

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO: 10.402- 03/16*

IN RE: CIVIL TRAFFIC INFRACTION
HEARING CONTINUANCES

The efficient administration of the Traffic Division requires a uniform policy concerning requests for continuances of infraction hearings. Procedures for the scheduling of traffic infraction hearings must be consistent with the policy to prevent forum shopping before judges and traffic hearing officers. The Judges of the County Court have determined that the defendant and law enforcement agency (or its designee) in a civil traffic infraction case should be allowed a Clerk of Court's administrative continuance of a pretrial hearing and/or trial, so long as the request for continuance is in writing and filed with the Clerk not less than one (1) business day prior to a scheduled pretrial date or not less than fourteen (14) calendar days prior to a scheduled trial date.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. Continuance Request by a Defendant

- a. A defendant in a civil traffic infraction case is hereby allowed one ex parte administrative continuance of a scheduled pretrial hearing upon written request, provided such request is filed with the Clerk of Court not later than one (1) business day prior to the scheduled pretrial hearing. A continuance allowed pursuant to this subsection shall constitute a waiver of speedy trial. Upon the receipt of the defendant's timely written request for continuance of the pretrial, the Clerk shall provide notice of the new pretrial date, place, and time to the defendant.
- b. A defendant in a civil traffic infraction case is hereby allowed one ex parte administrative continuance of a scheduled trial date upon written request, provided such request is filed with the Clerk of Court not later than fourteen (14) calendar days prior to the scheduled trial date. The date of the trial shall not be included in calculating the fourteen (14) day time period. The continuance of the trial date shall constitute a waiver of speedy trial. Upon the allowance of the administrative continuance of a trial date, the Clerk of Court shall provide notice of the new trial date, place and time to the defendant, the law enforcement agency which issued the citation, and to all witnesses that have been subpoenaed for trial.

- c. Any untimely filed written request for a Clerk's administrative continuance, and any other request for continuance, which by this Administrative Order may not be allowed by the Clerk of Court, shall be assigned to and ruled upon ex parte by the Administrative Traffic Hearing Officer, or such other person designated by the Chief Judge. If such request is not ruled upon before the scheduled pretrial hearing or trial date, then the request shall remain on the docket of the scheduled pretrial hearing or trial, at which time the Official will rule on the request in open court.
- d. Notwithstanding anything to the contrary in the preceding subsections, if a defendant has sought and obtained one continuance of a pretrial hearing date (whether a Clerk's administrative continuance or a continuance granted by an Official), no Clerk's administrative pretrial hearing continuance shall be allowed. If a defendant has sought and obtained one continuance of a trial date (whether a Clerk's administrative continuance or a continuance granted by an Official), no Clerk's administrative trial date continuance shall be allowed at the request of the defendant.

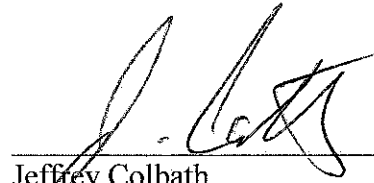
2. Continuance Request by a Law Enforcement Agency

- a. A law enforcement agency (or its designee) in a civil traffic infraction case is hereby allowed one ex parte administrative continuance of a scheduled trial date upon written request for same, provided such request is filed with the Clerk of Court not later than fourteen (14) calendar days prior to the scheduled trial date. The date of the trial shall not be included in calculating the fourteen (14) day time period. Upon the allowance of the administrative continuance of a trial date, the Clerk of Court shall provide notice of the new trial date, place, and time to the defendant, the law enforcement agency which issued the citation, and to all witnesses that have been subpoenaed for trial.
- b. Any request for a continuance of a civil traffic infraction trial date may be filed by a representative of the law enforcement agency which issued the citation. The law enforcement agency shall use the "Law Enforcement Agency Request For Continuance" form ("Form"), **attached as Exhibit "A"**, in seeking a continuance of a trial date. If a request for continuance by the law enforcement agency is filed but the law enforcement agency does not utilize the approved Form, the Clerk shall accept the paper for filing but not continue the trial date, and instead, the request shall be ruled upon as provided in paragraph 2(c) of this Order. The Form is available through the Administrative Office of the Court.
- c. Any untimely filed written request for a Clerk's administrative continuance, and any other request for continuance, which by this Administrative Order may not be allowed by the Clerk (including a timely request for continuance which is not filed utilizing the approved Form), shall be assigned to and ruled upon ex parte by the Administrative Traffic Hearing Officer, or such other person designated by the Chief Judge. If such request is not ruled upon before the scheduled trial date, then

the request shall remain on the docket of the scheduled trial, at which time the Official will rule on the request in open court.

- d. Notwithstanding anything to the contrary in the preceding subsections, if the law enforcement agency has sought and obtained one continuance of a trial date (whether a Clerk's administrative continuance or a continuance granted by an Official), no Clerk's administrative trial date continuance shall be allowed at the request of the law enforcement agency.

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 11 day of March, 2016



Jeffrey Colbath
Chief Judge

*supersedes Admin. Order 10.402-4/09

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

State of Florida

Case No.:

v.

Defendant.

LAW ENFORCEMENT AGENCY REQUEST FOR CONTINUANCE

1. My name is _____.
2. I work for _____.
3. I was served with a subpoena for trial in this case on _____.
4. The date of trial is: _____.
5. I am requesting a continuance because:
 - Vacation/Leave: My vacation/leave plans were made on _____.
 - Training: I was told I was attending this training on _____.
 - Other: _____.
6. My return date from training/leave/vacation/other is: _____.
7. If this request for continuance is not filed with the Clerk at least 14 days before the trial date, please state why (add more space if necessary): _____

Respectfully submitted,

(Signed name)

(Printed name)

(Name, address, and phone number of agency)