

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

ADMINISTRATIVE ORDER NO.:
23-14-S

**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 listed below, 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 Seminole County, Florida, has agreed to implement this program in terms of the administrative aspects thereof; and,

WHEREAS, the Sheriff Dennis Lemma in his capacity as Sheriff of Seminole County, Florida, and the various chiefs of police of the local law enforcement agencies in Seminole 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 February 20, 2023, 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 318.19, Florida Statutes (currently, these offenses include violations for leaving a child unattended in a vehicle, an accident involving serious bodily injury, an accident involving a fatality, failing to stop for a school bus, or speeding 30 miles per hour or more above the speed limit); 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 on rotation on the case shall render a decision within fifteen (15) 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 withhold of 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 three (3) times in a lifetime; and;
6. The defendant must pay any civil penalty they have been assessed to the Clerk of Court within fifteen (15) days from the date the Disposition/Court Order is signed. Alternatively, if unable to pay, the Defendant has fifteen (15) days from the date the Disposition/Court Order is signed to enter into a payment plan with the Clerk of Court; 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.

DONE AND ORDERED this 22nd of February, 2023.

JESSICA RECKSIEDLER
JESSICA RECKSIEDLER
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Seminole County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Seminole County)
Public Defender (Seminole County)
State Attorney (Seminole County)
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GRANT MALOY
Clerk of the Circuit Court and Comptroller
Seminole County

PLEA OF NO CONTEST & REQUEST FOR WITHHOLD OF ADJUDICATION

A Plea of No Contest permits you to ask the Court to Withhold an Adjudication of Guilt (withhold the violation points from your driver's license) without having to go to court. The Court will review your past driving history and your signed request to determine whether to grant or deny your request. After the Court reviews your request and renders a decision, payment, and any school completions will be due within the timeframe ordered by the Court.

You are ineligible if:

- a) The violation involves a traffic crash.
- b) The violation is not for one of the following Florida statutes: 316.183, 316.187, 316.189, and/or 316.1895.
- c) The violation is for a criminal or misdemeanor charge.
- d) You hold a commercial driver's license.
- e) You were granted a withhold adjudication within the last (12) months.
- f) You have already been granted three (3) withhold of adjudications.
- g) The violation requires a mandatory hearing.

Requirements:

- a) You must know your violation case number (example: 2020TR010000), which can be looked up on the Clerk's website: <https://courtrecords.seminoleclerk.org/traffic/>
- b) You must download and complete the Plea form from here: <link to plea form>
- c) You must electronically file the Plea within thirty (30) days of your violation date through the Florida ePortal: <https://www.myflcourtaccess.com/authority/>
 - a. Instructions for electronically filing the Plea can be found at: <https://www.myflcourtaccess.com/authority/training-materials>
 - b. Do not submit payment with the initial plea request.
- d) By electronically filing a Plea of No Contest, you will be automatically enrolled to receive electronic notification of activity on your Court case.

IN THE COUNTY COURT, IN AND FOR SEMINOLE COUNTY, FLORIDA

STATE OF FLORIDA

vs.

Case #: _____

Citation #: _____

Hearing Offc: _____

Date: _____

_____/

ORDER OF DISPOSITION AND FINES AND COSTS (PNC & RWAG)

The Defendant, _____, and having entered a plea of NO CONTEST to the following offense: _____,

Defendant's Plea of No Contest and Request for Withhold of Adjudication is hereby:

_____.

1. The Court: Withholds Adjudication of Guilt

Adjudges the Defendant Guilty

2. Defendant is to: Pay the Total of \$_____ by _____
Complete _____ school by _____
Complete _____ hrs of community service by _____
or pay the rate of \$_____ per hr

Other:

Defendant has the right to appeal this sentence by filing a notice of appeal within 30 days from this date with the Clerk of the Court.

DONE AND ORDERED ON _____

Judge _____

STATE OF FLORIDA

Plaintiff,

vs.

_____ ,

Defendant.

_____ /

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

CASE NO:
CITATION NO:

**DEFENDANT’S PLEA OF NO CONTEST AND REQUEST FOR
WITHHOLD OF ADJUDICATION**

I hereby plea No Contest to the above referenced citation and ask the Court to Withhold Adjudication and assess no points on my driver’s record. I understand that I will be assessed a civil penalty and may be ordered to attend a defensive driving improvement course. I understand that by making this request, I am waiving my right to a speedy trial.

Should the Court deny my request, I understand that I will be Adjudicated Guilty and may pursue one of the following options:

1. Pay the civil penalty imposed by the Court within 30 days from the date of the Court’s ruling.
2. If unable to pay, I will have 30 days from the date of the Court’s ruling to enter into a payment plan with the Clerk of Court.

I understand that I am only permitted to plead No Contest and Request a Withhold of Adjudication once in a twelve (12) month period and no more than three (3) times in my lifetime.

I understand that I may not make this election if I hold a commercial driver’s license. I confirm that I am eligible to make this request. I understand that if I fail to complete any requirement(s) of this election, my driver’s license will be suspended, and I will be assessed additional fees.

Defendant’s Signature

Date

Defendant’s Address

Phone Number

City

State

Zip

E-Mail Address