

RULE 6.040. DEFINITIONS

The following definitions apply:

(a) “Clerk” means clerk of the initiating court or trial court.

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

(ac) “Court” means any county court to which these rules apply and the judge thereof or any civil traffic hearing officer program and the traffic hearing officer thereof.

(bd) “Charging document” means any information, uniform traffic citation, complaint affidavit, or any other manner of charging a criminal traffic offense under law.

(e) “Criminal traffic offense” means a violation that may subject a defendant upon conviction to incarceration, within the jurisdiction of a court to which these rules apply.

(f) “Department” means the Department of Highway Safety and Motor Vehicles, defined in section 20.24, Florida Statutes, or the appropriate division thereof.

(g) “Infraction” means a noncriminal traffic violation that is not punishable by incarceration and for which there is no right to a trial by jury or a right to court-appointed counsel.

(h) “Infraction requiring a mandatory hearing” refers to an infraction listed in section 318.19, Florida Statutes, which requires an appearance before a designated official at the time and location of the scheduled hearing.

(ei) “Judge” means any judicial officer elected or appointed by the governor authorized by law to preside over a court to which these rules apply.

(ej) “Law” includes the constitutions of the United States and the State of Florida, statutes, ordinances, judicial decisions, and these rules.

(ek) “Oath” includes affirmations.

~~(f) “Clerk” means clerk of the initiating court or trial court.~~

(l) “Officer” means any enforcement officer charged with and acting under authority to arrest or cite persons suspected or known to be violating the statutes or ordinances regulating the operation of equipment or vehicles or the regulation of traffic.

(m) “Official” means any state judge or traffic hearing officer authorized by law to preside over a court or at a hearing adjudicating traffic infractions.

(gn) “Open court” means in a courtroom as provided or judge’s or traffic hearing officer’s chambers of suitable judicial decorum.

(ho) “Prosecutor” means any state attorney or any attorney who represents a state, state or local agency, county, city, town, or village in the prosecution of a defendant for the violation of a statute or ordinance.

(p) “Traffic hearing officer” means an official appointed under the civil traffic infraction hearing officer program who shall have the power to adjudicate civil traffic infractions subject to certain exceptions.

~~(i) “Criminal traffic offense” means a violation that may subject a defendant upon conviction to incarceration, within the jurisdiction of a court to which these rules apply.~~

(q) “Victim” is any person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term “victim” includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim.

(jr) “Warrant” includes capias.

~~(k) “Infraction” means a noncriminal traffic violation that is not punishable by incarceration and for which there is no right to a trial by jury or a right to court-appointed counsel.~~

~~(l) “Official” means any state judge or traffic hearing officer authorized by law to preside over a court or at a hearing adjudicating traffic infractions.~~

~~(m) —“Department” means the Department of Highway Safety and Motor Vehicles, defined in section 20.24, Florida Statutes, or the appropriate division thereof.~~

~~(n) —“Officer” means any enforcement officer charged with and acting under authority to arrest or cite persons suspected or known to be violating the statutes or ordinances regulating the operation of equipment or vehicles or the regulation of traffic.~~

~~(o) —“Infraction requiring a mandatory hearing” refers to an infraction listed in section 318.19, Florida Statutes, which requires an appearance before a designated official at the time and location of the scheduled hearing.~~

~~(p) —“Traffic hearing officer” means an official appointed under the civil traffic infraction hearing officer program who shall have the power to adjudicate civil traffic infractions subject to certain exceptions.~~

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

Committee Notes

2019 Amendment. The Committee amended the definitions to effectuate the amendment to article I, section 16 of the Florida Constitution. Further amendments place the definitions into alphabetical order.

RULE 6.100. TRAFFIC VIOLATIONS BUREAU

(a)–(b) [No change]

(c) **Warning.** Prior to accepting any payment, the bureau shall post notice, in substantially this form:

(1) Payment of a civil penalty (fine) for a traffic infraction is an admission of guilt that results in a conviction of the traffic infraction and assessment of points against the driver license, as required by law.

(2) Acquiring sufficient points within specified time frames, results in the driver license being suspended.

(3) Convictions for certain traffic infractions can result in a driver license being suspended or even revoked for as long as 5 years.

(4) We cannot provide legal advice. If you have not already consulted with an attorney, you are urged to do so before simply paying the civil penalty for your traffic infraction.

(ed) Statistical Reports. All cases processed in the violations bureau shall be numbered, tabulated, and reported for identification and statistical purposes. In any statistical reports required by law, the number of cases disposed of by the violations bureau shall be listed separately from those disposed of in open court.

(e) **Victim’s Rights.** All traffic violations bureaus shall post a notice outlining the rights of a victim, both at the violations bureau and online, if the violations bureau has a website.

Committee CommentNotes

2019 Amendment. This amendment was adopted to effectuate the amendment to article I, section 16 of the Florida Constitution.

RULE 6.150. WITNESSES

(a) Procedure. [No change]

(b) Witness List. Whenever an officer files a charging document for an infraction, the officer shall simultaneously provide the clerk with a written list of the names and addresses of all witnesses needed to prove the infraction, including the officer issuing the citation. Upon the infraction being set for trial, the clerk or clerk's designee shall issue a subpoena for all witnesses provided by the officer; however, a subpoena shall not be issued for the defendant. Subpoena issuance fees may be assessed against a defendant. If the infraction arises from a traffic crash involving serious bodily injury or death, the officer shall also provide the clerk with a copy of the crash report. If the crash resulted in a death, the officer shall provide the clerk with the name and address of the deceased's next of kin in writing. The clerk shall provide the deceased's next of kin with notice of all hearings.

(bc) Use of Affidavits. A defendant in a civil infraction case may offer evidence of other witnesses through use of one or more affidavits. The affidavits shall be considered by the court only as to the facts therein that are based on the personal knowledge and observation of the affiant as to relevant material facts. However, the affidavits shall not be admissible for the purpose of establishing character or reputation.

Committee Comments

2019 Amendment. This amendment was adopted to effectuate the intent of the amendment to article I, section 16 of the Florida Constitution.