

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2021-053
(Supersedes Administrative Order S-2020-006)**

CIVIL TRAFFIC DIVISION

It is necessary for the proper and efficient administration of justice to update the assignment of cases in the County Civil Traffic Division in light of the recently-established County Civil Traffic Division "R." By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; Florida Rule of General Practice and Judicial Administration 2.215(b)(2); and the Florida Traffic Court Rules of Procedures, it is ORDERED:

1. Traffic Violations Bureau

A Traffic Violations Bureau within the office of the Clerk of the County Court will function and operate in accordance with Florida Traffic Court Rule of Procedure 6.100.

2. Divisions

Civil traffic matters of the county court will be administered by four judicial divisions and one civil traffic infraction hearing officer division. The judicial divisions are designated as Traffic Division "F," Traffic Division "R," East Division "Q," and East Division "Y." The civil traffic infraction hearing officer division is designated as Division Z-2. The Clerk of the County Court ("clerk") will designate on the progress docket the division to which each case is assigned. Thereafter, each case will be heard, tried and determined by the judge or hearing officer presiding over the assigned division.

3. Hearing Officers

The Civil Traffic Infraction Hearing Officer Program, originally established in 1989, continues in accordance with sections 318.30 – 318.38, Florida Statutes, and Florida Traffic Court Rule of Procedure 6.630. Appointed hearing officers, assigned to Division Z-2, are independent contractors and contract with the trial court administrator. If the regularly-scheduled hearing officer is absent,

due to illness, vacation or other reasons, an alternate hearing officer will preside.

4. Assignment of Cases

A. Tampa Divisions

i. Division Z-2

All civil traffic infractions in which the infraction occurs outside of the East Division and which are eligible to be heard by a hearing officer are assigned to Hearing Officer Division Z-2. Such infractions will be disposed of by the hearing officer in Division Z-2 except for cases: (a) issued in conjunction with a criminal traffic offense; (b) involving an accident resulting in injury or death; or (c) in which the alleged offender, within 30 days of the issuance of the citation, requests in writing for the case to be heard by a county judge.

ii. Conjunctive Criminal Case

Civil traffic infractions issued in conjunction with a criminal traffic offense will be transferred to and disposed of in the appropriate county criminal division.

iii. Divisions “F” & “R”

a. *Newly-Filed Cases*

On and after the effective date of this administrative order, civil traffic infractions involving an accident resulting in injury or death, or in which the alleged offender, within 30 days of the issuance of the citation, requests in writing for the case to be heard by a county judge, will be transferred to and disposed of in one of the two Tampa civil traffic divisions – Traffic Division “F” or Traffic Division “R” – based on a random equitable distribution.

b. *Transferred Cases*

In order to initially populate Civil Traffic Division “R” with its proportionate share of cases, certain cases from Civil Traffic Division “F” will be transferred to Civil Traffic Division “R.” The clerk will coordinate the transfer of cases with the administrative judge and the technology department of the Administrative Office of the

Courts.

B. Plant City Divisions

All civil traffic infractions in which the infraction occurs within the East Division¹ will be filed and disposed of in East County Division “Q” or East County Division “Y” according to the first letter of the alleged offender’s last name. If the first letter of the alleged offender’s last name is “A” through “L,” the case will be assigned to East County Division “Q.” If the first letter of the alleged offender’s last name is “M” through “Z,” the case will be assigned to East County Division “Y.”

5. Change of Plea

All alleged civil traffic offenders entering a plea of not guilty are prohibited from changing their plea unless the change of plea is made in open court.

6. Continuances

In accordance with Florida Rule of Traffic Court 6.480, the clerk is authorized to automatically grant alleged offenders 60 days from the date of the offense to pay the citation. A continuance after a case is set for trial may be granted only by the judge or hearing

¹ See Administrative Order S-2019-043 (*East Division*) or any successor administrative order for the geographic boundaries of the East Division (all area to the east of the following boundary: from the boundary line of Hillsborough and Pasco Counties south on U.S. 301 to the first time U.S. 301 intersects I-75; south on I-75 to Martin Luther King, Jr. Boulevard; east along Martin Luther King, Jr. Boulevard to Dover Road; south on Dover Road to Bloomingdale Avenue; west on Bloomingdale Avenue to Lithia Pinecrest Road; south on Lithia Pinecrest Road to Fish Hawk Boulevard; west on Fish Hawk Boulevard to Bell Shoals Road; south on Bell Shoals Road to Boyette Road; south on Boyette Road to Balm Boyette Road; south on Balm Boyette Road to County Road 579; south on County Road 579 to the boundary line of Hillsborough and Manatee Counties).

officer to whom the case is assigned and only upon good cause being shown upon written motion.

7. Child Restraint Safety Program

A. Course Approval

In accordance with the child restraint requirements of section 316.613, Florida Statutes, a person who violates the provisions of this section may elect, with the court's approval, to participate in a child restraint safety program approved by the chief judge. In light of this approval authority, any child restraint safety course approved by the Department of Highway Safety and Motor Vehicles under section 316.613(5), Florida Statutes, is hereby approved as a child restraint safety program.

B. Process

The clerk will provide a plea election form to any person who wishes to make an election. Upon a person's election the clerk will record the case as adjudication withheld. Within 60 days of the date of the plea election, any person making an election must file with the clerk a certification from the service provider indicating the person successfully completed the child restraint safety program. A person who elects to attend a child restraint safety program but who subsequently fails to provide the clerk with a course completion certification within 60 days will be deemed to have admitted the infraction and the clerk will record an adjudication of guilty. The clerk will then notify the offender and the Department of Highway Safety and Motor Vehicles of such failure and of the penalty incurred and court costs due.

8. Reassignment upon Disqualification

A. Hearing Officer

If a hearing officer determines it is necessary to disqualify himself or herself, the clerk will reassign the case to Tampa Civil Traffic Division "F" or "R," based on a random equitable distribution.

B. Tampa Divisions

If either of the judges presiding in Civil Traffic Divisions “F” or “R” enters an order of disqualification, the clerk will reassign the case to the other Tampa civil traffic division. If both Tampa civil traffic division judges have entered orders of disqualification, the clerk will reassign the case to a Tampa County Civil Division based on a random equitable distribution.

C. Plant City Divisions

If either of the judges presiding in East Divisions “Q” or “Y” enters an order of disqualification in a civil traffic case, the clerk will reassign the case to the other East Division. If both East Division judges have entered orders of disqualification in a civil traffic case, the clerk will reassign the case to Tampa Civil Traffic Division “F” or “R,” based on a random equitable distribution.

9. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2020-006 (*Civil Traffic Division*).

10. Effective Date

This administrative order is effective November 1, 2021.

ENTERED on September 10, 2021.


Ronald N. Ficarrota, Chief Judge

Original: Cindy Stuart, Clerk of the Court
Copy: All County Judges
All Civil Traffic Infraction Hearing Officers