

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Rules of Traffic Court

No. SC18-18 (Fla. Dec. 13, 2018) · No. SC18-18 · Decided December 13, 2018

SUMMARY

The Supreme Court of Florida, on rehearing, amended Florida Rule of Traffic Court 6.455 to restore its pre-August 30, 2018, language and deleted the 2018 committee note. The amendments were made effective January 1, 2019, at 12:02 a.m., with a subsequent period for public comments.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Chief Justice Canady; Justice Pariente; Justice Lewis; Justice Quince; Justice Polston; Justice Labarga; Justice Lawson
JURISDICTION	Florida
DECIDED	December 13, 2018
DOCKET	SC18-18
DISPOSITION	other
PROCEDURAL POSTURE	Original rulemaking proceeding concerning amendments to the Florida Rules of Traffic Court, decided on rehearing.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion adopting amendments to a statewide court rule.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Court should grant rehearing and withdraw or modify the August 30, 2018, amendments to Florida Rule of Traffic Court 6.455 before their effective date.
2. What version of Florida Rule of Traffic Court 6.455 should govern amendments to charging documents effective January 1, 2019.

HOLDINGS

1. On rehearing, the Court amended Florida Rule of Traffic Court 6.455 to read as it did before the August 30, 2018, amendments and deleted the 2018 committee note.
2. The restored amendments to Rule 6.455 became effective January 1, 2019, at 12:02 a.m., and interested persons were given seventy-five days from the opinion date to submit comments.

KEY QUOTATIONS

“On rehearing granted, the Court amends Florida Rule of Traffic Court 6.455 (Amendments) to read as it did prior to the August 30, 2018, amendments to the rule in this case.” (at 1)

“Because the amendments were not published for comment prior to their adoption, interested persons shall have seventy-five days from the date of this opinion in which to file comments with the Court.” (at 2)

FACTUAL BACKGROUND

The Court had previously adopted amendments to Florida Rule of Traffic Court 6.455 governing amendments to charging documents. After discussions with judges and practitioners, the Traffic Court Rules Committee expressed concern that the amendments and accompanying committee note improperly removed discretion from judges or hearing officers and failed to use proper standards. Because the amendments had not yet taken effect and the concerns could not be addressed before January 1, 2019, the Court restored the prior version of the rule and deleted the 2018 committee note.

PROCEDURAL HISTORY

The Supreme Court of Florida had adopted regular-cycle amendments to Florida Rule of Traffic Court 6.455 on August 30, 2018, with an effective date of January 1, 2019. The Traffic Court Rules Committee filed an untimely motion for rehearing seeking withdrawal of the amendments before their effective date; the Court accepted the motion as timely and amended the rule on rehearing.

DISPOSITION

other

CASES CITED

- In re Amendments to the Florida Rules of Traffic Court, 252 So. 3d 704 (Fla. 2018)