

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

*Administrative Order 2020-36-CO*

**AMENDED CONDITIONAL PLEA OF NO CONTEST IN CIVIL TRAFFIC  
INFRACTION PROCEEDINGS NOT INVOLVING TRAFFIC CRASHES**

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(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) The Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting that the best way to prevent illness is to avoid exposure to the virus.

(c) Because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, Broward County declared a Local State of Emergency on March 10, 2020, and the World Health Organization declared a global pandemic on March 11, 2020.

(d) Since March 17, 2020, the Florida Supreme Court has issued various emergency administrative orders, which may be found at <https://www.floridasupremecourt.org/Emergency>.

(e) On May 4, 2020, Chief Justice Charles Canady issued “Amendment 1” to Administrative Order No. AOSC20-23, *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts* (hereinafter “Amendment 1”), extending state court COVID-19 emergency procedures through the month of May and further suspending all jury trials and jury selection and grand jury proceedings through July 2, 2020.

(f) Amendment 1 also delineates certain court proceedings that are amenable to being conducted remotely and requires that such proceedings be conducted using telephonic or other electronic means. This includes hearings in noncriminal traffic infraction cases.

(g) In order to continue to resolve civil traffic infraction matters during the current pandemic, and to assist those desiring to resolve their civil traffic infractions through a plea of no contest with a waiver of their physical appearance, it is necessary to develop and establish modified procedures for these actions.

(h) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, Florida Rule of Judicial Administration 2.215, and to promote public safety amidst the current public health emergency, it is hereby **ORDERED**:

(1) This Administrative Order supersedes and vacates the following language contained in Administrative Order 2020-32-Temp (Third Emergency Administrative Order Coronavirus Disease 2019 (COVID-19) on June 1, 2020:

#### **D. Civil Traffic Infractions**

(1) All compliance deadlines are tolled pending further order of the court.

(2) The Clerk of Court shall not issue a D-6 license suspension or default any defendant on any civil traffic infraction.

(3) The Clerk of Court shall not default or issue a D-6 license suspension on any defendant who is currently on a payment plan until further order of the court.

(2) Any party with a pending civil traffic infraction that does not arise out of a traffic crash who wishes to resolve their case without making a physical appearance at the courthouse and desiring that their case be reviewed to determine if the infractions will be resolved by a withhold of adjudication of guilt resulting in “no points” on their driving record may file a “Conditional Plea of No Contest And Affidavit of Defense or Admission and Waiver of Appearance” (hereinafter “Conditional Plea”) without also having to post a monetary bond.

(3) If the court accepts the Conditional Plea, a disposition order shall be entered by the court and returned to the defendant without further hearing, and the defendant will have 120 days to satisfy any penalty imposed by the court.

(4) If the court determines that the Conditional Plea cannot be accepted for any reason, the court shall reject the plea and the matter shall be reset in due course for

a regularly scheduled civil traffic pretrial conference. At any subsequent proceeding, the prior submission of a Conditional Plea may not be considered as evidence of guilt as to the related civil traffic infraction.

(5) This Administrative Order does not apply to civil traffic infractions where the infraction was the result of a traffic crash.

(6) Any defendant desiring to utilize this procedure for resolving their civil traffic infraction case shall complete and file with the Clerk of the Court the Conditional Plea of No Contest And Verified Statement of Defense or Admission and Waiver of Appearance, attached as Attachment "A". This form will also be available on the webpages for the Seventeenth Judicial Circuit and Broward County Clerk of Courts.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Broward County, Florida, this 22nd day of May, 2020 *nunc pro tunc* to May 15, 2020.

/s/ Jack Tuter

Jack Tuter, Chief Judge

**Attachment "A"**

IN THE COUNTY IN AND FOR  
BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: \_\_\_\_\_

vs.

\_\_\_\_\_,  
Defendant.  
\_\_\_\_\_ /

**CONDITIONAL PLEA OF NO CONTEST (TRAFFIC INFRACTION CITATION NOT INVOLVING A TRAFFIC ACCIDENT)**

**VERIFIED STATEMENT OF DEFENSE OR ADMISSION AND WAIVER OF APPEARANCE**

Under penalty of perjury, I swear or affirm as follows [*please print clearly*]:

1. My name, address, and telephone number are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Email address: \_\_\_\_\_

3. Date of Birth: \_\_\_\_\_

4. Traffic Citation Number: \_\_\_\_\_  
(*please attach a copy of each citation, if available*)

5. I am the defendant in the above-referenced case and I have been charged with the following violation(s): (List the charges as you understand them to be. Attach additional pages, if necessary.).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. This is not an admission that I violated any law. I am requesting the Court to Withhold the Adjudication of Guilt on the above listed citation(s) so that I will have no “points” on my record. I understand that if the Court declines to approve my Conditional Plea of No Contest, this matter will be set on a regularly scheduled traffic infraction pre-trial docket. I further understand that if the Court accepts my Conditional Plea of No Contest, I will be obligated to comply with the resolution the Court has imposed within 120 days, or my driver’s license may be suspended.

7. Further, if my citation(s) involve(s) improper equipment or failure to display a valid driver license, valid insurance, or a valid registration, I have attached copies of my current valid driver’s license; insurance that was valid on the date of the infraction; a valid motor vehicle registration and/or proof that any equipment defect has been repaired, as the case may be.

**I hereby plead NO CONTEST** and file this affidavit as an explanation of what happened and as a statement that the hearing officer or judge can consider before pronouncing a sentence. By pleading no contest, I understand that I am not admitting or denying that the infraction was committed but do not contest the charges and I understand that I if this plea is accepted the Court will withhold the adjudication of guilt. I understand that I am not required to make any statement. I understand that the hearing officer or judge will determine the appropriate sentence in withholding the adjudication of guilt. I further understand that I am waiving my personal appearance in this matter.

Statement of Defendant: (Not required. Additional papers, documents, photos, etc. can be attached but should be mentioned herein).

**I understand that any material misrepresentation could cause me to be prosecuted for a separate criminal law violation.**

**Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.**

Signature of Defendant: \_\_\_\_\_

If you are under the age of 18, a parent or guardian must also sign this statement:

Signature of Parent/Guardian: \_\_\_\_\_

***You may drop off this completed Plea at the Clerk’s drop box at any location of the Broward County Courthouse; you may also send it via U.S. Mail to Broward County Clerk of Court, P.O. Box 14610, Fort Lauderdale, Florida 33302-4610; or you may scan and email the form to the Clerk of Court at [TrafficEclerk@browardclerk.org](mailto:TrafficEclerk@browardclerk.org).***