

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2020-005 PA/PI-CIR

RE: CIVIL TRAFFIC INFRACTION HEARING OFFICERS

On December 17, 1990, the Civil Traffic Infraction Hearing Officer Program approved by the Supreme Court was established in Pinellas County. On December 20, 1994, the Civil Traffic Infraction Hearing Officer Program approved by the Supreme Court was established in Pasco County. The programs in Pasco and Pinellas Counties were confirmed in Administrative Orders 2003-053, 2006-015, 2017-008, and again in 2019-041.

In order to continue the efficient operation of the Civil Traffic Infraction Hearing Officer Program in Pasco and Pinellas Counties and to provide for the orderly appointment and compensation of Civil Traffic Infraction Hearing Officers; and

In accordance with Article V, § 2, Florida Constitution; Rule of Judicial Administration 2.215; Traffic Court Rule 6.630; and §§ 43.26 and 318.30-318.38, Florida Statutes, it is

ORDERED:

1. The existence of the Civil Traffic Infraction Hearing Officer Programs in Pasco and Pinellas Counties are affirmed and continued from the dates of establishment detailed above.
2. The Civil Traffic Infraction Hearing Officer (Hearing Officer) 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 traffic infraction cases are disposed of timely and efficiently.
3. Hearing Officers shall:
 - a. Execute an oath of office. An oath previously recorded by a Hearing Officer remains valid. Any oath not already recorded in the Official Records of the Clerk of the Circuit Court for Pinellas County, Florida, shall be properly recorded in those Records with this administrative order.
 - b. Serve part-time and at the pleasure of the Chief Judge.
 - c. Hear and consider all civil traffic infraction proceedings, including parking ticket hearings.
 - d. Preside over calendars scheduled in the evening at traffic court locations throughout Pasco and Pinellas Counties.
 - e. 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. However, Hearing Officers shall **not**:
 - i. 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;

- ii. hear a case involving an accident resulting in injury or death;
- iii. hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense; or
- iv. have the power to suspend a defendant's driver's license pursuant to § 316.655(2), Florida Statutes.

4. Any Hearing Officer regularly scheduled to preside over a calendar will be an independent contractor and must enter a contract with the Sixth Judicial Circuit before serving as a Hearing Officer. The compensation for contracted Hearing Officers will be as provided in his or her contract with the Sixth Judicial Circuit. 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 County Administrative Judge or the Chief Judge.

5. Each person listed in Appendix A has completed the required training and has been approved to act as a Hearing Officer for the Sixth Judicial Circuit. The persons so listed are hereby appointed as Hearing Officers and are authorized to hear proceedings in either Pinellas County or Pasco County. The Court may amend Appendix A to appoint or remove Civil Traffic Infraction Hearing Officers without amending this administrative order.

6. 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 Sixth Judicial Circuit.

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

8. 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.

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

10. The Clerk of the Circuit Court shall schedule the final hearing for any civil traffic infraction, other than those excluded in subparagraph 3.e. above, to an evening calendar.

11. In the event a civil traffic infraction is issued in conjunction with a criminal traffic offense, the Clerk of the Circuit Court shall calendar said infraction before a Hearing Officer only if the companion criminal action has been disposed of by a judge or by other dispositional filing by the Office of the State Attorney and the civil traffic infraction remains outstanding. In that event, should the alleged offender file a plea of not guilty to the infraction, the Clerk of the Circuit Court shall calendar the infraction before a Hearing Officer as soon as practicable.

12. All actions taken before this date by previously appointed Civil Traffic Infraction Hearing Officers are hereby confirmed.

13. Other Hearing Officers may be appointed as deemed necessary by the Chief Judge.

Administrative Order 2019-041 PA/PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this
_____ day of February 2020.

ORIGINAL SIGNED ON FEBRUARY 19, 2020
BY ANTHONY RONDOLINO, CHIEF JUDGE

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Nikki Alvarez-Sowles, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi Acholonu, Assistant Regional Counsel
Lillian Simon, Director of Administrative Services for Pasco County
Kimberly Thompson, Director of Criminal Courts, Pasco County Clerk's Office
Civil Traffic Infraction Hearing Officers
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties