

**Amendments for Traffic Court Rules Committee’s  
2018 Regular-Cycle Report**

**RULE 6.010. SCOPE**

(a) **Application.** These rules, cited as “Florida Rules of Traffic Court” and abbreviated as “Fla. R. Traf. Ct.,” shall take effect at 12:00 a.m. on January 1, 1975. These rules govern practice and procedure in any traffic case and specifically apply to practice and procedure in county courts and before civil traffic infraction hearing officers.

(b) **Part III.** The rules under Part III of these rules apply to all criminal traffic offenses, ~~whether prosecuted in the name of the state or any subdivision of it.~~

(c) **Part IV.** The rules under Part IV of these rules apply only to traffic infractions adjudicated in a court of the state, whether by a county court judge or civil traffic infraction hearing officer.

**Committee Notes**

**1990 Amendment.** The statutory authorization of civil traffic infraction hearing officers by chapter 89-337, Laws of Florida, necessitates reference to such hearing officers (statutorily referred to interchangeably as magistrates) in the traffic court rules. Reference in the proposed rule to traffic magistrate rather than merely magistrate is designed to distinguish the former from other magistrates, especially in relation to the applicability of the Code of Judicial Conduct (see section of code entitled “Compliance with the Code of Judicial Conduct”), thereby avoiding the possibility of conflict with authorizing statute.

**1992 Amendment.** Because traffic violations are contained in several chapters of Florida Statutes, references to chapter 318 have been deleted to eliminate latent inconsistencies.

**1996 Amendment.** Enactment of chapter 94-202, Laws of Florida, necessitated the deletion of all references in the rules to traffic “magistrates” in favor of the term traffic “hearing officers.”

**RULE 6.020. PURPOSE AND CONSTRUCTION**

These rules shall be construed to secure simplicity and uniformity in procedure, fairness in administration, and the elimination of unnecessary expense and delay.

## **RULE 6.080. IMPROPER DISPOSITION OF TRAFFIC TICKET**

Any person who solicits or aids in the disposition of a traffic complaint or summons in any manner other than that authorized by ~~the court~~law or who willfully violates any provision of these rules shall be proceeded against for criminal contempt (in the manner provided in these rules). However, a traffic hearing officer shall not have the power to hold any person in contempt of court, but shall be permitted to file a verified motion for order of contempt before any state trial court judge of the same county in which the alleged contempt occurred. Such matter shall be handled as an indirect contempt of court pursuant to the provisions of Florida Rule of Criminal Procedure 3.840.

### **Committee Notes**

**1990 Amendment.** This rule expands the statutory mandate of Chapter 89-337, section 3(1) which deprives magistrates of the power of contempt with respect to defendants only. The rule extends the prohibition of a magistrate's direct contempt powers to cover any person. The Committee expressed concern that if the contempt prohibition were limited to only the defendant, it might be assumed that such powers existed with respect to others such as attorneys, court personnel and witnesses. This rule also incorporates reference to the provisions of Florida Rule of Criminal Procedure 3.840 by specifying that magistrates may initiate indirect contempt proceedings by filing a verified motion for order of contempt pursuant to the Rule of Criminal Procedure.

**1996 Amendment.** Enactment of chapter 94-202, Laws of Florida, necessitated the deletion of all references in the rules to traffic "magistrates" in favor of the term traffic "hearing officers."

**RULE 6.090. DIRECT AND INDIRECT CRIMINAL CONTEMPT**

Direct and indirect criminal contempt shall be proceeded upon in the same manner as in the Florida Rules of Criminal Procedure.

**Committee ~~Comments~~ Notes**

**1988 Amendment.** The change from the word “punished” to the words “proceeded upon” were needed to make clear that the Committee intended to follow the procedure as outlined in Rule 3.830 and Rule 3.840, Criminal Procedure Rules. Those rules are procedural and contain no penalties.

## **RULE 6.140. CONDUCT OF TRIAL**

All trials and hearings shall be held in open court and shall be conducted in an orderly manner according to law and applicable rules. ~~All for the trial of traffic cases shall proceedings~~ When necessary, traffic proceedings may be held in a place suitable for the purpose.

### **Committee ~~Comments~~ Notes**

**1988 Amendment.** There was a major elimination in this particular rule, as the Committee felt that all questions pertaining to the conduct of any trial or hearing were covered by case decision, law, and the rules and that an official should not be permitted to decide on any other basis. It was also felt that the word *place*, should be substituted for the word *room* as in some emergency situations hearings had been held outside, etc.

