

Supreme Court of Florida

No. SC06-150

IN RE: AMENDMENTS TO THE FLORIDA RULES OF TRAFFIC COURT (THREE YEAR CYCLE).

[September 21, 2006]

PER CURIAM.

This matter is before the Court for consideration of proposed amendments to the Florida Rules of Traffic Court. We have jurisdiction. See art. V, § 2(a), Fla. Const.

The Traffic Court Rules Committee (committee) has filed its regular cycle report of proposed amendments to the Florida Rules of Traffic Court. The committee proposes amendments to rules 6.040 (Definitions); 6.455 (Amendments); and 6.630 (Civil Traffic Infraction Hearing Officer Program; Traffic Hearing Officers). The proposed amendments were published for comment in the October 15, 2005, and the March 1, 2006, editions of The Florida Bar News. No comments were received.

Upon consideration, we hereby amend the Florida Rules of Traffic Court as reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments will become effective on January 1, 2007, at 12:01 a.m.

It is so ordered.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, QUINCE, CANTERO, and BELL, JJ., concur.

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

Original Proceeding – The Florida Rules of Traffic Court (Three Year Cycle)

Honorable Peter A. Sartes, II, Chair, Traffic Court Rules Committee, Clearwater, Florida, Joseph C. Bodiford, Past-Chair, Tampa, Florida, and Jack Harkness, Jr., Executive Director, the Florida Bar, Tallahassee, Florida,

for Petitioner

APPENDIX

RULE 6.040. DEFINITIONS

The following definitions apply:

(a) – (p) [No Change]

(q) “Counsel” means any attorney who represents a defendant.

Committee Notes

[No Change]

RULE 6.455. AMENDMENTS

The charging document may be amended by the issuing officer in open court at any the time before the hearing 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.

Committee Notes

[No Change]

RULE 6.630. CIVIL TRAFFIC INFRACTION HEARING OFFICER PROGRAM; TRAFFIC HEARING OFFICERS

Under the authority of sections 318.30–318.38, Florida Statutes, and article V, section 2, Florida Constitution, this court adopts the following rules and procedure for the Civil Traffic Infraction Hearing Officer Program:

(a) - (j) [No Change]

(k) Implementation of Program. In any county electing to establish a program, the chief judge shall develop a plan for its implementation and shall submit the plan to the Office of the State Courts Administrator. Funds for the program shall be used for traffic hearing officer program salaries, ~~provided that the traffic hearing officers shall be paid no more than \$50 per hour~~, and other necessary expenses, such as training, office rental, furniture, and administrative

staff salaries. Any county electing to establish a traffic hearing officer program shall provide the funds necessary to operate the program.

(l) - (n) [No Change]

Committee Notes

[No Change]