

IN THE CIRCUIT COURT OF THE
SEVENTEEN JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. VI-99-A-3

IN RE:

CESSATION OF ARRAIGNMENTS
ON NON-CRIMINAL TRAFFIC
INFRACTIONS IN THE BROWARD
COUNTY COURT

In accordance with the authority vested in the Chief Judge by Rule 2.050, Florida Rules of Judicial Administration, and

WHEREAS, it is apparent that the public interest will best be served by the more efficient administration of justice in the disposition of non-criminal traffic and other infractions in the Broward County Court; and further, that the arraignment process for such offenses is both burdensome on the public, as well as being an inefficient use of judicial resources; and further, that it is of benefit to all to encourage additional driver education for those who have committed such infraction; now therefore, it is hereby

Ordered that effective November 30, 1999, Evening Traffic Proceedings, in the Broward County Court for non-criminal traffic infractions not requiring a mandatory hearing, shall no longer be conducted. Arraignment dockets shall continue to be set for those non-criminal infractions which result in an accident that causes either death of another or serious bodily injury of another, or such other infraction where a mandatory hearing is required by law. All changes necessary to implement this policy have already been effected.

That in order to implement this policy the following procedures shall be employed:

1. That every law enforcement officer shall include with any citation issued in Broward County, Florida, for a non-criminal traffic infraction not requiring a mandatory hearing, an approved "mailer", which shall provide the necessary instructions and an envelope so as to allow the person so cited to resolve the citation by mail.

2. That such citations shall indicate in the court information section the following;
"See Mailer",
"Must comply by, Month, Day, Year."
The Clerk shall prepare a schedule for the setting of "must comply by dates" and shall so inform all affected law enforcement agencies. The comply by date shall be within 30 days of the date of the issuance of the citation. A violation of the comply by date setting requirement, shall not result in the dismissal, of any citation. The law enforcement agencies may indicate on the back of the violator's copy of the uniform traffic citation, "SEE MAILER" in lieu of indicating the civil penalty. A violation of the "SEE MAILER" indication, shall not result in the dismissal, of any citation.
3. A plea of not guilty may only be entered as follows:
 - a. by a written plea of not guilty through the Clerk.
 - b. by a written affidavit of defense along with the posting of the required bond in the amount of \$75.00 for any citation not involving an accident;
 - c. and \$100.00 for any citation that does involve an accident.
4. The Clerk shall be authorized, after November 30, 1999 to:
 - a. accept a plea of not guilty and to:
 - (i) to set the matter for a subsequent pre-trial conference;
 - b. to accept a plea of no contest or guilty and to:
 - (i) impose an 8-hour State approved driver improvement course. This election is in lieu of payment of the civil penalty and is extended by authority of this order as an alternative for those individuals who are unable to qualify for the option for the 4 hour State approved driver improvement course in accordance with the provision of section F.S. 318.14 (9). This election is not available to anyone who has made the same election within the preceding twelve (12) months or five (5) times ever. Expenses would include the course tuition plus statutory court costs in the same amount as provided in section F.S. 318.14 (9). Upon successful completion of this option, adjudication would be withheld.
5. The Clerk is further authorized to:

- a. enter a D6 drivers license suspension notice as to any cited person who fails to resolve the citation or enter a proper plea of not guilty on or before the "Must comply by 30 day date". Such a D6 license suspension may be lifted as follows:
 - (i) by accepting a plea of no contest or guilty and to assess the civil penalty and/or costs in an amount as set forth by Florida law (points will be assessed against an individuals drivers license by the state as required by the law;) along with the payment of any statutory late fees or
 - (ii) dismissed the citations where otherwise authorized by Florida law upon the presentation of proper proofs and the payment of the statutory costs; along with the payment of any statutory late fees or
 - (iii) impose a 4-hour State approved driver improvement course. This election is in lieu of payment of the civil penalty and in accordance with the provisions of section F.S. 318.14 (9), along with the payment of any statutory late fees or
 - (iv) by entering a plea of not guilty and having the matter reset for a pre-trial conference upon the payment of any statutory late fees or
 - b. assign any case to a judge, traffic magistrate or a division for pre-trial only after receipt of a proper plea of not guilty. Until such a judicial assignment is made, no county court judge shall dispose of any such case by accepting a plea of guilty or no contest.
 - c. to accept and defer payments up to 30 days, for a civil penalty,
from the date the clerk processes the option for a civil penalty or other statutory costs or fees imposed hereunder.
 - d. utilize postmark date as compliance date.
6. That in those cases where the individual cited has previously elected to attend, either a 4 hour or 8 hour driver improvement course, and has subsequently failed to successfully complete the necessary course and/or pay the required expenses within 90 days (no re-orders permitted), the Clerk shall do the following:

- a. enter an adjudication for the person cited to be guilty of the infraction charged;
 - b. issue a D6 Driver license suspension notices; and
 - c. collect the statutory civil penalties, late fees, reinstatement fees, deferral fees and reset fees, if applicable. (credit shall be given toward the civil penalty for any court costs already paid.)
7. That in those cases where there has been a no contest plea through the Clerk and where the individual cited has improperly elected to attend a state approved driver improvement course because they made the same election within the preceding twelve (12) months, or more than five (5) times in a lifetime, the Clerk shall enter an adjudication and assess points, but no additional fine or costs shall be imposed.

The provisions in this order shall supersede any previous orders or memos directed toward any of the matters contained herein, and any such previous orders or memos in conflict herewith are rescinded.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida
this 13th day of October, 1999.

/s/DALE ROSS
DALE ROSS, CHIEF JUDGE