

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 20-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 20-14**

**IN RE: ESTABLISHING UPDATED FEES
AND SERVICES IN THE DRIVE LEGAL
PROGRAM.**

WHEREAS, approximately 80,000 Driving While License Suspended (DWLS) cases are processed in the County Court of the Eleventh Judicial Circuit each year and due to legislation having placed enormous additional DWLS caseload on the Traffic Division of County Court; and

WHEREAS, at the direction of the Chief Judge, and with the complete support of the State Attorney, the Traffic Diversion Committee was formed and recommended a Comprehensive Driving While License Suspended (DWLS) Diversion/Compliance Program (hereinafter called the “Drive Legal Program,” and referred to as “Program”) to the Chief Judge to address this serious situation; and

WHEREAS, the Traffic Diversion Committee, following careful deliberations lasting several months, recommended the Program to the Chief Judge who accepted the recommendation and approved its implementation; and

WHEREAS, the Traffic Diversion committee meets to develop and revise the Administrative Memorandum, and it has been determined and agreed that fees revisions are required; and

WHEREAS, the Program is designed to ensure that eligible defendants who successfully complete the Program can secure a valid driver’s license; the following procedures will be implemented, effective upon signing, and will supersede all other Administrative Orders.

NOW, THEREFORE, I, Bertila Soto, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit, it is hereby ordered that the following to constitute the terms and fees of the Program:

1. ELIGIBILITY SCREENING:

- A. The Clerk’s Office will report all DWLS citations, issued by all law enforcement agencies in Miami-Dade County, to the program. Program counselors will screen this report for eligibility, following the profile set by the State Attorney’s Office (S.A.O.), and set eligible defendants on a diversion calendar for an enrollment interview.
- B. At the diversion calendar setting, defendants shall be given the opportunity to voluntarily enroll in the program unless the S.A.O. or any County Court Judge objects. Defendants choosing not to voluntarily enroll in the program will have their cases set for arraignment/sounding calendars in regular division sessions.

- C. Referrals from court (Court-ordered defendants) will be enrolled in the program, regardless of eligibility criteria, as the state attorney's office will have had opportunity to object to the order in court.
- D. Defendants appearing at the program public service windows for eligibility screening and found by the Program counselor to be ineligible for the Program will not be enrolled. Program counselors will verify the defendant's correct address and the defendant will be advised to appear in court when they receive their notice for arraignment, sounding or report before a judge for disposition of their case(s).
- E. Defendants determined eligible for the program will be able to set an enrollment appointment as the program operates on an appointment system. Should there be availability, defendants may be processed without a scheduled appointment.
- F. If eligible cases are found to be in Bench Warrant status, where the warrant was issued at an Arraignment or Report setting, the warrant(s) will be set aside and the enrollment will be processed. If the Bench Warrants were issued at Trial or Jury Trial setting, the defendant will be advised to contact the issuing judge to have those bench warrants set aside prior to enrolling in the program. Once the warrants have been set aside, the defendants will be enrolled in the program.

2. **ENROLLMENT:**

- A. Defendants will be able to enroll in the program either voluntarily or through court order.
- B. In appropriate circumstances, when a DWLS defendant is determined insolvent, based upon his/her submission of a completed Affidavit of Insolvency/Certificate of Indigence pursuant to Chapter 27 of the Florida Statutes, he/she will have outstanding court costs converted by a judge to community service hours at a rate of \$10.00 per one hour of community service performed. Supporting documentation, dated no older than 6 months prior to the enrollment date, will be required for submission with the request for conversion.
- C. Program counselors will have the authority to remove qualifying cases from collection agencies for enrollment into the program.
- D. All eligible, un-adjudicated and adjudicated DWLS cases and/or infraction(s) may be enrolled in the program. Defendants who are enrolled will be given an assignment along with policies and procedures and all necessary information for successful completion of the program by their due date. They will be required to sign and/or initial each document.
- E. Defendants will have the option of paying fines, entering a payment plan, or choosing to convert those fines into community service hours at a rate of one hour for every \$10.00 owed. At a defendant's request, a more flexible combination of community service hours and payments may be assigned.
- F. When satisfying outstanding moving violations, points will be assessed in the following manner, which accounts for a comprehensive analysis of driving history:

Closed Moving Violations (within the last 5 years)	Open Moving Violations	Points Assessed	Traffic School Assigned
0-2 Moving Violations	0-2 Moving Violations	No Points	No Traffic School
	3-5 Moving Violations	1 Case Receives Points	8 Hour Intermediate Driver Improvement Course
	6-8 Moving Violations	2 Cases Receive Points	Aggressive Driving School Course
	9-12 Moving Violations	3 Cases Receive Points	Aggressive Driving School Course
	13 or More Moving Violations	4 or More Cases Receive Points	12 Hour Advanced Driver Improvement Course
3-5 Moving Violations	0-2 Moving Violations	No Points	Aggressive Driving School Course
	3-5 Moving Violations	1 Case Receives Points	Aggressive Driving School Course
	6-8 Moving Violations	2 Cases Receive Points	Aggressive Driving School Course
	9-12 Moving Violations	3 Cases Receive Points	12 Hour Advanced Driver Improvement Course
	13 or More Moving Violations	4 or More Cases Receive Points	12 Hour Advanced Driver Improvement Course
6-8 Moving Violations	0-2 Moving Violations	No Points	Aggressive Driving School Course
	3-5 Moving Violations	1 Case Receives Points	Aggressive Driving School Course
	6-8 Moving Violations	2 Cases Receive Points	12 Hour Advanced Driver Improvement Course
	9-12 Moving Violations	3 Cases Receive Points	12 Hour Advanced Driver Improvement Course
	13 or More Moving Violations	4 or More Cases Receive Points	High Risk Driver Improvement Course
9-12 Moving Violations	0-2 Moving Violations	No Points	12 Hour Advanced Driver Improvement Course
	3-5 Moving Violations	1 Case Receives Points	12 Hour Advanced Driver Improvement Course
	6-8 Moving Violations	2 Cases Receive Points	12 Hour Advanced Driver Improvement Course
	9-12 Moving Violations	3 Cases Receive Points	High Risk Driver Improvement Course
	13 or More Moving Violations	4 or More Cases Receive Points	High Risk Driver Improvement Course
13 or More Moving Violations	0-2 Moving Violations	No Points	12 Hour Advanced Driver Improvement Course
	3-5 Moving Violations	1 Case Receives Points	12 Hour Advanced Driver Improvement Course
	6-8 Moving Violations	2 Cases Receive Points	High Risk Driver Improvement Course
	9-12 Moving Violations	3 Cases Receive Points	High Risk Driver Improvement Course
	13 or More Moving Violations	4 or More Cases Receive Points	High Risk Driver Improvement Course

Those defendants who accumulate:

- 12 points accumulated within 12 months
- 18 points accumulated within 18 months
- 24 points accumulated within 36 months
- 45 points accumulated within 60 months

After applying the above formula, if a defendant is at risk of a point suspension, a program counselor will take their cases to the Associate Administrative Judge for review to avoid an excessive point suspension.

3. CONDITIONAL PROGRAM ELIGIBILITY

- Non-United States Citizens: Offenders under this category will be eligible to enroll in the program. However, only adjudicated criminal DWLS cases and infraction cases will be enrolled in the program. Unadjudicated criminal cases and their companion charges will remain set for court.
- Offenders with active Child Support Suspensions will be eligible to enroll in the program. However, they must be in compliance with their Child Support by the time of program completion

by having visited the Child Support Enforcement Division, paid the amount required, and having had the DHSMV remove the suspension from their license.