**RULE 6.180. SENTENCING REPEAT OFFENDERS**

**(a) Defendant’s Rights.** A defendant, alleged to have a prior conviction for a criminal traffic offense, shall have ~~at~~the right to remain silent concerning any prior conviction at the time of plea or sentence.

**(b) Proof of Prior Convictions.** If the right to remain silent is invoked by the defendant, the state shall have a reasonable time, if requested, to determine if any prior convictions exist. If the state is unable to prove any prior convictions, the defendant shall be treated as if no prior convictions exist.

**(c) Suspension by Department.** This provision shall not prevent the department from suspending a defendant’s driving privilege for a longer period than the court has entered if a prior record is discovered by the department.

**Committee Notes**

**1988 Adoption.** Rule 6.180 is new and is designed to codify existing procedures in DUI cases. The rule sets forth what has become known as a “Meehan plea.” *Meehan v. State*, 397 So. 2d 1214 (Fla. 2d DCA 1981).

**1992 Amendment.** Makes a “Meehan plea” applicable to all criminal traffic offenses.

**RULE 6.190. PROCEDURE ON FAILURE TO APPEAR;  
WARRANT; NOTICE**

**(a) Issuance of Warrants.** The court may direct the issuance of a warrant for the arrest of any resident of this state, or any non-resident on whom process may be served in this state, who fails to appear and answer a criminal traffic complaint or summons lawfully served on such person and against whom a complaint of information has been filed. The warrant shall be directed to all law enforcement officers, state, county, and municipal, in the state and may be executed in any county in this state.

**(b) Warrant Not Issued or Served; Disposition of Case.** If a warrant is not issued or is not served within 30 days after issuance, the court may place the case in an inactive file or file of cases disposed of and shall report only bond forfeiture cases and cases finally adjudicated to the driver license issuing authority of the department. For all other purposes, including final disposition reports, the cases shall be reported as disposed of, subject to being reopened if thereafter the defendant appears or is apprehended.

**(c) Nonresident of State; Failure to Appear or Answer Summons.** If a defendant is not a resident of this state and fails to appear or answer a traffic complaint, the clerk of the court or the court shall send notice to the defendant at the address stated in the complaint and to the department. The department shall send notice to the license issuing agency in the defendant's home state. If the defendant fails to appear or answer within 30 days after notice is sent to the defendant, the court shall place the case in an inactive file or file of cases disposed of, subject to being reopened if thereafter the defendant appears or answers or a warrant is issued and served.

**(d) Forfeiture of Bail.** The waiting period imposed herein shall not affect any proceedings for forfeiture of bail.

**RULE 6.200. PLEAS AND AFFIDAVITS OF DEFENSE**

**(a) Record of Pleas.** All pleas entered in open court shall be recorded by an official court reporter or electronic means, unless the defendant signs a written waiver of this right.

**(b) Written Pleas of Guilty or Nolo Contendere.** Subject to the approval of the court, written pleas of guilty or nolo contendere, and the sentence imposed, may be entered in criminal traffic offenses ~~not designated felonies under the laws of the state, and sentence imposed thereon.~~

**(c) Nonresident of County; Affidavit of Defense.** Any person charged with the commission of a criminal traffic offense who is not a resident of or domiciled in a county where the alleged offense took place may, at the discretion of the court, file a written statement setting forth facts justifying the filing of an affidavit of defense or file an affidavit of defense directly, if practicable, upon posting a reasonable bond set by the court.

**RULE 6.320. COMPLAINT; SUMMONS; FORMS; USE**

All citations for traffic infractions shall be by uniform traffic citation as provided in section 316.650, Florida Statutes, or other applicable statutes or by affidavit. ~~If the complaint is made by affidavit a uniform traffic citation shall be prepared by the clerk and submitted to the department.~~

**RULE 6.330. ELECTION TO ATTEND ~~TRAFFIC SCHOOL~~ A DRIVER IMPROVEMENT COURSE**

(a) **Attendance at ~~School~~ Driver Improvement Course.** Unless a mandatory hearing is required, or the defendant appears at a hearing before an official, a defendant who does not hold a commercial driver license or commercial learner permit may elect to attend a driver improvement ~~school~~ course pursuant to section 318.14(9), Florida Statutes, within 30 days of receiving a citation or, if a hearing was requested, at any time before trial. ~~Attendance at a driver improvement school shall not operate to waive the law enforcement education assessments under section 943.25, Florida Statutes.~~ Any defendant electing to attend a driver improvement school course under section 318.14(9), Florida Statutes, will ~~receive a withheld~~ have adjudication withheld and not be assessed points.

