endorsed by a grand jury on an indictment submitted, meaning that the evidence was found insufficient to indict.
No Contest	A plea in criminal cases whereby the defendant does not admit but may or may not imply guilt.
No File	Written document, filed by the state attorney, before formal charges are filed, because they have decided not to prosecute at this time.
Nolle Prosequi	A statement by the state attorney either in writing or during open court that the prosecution will not go forward with charging the crime. Translation "I do not choose to prosecute".
Nolle Prose	Full term is Nolle Prosequi, meaning "No Prosecution".
Nolo Contendere	Common term is "No Contest" or "NC" meaning that the defendant is neither admitting nor denying the charges. The adjudication is "Guilty" or withheld following a plea of NC. The plea cannot be used against you in any civil proceedings that may arise out of the criminal incident.
Not Served	Failure to make legal delivery of formal notice, summons, writ or legal process of service to include capiases and warrants.



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Notice of Administration	A statement published in the local law review or newspaper announcing to the public the intent to probate an estate. It contains the case number, case style, name of the personal rep. and his/her attorney and location of the court the estate is being probated in.
Notice of Appeal	A written notice of intent to seek another court's opinion; most often, a defendant appeals the sentence imposed by a judge to a higher court.
Notice of Appearance	Written document, filed by an attorney, stating they represent a defendant.
Notice of Deposition	Written document which directs a party to appear at a place named at a certain time for the taking of a deposition.
Notice of Lis Pendens	A notice filed on Public Record for the purpose (Notice of) of warning all persons that the title of certain property is in litigation.
Notice to Appear	Written by a law enforcement officer for a misdemeanor offense; issued to the defendant and notices him/her to appear for a court date (arraignment).
Notification to Parents	Written document sent to the parents of a minor. A minor consists of an individual that was not 18 years of age at the time an offense was committed.
Nunc Pro Tunc	"Now for then". A legal phrase applied to acts which are allowed after the time when they should be done, with a retroactive effect.
Oath of Personal Representative	An affidavit of the Personal Representative stating address and assigning the acceptance of a resident agent to represent them.
Oath of Witness to Will	An affidavit of a witness to a will taken before a deputy clerk or a judge relating to the authenticity of the will.
Offender Based Tracking System	A number is assigned to each defendant at time of arrest and the disposition of that numbered arrest reported to the State of Florida.
Opinion	A statement by a judge or court of the decision reached in regard to a cause tried or argued before them, expounding the law as applied to the case and detailing the reasons upon which the judgment is based.
Order of Dismissal	An order granted by the court which states why a case was dismissed.
Order to Extend	An order extending the time specifications in a previous order.
Own Recognizance	Defendant released from jail without posting money or property for collateral.
Pay Instrument	Any paper document with a value equal to cash; ex. personal check, money order or cashiers check.
Per Diem	Daily allowance for expenses. Also used for per-day calculations of interest or fees.
Perjury	The criminal offense of making a false statement under oath.
Personal Representative	The person appointed and approved by the court to act as the representative for the estate.
Petition	A request for action by a judge in a court matter. Same as a motion.
Petition to Expunge	A request for a court order that defendant's criminal record be erased so it is not accessible as public record. The court records are sealed and can only be accessed by specific order of the court.
Petition to Seal	A request for a court order that a defendant's criminal record be sealed so it is not accessible as public record.
Petitioner	The person filing an action in a court of original jurisdiction. Also, the person who appeals the judgment of a lower court. The opposing party is called the respondent.

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Plaintiff	The person who files the complaint in a civil lawsuit. Also called the complainant.
Plea	The answer which the defendant must enter to the charge against him: either guilty, not guilty or nolo contendere.
Pleadings	Papers filed with the Clerk to be docketed and placed in the court file. Written statements of fact and law filed by the parties to a lawsuit.
Plenary Guardian	A person who has been appointed by the court to exercise all delegable legal rights and powers of the ward after the court has found that the ward lacks the capacity to perform all of the tasks necessary to care for his person or property.
Plenary Guardianship	Guardianship in which all delegable rights are removed when ward has been found incapacitated.
Pluries	A writ that issues in the third instance, after the original and alias have been issued.
Polling the Jury	After a jury verdict has been announced, asking the jurors individually whether they agree with the verdict.
Praecipe of Appearance	Notice filed by an attorney that he has been retained to represent a defendant.
Pre-need Guardianship	Filing a document in the clerk's office setting out instructions to provide for the care of minors in the event of necessity.
Pre-trial Hearing	A hearing held before a trial where attorneys and the judge work toward disposition of the case by discussing matters of evidence and/or narrowing of the issues that will be tried. In criminal it is also used to determine if a case when a case will proceed to trial.
Pre-trial Intervention	A program that a defendant may enter (usually prior to entering a plea at arraignment) much like probation.
Pre-Trial Intervention	Agreement with the court that a defendant will comply with certain conditions similar to a probationary period. Upon successful completion of conditions, the case is closed and not prosecuted, although it remains on the public record.
Pre-trial Intervention Agreement	An agreement, file by the defendant, defense counsel, state attorney and probation officer, placing a case on an absentee docket for a specified period of time.
Pro Se	A Latin term meaning "on one's own behalf". In courts, it refers to persons who present their own cases without lawyers.
Probable Cause	Detailed police report detailing the reasonable belief that a crime has been committed. The basis for all lawful searches, seizures and arrests.
Probate	Court procedure by which a will is proved to be valid or invalid, although in current usage this term has been expanded to generally include all matters and proceedings pertaining to administration of estates, guardianships, etc.
Probate Court	A court having general powers over probate of wills, administration of estates and guardianship matters.
Probation	Alternative to, in addition to, or instead of a fine or jail sentence; a defendant may be placed on probation for a certain length of time, during which he/she must complete any and all requirements or conditions placed on him/her by the judge.
Probation Order	Document signed by the judge when a defendant is placed on probation.
Process Server	Someone (who has been appointed by the court) other than the sheriff to serve process.
Proof of Service	A written statement certifying that a document has been filed with the court and a copy of that document was sent to the ward and his attorney.
PSI	A report to the sentencing judge containing background information about the crime and the defendant to assist the judge in making a sentencing decision.

