

Supreme Court of Florida

No. SC2023-1609

IN RE: AMENDMENTS TO FLORIDA RULES OF TRAFFIC COURT.

No. SC2024-0294

IN RE: AMENDMENTS TO FLORIDA RULE OF TRAFFIC COURT 6.455.

November 6, 2025

PER CURIAM.

The Florida Bar's Traffic Court Rules Committee has filed a pair of reports in case numbers SC2023-1609 and SC2024-0294 proposing amendments to Florida Rules of Traffic Court 6.340 (Affidavit of Defense or Admission and Waiver of Appearance), 6.445 (Discovery; Infractions Only), 6.455 (Amendments and Voluntary Dismissals by Issuing Officers), and 6.480 (Deferred Payment of Penalty Imposed).¹

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1).

The Florida Bar's Board of Governors recommends adoption of the proposed amendments. When we published the amendments for comment in *The Florida Bar News*, we received one comment from attorney Steven D. Rubin. The Committee filed a response.

Having considered the Committee's proposals, the comment received, and the Committee's response to that comment, we hereby consolidate on our own motion case numbers SC2023-1609 and SC2024-0294, and we amend rules 6.340 and 6.480 in the manner proposed by the Committee. However, we decline to adopt the Committee's proposed amendments to rules 6.445 and 6.455.

As to rule 6.340, we amend the forms used by defendants in traffic court proceedings for filing admissions to infractions or affidavits of defense. Specifically, we delete the form titled "Sample Affidavit of Defense or Admission and Waiver of Appearance" and replace it with a pair of separate forms titled "Sample Plea of Guilty/No Contest and No Request For Hearing" and "Sample Plea of Not Guilty and Request For Hearing."

As for rule 6.480, the requirement that defendants must move for deferred payment is hereby deleted, and the minimum deadline to pay penalties is increased from 30 days to 60 days. To account

for this change, we delete the word “deferred” from the title of rule 6.480.

In addition to these amendments, new Committee Notes are added to explain the rationale behind the rule changes, and minor technical revisions are made to both rules to provide additional clarity and conform with *In re Guidelines for Rules Submissions*, Florida Administrative Order No. AOSC22-78 (Fla. Oct. 24, 2022).

Accordingly, the Florida Rules of Traffic Court are hereby amended as reflected in the appendix to this opinion. New language is indicated by underscoring, and deletions are indicated by struck-through type. The amendments become effective January 1, 2026, at 12:01 a.m.

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Traffic Court

Rand Scott Lieber, Chair, Traffic Court Rules Committee,
Hollywood, Florida, Joshua E. Doyle, Executive Director, The
Florida Bar, Tallahassee, Florida, and Kelly Noel Smith, Bar Liaison,
The Florida Bar, Tallahassee, Florida,

for Petitioner

Steven D. Rubin, Boca Raton, Florida,

Responding with comments

APPENDIX

RULE 6.340. AFFIDAVIT OF DEFENSE OR ADMISSION AND WAIVER OF APPEARANCE

(a) Appearance in Court. At trial, any defendant charged with an infraction may, in ~~lieu~~place of personal appearance or appearance using communication technology, file an affidavit of defense or an admission that the infraction was committed as provided in this rule.

(b) Posting of Bond. The trial court may require a bond to be posted before the court will accept an affidavit in ~~lieu~~place of appearance at trial. The defendant ~~shall~~must be given reasonable notice if required to post a bond.

(c) Attorney Representation. If a defendant is represented by an attorney in an infraction case, said attorney may represent the defendant in the absence of the defendant at a hearing or trial without the defendant being required to file an affidavit of defense. The attorney ~~shall~~must file a written notice of appearance. The attorney may enter any plea, proceed to trial, present evidence other than the defendant's statements, and examine and cross examine witnesses without the defendant being required to file an affidavit of defense. Nonetheless, a defendant represented by an attorney may file an affidavit of defense. If a represented defendant files such an affidavit, the affidavit must be signed and properly notarized, subjecting the affiant to perjury prosecution for false statements.

