

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 8.02

**ALACHUA COUNTY COURT CIVIL DIVISION:
TRAFFIC COURT ORGANIZATION AND PROCEDURE**

WHEREAS, the orderly administration of justice requires that attorneys, clerks, defendants, witnesses, personnel of the various law enforcement agencies dealing with the courts, and other persons involved in the processing of civil traffic cases be advised of the organization and procedures of the civil traffic division of the Alachua County Court; and

WHEREAS, the interests of justice and judicial economy would be served best by the issuance of a standing order which sets forth uniform requirements for the resolution of civil traffic infractions in Alachua County; It is therefore

ORDERED that the following organization and procedures are adopted:

1. **DIVISIONS**

There shall be two civil traffic divisions of the Alachua County Court, which are designated as Divisions IV and V. Civil traffic cases will be assigned in equal numbers to those divisions as they are received by the Clerk's Office.

2. **PROCEDURES**

A defendant charged with a civil traffic infraction which does not require a mandatory court appearance may elect one of the following procedures:

A. A defendant may elect to pay a civil traffic fine in accordance with the instructions written on the Uniform Traffic Citation issued by the law enforcement officer, and also may elect to attend a driver improvement school in accordance with Section 318.14(9),

Florida Statutes. By electing this procedure, the defendant is deemed to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceeding, or

B. A defendant may waive the right to the civil penalty provisions of Section 318.18, Florida Statutes, and elect one of two traffic court proceedings that allow the defendant to appear before a judge:

(1) If the defendant does not contest the commission of the infraction(s), but elects to appear before a judge to request a particular sentence, a plea of guilty or no contest by the defendant shall be entered with the Clerk and the case scheduled for the next available general sentencing docket within the assigned division.

(2) If the defendant contests the commission of the infraction(s), the defendant must enter a plea of not guilty and the case will be scheduled for the next available contested hearing docket. Plea forms will be available in the Clerk's Traffic Bureau and on the Clerk's website. The plea forms will explain the difference between evidentiary hearings and sentencing hearings, as described below, and advise defendants of the potential adverse consequences of electing to appear on a hearing docket.

The potential adverse consequences of electing to appear on a hearing docket are that, if the commission of the infraction is admitted or proved, the Court may impose a civil penalty not to exceed \$500 (except that in cases involving unlawful speed in a school zone or involving unlawful speed in a construction zone, the civil penalty may not exceed \$1000), require attendance at a driver improvement school, or both. Section 318.14, Florida Statutes. These penalties will not be imposed as additional penalties when the court appearance is mandatory. In those cases, the penalties are set forth with specificity in Section 318.14(5), Florida Statutes.

If the defendant elects to have an evidentiary hearing and then enters a guilty or no contest plea at the hearing, the Court may assess additional court costs to cover any additional costs or expenses that were caused by an untimely decision to enter a guilty or no

contest plea, such as the cost of requiring witnesses to appear for the purpose of presenting evidence.

The Clerk will advise defendants of the potential adverse consequences of electing to be placed on a hearing docket in the following manner: orally for defendants who make their hearing requests in person or by telephone, and by mail for defendants who mail in their hearing requests without indicating whether they wish to plead guilty, no contest, or not guilty. The Clerk will send the latter defendants plea forms with their hearing notices.

Mandatory civil traffic hearings will be conducted in accordance with the procedures described in Section 5. Hearings which are not mandatory will be conducted in accordance with the procedures described in Sections 3 and 4.

3. **GENERAL SENTENCING DOCKET**

The general sentencing docket provides the defendant an opportunity to speak with a judge about an appropriate sentence. A defendant who receives a plea form with his or her hearing notice will have ten (10) days from the date of the notice to return the form and indicate whether he or she wishes to plead guilty, no contest, or not guilty.

Defendants will be placed on the general sentencing docket if they a) enter a plea of guilty or no contest, or b) elect a hearing but fail to enter a specific plea. Defendants who have not entered a plea prior to appearing for the general sentencing docket may plead not guilty in court and have the cases transferred to the contested hearing docket.

