

Proposed amendments to Rule of Traffic Court 6.455 (Amendments and Voluntary Dismissals by Issuing Officers)

The Florida Bar's Traffic Court Rules Committee (Committee), in Case No. SC2024-0294, has submitted to the Florida Supreme Court a report proposing amendments to Florida Rule of Traffic Court 6.455 (Amendments and Voluntary Dismissals by Issuing Officers). The proposed amendments require that, for cases not resulting in an accident, any amendments to a citation that would increase the statutory fine must be submitted in writing at least three business days prior to the hearing. The proposed changes are noted with single underline and strike-through, while additional pending proposed amendments to the rule, as presented in Case No. SC2023-1609, are noted in double underline and double strike-through.

The Court invites all interested persons to comment on the proposed amendments, which are below and reproduced in full online at <https://www.floridasupremecourt.org/Case-Information/Rules-Cases-Proposed-Amendments>. All comments must be filed with the Court on or before May 1, 2024, with a certificate of service verifying that a copy has been served on the Committee Chair, Howard J. Williams, 400 N. Tampa Street, Suite 2700, Tampa, Florida 33602-4726, howard_williams@fd.org, and on the Bar Staff Liaison to the Committee, Michael Hodges, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, rules@floridabar.org, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The Committee Chair has until May 22, 2024, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme

Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927.

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO FLORIDA RULE OF TRAFFIC COURT 6.455, CASE NO. SC2024-0294

RULE 6.455. AMENDMENTS AND VOLUNTARY DISMISSALS BY ISSUING OFFICERS

(a) Amendments. The charging document may be amended by the issuing officer in open court at the time of a scheduled hearing before it commences, subject to the approval of the official. In cases not resulting in an accident, if said amendment increases the statutory fine, the amendment must be submitted in writing to the clerk's office by the issuing officer no less than 3 business days before the scheduled hearing. Failure to timely file an amendment will result in a denial of the amendment. The official ~~shall~~must grant a continuance if the timely filed amendment requires one in the interests of justice. ~~No case shall be dismissed by reason of any informality or irregularity in the charging instrument.~~

(b) Voluntary Dismissals. Upon an issuing officer filing a written notice of dismissal, a written request for dismissal, or a request for dismissal made in open court, the clerk of the court ~~shall~~must enter the dismissal in the court records.

Committee Notes

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

2023 Amendment. The revision deletes the word “shall” and substitutes the word “must” in accordance with AOSC22-78, In Re: Guidelines for Rules Submissions.