(b) **Location of ~~School~~ Course.** A defendant who is sentenced to or elects to attend a driver improvement ~~school~~ course shall have the right to attend an approved school in the location of the defendant's choice, including the internet when the elected or court-ordered driver's course is provided online.

**Committee Notes**

**2009 Amendment.** The rule change in subdivision (a) was necessary to create a uniform time period throughout the state by which a clerk must allow a defendant to elect to attend a driver improvement school.

**RULE 6.360. ENLARGEMENT OF TIME**

**(a) Procedure.** ~~When by these rules or by a notice given thereunder or by order of an official an act is required, or allowed to be done at or within a specified time pursuant to either a court order or these rules, the official for good cause shown, at any time, in the official's discretion may, at any time:~~

(1) order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order; or

(2) on motion made after the expiration of the specified period, permit the act to be done when the failure to act was the result of excusable neglect. However, except as provided by statute or elsewhere in these rules, the official may not extend the time for making a motion for a new hearing, or for taking an appeal.

**(b) Withheld Adjudications.** When a defendant elects to exercise the option of receiving a withheld adjudication pursuant to section 318.14(9) or (10), Florida Statutes, the clerk shall allow the defendant such additional time, not exceeding 60 days, as may be reasonably necessary to fulfill the statutory requirements. If the defendant has not been able to comply with the statutory requirements within 60 days, the court, for good cause shown, may extend the time necessary for the defendant to comply.

## **RULE 6.455. AMENDMENTS**

**(a) Non-Substantive Amendments.** ~~The charging document may be amended at any time 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 prior to the commencement of the hearing to correct informalities or irregularities. Such amendment will be permitted after commencement of the hearing only with approval of the official. No case shall will be dismissed by reason of any informality or irregularity in the charging instrument document.~~

**(b) Substantive Amendments.** ~~Absent good cause shown, an amendment that may result in an increased statutory penalty may be made only by serving notice of the amendment on the defendant in conformity with the requirements of Florida Rule of Judicial Administration 2.525 and by filing a certification of service at least 5 days prior to a scheduled hearing.~~

**(c) Continuances.** ~~The official must grant a hearing continuance when the charging document is amended and the interests of justice so require.~~

### **Committee Notes**

**1988 Amendment.** The revision deletes the word “may” and substitutes the word “shall.” This brings the rule in accord with due process.

**20 Amendment.** Examples of “informalities or irregularities” include, but are not limited to, statutory reference errors; illegibility of the charging document; or other scrivener or inadvertent errors contained within the charging document.

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

(a) **Correction of Penalty.** An official may at any time correct an illegal penalty.

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

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

(2) within 60 days after ~~receipt by the official of a mandate issued by the appellate court upon affirmance of the judgment and/or penalty on an original appeal~~ the appellate court issues a mandate affirming the judgment and/or penalty;

(3) within 60 days after ~~receipt by the official of a certified copy of an order of the appellate court dismissing an original appeal from the judgment and/or penalty~~ the appellate court issues a mandate dismissing an appeal from the judgment and/or penalty; or

(4) if further appellate review is sought in a higher court or in successively higher courts, then within 60 days after the highest state or federal court to which a timely appeal has been taken under authority of law, or in which a petition for certiorari has been timely filed under authority of law, has entered an order of affirmance or an order dismissing the appeal and/or denying certiorari.

**RULE 6.500.      ~~PRONOUNCEMENT AND ENTRY OF PENALTY;~~  
~~PENALIZING OFFICIAL DISPOSITION~~**

~~(a) — **Entry of Penalty.** The final~~Upon disposition of a every case without hearing, the clerk or the official shall be entered in the minutes in courts in which minutes are kept, and shall be docketed in courts which do not maintain minutes~~enter a notation on the docket.~~

~~(b) — **Pronouncement of Penalty; Obligations of Penalizing Official.** In those cases in which it is necessary that the penalty be~~Following any hearing of a case, the disposition shall be pronounced by an official other than the official who presided at the hearing, or accepted an admission, the penalizing official shall not impose a penalty without first becoming acquainted with what transpired at the hearing or the facts concerning the admission and the infractionin open court and issued in writing, and shall also be docketed.

