

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

ADMINISTRATIVE ORDER NO.:
16-15-S AMENDED
SUPERSEDES 16-15-S

IN RE: COUNTY COURT – MISDEMEANOR AND TRAFFIC

The Judges of the County Court of Seminole County, Florida, have determined that the following is necessary and proper for the disposition of misdemeanor and traffic cases in said county, it is, upon consideration,

ORDERED and ADJUDGED:

1. DISPOSITION OF UNIFORM TRAFFIC CITATIONS NOT DISPOSED OF PURSUANT TO CHAPTER 318:

- a. Pursuant to Rule 6.575, Florida Rules of Court, the Clerk of this court shall dismiss any civil infraction citations with an outstanding or unsatisfied D-6 seven (7) years after the submission of the D-6 by the Clerk to the Department of Highway Safety and Motor Vehicles.
- b. The Clerk of this court is ordered to dismiss any citation and satisfy any D-6 issued to anyone who thereafter is deceased. Proof of death shall consist of a death certificate or any official notification of death by the Department of Highway Safety and Motor Vehicles or the Department of Health (Vital Statistics).

2. OFFENSES RETURNABLE FOR A COURT ARRAIGNMENT DOCKET:

The following offenses shall be returnable before the County Court at the Seminole County Criminal Justice Center, 101 Bush Boulevard, Sanford, Florida at 9:00 A.M. on the arraignment docket assigned to the law enforcement agency making the arrest or issuing the Uniform Citation or Summons:

- a. Any misdemeanor, criminal traffic offense, or criminal ordinance violation for which the defendant is placed under arrest rather than cited.
- b. Non-traffic misdemeanors and violation of county and municipal ordinances.

- c. Violations of Chapter 320, Florida Statutes, which are not civil infractions.
- d. Violations of Chapter 322, Florida Statutes, which are not civil infractions.
- e. The following criminal violations of Chapter 316, Florida Statutes:
 - 1. Leaving scene of a crash (Florida Statutes 316.061).
 - 2. Driving under the influence (Florida Statutes 316.193).
 - 3. Reckless driving [Florida Statutes 316.192(1)(a) and (1)(b)].
 - 4. Making false accident report (Florida Statutes 316.067).
 - 5. Refusing to follow lawful order of policeman or fireman (Florida Statutes 316.072(3)).
 - 6. Any violation of Florida Statutes 316.302 and 49 CFR parts 171-178 not itemized on pages 2 and 3 of this order.
 - 7. A violation of Florida Statutes 316.302 and 49 CFR s. 395.13, (operation of a vehicle declared out of service) or s. 369.9 (Operation of a vehicle declared and marked out of service).
 - 8. A violation of Florida Statutes 316.302(8) (Failed to submit to inspection).
 - 9. A violation of Florida Statutes 316.063(1) (Failed to leave information - unattended vehicle).
 - 10. A violation of Florida Statutes 316.646(4) (Presenting proof of insurance with knowledge that insurance is not currently in force).
 - 11. A violation of Florida Statutes 316.191(2)(a) (Racing on highway).
 - 12. A violation of Florida Statutes 316.520(3)(b) (Load dropping/shifting/leaking/blowing off and not covered resulting in serious bodily injury or death of an individual).
 - 13. A violation of Florida Statutes 316.545(1) Obstructing an officer (relating to weight of a vehicle and load).

3. **OFFENSES RETURNABLE FOR A CIVIL INFRACTION HEARING DOCKET:**

The following offenses shall be returnable before the County Court at the Seminole County Criminal Justice Center, 101 Bush Boulevard, Sanford, Florida on the eighth Friday after date of offense at 9:00 A.M.:

- a. A civil infraction resulting in a crash resulting in a death of another.
- b. A civil infraction, which results in a crash that causes “serious bodily injury” of another as defined in Florida Statutes 316.1933(1).

4. **COURT ARRAIGNMENT DOCKETS:**

- a. The following return dates shall be given out by the corresponding Law Enforcement Agencies for initial return/arraignment dates in misdemeanor and criminal traffic cases:
 - 1. The fourth Monday after arrest, citation, or summons date: Sanford and Lake Mary Police Departments, and Sanford Airport Police.
 - 2. The fourth Tuesday after arrest, citation, or summons date: Casselberry, Oviedo, and Longwood Police Departments.

