

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR BREVARD COUNTY, FLORIDA
ADMINISTRATIVE ORDER NO.:

25-27-B
SUPERSEDES 21-17-B

**IN RE: CLERK OF COURT - ADMINISTRATIVE DISPOSITION OF CERTAIN TRAFFIC
INFRACTIONS, NON-CRIMINAL INFRACTIONS, MUNICIPAL ORDINANCES, COUNTY
ORDINANCES, CRIMINAL TRAFFIC, MISDEMEANOR, AND FELONY CASES**

WHEREAS, the Brevard County Sheriff's Office (BCSO), the Bureau of Vital Statistics (BVS), the Department of Highway Safety and Motor Vehicles (FLHSMV), or the State Attorney's Office (SAO) notifies the clerk of court when certain persons who have been issued traffic citations have died. When the clerk receives a death certificate or notification from BCSO, BVS, FLHSMV, or SAO, the efficiency of the clerk of court would greatly increase by administratively dismissing pending civil traffic citations and non-criminal infractions involving deceased persons; and

WHEREAS, when the clerk of court is presented with a death certificate or notification from BCSO, BVS, or FLHSMV, the efficiency of the clerk of court would greatly increase by the clerk notifying the state attorney for disposition action on pending criminal cases; and

WHEREAS, when the clerk of court is presented with a death certificate or notification from BCSO, BVS, FLHSMV, or SAO, the efficiency of the clerk of court would greatly increase by the clerk administratively recalling any outstanding warrants (violation of probation warrant, violation of community control warrant, failure to appear warrant, contempt warrant, non-compliance warrant, violation of pretrial release warrant, or violation of community supervision warrant), and administratively dismissing the charge if applicable; and

WHEREAS, Rule 6.575, Rules of Traffic Court, provides that for the purpose of record retention, case files with an outstanding or unsatisfied suspension notification (D6) shall be considered disposed of seven (7) years after the submission of the D6 by the clerk to FLHSMV. The efficiency of the clerk of court would greatly increase by the clerk disposing of certain criminal traffic suspensions (D6s) in addition to traffic infraction suspensions (D6s) and administratively recalling outstanding bench warrants for those cases which qualify for disposition; and

WHEREAS, pursuant to Rule 3.115, Florida Rules of Criminal Procedure, historically, sworn complaints were filed in the office of the clerk of court and delivered to the state attorney for further proceedings and the clerk assigned a case number, created an index, and established a pending case. If six (6) years has elapsed since the filing of certain municipal ordinance, county ordinance, criminal traffic, or misdemeanor sworn complaints, the efficiency of the clerk of court would greatly increase by the clerk disposing of the pending case; and

WHEREAS, law enforcement is required to submit to the clerk of court civil traffic citations within five (5) days from offense per F.S. 316.650(3)(a). If law enforcement fails to submit civil traffic citations to the clerk within one hundred-eighty (180) days from the offense date, the efficiency of the clerk of court would greatly increase by the clerk dismissing the pending charge.

WHEREAS, law enforcement is responsible to issue the citation to the violator. If law enforcement fails to indicate on the citation that the violator received the citation and no court action has taken place, the efficiency of the clerk of court would greatly increase by the clerk dismissing the pending charge after the statute of limitations expires, one hundred-eighty (180) days from the offense date.

WHEREAS, the Sheriff of Brevard County is in possession of bench warrants and capias orders, or has returned either to the clerk as unserved, and the named defendant has not been located for more than seven (7) years. The efficiency of the clerk of court would greatly increase by recalling these capias and warrants and administratively disposing pending charges; and

WHEREAS, the clerk of court is actively pursuing placing delinquent court fines with a collection agency and the contingency rate quoted by the selected agency is based on the total outstanding obligations now owed;

IT IS ORDERED:

1. DECEASED PERSONS WITH PENDING CIVIL TRAFFIC CHARGES OR NON-CRIMINAL INFRACTIONS:

When the clerk receives a death certificate or notification from BCSO, BVS, FLHSMV, or SAO that a person who was issued a civil traffic citation or a non-criminal infraction has died and the charge is pending, the clerk shall administratively dismiss the citation.

2. DECEASED PERSONS WITH PENDING MUNICIPAL ORDINANCE, COUNTY ORDINANCE, CRIMINAL TRAFFIC, MISDEMEANOR OR FELONY CRIMINAL CHARGES:

When the clerk receives a death certificate or notification from BCSO, BVS, or FLHSMV that a person with a pending municipal ordinance, county ordinance, criminal traffic, misdemeanor, or felony criminal charge has died, the clerk shall notify the state attorney for disposition action.

