

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA**

ADMINISTRATIVE ORDER 2013 – 09

RE: Civil Traffic Infraction Hearing Officer Program – Indian River County

WHEREAS sections 318.30 - 318.38, Florida Statutes, and rule 6.630 of the Florida Traffic Court Rules provide for the establishment of a Civil Traffic Infraction Hearing Officer Program (hereinafter “the Program”); and

WHEREAS the Program will assist in relieving the excessive workload placed upon the County Court in Indian River County and is necessary to the administration of justice in the Nineteenth Judicial Circuit;

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

1. General Provisions. A Civil Traffic Infraction Hearing Officer Program is hereby established for Indian River County pursuant to applicable Florida law.

The Civil Traffic Infraction Hearing Officer in Indian River County (hereinafter “the Hearing Officer”) shall be selected by the Chief Judge after consultation with the County Court Judges in Indian River County. The Hearing Officer shall have no definite term of office. He or she may serve full time or part time as determined by the Chief Judge, and, in either case, the Hearing Officer shall serve at the will of the Chief Judge.

Any person selected to serve as a Hearing Officer will be an independent contractor, and must enter into a contract with the Nineteenth Judicial Circuit (hereinafter “the Circuit”) before serving as a Hearing Officer. The compensation for the Hearing Officer will be as provided in his or her contract with the Circuit.

The Hearing Officer shall perform his or her duties in accordance with Florida Statutes, the Florida Rules of Court, the Code of Judicial Conduct, applicable administrative orders, relevant case law, and the terms and conditions of the contract between the Hearing Officer and the Circuit.

2. Qualifications. The Hearing Officer must:

- (a) be a member in good standing of The Florida Bar;

(b) complete 40 hours of standardized training as provided in Florida Traffic Court Rule 6.630(g);

(c) complete 4 hours of continuing legal education per year as provided in Florida Traffic Court Rule 6.630(h); and

(d) possess any other qualifications the Chief Judge deems appropriate.

3. Jurisdiction; limitations. The Hearing Officer shall hear and consider all civil traffic infraction proceedings, including parking ticket proceedings pursuant to section 318.325, Florida Statutes, except as otherwise provided in this section.

The Hearing Officer shall preside over calendars scheduled at traffic court locations as may be established throughout Indian River County.

The Hearing Officer shall have the power to accept pleas from defendants, hear and rule upon motions, decide whether a defendant, adult or juvenile, has committed an infraction, and adjudicate or withhold adjudication in the same manner as a County Court Judge under the statutes, rules, and procedures presently existing or as subsequently amended.

However, the Hearing Officer shall not:

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

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

(c) hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic violation; or

(d) have the power to suspend or revoke a defendant's driver's license pursuant to section 316.655(2), Florida Statutes.

A County Court Judge may exercise concurrent jurisdiction with the Hearing Officer.

On timely written request of a defendant pursuant to Florida Traffic Court Rule 6.630(n), the case shall be assigned to the appropriate County Court Judge.

Matters of contempt arising from the Hearing Officer's calendars shall be heard by the appropriate County Court Judge.

4. Appeals. Appeals from decisions of the Hearing Officer shall be to the Appellate Division of the Circuit Court pursuant to the relevant provisions of the Florida Rules of Appellate Procedure. Appeals shall be based upon the record of the hearing before the Hearing Officer and shall not be hearings *de novo*. The appellant will be responsible for producing the record for such an appeal.
5. Code of Judicial Conduct. The Hearing Officer shall be subject to the Code of Judicial Conduct as provided in the application section of the Code.
6. Absence of Hearing Officer. In the absence of the Hearing Officer due to illness or vacation, the County Court Judges shall make every reasonable effort to preside over scheduled hearings in an effort to avoid the necessity of rescheduling.

DONE AND ORDERED in on this 23^d day of September, 2013 at Stuart in Martin County, Florida.



STEVEN J. LEVIN
CHIEF JUDGE