**RULE 6.510. DETERMINATION THAT INFRACTION WAS NOT COMMITTED; BOND REFUNDED**

~~When it is determined~~If an official determines that ~~a~~the defendant did not commit an alleged traffic infraction and a bond has been posted, the ~~money or~~ bond shall be ~~refunded~~released to the defendant, pursuant to law.

**RULE 6.520. EFFECT OF GRANTING NEW HEARING**

~~When~~If a new hearing is granted, the ~~new hearing~~case shall proceed in all respects as if no former ~~trial~~hearing had been ~~had~~held.

**RULE 6.530. IMPOSITION OF PENALTY BEFORE OR AFTER  
MOTION FILED**

The official ~~has the discretion to~~may impose the civil penalty either before or after the filing of a motion for new hearing or arrest of judgment.

**RULE 6.550. OFFICIAL MAY GRANT NEW HEARING**

When, ~~following~~ after a hearing, ~~a determination has been made that~~ the official determines the traffic infraction was committed, the official may grant a new hearing on a motion of the defendant, or on the official's own motion, ~~may grant a new hearing.~~

**RULE 6.560. CONVICTION OF TRAFFIC INFRACTION**

~~An admission or determination that a defendant has committed a traffic infraction shall constitute a conviction as that term is used in chapter 322, Florida Statutes, and section 943.25, Florida Statutes, unless adjudication is withheld by an official in those cases in which withholding of adjudication is not otherwise prohibited by statute or rule of procedure. Elections under section 318.14(9) or (10), Florida Statutes, when adjudication is withheld, shall not constitute convictions, but shall involve the collections of assessments pursuant to section 943.25, Florida Statutes.~~  
A defendant's admission or an official's determination that the defendant committed a traffic infraction constitutes a "conviction" as that term is used in chapters 318 and 322, Florida Statutes, and section 943.25, Florida Statutes, unless the official withheld adjudication as permitted by law. Elections under section 318.14(9) or (10), Florida Statutes, when adjudication is withheld, do not constitute convictions, but require collection of assessments under section 943.25, Florida Statutes.

**RULE 6.570. REPORTING ACTION REQUIRING SUSPENSION OF DRIVER LICENSE**

~~Any noncompliance with the provisions of chapter 318, Florida Statutes, resulting in the suspension of a driver license shall be reported to the department within 5 days after an offender's failure to comply on a form to be supplied by the department. Any noncompliance may be determined without the necessity of holding a hearing.~~The clerk shall report to the department a defendant's failure to comply as required by section 318.15 or 322.245, Florida Statutes. Unless required by law, a hearing is not necessary to determine noncompliance.

## **RULE 6.575. RETENTION OF CASE FILES**

~~For the purpose of record retention pursuant to the General Records Schedule D-T 1, case files with an outstanding or unsatisfied D-6 shall be considered disposed of 7 years after the submission of the D-6 by the clerk to the department. If the clerk disposes of a file, the department shall be notified. Case files shall be retained as required by Florida Rule of Judicial Administration 2.430.~~

### **Committee Notes**

**1988 Amendment.** In light of a recent statutory change providing for the 6 year (rather than 4) renewal of driver licenses, a corresponding change in records retention was deemed appropriate.

**~~RULE 6.580. — COMPLETION OF DRIVER SCHOOL; CONDITIONS~~**

~~(a) — Approval by Chief Judge. All driver schools selected by the chief judge of the circuit shall establish the conditions for the successful completion of the driver course. The conditions shall be submitted in writing for approval of the chief judge.~~

~~(b) — Failure to Meet Conditions; Reporting. Any failure to meet the conditions for successful completion of the course shall be reported to the official having jurisdiction of the case or the clerk or traffic violations bureau if designated by the official of the school.~~

**RULE 6.590. FAILURE TO COMPLETE DRIVER SCHOOLIMPROVEMENT COURSE; REINSTATEMENT OF DRIVER LICENSE**

**(a) Notice of Failure to Complete Driver Improvement Course.** ~~In any case in which~~ If a defendant elects to attend a driver schoolimprovement course but fails to appear for or timely complete the course, the clerk must send a notice of the failure to complete the course shall be sent to the department within 510 days after the failure to comply, in order to comply with the requirements of as required by section 318.15(1), Florida Statutes.

