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

Order Number 2014-3-CO

ADMINISTRATIVE ORDER AS TO
CIVIL TRAFFIC INFRACTIONS

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall "considering available resources, ensure the efficient and proper administration of all courts within [this] circuit."

(b) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

A. RESOLUTION OF CIVIL TRAFFIC INFRACTIONS:

(1) All law enforcement officers shall include with any civil traffic citation issued in Broward County, Florida, not requiring a mandatory hearing, a Court approved "mailer", which shall provide the necessary instructions to resolve the citation administratively with the Clerk of Court or before the Court including the civil penalty and shall also be available on the Clerk of the Court's website.

(2) Traffic infraction citations shall indicate in the court information section the following:
   a. "See Mailer " in lieu of indicating the civil penalty on the citation.
   b. "Must comply within thirty (30) days of issuance of the citation."
   c. The Defendant's signature is not required if the citing officer certifies by checking the appropriate box that the defendant received the citation unless it is a civil traffic infraction that requires a mandatory appearance.

(3) Any failure to include 2(a), 2(b), 2(c) information in the citation or mailer shall not result in the dismissal of any citation, unless the defendant shows that he or she did not receive the information and suffered prejudice as a result of not receiving the citation, not having the civil penalty or other available choices for resolving the citation provided at the time of the traffic stop.

B. CLERK OF THE COURT "GUILTY" OR "NO CONTEST" ADMINISTRATIVE PLEAS:

(1) The Clerk of Court is authorized to:
   a. Upon the entry of a plea of **no contest** or **guilty** impose an eight (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 an individual who is unable to qualify for the option of a four (4) hour state approved driver improvement course in accordance with the provision of Section 318.14 (9), Florida Statues. This election is not available to an individual who has made the same election within the preceding twelve (12) months or five (5) times ever or to drivers who hold a Commercial Driver's License. Expenses will include the course tuition plus statutory court costs in the same amount as provided in Section 318.14 (9), Florida Statutes. Upon successful completion of this option, adjudication would be withheld.

b. In cases where the individual cited has previously elected to attend, either a four (4) hour or eight (8) hour driver improvement course, and subsequently failed to successfully complete the necessary course and/or pay the required expenses within ninety (90) days, the Clerk of Court shall do the following:
    i. enter an adjudication for the person cited to be guilty of the infraction charged;
    ii. issue a D6 Driver license suspension notice; and
    iii. collect the statutory civil penalties, late fees, reinstatement fees, deferral fees and reset fees, if applicable. A credit shall be given toward the civil penalty for any court costs already paid.

c. If a no contest plea is filed with the Clerk of Court and the individual has improperly elected to attend a state approved driver improvement course because he or she made the same election within the preceding twelve (12) months, or more than five (5) times in a lifetime, the Clerk of Court shall enter an adjudication and assess points, but no additional fine or costs shall be imposed.

(2) Enter a D6 driver's license suspension notice as to any cited person who fails to resolve the citation or file a plea as required by law. The D6 license suspension may be lifted by the clerk as follows:
    i. filing a plea of no contest or guilty and assessment of the civil penalty, costs, and/or points as required by law; or
    ii. dismissal of the citation(s) as authorized by law upon the presentation of proper proof of compliance and the payment of the statutory costs and payment of any statutory late fees; or
    iii. imposition of a four (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 318.14 (9), Florida Statutes, along with the payment of any statutory late fees; or
    iv. filing a plea of not guilty and having the matter reset 1 time for a court appearance upon the payment of any statutory late fees. Subsequent requests for resets must go before the court to grant or deny at its discretion.

(3) Assign any case to a judge, if there is a timely written request within thirty (30) days of the issuance citation, and if there is no timely written request the case will be

referred to a civil traffic hearing officer for pre-trial conference after filing of a plea of not guilty. Until 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. COURT APPEARANCES AND NOT GUILTY PLEAS:

(1) A **not guilty** plea may **only** be entered as follows:
   a. a written plea of not guilty filed with the Clerk of Court; or
   b. a written affidavit of defense filed with the Clerk of Court along with the posting of the required bond in the amount of court costs currently $90.00 for any citation not involving an accident; or
   c. a written affidavit of defense filed with the Clerk of Court along with the posting of the required bond in the amount of court costs currently $100.00 for any citation that does involve an accident.

(2) Once a **not guilty** plea is entered the Clerk of Court is authorized to:
   a. set the case for a pre-trial conference or trial if it is a photo enforcement infraction;
   b. accept and defer payments up to sixty (60) days, for the civil penalty, from the date the Clerk of Court processes the option for a civil penalty or other statutory costs or fees imposed by law;
   c. utilize postmark, an electronic receipt or reference number date or any other date required by law as the compliance date.

(3) A defendant shall appear at a properly noticed traffic court proceedings as follows:
   a. in person at the scheduled location, date and time;
   b. through counsel of record at the scheduled location, date and time;
   c. by affidavit of defense in accordance with section C(1) of this Administrative Order and applicable law;
   d. by any other means at the discretion of the Judge of Civil Traffic Hearing Officer including via telephone and/or other electronic modalities that are permitted by law and accepted by the Circuit.

(4) Enter a D6 driver's license suspension notice as to any cited person who fails to appear after being properly noticed for a scheduled traffic infraction proceeding as required by law. The D6 license suspension may be lifted by the clerk as follows:
   a. filing a plea of not guilty and having the matter reset 1 time for a court appearance upon the payment of any statutory late fees;
   b. upon Order of the Court upon payment of any statutory late fees;
   c. upon the entry of a guilty plea after payment of the civil penalty, costs, and/or points as required by law;
   d. imposition of a four (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 318.14 (9), Florida Statutes, along with the payment of any statutory late fees;

e. upon the entry of any other resolution permitted under section B(2)of this Administrative Order that applies.

D. This Order vacates and supersedes Administrative Order VI-99-A-3.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on February 6, 2014.

/s/ Peter M. Weinstein
Peter M. Weinstein, Chief Judge