The Clerk will be responsible for maintaining the docket, pursuant to guidelines set by the judges of the traffic division. At this hearing, the defendant will be given the opportunity to present any mitigation or argument to the court prior to sentencing. These sentencing hearings will be scheduled according to the Alachua County Civil Court Master Calendar. Law enforcement officers and other prosecution witnesses will not be required to attend these hearings.

4. **CONTESTED HEARING DOCKET**

The contested hearing docket requires an evidentiary hearing to determine whether the defendant committed the traffic infraction. A defendant who has a genuine desire to contest the issue of commission of the infraction may request an evidentiary hearing by entering a not guilty plea. These cases shall be divided equally and scheduled according to the Alachua County Civil Court Master Calendar. Law enforcement officers and any other witness required to give testimony pertaining to this civil infraction will be notified that their attendance is required at the hearing.

5. **MANDATORY TRAFFIC HEARINGS**

When a defendant is charged with committing a civil traffic infraction which requires a mandatory court appearance, the Clerk will schedule the case on the first available general sentencing docket, and will provide written notice to the defendant of this court event. If the defendant elects to contest the commission of the infraction(s) at the general sentencing hearing, the case will be scheduled for an evidentiary hearing on the next available contested hearing docket. The written notice from the Clerk will advise that the defendant's appearance at the general sentencing docket may be waived by notifying the Clerk no later than five (5) days before that hearing date of the intent to enter a not guilty plea and proceed directly to an evidentiary hearing. The Clerk shall then schedule the case for the next available contested hearing docket.

6. **FIRST CONTINUANCE**

The Clerk of Court is authorized to grant one continuance each for the defendant and the law enforcement officer(s). The request must be made to the Clerk in writing at least five (5) days before the hearing date. The Clerk shall then reschedule and notice the case for the next available docket.

7. **ADDITIONAL CONTINUANCES**

Additional requests for continuances shall be made in writing and filed with the Clerk at least five (5) days before the hearing date. The request must state with particularity the reasons for the requested continuance. The Clerk shall refer the request to the assigned judge who shall make a ruling, whereupon the Clerk's Office shall notice the parties or their attorneys, citing officers or their attorneys. The parties shall be responsible for notifying any subpoenaed witnesses of the continuance.

8. **MOTIONS FOR CONTINUANCES NOT FILED WITHIN FIVE (5) DAYS OF THE HEARING DATE, OR EMERGENCY MOTIONS FOR CONTINUANCE**

Requests for continuances not filed with the Clerk within five (5) days of the hearing date pursuant to Sections 6 and 7, are considered untimely, and the Clerk of Court shall refer the written motion to the assigned judge who will consider the motion. If a stated emergency precludes any party from filing a written motion within five (5) days of the hearing date, in accordance with Sections 6 and 7, a written request for continuance with an explanation of the emergency shall be made by e-mail to the Alachua County Traffic Bureau, at traffic@alachuaclerk.org and jgp@alachuaclerk.org. The Clerk shall refer the request to the assigned judge who will consider the motion.

9. **FAILURE TO APPEAR**

If a defendant, or his or her attorney, fails to appear at either the general sentencing docket or the contested hearing docket scheduled pursuant to this Administrative Order, the Court shall enter a D6 suspension of the defendant's driver's license, pursuant to Section 318.15(1), Florida Statutes.

10. **NOTICE OF APPEARANCE**

Prior to representing a defendant in a traffic infraction case, the responsible attorney shall file a notice of appearance with the Clerk of Court.

11. **NOTICE**

This Administrative Order will be posted on the Alachua County Clerk's website and on the Eighth Judicial Circuit website.

12. **EFFECTIVE DATE**

This Administrative Order shall become effective immediately upon its execution.

This order supersedes Administrative Order No. 8.02(v1), "Alachua County Court Civil Division Traffic Court Organization and Procedure."

ORDERED ON this 21st day of May, 2013.



Robert E. Roundtree, Jr., Chief Judge