3. DECEASED PERSONS WITH OUTSTANDING VIOLATION OF PROBATION WARRANT, OR VIOLATION OF COMMUNITY CONTROL WARRANT, FAILURE TO APPEAR WARRANT, CONTEMPT WARRANT, NON-COMPLIANCE WARRANT, VIOLATION OF PRETRIAL RELEASE WARRANT, AND VIOLATION OF COMMUNITY SUPERVISION WARRANT:

When the clerk receives a death certificate or notification from BCSO, BVS, FLHSMV, or SAO that a person with an outstanding warrant (violation of probation warrant, violation of community control warrant, failure to appear warrant, contempt warrant, non-compliance warrant, violation

of pretrial release warrant, or violation of community supervision warrant), has died, the clerk shall recall the warrant and administratively dismiss the charge if applicable.

4. DECEASED PERSONS WITH OUTSTANDING MONETARY OBLIGATIONS:

If a charge is administratively dismissed due to the person being deceased, all monetary obligations for that charge shall be suspended from the case.

5. DISMISSAL OF CIVIL TRAFFIC AND CRIMINAL TRAFFIC CHARGES EXCLUDING DUI CHARGES:

If seven (7) years have elapsed since the submission of a suspension notification (D6) to FLHSMV and the suspension remains unsatisfied, the clerk shall dismiss all pending civil traffic or criminal traffic charges. The clerk shall waive any associated delinquency fees.

6. DISMISSAL OF CIVIL TRAFFIC CHARGES ON FELONY CASES:

On felony cases where a civil traffic charge(s) was attached and where, after seven (7) years, no action has been taken on the civil traffic charge(s), the clerk shall dismiss the pending civil traffic charge(s). The clerk shall waive any associated delinquency fees.

7. DISMISSAL OF CIVIL TRAFFIC CITATIONS FILED BY LAW ENFORCEMENT OVER 180 DAYS FROM OFFENSE DATE.

If law enforcement submits to the clerk a civil traffic infraction and more than one hundred-eighty (180) days have elapsed since the offense date, the clerk shall dismiss the civil traffic infraction. If law enforcement fails to indicate that the violator received the citation and the statute of limitations of one hundred-eighty (180) day has elapsed since the offense date, the clerk shall dismiss the civil traffic infraction.

8. SWORN COMPLAINTS:

If six (6) years have elapsed since the filing of a municipal ordinance, county ordinance, criminal traffic, or misdemeanor sworn complaint and the summons is either still active or has been returned unserved, and no further action has been attempted by the state, the clerk shall administratively dismiss the case.

9. OUTSTANDING CAPIAS AND BENCH WARRANTS, EXCLUDING DUI CHARGES:

If seven (7) years have elapsed from the issuance of a capias and the named defendant has not been served, the clerk shall recall the capias and dismiss the originating charge(s). If seven (7) years has elapsed from the issuance of a bench warrant (failure to appear warrant, contempt warrant, noncompliance warrant, violation of pretrial release warrant, or violation of community supervision warrant), and the named defendant has not been served, the clerk shall recall the bench warrant and dismiss all pending charges. Any previous sentence shall remain imposed. The clerk shall waive any associated delinquency fees.

10. NOTICE OF NO INFORMATION OR NOTICE OF NOLLE PROSEQUI FOR ALL CASE TYPES (INCLUDING DUI AND FELONY OFFENSES):

If a Notice of No Information or Notice of Nolle Prosequi is filed by the State Attorney's Office and the case has a pending failure to appear or contempt charge and/or an active bench warrant (failure to appear warrant, contempt warrant, noncompliance warrant, violation of pretrial release warrant, or violation of community supervision warrant), the clerk shall recall the warrant and

dismiss the failure to appear or contempt charge that caused the warrant to be issued, unless otherwise directed by the court. The clerk shall waive any associated delinquency fees.


11. DISPOSING OF DELINQUENT NON-CRIMINAL INFRACTION CASES (NON-CRIMINAL BOATING, NON-CRIMINAL INFRACTION, NON-CRIMINAL HUNT FISH LICENSE, MUNICIPAL CODE ENFORCEMENT, MUNICIPAL PARKING, COUNTY CODE ENFORCEMENT, COUNTY PARKING, ANIMAL CONTROL, FALSE ALARM, NON-CRIMINAL DANGEROUS DOGS):

If thirty (30) days has elapsed from the date of offense for charges within the listed case types and the defendant has not requested a hearing before the court to contest the charges or made a payment, the clerk will update the charges with a guilty disposition and forward the case to collections.

12. COLLECTION:

Other than obligations related to deceased persons, the clerk may place any outstanding fines, court costs or other monetary obligations owed by the defendant on any case related to this order with a collection agency designated by the clerk when the statutory delinquency period has expired, regardless of whether there is an outstanding warrant on the case.

DONE AND ORDERED this 30th day of July 2025.



MELANIE CHASE
CHIEF JUDGE

DISTRIBUTION:

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Court Administration (Brevard County)
Clerk of Court (Brevard County)
State Attorney (Brevard County)
Public Defender (Brevard County)
Sheriff (Brevard County)
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