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Publication Date	Date that an announcement was published in local paper stating that an estate has been filed.
Rebut	Evidence or testimony disproving other evidence or testimony previously given or reestablishing the credibility of challenged evidence.
Recalled	Called back before being served.
Receipt of Assets	A statement acknowledging that property is in custody and control of a designated party or institution.
Receipt of Beneficiary	Written acknowledgement of receipt of money or a thing of value, signed by the person receiving such.
Recuse	The process by which a judge is disqualified from hearing a case, on the court's own motion or upon the objections of either party.
Remand	To send a dispute back to the court where it was originally heard. Usually it is an appellate court that remands a case back to the trial court. Also, the judge can remand (turn back) a defendant to a law enforcement agent for incarceration.
Repeat Violence	Two incidents of violence or threats of violence committed by the respondent, one within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.
Replevin	An action for the recovery of a possession that has been wrongfully taken.
Resident Agent	A person that is appointed by a personal representative to accept service on behalf of the estate. Resident agent must be a resident of Florida.
Respondent	The person against whom an action is brought. Also called the defendant.
Restitution	Making good or giving an equivalent for some injury or damage.
Restoration to Capacity	Court procedure to give back to the ward some or all delegable rights which were removed by the court.
Return	A report to a judge on the implementation of an arrest or search warrant. Also, a report in reply to a subpoena, civil or criminal.
Return Service	A form returned from the sheriff's office or post office (if served by certified mail) detailing service of a command upon an individual named in a civil or summary action, or a domestic/repeat violence action.
Return Service Sheet	A form returned from the sheriff's office detailing service of a temporary injunction or other order upon a petitioner or respondent.
Rule to Show Cause	Writ summoning an individual for a possible contempt of court proceeding due to their failure to comply with some type of court order.
School Election	The violator's choice to attend a driver improvement school for a reduction in the penalty for a traffic violation to include possible withhold of adjudication. For a moving violation, points against the driver's license maybe withheld.
Search Warrant	Document, signed by the court, authorizing arresting agencies to search personal properties and seize contraband or evidence.
Self-Proving Will	A will that is attested to in an affidavit before a notary public. Validity does not have to be tested in court.
Sentence	The punishment ordered by a court for a defendant convicted of a crime. A <i>concurrent</i> sentence means that two or more sentences would run at the same time. A <i>consecutive</i> sentence means that two or more sentences would run one after another.
Sequester	To separate. Sometimes juries are separated from outside influences during their deliberations. For example, this may occur during a highly publicized trial.

