

ADMINISTRATIVE ORDER
NO. 2008-10

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT, IN AND FOR ORANGE
AND OSCEOLA COUNTIES, FLORIDA

**ADMINISTRATIVE ORDER GOVERNING THE
TRAFFIC VIOLATIONS BUREAU IN THE NINTH JUDICIAL CIRCUIT**

WHEREAS, 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; and

WHEREAS, in 1978 a Traffic Violations Bureau was established in the Ninth Judicial Circuit by Local Rule; and

WHEREAS, subsequently, the Supreme Court of Florida adopted Florida Traffic Court Rule 6.100 requiring the establishment of a traffic violations bureau by administrative order; and

WHEREAS, section 318.14, Florida Statutes, provides various methods to resolve traffic citations;

NOW, THEREFORE, I, Belvin Perry, Jr., in order to continue the efficient operation of the Traffic Violations Bureau in accordance with the traffic court rules, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, effective **immediately**:

1. The establishment of the Traffic Violations Bureau in the Office of the Clerk of Court for Orange County and in the Office of the Clerk of Court for Osceola County is affirmed and continued from the date of establishment in 1978.

2. The function and operation of the Traffic Violations Bureau shall be in accordance with Florida Traffic Court Rule 6.100.

3. The Traffic Violations Bureau for Orange County shall act under the direction and control of the County Court Administrative Judge for Orange County, or their designee, and the Traffic Violations Bureau for Osceola County shall act under the direction and control of the County Court Administrative Judge for Osceola County, or their designee.

4. The Clerk of Court for each county shall post in the place where civil penalties are to be paid in the violations bureau the schedule of the amount of the civil penalty as provided in section 318.18, Florida Statutes.

5. Extensions: The Clerk of Court for each county are hereby authorized to provide persons with “no more than two” 30-day extensions to pay fines and court costs assessed against them in civil traffic infractions cases (both court imposed and payable infractions). The Clerk may give one 30-day extension to complete traffic school in cases where the school election was timely requested. The Clerk shall charge and retain a \$4.00 administrative fee for each extension provided in each case. Furthermore, persons requesting extensions in more than one case shall be assessed a \$4.00 administrative fee for each additional case. (2000-1-1).

6. For the purposes of this Order, the phrase “a reasonable period of time” as stated in Florida Rule of Traffic Court 6.600(c), encompasses sixty (60) days after the defendant receives the citation. Therefore, a defendant in a civil traffic infraction case where no mandatory hearing is required shall have his or her request for hearing granted if filed within sixty (60) days of the date the defendant received the citation. A defendant

requesting a hearing after sixty (60) days from the date of the citation was received shall not be granted such hearing without an order of the court. (County Judge Administrative Order In Re: Rule 6.600(c), Judge Prather, 7/21/1989).

7. Pursuant to section 318.18, Florida Statutes, the Clerk of Court for each county are hereby authorized to dismiss charges of failure to carry and exhibit on demand the motor vehicle registration certificate per sections 320.0605 and 320.07, Florida Statutes, when the defendant produces, at any time prior to a hearing date, proof that at the time of the citation a certificate of registration had been issued and assigned to the vehicle in question. (07-76-36).

8. Pursuant to section 318.18, Florida Statutes, the Clerk of Court for each county are hereby authorized to dismiss charges of No Valid Driver License per sections 322.15, 322.03 or 322.065, Florida Statutes, when the defendant produces, at any time prior to a hearing date, a valid driver license that was valid on the date of the citation. (07-76-35).

9. The Clerk of Court for each county are hereby authorized to require out-of-county residents who are permitted by the court to file an Affidavit of Defense when charged with an infraction which results in an accident that caused the death or personal injury of another or property damage in excess of \$500.00 and/or speeding in excess of thirty (30) miles per hour over the lawful speed limit, to post an appearance bond with the Traffic Violations Bureau in an amount of \$500.00. (07-74-25).

10. Pursuant to section 318.14(5), Florida Statutes, defendants who elect a hearing, shall be advised of the opportunity to file an Affidavit of Defense, together with appropriate appearance bond, if applicable, within twenty (20) days of the election for hearing, for consideration of a withhold and no points assessed. After review by the

court, the court may either accept the Affidavit of Defense, waive points and impose a fine not to exceed \$500.00, or impose a fine as provided by applicable statutes; and/or impose an appropriate driver improvement course together with court costs and the hearing previously scheduled will be cancelled. If the court does not accept the Affidavit of Defense, then the hearing previously scheduled will occur. Failure of the defendant to attend any scheduled hearing may result in penalties being imposed and/or suspension of defendant's driver's license.

11. Pursuant to section 318.14(10), Florida Statutes, defendants who are charged with (a) operating a motor vehicle without a valid driver's license in violation of the provisions of sections 322.03, 322.065, or 322.15(1), Florida Statutes, or operating a motor vehicle with a license which has been suspended in violation of the provisions of section 322.34, Florida Statutes, where the suspension is for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to section 322.291, Florida Statutes; (b) Operating a motor vehicle without a valid registration in violation of sections 320.0605, 320.07, or 320.131, Florida Statutes; or (c) Operating a motor vehicle in violation of section 316.646, Florida Statutes, upon proof of compliance as defined by statute, up through the day scheduled for court appearance, may obtain resolution through the Clerk's office pursuant to section 318.14(10)(b), Florida Statutes.

12. The Clerk of Court for each county are provided the additional responsibility to issue a capias, pursuant to Florida Traffic Court Rule 6.190(a) for the arrest of any resident of this State, or any non-resident upon whom process may be served in this State, who fails to appear and answer a criminal traffic complaint or summons lawfully served upon such person and against whom a complaint or information has been filed. The

capias shall be directed to all law enforcement officers, state, county or municipal, in the State and may be executed in any county in this State. (07-80-19).

13. Administrative Orders 07-74-25, 07-76-35, 07-76-36, 07-80-19, 2000-1-1, and County Judge Administrative Order In Re: Rule 6.600(c), Judge Prather, 7/21/1989 are hereby vacated and set aside and have been incorporated and/or amended herein. This Order shall remain in effect until further order of the Court.

DONE AND ORDERED at Orlando, Florida, this 17th day of September, 2008.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>