~~(d) Sample Affidavit of Defense or Admission and Waiver of Appearance.~~

_____*_____
STATE OF FLORIDA, _____*_____
Plaintiff, _____*_____
_____*_____
_____*_____
CASE NO. _____
_____*_____
vs. _____*_____
_____*_____
CITATION NO. _____
_____*_____
_____,*_____

Defendant. * DRIVER'S LICENSE NO.

~~AFFIDAVIT OF DEFENSE OR
ADMISSION AND WAIVER OF APPEARANCE~~

~~Before me personally appeared _____, who after first
being placed under oath, swears or affirms as follows:~~

~~1. My name, address, and telephone number are:~~

~~Name: _____~~

~~Address: _____~~

~~_____~~

~~Telephone No.: _____~~

~~2. I am the defendant in the above referenced case and am
charged with the following violation(s): (List the charges as you
understand them to be.)~~

~~[Note: This is not an admission that you violated any law.]~~

~~3. Check **only one** as your plea:~~

~~_____ **I hereby plead NOT GUILTY** and file this affidavit of
defense as my sworn statement herein. I understand that when I
plead not guilty, I do not have to supply any further statement. I
understand that by my filing this affidavit, the hearing officer or
judge will have to make a decision as to whether I committed the
alleged violation by the sworn testimony of the witnesses, other
evidence, and my statement. I understand that I am waiving my
appearance at the final hearing of this matter.~~

~~_____ **I hereby plead GUILTY** and file this affidavit as an
explanation of what happened and as a statement that the hearing
officer or judge can consider before pronouncing a sentence. I
understand that I am not required to make any statement. I~~

~~understand that the hearing officer or judge will determine the appropriate sentence and decide whether to adjudicate me guilty.~~

~~_____ I hereby plead **NO CONTEST** and file this affidavit as an explanation of what happened and as a statement that the hearing officer or judge can consider before pronouncing a sentence. By pleading no contest, I understand that I am not admitting or denying that the infraction was committed but do not contest the charges, and I understand that I may be sentenced and found guilty even though I entered a plea of no contest. I understand that I am not required to make any statement. I understand that the hearing officer or judge will determine any appropriate sentence and decide whether to adjudicate me guilty.~~

4. — Defendant's Statement: (additional papers, documents, photos, etc. can be attached but should be mentioned herein).

~~I understand that any material misrepresentation could cause me to be prosecuted for a separate criminal law violation.~~

/s/ _____
Affiant/Defendant

~~Sworn to (or affirmed) and subscribed before me, the undersigned authority, on _____~~

~~Personally known _____~~

~~Produced identification _____ Type of ID produced _____~~

~~_____/s/ _____~~

~~_____
Notary Public, Deputy Clerk, or other authority~~

~~_____
NAME:~~

~~_____
Commission No.~~

~~_____
My Commission Expires:~~

~~NOTE: It is your responsibility to make sure this affidavit is in the court file before the hearing date.~~

~~— If Affiant/Defendant is under the age of 18, a parent or guardian must sign this affidavit:~~

Parent or Guardian

(d) Sample Plea of Guilty / No Contest and No Request For Hearing.

STATE OF FLORIDA,	*	IN THE COUNTY COURT,
	*	_____ COUNTY, FLORIDA
Plaintiff,	*	
	*	CASE NO. _____
vs.	*	
	*	CITATION NO. _____
	*	
Defendant.*	*	DRIVER'S LICENSE NO. _____
	*	

PLEA OF GUILTY / NO CONTEST AND NO REQUEST FOR HEARING

Before me personally appeared _____, who swears and affirms as follows:

1. My name, address, and telephone number are:

Name: _____

Address: _____

Telephone No.: _____

2. I am the defendant in the above-referenced case and am charged with the following violation(s): (List the charges as you understand them.)

[Note: This is not an admission that you violated any law.]

