

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

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

**ADMINISTRATIVE
ORDER
NO. 6.9
- Amended -**

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 promote the 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 specifically noting that the best way to prevent illness is to avoid exposure to the virus; 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 pandemic on March 11, 2020, and Lee County declared a Local State of Emergency on March 17, 2020; and

WHEREAS, since March 17, 2020, the Florida Supreme Court has issued various emergency administrative orders, which may be found at: <https://www.floridasupremecourt.org/Emergency>; and

WHEREAS, on May 4, 2020, Chief Justice Charles Canady issued "Amendment 1" to Administrative Order No. AOSC20-23, *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts* (hereinafter "Amendment 1"), extending state court COVID-19 emergency procedures through the month of May and further suspending all jury trials and jury selection and grand jury proceedings through July 2, 2020; and

WHEREAS, Amendment 1 also delineates certain court proceedings that are amenable to being conducted remotely and requires that such proceedings be conducted using telephonic or other electronic means. This includes hearings in civil traffic infraction cases; and

WHEREAS, on May 21, 2020, Chief Justice Charles Canady issued "Amendment 2" to Administrative Order No. 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;

I certify this document to be
a true and correct copy of the
record on file in my office.
Linda Doggett, Clerk Circuit/
County Court, Lee County, FL
Dated: 06/10/2020

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By 
Deputy Clerk



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 their case without making a physical appearance at the courthouse and desiring that their case be reviewed to determine if the infractions will be resolved by a withhold of adjudication of guilt resulting in “no points” on their driving record may file a “Conditional Plea of No Contest And Affidavit of Admission and Waiver of Appearance” (hereinafter “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 hearing, and the defendant will have 90 days to satisfy any penalty imposed by the court or enroll in a payment plan.
- (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 as to the related civil traffic infraction.
- (4) This Administrative Order does not apply to civil traffic infractions where the infraction was the 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 the Court the “Conditional Plea of No Contest and Verified Statement of Admission and Waiver of Appearance,” available on the webpage for the Twentieth Judicial Circuit and each respective County Clerk of Courts.
- (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 in chambers in Fort Myers, Lee County, Florida, this 9th

day of June, 2020.

Michael T. McHugh
Chief Judge

History. – (Administrative Order 6.9, June 5, 2020).

