

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE
COUNTY

ADMINISTRATIVE ORDER 10.011

IN RE:

MITIGATING MEASURES IN RESPONSE
TO COVID-19—CONDITIONAL PLEA OF
NO CONTEST IN CIVIL TRAFFIC
INFRACTION PROCEEDINGS NOT
INVOLVING TRAFFIC CRASHES

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Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and Section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to prompt and efficient administration of justice; and

WHEREAS, the Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak; and

WHEREAS, because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, the World Health Organization declared a global emergency on March 11, 2020, and Monroe County declared a Local State of Emergency on March 15, 2020; and

WHEREAS, since March 17, 2020, the Florida Supreme Court issued various emergency administrative orders, including “Amendment 1” to Administrative Order AOSC20-23, *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts* (hereinafter Amendment 1), which extended Florida State Court System COVID-19 emergency procedures through the month of May and further suspended all jury trials, jury selection and grand jury proceedings through July 2, 2020; and

WHEREAS, Amendment 1 also delineates certain court proceedings, including civil traffic infraction cases, that are amendable to being conducted remotely and requires that such proceedings be conducted using telephonic or other electronic means; and


WHEREAS, on May 21, 2020, Chief Justice Charles Canady issued “Amendment 2” to Administrative Order AOSC20-23 *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts* (hereinafter Amendment 2), with the intent to further extend, refine and strengthen previously enacted temporary remedial measures; and

WHEREAS, in order to continue to resolve civil traffic infraction matters during the current pandemic, and to assist those desiring to resolve their civil traffic infractions through a plea of no contest with a waiver of their physical appearance, it is necessary to develop and establish modified procedures for these actions;

NOW, THEREFORE, in accordance with the authority vested in the chief judge by Article V, Section 2(d) of the Florida Constitution, 43.26 Florida Statutes, Florida Rule of Judicial Administration 2.215 and to promote public safety amidst the current public health emergency, it is hereby **ORDERED**:

1. Any party with a pending civil traffic infraction that does not arise out of a traffic crash who wishes to resolve his/her case without making a physical appearance at the courthouse and desiring that the case be reviewed to determine if the infractions will be resolved by a withhold of adjudication of guilt resulting in “no points” on his/her driving record may file a “Conditional Plea of No Contest and Affidavit of Admission and Waiver of Appearance: (Hereinafter called Conditional Plea) without also having to post a monetary bond.
2. If the Court accepts the Conditional Plea, a disposition order shall be entered by the Court and returned to the defendant by the clerk without further hearings. The defendant will have 90 days to satisfy any penalty imposed by the Court.
3. If the Court determines that the Conditional Plea cannot be accepted for any reason, the court shall reject the plea, or adjudicate if the defendant requested that the Court accept the plea, regardless of the withhold. If a court date is needed, the matter shall be reset in due course for a regularly scheduled civil traffic court hearing. At any subsequent proceeding, the prior submission of a Conditional Plea may not be considered as evidence of guilt to the related civil traffic infraction.
4. This Administrative Order does not apply to civil traffic infractions where the infraction was a result of a traffic crash or if the citation is a mandatory court appearance.
5. Any defendant desiring to utilize this procedure for resolving their civil traffic infraction case shall complete and file with the Clerk of Court the “Conditional Plea of No Contest and Verified Statement of Admission and Waiver of Appearance” attached hereto as Exhibit A, which is also available on the 16th Judicial Circuit’s website www.keyscourts.net and at the Monroe County Clerk of Court.
6. This Administrative Order shall be effective immediately and shall remain in effect until superseded by further order of this Court or the Florida Supreme Court.

DONE AND ORDERED at Key West, Monroe County, Florida this 6th day of July, 2020.



Mark H. Jones
Chief Judge

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE
COUNTY

Case No.: _____

STATE OF FLORIDA

v.

Defendant (Please print name)

**CONDITIONAL PLEA OF NO CONTEST,
VERIFIED STATEMENT OF ADMISSION AND
WAIVER OF APPEARANCE**

Under penalty of perjury, I swear or affirm as follows:

1. My name, address and telephone number are: (please print clearly)

2. Email address: _____

3. Traffic Citation Number: _____

4. I am the defendant on the above-referenced case and I have been charged with the following violation(s): (List the charges as you understand them to be)

5. This is a conditional plea of NO CONTEST to the citation(s) I have listed above. In the event my plea is not accepted, this is not an admission, but is a conditional plea to the citation(s). I understand that I am requesting the Court to Withhold the Adjudication of Guilt on the above-listed citation(s), so that I will have "no points" on my record from this citation. I understand that if the Court declines to approve my Conditional Plea of No Contest, this matter may be set on a regularly scheduled civil traffic infraction docket.

I further understand that if the Court accepts my Conditional Plea of No Contest, I will be obligated to comply with the resolution the Court has imposed, including monetary payment of the traffic fine within 90 days, or my driver's license may be suspended.

6. If the Court finds that a withhold of adjudication is **NOT** appropriate, I wish to: (select one)

_____ Plead no contest, accept the points associated with the adjudication and pay the fine regardless; or

_____ Request a court date.

Signature of Defendant: _____

NOTE: It is your responsibility to make sure this affidavit is in the court file before the hearing date.

If Affiant/Defendant is under the age of 18, a parent or guardian must consent and sign below:

Signature of Parent or Legal Guardian

Printed Name of Parent or Legal Guardian