

**ADMINISTRATIVE ORDER GOVERNING THE
CIVIL TRAFFIC INFRACTION HEARING OFFICER PROGRAM**

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, sections 318.30-318.38, Florida Statutes, and rule 6.630 of the Florida Rules of Traffic Court, provide for the establishment of a Civil Traffic Infraction Hearing Officer Program (hereinafter referred to as “the Program”); and

WHEREAS, the Program was previously established in this circuit by Administrative Orders 07-96-09 and 07-97-47; and

WHEREAS, the Program remains necessary for the administration of justice in this circuit to assist in relieving the excessive caseloads on the county courts;

NOW, THEREFORE, I, Belvin Perry, Jr., in order to continue the efficient operation of the Program 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 Program in the Ninth Judicial Circuit is affirmed and continued from the date of establishment.
2. The function and operation of the Program shall be in accordance with sections 318.30-318.38, Florida Statutes, and rule 6.630 of the Florida Rules of Traffic Court.

3. Hearing Officers for the Program shall be selected by the Chief Judge. As many individuals may be selected to serve as Hearing Officers as may be necessary to ensure that civil traffic infraction cases are disposed of timely and efficiently.

4. Hearing Officers shall:

- a. Hear and consider all civil traffic infraction proceedings.
- b. Preside over calendars scheduled throughout Orange and Osceola Counties.
- c. Have the power to accept pleas from defendants, hear and rule upon motions, decide the guilt or innocence of any person, adult or juvenile charged with any civil traffic infraction, and adjudicate or withhold adjudication in the same manner as a county court judge under the statutes, rules, and procedures presently existing or as subsequently amended.
- d. Have the authority to preside over each other's scheduled hearings and to administer and execute each other's orders and other related documents.

5. Hearing Officers shall not:

- a. Have the power to hold any person in contempt of court, but shall be permitted to file a verified motion for order of contempt with an appropriate state trial court judge pursuant to Florida Rule of Criminal Procedure 3.840.
- b. Hear a case involving an accident resulting in injury or death.

- c. Hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense.
- d. Have the power to suspend a defendant's driver's license pursuant to section 316.655(2), Florida Statutes.

6. Any Hearing Officer regularly scheduled to preside over a calendar will be an independent contractor and must enter a contract with the Ninth Judicial Circuit, or with the Ninth Judicial Circuit and other funding entity where the budget crisis has necessitated alternative funding, before serving as a Hearing Officer. The compensation for contract-Hearing Officers will be as provided in his or her or contract. A court employee qualified under Florida Rule of Traffic Court 6.630 may preside over a calendar as part of his or her regular duties when determined necessary by the Chief Judge or the County Administrative Judge.

7. Hearing Officers shall perform their duties in accordance with Florida Statutes, Rules of Court, the Code of Judicial Conduct, applicable administrative orders, relevant case law, and the terms and conditions of the contract between Hearing Officer and the Ninth Judicial Circuit.

8. Matters of contempt arising from the Hearing Officers' calendars shall be heard by the county court judge assigned to the applicable traffic sections.

9. On the request of a defendant in a Notice of Appearance or in a written plea, a case shall be assigned to the county court judge assigned to the applicable traffic section instead of scheduling the case to be heard by a Hearing Officer.

10. Appeals from dispositions of the Hearing Officers shall be filed in the circuit court.

11. In the absence of a Hearing Officer due to illness or vacation, an alternate Hearing Officer shall preside. In the event an alternate Hearing Officer cannot preside the County Administrative Judge shall make every reasonable effort to locate a county court judge to preside over scheduled hearings in an effort to avoid the necessity of rescheduling.

12. Administrative Orders 07-96-09 and 07-97-47 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 27th day of October, 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
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