3. **I hereby plead NO CONTEST or GUILTY and I DO NOT REQUEST A HEARING.** I understand that I may file this statement as an explanation of what happened and that the hearing officer or judge can consider this statement before pronouncing a sentence, but I am not required to make any statement. By pleading no contest, I understand that I am not admitting or denying that the infraction was committed but do not contest the charge(s), and I understand that I may be sentenced and found guilty even though I entered a plea of no contest. I understand that the hearing officer or judge will determine any appropriate sentence and decide whether to adjudicate me guilty. I am waiving my appearance at a hearing.

4. Defendant's Statement: (additional papers, documents, photos, etc. can be attached but should be mentioned here). If you choose, you may explain what happened in your own words in this section. Once you submit this statement, it will be considered by the hearing officer or judge.

5. I understand that this statement and explanation is voluntary and is not required of me. I am choosing to submit this statement without the advice of a lawyer. I understand that this form must be notarized before it is submitted and accepted by the Court. I understand that once this form is submitted, this matter will not be set for additional hearings, unless requested by the State of Florida or the Court. I understand that if I am found to have committed this violation, there have been no promises regarding which sentence I will receive.

6. I understand that any material misrepresentation could cause me to be prosecuted for a separate criminal law violation.

/s/ _____
Signature of Affiant/Defendant

Sworn to (or affirmed) and subscribed before me, the undersigned authority, on _____

Personally known _____

Produced identification _____ Type of ID produced _____

/s/ _____

Notary Public, Deputy Clerk, or other authority

NAME:

Commission No.

My Commission Expires:

NOTE: It is the Affiant/Defendant's responsibility to make sure this affidavit is provided to the clerk of court no less than 5 business days before the hearing date for this affidavit to be considered by the hearing officer or judge.

If Affiant/Defendant is under the age of 18, a parent or guardian must sign this affidavit:

Parent or Guardian

(e) Sample Plea of Not Guilty and Request For Hearing.

	*	IN THE COUNTY COURT,
STATE OF FLORIDA,	*	_____ COUNTY, FLORIDA
Plaintiff,	*	
	*	CASE NO. _____
vs.	*	
	*	CITATION NO. _____
	*	
Defendant.*	*	DRIVER'S LICENSE NO. _____

PLEA OF NOT GUILTY AND REQUEST FOR HEARING

Before me personally appeared _____, who swears and affirms as follows:

1. My name, address, and telephone number are:

Name: _____

Address: _____

Telephone No.: _____

2. I am the defendant in the above-referenced case and am charged with the following violation(s): (List the charges as you understand them.)

[Note: This is not an admission that you violated any law.]

3. **I hereby plead NOT GUILTY and I REQUEST A HEARING. I will either: (choose only one of the below options)**

A. _____ I WILL appear in person (or virtually, if available in your jurisdiction) for the hearing; OR

B. _____ I WILL submit a sworn statement of defense and I WILL NOT appear at the requested hearing (please complete paragraph 4 below); OR

C. _____ I WILL NOT submit a sworn statement of defense and I WILL NOT appear at the requested hearing.

4. **Defendant's Sworn Statement of Defense:**

If you selected 3.B. (above), you may explain what happened in your own words in this section and attach any additional papers, documents, photos, etc. Once you submit this statement, it will be considered by the hearing officer or judge.

