

**AMENDED ADMINISTRATIVE ORDER GOVERNING THE
CRIMINAL TRAFFIC WRITTEN PLEA BUREAU
IN ORANGE COUNTY, FLORIDA**

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, Florida Traffic Court Rule 6.200 provides that the Court may approve written pleas of guilty and/or nolo contendere relating to criminal traffic offenses not designated as felonies under the laws of this State; and

WHEREAS, the County Judges have agreed to a uniform procedure for any written pleas;

NOW, THEREFORE, I, Belvin Perry, Jr., in order to facilitate the efficient operation of the Criminal Traffic Written Plea 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 Criminal Traffic Written Plea Bureau in the Office of the Clerk of Court for Orange County.
2. The function and operation of the Criminal Traffic Written Plea Bureau shall be in accordance with Florida Traffic Court Rule 6.200 and this Administrative Order.
3. The Criminal Traffic Written Plea Bureau for Orange County shall act under

the direction and control of the County Court Administrative Judge for Orange County or their designee.

4. The Criminal Traffic Written Plea Bureau may resolve, without court appearance of the Accused regardless of whether the Accused is arrested or issued a citation, the following traffic violations:

<u>Statute Number</u>	<u>Charge</u>
F.S. 320.02(4)	Failure to change address
F.S. 320.02(1)	No motor vehicle registration
F.S. 320.061	Unlawful alternation of tag
F.S. 320.07(3)(c)	Expired tag more than 6 months
F.S. 320.131(3)	Expired temporary tag
F.S. 320.261	Attaching tag not assigned
F.S. 320.38	Non-resident registration required
F.S. 322.031	Non-resident-driver's license required
F.S. 322.03(4)	No motorcycle license
F.S. 322.03(5)	Expired driver's license
F.S. 322.16(1)(a)	Violation of driver's license restriction (corrective lenses)
F.S. 322.03(1)	No valid driver's license
F.S. 324.201(1)	Return of driver's license to department/possession of suspended driver's license

provided such citations do not involve accidents, a commercial driver's license, any other criminal charges (i.e. criminal traffic, misdemeanors, and/or felonies) and the Accused's driving privilege/license is not suspended, cancelled or revoked.

5. After issuance of a citation for a specified violation, and upon the Accused's return date, a representative of the Clerk's office, shall advise that the Accused may elect

to pay a fine and court costs in lieu of appearing before the court and that this option shall result in a withhold of adjudication unless the Accused, by close of business on the Accused's scheduled return date provides documentary proof to the Clerk that the Accused has corrected the alleged violation.

A. If the Accused indicates a desire to plead guilty or nolo contendere and the Clerk has determined that the court appearance is not mandatory pursuant to the requirements of this Section, the Clerk will:

(1) Provide a Plea Form as is currently used in the traffic arraignment courtroom to the Accused for review and execution. The Clerk will direct the Accused to read the entire plea form.

(2) Obtain the Accused's signature, fingerprint of the Accused's right thumb print, if available, and if not, a fingerprint of Accused with the notation of which digit was printed, and address on the Plea Form.

(3) Complete a Disposition Form providing for the payment of all monies within twenty (20) days or a payment plan through collection court at the rate of thirty dollars (\$30.00) per month due either on the 5th of the month or the 20th of the month whichever occurs first after thirty (30) days from date of Disposition.

B. If the Accused indicates a desire to plead not guilty, or the Accused does not qualify pursuant to the remainder of this Section, then the Clerk shall direct the Accused to the appropriate arraignment proceeding.

6. Venues: All traffic citations issued in Orange County shall be returnable to the Criminal Traffic Written Plea Bureau of the County Court of Orange County located in the geographical area in which the offense occurred as specified in Administrative Order 2003-39-10, as amended.

7. Schedule of Fines and Costs: When a court appearance is not mandatory as indicated herein, the Criminal Traffic Written Plea Bureau will collect fines and costs

applicable to the charges, as follows:

Category A: Disposition of charge where the Accused produces the required document, i.e., registration, tag, driver's license.

Category B: Disposition of charge where the Accused does not produce the required document, i.e. registration, tag, driver's license and it is a first offense (Florida driving record does not reflect any prior offense for the same criminal traffic charge).

<u>Charge</u>	<u>Category A</u>	<u>Category B</u>
F.S. 320.02(4)	Dismissal	\$ 100.00
F.S. 320.02(1)	Dismissal	\$ 100.00
F.S. 320.061	Not Applicable	\$ 100.00
F.S. 320.07(3)(c)	Dismissal	\$ 100.00
F.S. 320.131(3)	Dismissal	\$ 100.00
F.S. 320.261	Not Applicable	\$ 100.00
F.S. 320.38	Dismissal	\$ 100.00
F.S. 322.031	Dismissal	\$ 100.00
F.S. 322.03(4)	Dismissal	\$ 100.00
F.S. 322.03(5)	Dismissal	\$ 100.00
F.S. 322.16(1)(a)	Not Applicable	\$ 100.00
F.S. 322.03(1)	Dismissal	\$ 150.00
F.S. 324.201(1)	Dismissal	\$ 150.00

plus any applicable dismissal fees and Court Costs at the time of the offense together with any surcharges and/or late fees as established by law.

8. Functions, duties, and authority delegated to the Criminal Traffic Written Plea Bureau shall be as follows:

A. Receive and process all citations issued for criminal traffic offenses committed within the geographical area of jurisdiction of the court served, as prescribed

herein.

B. Receive, receipt for, account for, and distribute in accordance with section 34.191, Florida Statutes, and other applicable statutes, all fines and court costs assessed upon conviction or plea of guilty and/or nolo contendere of offenses charged under the specific provision of law as specified herein.

C. Accept appearances, waivers, admissions and payment of fines and costs on all specified criminal traffic offenses.

D. Accept an appearance and plea of "Not Guilty," in writing, in person or by an attorney, to a charge of committing a first or second degree misdemeanor traffic offense, when a traffic citation was issued and have the case assigned for pre-trial at a future date.

E. Receive motions for new hearings or in arrest of judgment pursuant to Florida Rules of Criminal Procedure, within prescribed time limits and notify the defendant or his or her counsel of the time scheduled for a hearing.

F. Maintain records of all cases processed, numbering and reporting for identification and statistical purposes, separately from cases disposed of in open court.

G. Any additional duties or responsibilities as may be delegated by the Chief Judge of the Ninth Judicial Circuit.

This Order shall remain in effect until further order of the Court.

DONE AND ORDERED at Orlando, Florida, this 20th day of March, 2009.

_____/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>