

# Supreme Court of Florida

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No. SC2022-1276

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## **IN RE: AMENDMENTS TO THE FLORIDA RULES OF TRAFFIC COURT.**

April 27, 2023

PER CURIAM.

The Florida Bar's Traffic Court Rules Committee (Committee) has filed a report proposing amendments to Florida Rules of Traffic Court 6.040 (Definitions), 6.130 (Case Consolidation), 6.445 (Discovery: Infractions Only), 6.455 (Amendments), and 6.490 (Correction and Reduction of Penalty).<sup>1</sup>

The Committee and the Board of Governors of The Florida Bar approved the proposed amendments. The Committee published its proposal for comment in *The Florida Bar News* prior to filing it with the Court and received no comments. After the Committee filed its report, the Court published the proposals for comment. No

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1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1).

comments were received. Having considered the Committee's remaining proposals, the Court hereby amends Florida Rules of Traffic Court 6.040, 6.130, 6.455, and 6.490 as proposed.<sup>2</sup> The more significant amendments are discussed below.

First, subdivision (p) of rule 6.040 is amended to clarify that "open court" proceedings may be "virtual or physical." Next, rule 6.130 is amended to require that multiple citations arising out of the same incident be heard together unless there is a request to have the citations heard separately. Rule 6.455 is amended to address an issuing officer's voluntary dismissal of a charging document. Finally, rule 6.490 is amended to enlarge the timeframe during which an official may reduce a legal penalty from 60 days to 180 days.

Accordingly, the Florida Rules of Traffic Court are amended as set forth in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments shall become effective July 1, 2023, at 12:01 a.m.

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2. On our own motion, the Court severs the Committee's proposed amendments to rule 6.445, which will be considered in a separate case, *In Re: Amendments to Florida Rule of Traffic Court 6.445*, No. SC2023-0548.

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS,  
and FRANCIS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER  
THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Traffic Court

Andrew Joseph Decker IV, Chair, Traffic Court Rules Committee,  
Lake City, Florida, Joshua E. Doyle, Executive Director, The Florida  
Bar, Tallahassee, Florida, and Michael Hodges, Bar Liaison, The  
Florida Bar, Tallahassee, Florida,

for Petitioner

## **Appendix**

### **RULE 6.040. DEFINITIONS**

The following definitions apply:

(a)-(o) [No Change]

(p) “Open court” means in a courtroom ~~as provided or,~~  
whether virtual or physical, and includes a judge’s or traffic hearing  
officer’s chambers of suitable judicial decorum.

(q)-(x) [No Change]

### **Committee Notes**

[No Change]

### **RULE 6.130. CASE CONSOLIDATION**

When a defendant is cited for the commission of both a criminal and a civil traffic violation, or both a civil traffic infraction requiring a mandatory hearing and a civil traffic infraction not requiring a hearing, the cases may be heard simultaneously if they arose out of the same set of facts.

When a defendant is cited for more than one civil traffic violation arising out of the same set of facts, all cases must be heard at the same time, before the same official, absent a request for the cases to be heard separately.

However, in no case shall a traffic hearing officer hear a criminal traffic case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense.

Under any of these circumstances the civil traffic infraction shall be treated as continued for the purpose of reporting to the department. Prior to the date of the scheduled hearing or trial, a defendant may dispose of any nonmandatory civil traffic infraction

in the manner provided by these rules and section 318.14, Florida Statutes.

### **Committee Notes**

[No Change]

### **RULE 6.455. AMENDMENTS AND VOLUNTARY DISMISSALS BY ISSUING OFFICERS**

**(a) Amendments.** The charging document may be amended by the issuing officer in open court at the time of a scheduled hearing before it commences, subject to the approval of the official. The official shall grant a continuance if the amendment requires one in the interests of justice. No case shall be dismissed by reason of any informality or irregularity in the charging instrument.

**(b) Voluntary Dismissals.** Upon an issuing officer filing a written notice of dismissal, a written request for dismissal, or a request for dismissal made in open court, the clerk of the court shall enter the dismissal in the court records.

### **Committee Notes**

[No Change]

### **RULE 6.490. CORRECTION AND REDUCTION OF PENALTY**

**(a)** [No Change]

**(b) Reduction of Penalty.** An official may reduce a legal penalty:

(1) within ~~60~~180 days after its imposition, or thereafter with good cause shown;

(2)-(4) [No Change]