3. The fourth Wednesday after arrest, citation, or summons date: Seminole County Sheriff's Department.
 4. The fourth Thursday after arrest, citation, or summons date: Altamonte Springs and Winter Springs Police Departments.
 5. The fourth Friday after arrest, citation, or summons date: Florida Highway Patrol and all other State Agencies, and all Domestic Violence Cases (see d. below).
 6. The fifth Friday after citation or summons date of any game or fishing violations: Game and Fresh Water Fish Commission.
- b. When a defendant is arrested on any offense all contemporaneously issued traffic citations including civil infraction charges shall accompany the arrest and booking report and shall be placed on the same arraignment docket as the charge for which the defendant is arrested.
 - c. Any charge including civil infractions made contemporaneously with a charge requiring an appearance on a court arraignment docket shall also be made returnable on said arraignment docket so that all charges are kept together for disposition.
 - d. When a defendant is arrested on any misdemeanor Domestic Violence offense including Battery, Assault, Contempt of Court - Violation of Injunction for Protection, and Violation of Conditions of Release - Domestic Violence, the Initial Appearance Clerk shall provide the initial return/arraignment date in the misdemeanor case as the fourth FRIDAY after arrest.
5. CLERK'S DUTIES AND RESPONSIBILITIES:
- a. The Clerk is hereby authorized to grant any defendant, upon request made in person or in writing, a thirty-day extension for the payment option only as required by Chapter 318 of the Florida Statutes.
 - b. If the defendant is charged with Failure to Show Proof of Insurance and fails to answer the citation or cannot provide proof of personal injury protection, the clerk shall suspend the registration and driver's license of said person pursuant to Sections 316.646(3) and 318.15, Florida Statutes.
 - c. If the defendant is charged with any violation of Florida Statutes 316.646 when operating a motorcycle, the Clerk shall dismiss the citation at no cost to the defendant.
 - d. If a defendant tenders (by mail or in person) a civil penalty less than that provided by law, the Clerk is authorized to dispose of the citation by accepting said amount if the defendant can prove by production of the citation supplement that the officer told him that the amount tendered was the correct amount. In such case, the difference between the correct amount and the amount accepted shall be allocated pro-rata as provided by law after deduction of the court costs.
 - e. If the defendant is charged with an equipment violation on a commercial motor vehicle pursuant to Florida Statutes 316.302, and 49 CFR parts 100 – 399, the following offenses shall be made returnable to the Traffic Violations Bureau,

Criminal Justice Center, 101 Bush Boulevard (P. O. Box 850), Sanford, Florida, or any Branch Office, within thirty days of the issuance of such citation for disposition allowing the defendant to pay the fine assessed below, plus \$10.00 court costs; or, request a civil infraction hearing.

- f. In addition to the fine imposed by this order for all non-criminal traffic dispositions, the Clerk is authorized to collect any appropriate Legislative assessments as authorized by law.
- g. Other penalties for offenses which the Clerk is authorized to collect include:
 - 1. Improper equipment [FS 316.302(1) and 49 CFR parts 382, 385 and 390-397] - \$100.00
 - 2. Safety regulations for hazardous material [FS 316.302(1)] - \$250.00
 - 3. Disregard hours of rest [FS 316.302(2)(b)] - \$100.00
 - 4. Falsification of time records [FS 316.302(2)(c)] - \$100.00
 - 5. No medical certificate [FS 316.302(2)(i)] - \$250.00
 - 6. Operator under 18 [FS 316.302(3)] - \$250.00
 - 7. Disregard Safety Regulation – hazardous materials [FS 316.302(4)] - \$250.00
 - 8. Not placarding hazardous materials [49 CFR parts 171-179] - \$250.00
 - 9. Driver not possessing proper written documents [49 CFR parts 171-179] - \$250.00
 - 10. Vehicle (hazardous materials) not stopping at railroad [49 CFR s. 392.10] - \$250.00
 - 11. Out-of-service driver operating vehicle [49 CFR s. 383.53] - \$1,100.00
 - 12. Fueling violations – hazardous materials [49 CFR s. 397.15] - \$250.00
 - 13. Improper identification markings [49 CFR s. 390.21 or FS 316.302(2)(e)] - \$50.00
 - 14. Company ID not in compliance [49 CFR s. 390.21 or FS 316.302(2)(e)] - \$50.00
 - 15. Failure to remove ID from vehicle [49 CFR s. 390.21 or FS 316.302(2)(e)] - 50.00
 - 16. Unattended Motor Vehicle - hazardous materials [49 CFR s. 397.5] - \$250.00
 - 17. Parking violation - hazardous materials [49 CFR s. 397.7] - \$250.00
 - 18. Smoking violation - flammable materials [49 CFR S 397.13] - \$250.00
 - 19. Transporting unauthorized persons [49 CFR s. 392.60] - \$100.00
- h. Unless a different amount is specified herein, the amount of any Court costs in this order is hereby set at \$10.00.
- i. The Clerk shall have the authority to schedule a civil emergency ID hearing for a defendant whose driver's history reflects a Seminole County civil traffic infraction conviction when the defendant's license or driving privilege is then under suspension for that infraction and the defendant swears that he or she was not the driver to whom the citation was issued. The Clerk shall have the

authority in civil traffic infractions to issue a D-6 clearance (“suspended in error”), in advance of the civil ID hearing, without charge, when, in the discretion of the Clerk, the defendant has a credible basis for requesting the civil ID hearing.