/s/ _____

Personally known _____

Produced identification	Type of ID produced
1. The first name of the person who was interviewed.	First Name
2. The last name of the person who was interviewed.	Last Name
3. The date of birth of the person who was interviewed.	Date of Birth
4. The place of birth of the person who was interviewed.	Place of Birth
5. The gender of the person who was interviewed.	Gender
6. The occupation of the person who was interviewed.	Occupation
7. The address of the person who was interviewed.	Address
8. The telephone number of the person who was interviewed.	Telephone Number
9. The email address of the person who was interviewed.	Email Address
10. The social media profile of the person who was interviewed.	Social Media Profile
11. The passport number of the person who was interviewed.	Passport Number
12. The driver's license number of the person who was interviewed.	Driver's License Number
13. The national identification card number of the person who was interviewed.	National Identification Card Number
14. The tax identification number of the person who was interviewed.	Tax Identification Number
15. The health insurance number of the person who was interviewed.	Health Insurance Number
16. The voter registration number of the person who was interviewed.	Voter Registration Number
17. The military service record of the person who was interviewed.	Military Service Record
18. The criminal record of the person who was interviewed.	Criminal Record
19. The court records of the person who was interviewed.	Court Records
20. The bankruptcy records of the person who was interviewed.	Bankruptcy Records
21. The credit history of the person who was interviewed.	Credit History
22. The property ownership records of the person who was interviewed.	Property Ownership Records
23. The vehicle ownership records of the person who was interviewed.	Vehicle Ownership Records
24. The business registration records of the person who was interviewed.	Business Registration Records
25. The professional association membership records of the person who was interviewed.	Professional Association Membership Records
26. The university enrollment records of the person who was interviewed.	University Enrollment Records
27. The graduation records of the person who was interviewed.	Graduation Records
28. The employment history of the person who was interviewed.	Employment History
29. The pension records of the person who was interviewed.	Pension Records
30. The Social Security Administration (SSA) records of the person who was interviewed.	SSA Records
31. The Internal Revenue Service (IRS) records of the person who was interviewed.	IRS Records
32. The Federal Reserve Bank records of the person who was interviewed.	Federal Reserve Bank Records
33. The Department of Justice records of the person who was interviewed.	Department of Justice Records
34. The Department of Education records of the person who was interviewed.	Department of Education Records
35. The Department of Health and Human Services records of the person who was interviewed.	Department of Health and Human Services Records
36. The Department of Labor records of the person who was interviewed.	Department of Labor Records
37. The Department of State records of the person who was interviewed.	Department of State Records
38. The Central Intelligence Agency records of the person who was interviewed.	Central Intelligence Agency Records
39. The National Security Agency records of the person who was interviewed.	National Security Agency Records
40. The Federal Bureau of Investigation records of the person who was interviewed.	Federal Bureau of Investigation Records
41. The United States Postal Service records of the person who was interviewed.	United States Postal Service Records
42. The Social Security Administration (SSA) records of the person who was interviewed.	SSA Records
43. The Internal Revenue Service (IRS) records of the person who was interviewed.	IRS Records
44. The Federal Reserve Bank records of the person who was interviewed.	Federal Reserve Bank Records
45. The Department of Justice records of the person who was interviewed.	Department of Justice Records
46. The Department of Education records of the person who was interviewed.	Department of Education Records
47. The Department of Health and Human Services records of the person who was interviewed.	Department of Health and Human Services Records
48. The Department of Labor records of the person who was interviewed.	Department of Labor Records
49. The Department of State records of the person who was interviewed.	Department of State Records
50. The Central Intelligence Agency records of the person who was interviewed.	Central Intelligence Agency Records
51. The National Security Agency records of the person who was interviewed.	National Security Agency Records
52. The Federal Bureau of Investigation records of the person who was interviewed.	Federal Bureau of Investigation Records
53. The United States Postal Service records of the person who was interviewed.	United States Postal Service Records
54. The Social Security Administration (SSA) records of the person who was interviewed.	SSA Records
55. The Internal Revenue Service (IRS) records of the person who was interviewed.	IRS Records
56. The Federal Reserve Bank records of the person who was interviewed.	Federal Reserve Bank Records
57. The Department of Justice records of the person who was interviewed.	Department of Justice Records
58. The Department of Education records of the person who was interviewed.	Department of Education Records
59. The Department of Health and Human Services records of the person who was interviewed.	Department of Health and Human Services Records
