

ADMINISTRATIVE ORDER
NO: 07-95-33-01

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE & OSCEOLA
COUNTIES, FLORIDA

**ADMINISTRATIVE ORDER GOVERNING THE CHILD PASSENGER RESTRAINT
SAFETY PROGRAM, ORANGE & OSCEOLA COUNTIES**

WHEREAS, in section 316.613, Florida Statutes, the Florida legislature passed requirements pertaining to the use of child restraint devices by the operators of motor vehicles, as defined in section 316.003, Florida Statutes; and

WHEREAS, section 316.613 (4) specifically provides that it is the legislative intent that all state, county, and local law enforcement agencies and safety councils conduct a continuing safety and public awareness campaign concerning the uses, misuses, and effectiveness of child restraint devices in motor vehicles; and

WHEREAS, there are thousands of minor children injured in the State of Florida annually, many of which are fatal, due to unrestrained children or due to the misuse of child restraint devices; and

WHEREAS, the Florida Safety Council, Inc. has developed and is willing to provide a Child Passenger Restraint Safety Program on the use and effectiveness of child passenger restraint devices;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, pursuant to Florida Rule of Judicial Administration 2.050, hereby order that the following policies and procedures regarding the Child Passenger Restraint Safety Program are adopted, effective immediately:

1. That the Florida Safety Council, Inc. be and is hereby designated as the provider for the Child Passenger Restraint Safety Program and as such, shall:

(a) Provide a Child Passenger Restraint Safety Program at convenient times and places in Orange and Osceola Counties for offenders of Florida's child restraint law and other members of the general public desiring to attend such program;

(b) Maintain appropriate records of attendance and registration, as provided by law, and, upon request, report to the office of the Clerk of the County Court in Orange and Osceola Counties the names of violators of section 316.613 who have completed the program;

(c) Provide reports and other records at the request of Administrative Judges and/or the Chief Judge of the Ninth Judicial Circuit Court of Florida; and

(d) Comply with the Americans with Disabilities Act of 1990.

2. That all first-time offenders who are cited with a violation of section 316.613, Florida Statutes, may, in lieu of the penalty specified in section 318.18, Florida Statutes, and the assessment of points against his/her driver's license, as set forth in section 322.27, Florida Statutes, elect to attend a Child Passenger Restraint Safety Program under the direction of the Florida Safety Council, Inc. Upon making the election to attend a Child Passenger Restraint Safety Program, the violator must sign and file an Affidavit provided to the violator by the Clerk of Court of the respective county. The costs to attend the program shall be thirty-five dollars (\$35.00) to be paid to the Florida Safety Council, Inc. and an administrative fee of five dollars (\$5.00) to be paid to the Clerk of Court of the respective county. Ten dollars (\$10.00) of the thirty-five dollar fee charged for the program shall be placed in a fund for the purchase of additional child restraint devices. Upon successful completion of the program, adjudication shall be withheld. The violator must make the election to attend the course within thirty (30) days of receipt of the citation, and he/she must complete the program within ninety (90) days of making

that election.

3. Upon the expiration of the ninety-day period set forth above, the Clerk of the Court of the respective county shall:

(a) Docket the certification of the Florida Safety Council, Inc. that the violator has completed the Child Passenger Restraint Safety Program, or

(b) In the event that proof of attendance has not been received, the violator's license shall be suspended and the full fine amount shall be due and owing.

4. The fee structure of the Child Passenger Restraint Safety Program shall be approved by the Chief Judge of the Ninth Judicial Circuit of Florida and the Florida Safety Council, Inc. In the event that the offender claims to be indigent and signs an affidavit of indigence, the Florida Safety Council, Inc. may provide to the offender, without charge, an approved child passenger restraint device. However, program tuition will not be waived. The Court may require records, reports, and/or audits from time to time as it deems necessary in order to make an informed decision regarding the fee structure.

5. Administrative Order 07-95-33, dated November 30, 1995, is vacated and set aside.

DONE AND ORDERED in chambers, at Orlando, Florida, this 19th day of October, 2005.

/s/ Belvin Perry, Jr.
Belvin Perry, Jr.
Chief Judge

Copies provided to:
Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninja9.org/adminorders>
Michael Rivers, Florida Safety Council, Inc.