

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
13-37-B AMENDED
SUPERSEDES 13-37-B

**IN RE: TRAFFIC – PLEA OF NO CONTEST AND REQUEST FOR WITHHOLD OF
ADJUDICATION PROGRAM**

WHEREAS, it has been determined that much time and expense can be saved by instituting a program with respect to certain traffic infractions that are assigned to Civil Traffic Infraction Hearing Officers by allowing, in certain circumstances, for the defendant to plead no contest and request the Civil Traffic Hearing Officer to withhold adjudication of guilt with respect to the civil traffic infraction for which the defendant is being charged; and,

WHEREAS, the Clerk of Court of Brevard County, Florida, has agreed to implement this program in terms of the administrative aspects thereof; and,

WHEREAS, the Sheriff Wayne Ivey in his capacity as Sheriff of Brevard County, Florida, as the various chiefs of police of the local law enforcement agencies in Brevard County, Florida, have indicated their support for this program, because it will save significant taxpayer dollars and free up law enforcement officers and staff to address other needs of our community; and,

WHEREAS, the Florida Rules of Traffic Court as adopted by the Supreme Court of Florida authorizes and empowers the withholding of adjudication of guilt with respect to civil infractions not otherwise prohibited by statute or rules of procedure.

WHEREAS, the fact that the defendant does not participate in the program does not mean that the defendant cannot obtain a withhold of adjudication in a hearing before the traffic hearing officer or the court.

IT IS ORDERED that effective October 1, 2013, Civil Traffic Infraction Hearing Officers may, in the exercise of their discretion;

1. Accept a plea of no contest and withhold adjudication of guilt with respect to civil traffic infractions violations other than those determined to have resulted in a traffic crash, a charge of driving while one's driver's license is revoked or suspended, a charge of

- driving with no valid driver's license, and any civil infraction that would require a mandatory hearing pursuant to the provisions of section 319.19, Florida Statutes; and;
2. That when a request is made by a defendant to enter a plea of no contest and withhold adjudication of guilt, the Civil Traffic Infraction Hearing Officer assigned to the case shall render a decision within sixty (60) days of the filing of the conditional plea, and;
 3. That if the law enforcement officer that issued the uniform traffic citation has opposition to providing the defendant with the remedy of having the adjudication of guilt withheld, such officer shall *note on the uniform traffic citation* that the officer opposes the adjudication of guilt, and;
 4. The defendant has thirty (30) days from the violation date to file a Plea of No Contest and Request for Withhold of Adjudication through the Clerk of Court; and;
 5. The defendant is permitted to request a plea of no contest and request for withhold of adjudication hearing one (1) time during a twelve (12) month period and no more than five (5) times in a lifetime; and;
 6. That any civil penalty assessed is due to the Clerk of Court within thirty (30) days from the date the Disposition/Court Order is signed; and;
 7. That the Clerk of Court shall develop a form to enable a defendant to enter a plea of no contest conditioned on the Civil Traffic Infraction Hearing Officer withholding an adjudication of guilt relative to the civil traffic infraction being charged pursuant to the uniform traffic citation issued by the law enforcement officer; and;
 8. That a defendant may request that a traffic infraction hearing be held before a County Court Judge, rather than before a Civil Traffic Infraction Hearing Officer, whereupon the authority provided by this administrative order shall be equally applicable to the County Court Judge hearing the matter.

DONE AND ORDERD this 23rd day of September, 2013.

JOHN M. HARRIS
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CHIEF JUDGE

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