

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN
AND FOR SUMTER COUNTY, FLORIDA**

ADMINISTRATIVE ORDER: S-2018-41

**SUMTER COUNTY
CIVIL TRAFFIC INFRACTION HEARING OFFICER PROGRAM**

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

WHEREAS, the Program will assist in relieving the excessive workload placed upon the County Court in Sumter County and is necessary to the administration of justice in Sumter County;

WHEREAS, in order to continue the efficient operation of the Civil Traffic Infraction Hearing Officer Program in the Fifth Judicial Circuit 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 **HEREBY ORDERED** and **ADJUDGED**:

1. A Civil Traffic Infraction Hearing Officer Program is hereby established in Sumter County Florida.
2. The Civil Traffic Infraction Hearing Officer in Sumter County (hereinafter "the Hearing Officer") shall be selected by the Chief Judge after consultation with the County Court Judges in Sumter County. The Hearing Officer shall have no definite term of office. He or she may serve full time or part time as determined by the Chief Judge, and, in either case, the Hearing Officer shall serve at the will of the Chief Judge. The Chief Judge may select as many Hearing Officers as necessary to ensure that traffic infraction cases are disposed of timely and efficiently.
3. Any person selected to serve as a Hearing Officer will be an independent contractor, and must enter into a contract with the Fifth Judicial Circuit (hereinafter "the Circuit") before serving as a Hearing Officer. The compensation for the Hearing Officer will be as provided in his or her contract with the Circuit.
4. The Hearing Officer shall perform his or her duties in accordance with Florida Statutes,

the Florida Rules of Court, the Code of Judicial Conduct, applicable administrative orders, relevant case law, and the terms and conditions of the contract between the Hearing Officer and the Circuit.

5. The Hearing Officer must:
 - a. Be a member in good standing of The Florida Bar;
 - b. Complete 40 hours of standardized training as provided in Florida Traffic Court Rule 6.630(g);
 - c. Complete 4 hours of continuing legal education per year as provided in Florida Traffic Court Rule 6.630(h); and
 - d. Possess any other qualifications the Chief Judge deems appropriate.
6. The Hearing Officer shall hear and consider all civil traffic infraction proceedings, including parking ticket proceedings pursuant to section 318.325, Florida Statutes, except as otherwise provided in the Order.
7. The Hearing Officer shall preside over calendars scheduled at the Sumter County Courthouse.
8. The Hearing Officer shall have the power to accept pleas from defendants, hear and rule upon motions, decide whether a defendant, adult or juvenile, has committed an 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, the Hearing Officer shall **NOT**:

- a. Have the power to hold any person in contempt of court, but shall be permitted to file a verified motion for an 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 violation; or
- d. Have the power to suspend or revoke a defendant's driver's license pursuant

to section 316.655(2), Florida Statutes.

9. A County Court Judge may exercise concurrent jurisdiction with the Hearing Officer.
10. On timely written request of a defendant, pursuant to Florida Traffic Court Rule 6.630(n), the case shall be assigned to the appropriate County Court Judge.
11. Matters of contempt arising from the Hearing Officer's calendars shall be heard by the appropriate County Court Judge.
12. Appeals from decisions of the Hearing Officer shall be to the Appellate Division of the Circuit Court pursuant to the relevant provisions of the Florida Rules of Appellate Procedure. Appeals shall be based upon the record of the hearing before the Hearing Officer and shall not be hearings *de novo*. The appellant will be responsible for producing the record for such an appeal.
13. The Hearing Officer shall be subject to the Code of Judicial Conduct as provided in the application section of the Code.
14. In the absence of the Hearing Officer, due to illness or vacation, the County Court Judges shall make every reasonable effort to preside over scheduled hearings in an effort to avoid the necessity of rescheduling.

DONE and **ORDERED** in chambers at Ocala, Marion County Florida, this 25 day of July 2018



Anthony M. Tatti
Acting Chief Judge
Fifth Judicial Circuit