

**SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE  
FLORIDA RULES OF TRAFFIC COURT**

**CASE NO:**

**THREE-YEAR CYCLE REPORT OF THE  
TRAFFIC COURT RULES COMMITTEE**

Jill Hampton, Chair, Traffic Court Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this three-year cycle report of the Traffic Court Rules Committee under *Fla. R. Jud. Admin. 2.140(b)*. The rule amendments have been approved by the full Committee and, as required by *Rule 2.140(b)(2)*, reviewed by The Florida Bar Board of Governors. The voting records of the Committee and the Board of Governors are shown on the attached table of contents (*see Appendix A*).

The proposed amendments were published for comment in the June 15, 2011, *Florida Bar News* (*see Appendix D*) and posted on the Bar's website. No comments were received.

The proposed rules and forms are attached in full-page (*see Appendix B*) and two-column (*see Appendix C*) formats. The reasons for change are as follows:

**RULE 6.340.      AFFIDAVIT OF DEFENSE OR ADMISSION AND  
WAIVER OF APPEARANCE**

The amendment to *Rule 6.340*, Florida Rules of Traffic Court, was discussed by the Committee in September 2008 and January 2009. (*See Appendix E-1.*) The root concern focused on a pro se defendant's conflict between filing affidavits or admissions and self-incrimination. To ensure pro se parties clearly understood their Amendment 5, U.S. Constitution, and Article I, Section 9, Florida Constitution, rights, the Committee elected to add subdivision (e) which states the right against self-incrimination clearly.

**RULE 6.600.      FAILURE TO APPEAR OR PAY CIVIL PENALTY;  
REINSTATEMENT OF DRIVER LICENSE**

The Committee had proposed an amendment to *Rule* 6.600, within its 2009 three-year cycle report. *In re Amendments to the Florida Rules of Traffic Court*, 24 So. 3d 176 (Fla. 2009). At that time, the Court rejected proposed amendments because

[t]he Committee's proposed amendments provide a defendant an opportunity to request a hearing. Under subdivision (c), the defendant must request a reinstatement hearing within twelve months of the alleged offense. The amendments also require the clerk to set the case for hearing under subdivisions (b) and (c). We conclude that the Committee's proposed twelve-month period for allowing a defendant to request a reinstatement hearing is excessive. We also believe that the rule should not require the clerk to set the case for hearing as a result of a defendant's request. It is both practical and desirable for the official to exercise discretion in determining whether a defendant's request for a hearing has been made within a reasonable period and should be granted.

In response to the Court's opinion, the Committee reevaluated the rule at its January and June 2010, meetings. (*See* Appendix E-2.) The Committee concluded that allowing a defendant six months to request a reinstatement hearing would address the court's concern that a 12-month time limit is excessive, yet would also safeguard the defendant's interests and streamline the reinstatement hearing process. Therefore, in consideration of the concerns raised by the Court and the concerns in the practice of traffic cases, the Committee is now submitting a modified amendment to *Rules* 6.600(b) and (c).

The Traffic Court Rules Committee respectfully requests that the Court amend the Florida Rules of Traffic Court as outlined in this report.

Respectfully submitted on January 3, 2012.

/s/ Jill Marie Hampton

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### **CERTIFICATION OF COMPLIANCE**

I certify that these rules were read against *West's Florida Rules of Court – State* (2011).

I certify that this report was prepared in compliance with the font requirements of *Fla. R. App. P. 9.210(a)(2)*.

/s/ Krys Godwin

Krys Godwin, Staff Liaison  
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