**(b) Appearance After Notice Sent.** If the defendant appears before the clerk after the failure notice has been was sent but before the department ~~has suspended~~ suspends the driver license, the clerk shall so notify the department shall be notified on a form to be supplied by the department, immediately after the defendant satisfies the civil penalty as provided in required by section 318.18318.15(1)(b), Florida Statutes, ~~has been fulfilled.~~ The clerk shall refer the case to the official who shall adjudicate the defendant guilty of the infraction as required by section 318.15(1)(b), Florida Statutes.

**(c) Reinstatement of License.** If the defendant appears before the clerk after the department suspends the driver license ~~has been suspended,~~ the defendant must fulfill the, the clerk shall schedule a hearing for the defendant before the official. At the hearing, the official shall adjudicate the defendant guilty of the infraction, and shall assess all applicable civil penalty as provided in penalties as required by section 318.18318.15(1)(b), Florida Statutes, ~~and.~~ The official may be required to agree again require the defendant to attend a driver schoolimprovement course. After ~~the~~ the defendant satisfies all penalties, the clerk shall give the defendant shall be given a form supplied by the department, certified by the official, to be taken to the nearest driver license examining station to have the driving privilege reinstated.

**Committee Note**

**20 Amendment.** Section 318.15(1)(b), Florida Statutes, requires adjudication of guilt for a defendant who elects a driver improvement course and fails to attend the course within the time required by the court.

**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) Eligibility of County.** Pursuant to section 318.30, Florida Statutes, any county shall be eligible to participate in the Civil Traffic Infraction Hearing Officer Program. The chief judge shall make the decision on whether to participate in the program. Any county electing to participate in the program shall be subject to the supervision of the supreme court.

~~**(b) Participation.** Any county electing to participate in the program shall be subject to the supervision of the Florida Supreme Court. The decision on whether to participate shall be made by the chief judge.~~

~~**(c) Appointment of Traffic Hearing Officers.** The appointment of such chief judge shall appoint hearing officers shall be made by the chief judge, after consultation with the county judges in the county affected, and shall; all appointments must be approved by the chief justice. Once the chief justice grants approval has been granted by the chief justice, the traffic hearing officers shall serve at the will pleasure of the chief judge. Traffic hearing officers may serve either full time or part time at the discretion of the chief judge.~~

~~**(d) Jurisdiction.** Traffic hearing officers shall have the power to accept pleas from defendants, hear and rule upon motions, decide whether a defendant has committed an infraction, and adjudicate or withhold adjudication in the same manner as a county court judge. However, a traffic hearing officer shall not:~~

~~(1) have the power to hold any person in contempt of court, but shall be permitted to file a verified motion for order of contempt with an appropriate state trial court judge pursuant to Florida Rule of Criminal Procedure 3.840;~~

~~(2) hear a case involving an accident resulting in injury or death; or~~

(3) hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense.

**(ed) Appeals.** Appeals from decisions of a traffic hearing officer shall be made to the circuit court pursuant to the relevant provisions of the Florida Rules of Appellate Procedure in the same manner as appeals from the county court, except that traffic hearing officers shall not have the power to certify questions to district courts of appeal. The appellant shall be responsible for producing the record for such any appeal.

**(fe) Membership in The Florida Bar.** A traffic hearing officer shall be a member in good standing of The Florida Bar.

**(gf) Training.** Traffic hearing officers must complete 40 hours of standardized training that has been approved by the supreme court. Instructors must be judges, hearing officers, and persons with expertise or knowledge with regard to specific traffic violations or traffic court. Curriculum and materials must be submitted to the Office of the State Courts Administrator. The standardized training must contain, at a minimum, all of the following:

(1) 28 hours of lecture sessions including 2.5 hours of ethics, 5 hours of courtroom control management, 11 hours of basic traffic court law and evidence (which must include handling of situations in which a defendant's constitutional right against self-incrimination may be implicated), 3 hours of clerk's office/DMV training, 2 hours of participant perspective sessions/demonstrations, 3 hours of dispositions/penalties, and 1.5 hours of civil infractions/jurisdiction;

(2) 4 hours of role playing including mock opening statements, pretrial and trial sessions, and direct observation;

(3) 4 hours of observation including 2 hours of on-road observation of traffic enforcement;

(4) 4 hours of mentored participation in traffic court proceedings in the hiring county. Mentors must be county court judges or traffic hearing officers; and

(5) written training manuals for reference.