## Okaloosa County Clerk of Courts Legal Terms and Definitions

Served	Executed; such as a served capias or bench warrant when the defendant is arrested.
Service	The delivery or writs, summonses, rules, etc., by leaving them with the party to whom they are addressed and advising them of their contents.
Service of Process	To officially notify a defendant that a lawsuit has been filed against him by delivering a copy thereof and informing him of its contents.
Sheriff's Service Package	A packet consisting of original and copies of pleadings and notices of hearing dates, times and divisions. Copies to be "served" upon a person or party named in a court action and the original returned as in "return service".
Sidebar	A conference between the judge and lawyers, usually in the courtroom, out of earshot of the jury and spectators.
Small Claim	An action at law in which the amount in controversy does not exceed \$8,000 and is not subject to exclusive jurisdiction of circuit court.
Small Estate	Procedure of probate also called "Disposition of Personal Property Without Administration". Generally handled by a spouse or relative.
State Attorney	Prosecutor on behalf of the State of Florida.
Statement of Claim	A form filed by a creditor of the deceased that states the name of the creditor and the amount owed by the deceased.
Statutes	The laws as set out by the Florida legislature. (Florida Statutes)
Stay	A court order halting a judicial proceeding or judgment.
Stipulation	An agreement by the parties on both sides of a civil or criminal case about some aspect of the case. Agreements may be to extend the time to answer, to reset the trial date, or to admit certain facts at the trial.
Straight Time	Jail time served straight through day one to the last day required without time off, or rather than work release.
Subpoena	A court order compelling a witness to appear and testify.
Subpoena Duces Tecum	A court order commanding a witness to bring certain documents or records to court.
Summary Administration	A form of administration under Florida Statutes that does not appoint a personal representative, and is completed with an Order of Summary Administration.
Summary Judgment	Decision made on the basis of statements and evidence presented for the record without a trial. It is used when there is no dispute as to the facts of the case, and one party is entitled to judgment as a matter of law.
Summons	A notice to a defendant that he or she has been sued or charged with a crime and is required to appear in court. A jury summons requires the person receiving it to report for possible jury duty.
Supersedeas Bond	A bond posted to stay a sentence when an appeal is filed in both civil and criminal cases.
Suppress	To forbid the use of evidence at a trial because it is improper or was improperly obtained.
Surety Bond	A bond posted by a bail bondsman who agrees to be responsible for the defendant's appearance at all court sessions in exchange for a percentage of the bond amount.
Surety Bondsman	One who posts money and is responsible for the court appearance of a defendant.
Swearing In	Requesting party to raise their right hand and state or affirm that information given is true and correct to their best knowledge.

## Okaloosa County Clerk of Courts Legal Terms and Definitions

Temporary Injunction	An injunction for protection against domestic or repeat violence which expires after 30 days from the date of issuance unless extended by further order of the court.
Temporary Order	Orders entered by the court on a temporary basis - only effective until the final order or decision.
Testate	A person having died with a will. An estate with a will.
Testator	A person who has made a will. One that dies leaving a will.
Third Party Complaint	An action by the defendant that brings a third party into a lawsuit.
Time Served	Sentence imposed by the judge in the same amount of time which the defendant has already spent in jail.
Timestamp	A process that stamps the official office, time and date on a document, digital or paper. When a filing date is required on the document. We refer to the "timestamp date" or "timestamp". Also called "clock-in date".
Traffic Crimes	Traffic offenses which can be punished by a fine, jail sentence, or probation. Common traffic crimes include: DUI, Reckless Driving, Fleeing or Attempting to Elude an Officer, and Driving with Suspended License.
Traffic Infraction	Traffic violations considered civil violations, for which there can be no jail sentence or probation.
Transcript	An official copy of the record of proceedings in a trial or hearing. A word-for-word record.
Transmittal List	Form used to transfer citations and cash bonds to the clerk's office.
Traverse	A pleading in denial of some matter of fact that has been alleged.
Trial	The final hearing of the case.
True Bill	The endorsement which the grand jury has heard and feels that they have found sufficient evidence for the indictment of an individual.
Trust	A right of property, real or personal, held by one party for the benefit of another.
Trustee	A person representing a trust.
Unexecuted Service	When attempts to serve "papers" on a defendant, or respondent or a petitioner by the sheriff's office were unsuccessful. Or when a postal card is returned and certified mail was unclaimed or not signed for by anyone.
URESAs	Uniform Reciprocal Enforcement of Support Act - a federal law relating to support between states.
Vacate	Set aside, to void.
Venue	The county (or geographical location) in which an action is brought for trial.
Verdict	Decision given by a jury to the court.
Void	Of no force of effect; absolutely null.
Voir Dire	"To speak the truth". The process of questioning potential jurors so that each side may decide to accept or oppose individuals for jury service on a specific trial.
Voluntary Guardianship	An arrangement authorized by the court whereby a mentally competent person of sound mind requires that a guardian be appointed to manage his certain property because there are circumstances preventing him from adequately managing the property himself.
Waiver	Intentionally giving up a right.
Waiver of Arraignment	Notice by an attorney that his client does not wish to appear for arraignment in the courtroom but enters his plea in writing.

## Okaloosa County Clerk of Courts Legal Terms and Definitions

Waiver of Speedy Trial	A form signed by a defendant or attorney waiving his right to have a criminal traffic or misdemeanor trial within 90 days, or a felony trial within 175 days.
Ward	A person for whom a guardian has been appointed.
Will	A document drawn up by an individual making known their wishes as to the disposition of their property after their death.
Withhold	To hold back; most often used as "adjudication withheld" or "sentence withheld".
Writ	The court's written order, in the name of the state or other competent legal authority, directing a person to do or refrain from doing some specified act.
Writ of Bodily Attachment	An order issued by the court for the sheriff (or other law enforcement official) to take into custody a person who is guilty of civil contempt.
Writ of Certiorari	An order issued by the Supreme Court directing the lower court to transmit records for a case for which it will hear an appeal.
Writ of Execution	A writ to put in force the judgment or decree of the court.
Writ of Possession	A writ of execution employed to enforce a judgment to recover possession of land.