- C. Offenders with active Habitual Traffic Offender suspensions will be eligible to enroll in the program. However, only adjudicated criminal DWLS cases and any infractions will be enrolled in the program. Unadjudicated criminal cases and companion infractions, shall remain set for court and will not be enrolled in the program.
- D. Offenders with Chapter 893 suspensions will be eligible to enroll in the program. However, only adjudicated criminal DWLS cases and any infractions will be enrolled in the program. Unadjudicated criminal cases and companion infractions, shall remain set for court and will not be enrolled in the program.

Offenders, enrolling in the program under these conditions, will have their eligible traffic citations resolved by the Drive Legal Program. Resolving the outstanding requirements, pertaining to the aforementioned suspensions, will still be required before being eligible for driver's license reinstatement.

4. COMPLETION:

- A. Eligible defendants completing all program requirements but unable to pay their remaining fines and/or court costs, by their due date, will have the option of having their cases placed on a payment plan pursuant to Clerk of Court policies.
- B. Upon successful completion of the program, the defendant shall be sentenced to a withhold of adjudication, with no court costs, on the unadjudicated DWLS enrollment case. Any remaining unadjudicated DWLS charge(s) shall be closed with a withhold of adjudication and court costs. If a defendant is at risk of becoming a Habitual Traffic Offender (HTO), by receiving a withhold of adjudication, the charges on these types of cases shall be amended from DWLS to No Valid Driver License (NVDL).
- C. Program counselors will update the traffic information system to reflect compliance with all outstanding cases enrolled in the Program. Counselors will also update the Department of Motor Vehicles' system with all D-6 Clearances necessary for the defendant's license reinstatement.
- D. Those defendants who successfully complete the program will qualify to have misdemeanor and felony cases, suspending them for failing to pay court financial obligation, removed from collection agencies by the Clerk's Misdemeanor and Felony departments, respectively. Once removed from collections, the cases will be given a one year stay for payment. Payment may be made in full or through entering a payment plan with the Clerk's Office.

5. NON-COMPLETION:

- A. When a defendant fails to enroll, or complete the program after 90 days, the system will set their criminal, unadjudicated cases and companion charges for court, and any remaining criminal and infraction cases will be returned to their original status prior to enrollment in the program.
- B. Any No Drive Order violations, where new citations are received while enrolled in the program, will result in removal from the program and forfeiture of all payments, community service hours, etc. There will be no possibility of re-enrollment into the program unless otherwise court ordered.

6. **FEE TERMS AND CONDITIONS:**

A. Program fees shall be assessed in the following manner:

Fee Terms and Conditions	
Amount	Applicable Conditions
\$10.00	Screening Fee - The fee assessed to research a defendant's driving and case history and determine program eligibility and options.
\$25.00	Administrative Fee - The fee assessed to defendants in lieu of the standard enrollment fee when it is determined that all outstanding fines and/or court costs do not amount to, or do not exceed, the standard enrollment fee.
\$200.00	Standard Enrollment Fee - The fee assessed to enroll a defendant into the program and process all cases with conversions and assessments, providing a comprehensive assignment as the final product.
\$15.00	Late Fee - The fee assessed to court ordered individuals who do not enroll within the mandated 10 working days.
\$75.00	Re-enrollment Fee - The fee assessed to those defendants requesting a 90 day extension in order to complete the program.
\$75.00	Additional Case Fee - The fee assessed to those defendants who violate the No Drive Order by receiving new citations which are then ordered into the program. This fee is assessed regardless of the person's timely or expired status with the program.
\$20.00	Missed Appointment Fee - The fee assessed to defendants who do not cancel or reschedule their appointments with the program with at least 24 hours advanced notice.

B. The Division Director and/or Program Manager following criteria set or approved by the Court may make enrollment fee conversions. Supporting documentation, dated no older than 6 months prior to the enrollment date, will be required, for submission, with the request for conversion.

C. All fees are directed to the Administrative Office of the Courts (AOC) to cover the operational costs associated with the Program.

The program continues to enhance its services through technological advancements so that it can meet public needs, on a virtual platform.

This Administrative Order shall be effective upon date of execution.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 9th day of July 2020.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**