60. The Department of Labor records of the person who was interviewed.	Department of Labor Records
61. The Department of State records of the person who was interviewed.	Department of State Records
62. The Central Intelligence Agency records of the person who was interviewed.	Central Intelligence Agency Records
63. The National Security Agency records of the person who was interviewed.	National Security Agency Records
64. The Federal Bureau of Investigation records of the person who was interviewed.	Federal Bureau of Investigation Records
65. The United States Postal Service records of the person who was interviewed.	United States Postal Service Records
66. The Social Security Administration (SSA) records of the person who was interviewed.	SSA Records
67. The Internal Revenue Service (IRS) records of the person who was interviewed.	IRS Records
68. The Federal Reserve Bank records of the person who was interviewed.	Federal Reserve Bank Records
69. The Department of Justice records of the person who was interviewed.	Department of Justice Records
70. The Department of Education records of the person who was interviewed.	Department of Education Records
71. The Department of Health and Human Services records of the person who was interviewed.	Department of Health and Human Services Records
72. The Department of Labor records of the person who was interviewed.	Department of Labor Records
73. The Department of State records of the person who was interviewed.	Department of State Records
74. The Central Intelligence Agency records of the person who was interviewed.	Central Intelligence Agency Records
75. The National Security Agency records of the person who was interviewed.	National Security Agency Records
76. The Federal Bureau of Investigation records of the person who was interviewed.	Federal Bureau of Investigation Records
77. The United States Postal Service records of the person who was interviewed.	United States Postal Service Records
78. The Social Security Administration (SSA) records of the person who was interviewed.	SSA Records
79. The Internal Revenue Service (IRS) records of the person who was interviewed.	IRS Records
80. The Federal Reserve Bank records of the person who was interviewed.	Federal Reserve Bank Records
81. The Department of Justice records of the person who was interviewed.	Department of Justice Records
82. The Department of Education records of the person who was interviewed.	Department of Education Records
83. The Department of Health and Human Services records of the person who was interviewed.	Department of Health and Human Services Records
84. The Department of Labor records of the person who was interviewed.	Department of Labor Records
85. The Department of State records of the person who was interviewed.	Department of State Records
86. The Central Intelligence Agency records of the person who was interviewed.	Central Intelligence Agency Records
87. The National Security Agency records of the person who was interviewed.	National Security Agency Records
88. The Federal Bureau of Investigation records of the person who was interviewed.	Federal Bureau of Investigation Records
89. The United States Postal Service records of the person who was interviewed.	United States Postal Service Records
90. The Social Security Administration (SSA) records of the person who was interviewed.	SSA Records
91. The Internal Revenue Service (IRS) records of the person who was interviewed.	IRS Records
92. The Federal Reserve Bank records of the person who was interviewed.	Federal Reserve Bank Records
93. The Department of Justice records of the person who was interviewed.	Department of Justice Records
94. The Department of Education records of the person who was interviewed.	Department of Education Records
95. The Department of Health and Human Services records of the person who was interviewed.	Department of Health and Human Services Records
96. The Department of Labor records of the person who was interviewed.	Department of Labor Records
97. The Department of State records of the person who was interviewed.	Department of State Records
98. The Central Intelligence Agency records of the person who was interviewed.	Central Intelligence Agency Records
99. The National Security Agency records of the person who was interviewed.	National Security Agency Records
100. The Federal Bureau of Investigation records of the person who was interviewed.	Federal Bureau of Investigation Records

/s/

Notary Public, Deputy Clerk, or other authority

NAME: _____

Commission No. _____

My Commission Expires:

If Affiant/Defendant is under the age of 18, a parent or

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Committee Notes

1996 Amendment. [No Change]

2025 Amendment. The Committee completely revised the forms to provide clarity for pro se litigants' options in resolving their civil traffic infraction(s).

RULE 6.480. DEFERRED PAYMENT OF PENALTY IMPOSED

(a) Procedure. ~~On motion of the defendant or on the official's own motion, a~~An official must allow a reasonable amount of time, no less than 30~~60~~days from the date that the official imposes the penalty, before requiring the payment of any penalty imposed. If payment is not made after such extension~~deadline~~ or further extensions, such action will be considered a failure to comply for purposes of section 318.15, Florida Statutes.

(b) [No Change]

Committee Notes

2009 Amendment. [No Change]

2025 Amendment. This amendment removes the requirement for a motion and gives all defendants at least 60 days to make their payment, as most pro se defendants do not know to ask for more time to pay their penalty, which results in unnecessary license suspensions.