

IN THE COUNTY COURT OF POLK COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2009-01

**AFFIDAVIT OF DEFENSE/ADMISSION AND WAIVER PROCEDURE IN CIVIL
INFRACTION MATTERS REQUIRING COURT APPEARANCE**

WHEREAS Florida Rule of Traffic Court 6.340 provides for a defendant charged with a traffic infraction may, in lieu of personal appearance at trial, file an Affidavit of Defense or an Admission that the infraction was committed; and

WHEREAS the filing of an Affidavit of Defense or Admission constitutes an appearance by the defendant before the Court within the meaning of §318.19, Florida Statutes (2008); and

WHEREAS it is the intent of this Court to establish procedures for the filing of an Affidavit of Defense or Admission in cases governed by §318.19, Florida Statutes (2008);

Therefore it is ORDERED as follows:

1. Upon the posting of a bond, defendants in mandatory appearance civil infractions are hereby authorized to file an "Affidavit of Defense or Admission and Waiver of Appearance" as provided in Exhibit A attached hereto and made part hereof.
2. The amount of the bond shall be the presumptive fine and court costs of the infraction(s) charged in the citation with the following exception:
 - a. The amount of the bond for violation of §316.2085, Florida Statutes (2008), which includes motorcycle tag violations, failure to keep both wheels on the ground and speeding in excess of 50 miles over the posted speed limit) will be the presumptive fine and court costs for a first offense violation.
3. Upon pronouncement of sentence and assessment of applicable civil penalty and costs, the posted bond will be applied to the financial obligations due.
4. The Clerk shall refund to the defendant's last known address any portion of the bond in excess of the court-ordered financial obligation.
5. In the event the Court determines that the defendant did not commit the charged infraction, the Clerk shall refund the bond to the defendant at the last known address.
6. The Clerk shall notify the defendant of the Court's ruling. The Judge or Hearing Officer shall give the defendant reasonable notice if the court-ordered financial obligation exceeds the posted bond amount.

This Order shall go into effect upon entry.

DONE AND ORDERED this 5th day of February, 2009.

/s/

Robert L. Williams, Jr.
Administrative County Court Judge