

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

ADMINISTRATIVE ORDER NO. 10.404- 1/15/19*

IN RE: PRE-TRIAL CONFERENCES IN CIVIL TRAFFIC
INFRACTION CASES HEARD BY CIVIL TRAFFIC
INFRACTION HEARING OFFICERS

The utilization of Pre-Trial Conferences is a successful method of fairly and effectively reducing the number of trials in civil traffic infraction cases assigned to Civil Traffic Infraction Hearing Officers when a defendant has entered a plea of not guilty.

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

1. Except as otherwise provided herein, a Pre-Trial Conference shall be conducted before a trial may be scheduled in all civil traffic infraction cases over which a Civil Traffic Infraction Hearing Officer has jurisdiction and in which there is no unsatisfied D-6 and a defendant has entered a plea of not guilty. A Pre-Trial Conference shall not be scheduled by the Clerk and it shall not be conducted with respect to:
 - a. Any SunPass violation charged under F.S. Section 316.1001; or
 - b. Any **civil** traffic infraction case, other than a red light camera violation, in which an affidavit of identity is filed wherein a defendant raises identity as an issue stating that he or she is not the person who received the citation.
2. Continuance and/or reset requests of a Pre-Trial Conference made prior to the Pre-Trial Conference shall be governed by Administrative Order 10.402-9/08 (as amended).
3. At the Pre-Trial Conference:
 - a. All motions relating to defects in the charging document shall be made in writing and heard at the Pre-Trial Conference, or they are waived. Once waived, no such matter shall be revisited. However, all motions relating to defects in the charging document, or any other motion made at the Pre-Trial Conference, may be denied without prejudice to renew at trial.
 - b. The defendant shall state whether he or she desires to change his or her plea to either no contest or guilty, or to maintain the plea of not guilty. If the defendant

maintains the plea of not guilty, the case shall be set for trial. If the defendant changes his or her plea to no contest or guilty, the defendant's right to a trial shall be deemed to be waived, and the Hearing Officer shall impose the appropriate disposition after the defendant is offered an opportunity to offer any mitigating circumstances.

- c. If a defendant has filed an affidavit of defense, identity, or admission before the Pre-Trial Conference, the Hearing Officer shall excuse the defendant's absence and review the affidavit to determine the intent of same. If the Hearing Officer determines that the defendant is actually seeking to plead no contest or guilty, the Hearing Officer shall impose an appropriate disposition. If the affidavit raises a defense to the citation, the Hearing Officer shall set the case for trial.
4. Failure to Appear at the Pre-Trial Conference:
- a. The failure of a defendant to appear at the Pre-Trial Conference scheduled pursuant to this Administrative Order may subject the defendant to the sanctions provided in §318.15(1), Florida Statutes, and Fla. R. Traf. Ct. 6.600.
 - b. Notwithstanding the foregoing, the Hearing officer may, in his or her discretion, alternatively set the case for trial or reset the Pre-Trial Conference.
 - c. A defendant who has failed to appear at a pre-trial hearing scheduled on a Saturday or via video shall not be rescheduled for another Saturday or video hearing. Those cases shall be rescheduled during the normal business week at the courthouse.
5. As used in this Administrative Order, the "Pre-Trial Conference shall be deemed a "pre-trial hearing" for the purpose of Administrative Order 10.401-9/08 (as amended) and a "hearing" for the purpose of applying or construing any applicable Florida Statute (e.g. F.S. Section 318.15(1)) or the Florida Traffic Court Rules (e.g. Fla. R. Traf. Ct. 6.430(c)).

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida this 15th day of January, 2019.



Krista Marx
Chief Judge

*supersedes admin order 10.404-1/19 (signed on January 11, 2019)