6. OFFENSES TO BE SET BEFORE A CIVIL TRAFFIC INFRACTION HEARING OFFICER:

The following offenses shall be set for a hearing before a Civil Traffic Infraction Hearing the Seminole County Criminal Justice Center, 101 Bush Boulevard, Sanford, Florida:

- a. All Civil Traffic Infractions;
- b. A violation of Florida Statutes 316.6135(1) - Leaving a child younger than 6 years of age unattended or unsupervised in a motor vehicle in excess of 15 minutes;
- c. Any infraction of Florida Statutes 316.172(1)(b) – Passing a stopped school bus on the enter/exit side;
- d. Any infraction of Florida Statutes 316.520(1) or (2) – Load dropping/shifting/leaking/blowing off and not covered;
- e. Any infraction of Florida Statutes 316.183(2), Florida Statutes 316.187; or, Florida Statutes 316.189 of exceeding the speed limit by 30 mph or more; and,
- f. Parking infractions issued in municipalities that have adopted ordinances allowing parking infractions to be heard by a Hearing Officer not otherwise disposed of. Only upon a specific written request of the defendant contained in a Request for a Civil Traffic Infraction Hearing form or a specific request in a Notice of Appearance or written plea shall the case be assigned to a County Court Judge. All civil infractions and parking infractions issued in conjunction with criminal violations shall remain with the criminal charge(s) for arraignment before a County Court Judge.

7. CIVIL TRAFFIC INFRACTION HEARING OFFICER SCHEDULE:

Effective January 4, 2017, all civil traffic infractions will be held at the Seminole County Criminal Justice Center located at 101 Bush Boulevard, Sanford, Florida. The agency schedule is as follows:

- a. Wednesday at 1:30 p.m.: Sanford Police Department, Orlando/Sanford International Airport Authority, Florida Highway Patrol, Seminole County Sheriff’s Office
- b. Thursday at 1:00 p.m.: Altamonte Springs Police Department, Longwood Police Department, Lake Mary Police Department, Seminole County Sheriff’s Office
- c. Thursday at 3:00 p.m.: Winter Springs Police Department, Oviedo Police Department, Casselberry Police Department, Seminole County Sheriff’s Office

8. SUBMISSION AND DISPOSITION OF CITATIONS ISSUED BY STATE AGENCIES:

A. Department of Natural Resources, Division of Recreation and Parks:

1. The offenses enumerated below in paragraph (2), which are violations of Chapter 16D-2, Rules of the Department of Natural Resources, Division of Recreation and Parks may be presented for prosecution by citation

issued by the Department of Natural Resources. In order to be accepted by the Clerk, citations shall be complete, legible, signed by the defendant, and filed with the Clerk within five (5) business days of issuance. Citations shall be made returnable to the Traffic Violations Bureau, Criminal Justice Center, 101 Bush Boulevard (P.O. Box 850), Sanford, Florida, or any Branch Office, within thirty (30) days of the issuance of such citation for disposition as specified in paragraph (2) below.

2. The defendant shall pay a fine of \$20.00, plus \$10.00 court costs, plus any appropriate legislative assessments for all citations issued for offenses enumerated in any subsection of the following section of Chapter 16-D-2:

- a. 16D-2.002 Vehicular and Traffic
- b. 16D-2.003 Park property
- c. 16D-2.004 Recreation Activities
- d. 16D-2.005 Camping and Cabins
- e. 16D-2.006 Nuisances
- f. 16D-2.007 Behavior
- g. 16D-2.008 Merchandising, Advertising and Signs
- h. 16D-2.009 Sanitation
- i. 16D-2.010 Miscellaneous

3. If the defendant fails to dispose of the citation pursuant to paragraphs (1) and (2) above, the defendant shall be set on an arraignment docket and proper notices shall be furnished to him or her by the Clerk.

B. Florida Department of Agriculture, Division of Forestry:

1. The offenses enumerated below in paragraph (2), which are violations of Chapter 51-4, Florida Administrative Code Rules and Regulations of the Department of Agriculture and Consumer Services, may be prosecuted by citations issued by the Division of Forestry. In order to be accepted by the Clerk, citations shall be complete, legible, signed by the defendant, and filed with the Clerk within five (5) business days of issuance. Such citations shall be returnable to the Traffic Violations Bureau, Criminal Justice Center, 101 Bush Boulevard (P. O. Box 850), Sanford, Florida, or any Branch office, within thirty days of the issuance of such citation for disposition as specified in paragraph (2) below.
2. The defendant shall pay a fine of \$50.00 which includes court costs of \$10.00; \$3.00 pursuant to Florida Statutes 938.01; and, \$2.00 pursuant to Florida Statutes 938.15 for all offenses under Chapter 51-4, Florida Administrative Code, with the exception of 51-4.005(5) (Artifacts), 51-4.005(6) (Cave Formations) and 51-4.007(5) (Pollution of Waters) for which the defendant shall pay a fine of \$100.00 which includes court

costs of \$10.00; \$3.00 pursuant to Florida Statutes 938.01; and, \$2.00 pursuant to Florida Statutes 938.15.

3. If the defendant fails to dispose of the citation pursuant to paragraphs 1 and 2 above, the defendant shall be set on an arraignment docket and proper notices shall be furnished to him or her by the Clerk.

9. EFFECTIVE DATE:

This order shall govern the disposition of citations issued October 1, 2006 and thereafter. The provisions of this order shall also govern dispositions of citations issued prior to said date which are pending and not in a D-6 status as of the date of this order.

DONE and ORDERED this 1st day of September, 2016.

JOHN D. GALLUZZO
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CHIEF JUDGE

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