**(hg) Continuing Legal Education.** Traffic hearing officers must complete 4 hours of continuing legal education per year. The continuing legal education program must be approved by the supreme court and must contain a minimum of 2 hours of ethics or professionalism, and 2 hours of civil traffic infraction related education. Curriculum materials must be submitted to the Office of the State Courts Administrator.

~~(i) —Hours.~~ Traffic hearing officers may serve either full time or part time at the discretion of the chief judge.

**(jh) Code of Judicial Conduct.** All traffic hearing officers shall be subject to the Code of Judicial Conduct as provided in the application section of the code.

~~(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 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)~~ **Robes.** Traffic hearing officers shall not wear robes.

**(mj) Concurrent Jurisdiction.** A county judge may exercise concurrent jurisdiction with a traffic hearing officer.

**(nk) Assignment to County Judge.** On written request of the defendant, within 30 days of the issuance of a uniform traffic citation, the case shall be assigned to a county judge.

## Committee Notes

**1990 Adoption.** The rule attempts to incorporate relevant provisions of chapter 89-337, Laws of Florida, with minor modifications.

The provision in subdivision (c) that the traffic magistrate shall serve at the will of the chief judge is implicit in chapter 89-337, and is believed to be a good policy since it makes irrelevant consideration of the necessity of any involvement by the Judicial Qualifications Commission.

(d)(1) See 1990 Committee Note concerning rule 6.080.

In relation to subdivision (e) on appeals, the subcommittee believes that the addition of the language on the certifications to district courts, while making an obvious point, would avoid any possible confusion. It was also the consensus that there would be no need to recommend amendments to the Florida Rules of Appellate Procedure since rules 9.030(b)(4)(A) and 9.030(c)(1)(A) would appear to cover the matter adequately without further amendment.

Subdivision (g) goes into less detail concerning the actual length of training (40 hours preservice/10 hours continuing) required by chapter 89-337. A special plan for such training will be provided separately, including a recommendation for the waiver of such training for recently retired county court judges.

This rule expands the statutory prohibition of chapter 89-337, section 7, which prohibits traffic magistrates from practicing before other civil traffic magistrates and handling traffic appeals. The committee expressed concern that a limited prohibition extending only to practice before other magistrates might be read as condoning magistrate practice in traffic cases in front of county court judges. Given the contemplated relationship between county court judges and magistrates in education, training, and professional duties, such practice would give the appearance of conflict and should be prohibited.

In relation to subdivision (k), it was the opinion of the subcommittee that the wearing of robes might lead to confusion and interfere with the informal setting of the hearings.

**1990 Amendment.** Amendment of section 318.30, Florida Statutes (1990), reduced the case load requirement from 20,000 to 15,000 for purposes of allowing a county's participation in the Civil Traffic Infraction Hearing Officer Program. This amendment is necessary to conform the rule to the provisions of the amended statute.

**1995 Amendment.** Language was added to subdivision (d) to make it clear that hearing officers/magistrates can hear and rule upon motions, such as continuance motions, and otherwise handle normal motion practice in infraction cases.

**1996 Amendment.** Enactment of chapter 94-202, Laws of Florida, necessitated the deletion of all references in the rules to traffic "magistrates" in favor of the term traffic "hearing officers."

Subsection (a) reflects the legislative intent of section 318.30, Florida Statutes (1994). No longer is a minimum number of cases required before a county can establish a traffic infraction hearing officer program.

Changes to subsection (m) are intended to make uniform the procedure for assignment to a county judge for hearing.

**2001 Amendment.** Subdivision (g) provides detailed requirements for standardized initial training of traffic hearing officers. A statewide survey of judges and traffic hearing officers was taken and the rule then amended to incorporate the current statewide practice.

Subdivision (h) was added to resolve a conflict that existed between the rules and section 318.34, Florida Statutes.

Subdivision (i) was amended to conform the rule to the current practice prohibitions for hearing officers contained in the Code of Judicial Conduct. The code reflects the consensus of the committee as to appropriate prohibitions.