

CIVIL INFRACTION – INFORMATION SHEET

You have requested a court hearing. Once thirty (30) days have passed from the date of the citation, you may no longer exercise your option of paying the fine amount and/or electing school. You must appear at the scheduled court date unless you have filed and “Affidavit of Defense or Admission and Waiver of Appearance”. If you are found guilty at trial or enter a plea of guilty or no contest, the Court has the option of imposing a fine up to \$500.00, which is the maximum allowed by law plus court costs and fees. In some cases in addition to any fines/costs/fees imposed, the Court may suspend your driving privilege, order you to attend school and/or impose community service hours.

PROPER DRESS IS REQUIRED AT ALL COURT APPEARANCES. NO ONE WEARING SHORTS, TANK TOPS OR OTHER INAPPROPRIATE DRESS WILL BE ALLOWED IN THE COURTROOM OR THE JUDGE’S CHAMBERS

SPEEDOMETERS: If you believe, suspect or are alleging your speedometer was inaccurate, you should have it checked by a speedometer shop registered with the Florida Department of Agriculture and Consumer Services as a motor vehicle repair shop according to sections 559.901 – 559.9221, Florida Statutes, which uses equipment certified for use in court. Your local law enforcement agency or your local traffic bureau (excluding Highlands County) may be able to suggest the closest certified shop in your community. Mere proof that your speedometer was inoperable or inaccurate is normally insufficient. BRING the test certificate with you WHEN you COME to Court. **CAUTION:** The fact that a speedometer was inoperable or inaccurate is normally NOT a defense to the offense of unlawful speed. However, if properly proven in certain cases it may be considered as mitigating evidence for sentencing purposes.

UNLAWFUL SPEED: The issue at trial will be whether you were exceeding the posted speed limit. When you are stopped the Officer who is using radar or laser does not have to show you the radar or laser or any printout. The outcome of your trial will not be affected by the fact that the Officer did or did not show you any proof of your speed. If the evidence shows beyond a reasonable doubt that you were exceeding the posted speed limit, you may be found guilty of unlawful speed even if the evidence does not show you were traveling at the specific speed for which you were cited. If you are found guilty, the amount you were traveling over the speed limit is relevant to both sentencing and points assessed against your license.

AFFIDAVITS: A defendant in a civil infraction case may offer evidence of other witnesses through use of one or more affidavits. The affidavits shall be considered by the Court only as to the facts therein that are based on the personal knowledge and observation of the affiant as to relevant material facts. However, the affidavits shall not be admissible for the purpose of establishing character or reputation.

ACCIDENT CASES: The issue at trial will be whether you committed the specific civil infraction for which you have been charged. The Court will NOT assess relative degrees of fault for the accident.

AFFIDAVIT OF DEFENSE OR ADMISSION AND WAIVER OF APPEARANCE: Any defendant charged with an infraction may, in lieu of a personal appearance at trial, file an affidavit of defense or an admission that the infraction was committed. If you wish to appear by such “affidavit” contact the Clerk of Court (863/402-6599) immediately and request the form or retrieve the form from the Clerk of Courts’ website www.hcclerk.org. Said form must be signed, executed before a notary, and returned to the Court at least 48 hours prior to your assigned court date. You must also attach a check or certified funds to the dollar amount indicated by the citing officer plus court costs in the amount of \$3.00. If you are found not guilty the money will be refunded to you; if you are found guilty, it will be applied toward your fine and court costs.

MOTION FOR CONTINUANCE: Any motion for continuance of a hearing **must be in writing**, setting forth the grounds for the continuance, with a copy being furnished to the citing officer. Motions by a defendant must either waive speedy trial or set forth why the continuance should not be charged to the defendant.

RIGHT TO APPEAL: If you are found guilty at trial of the civil infraction, you have the right to appeal the Court’s ruling to the Circuit Court. You must file the Notice of Appeal and pay the appropriate filing fee(\$281.00) within 30 days of the date you were found guilty.

INTERPRETERS/SPECIAL NEEDS: If you will need the services of a court interpreter or have other special needs, you must notify the Court IMMEDIATELY at 863/402-6614 so that arrangements can be made in advance to meet your special needs. If you wish to obtain a taped copy of your hearing, you need to contact the Electronic Court Reporters Office at 863/534-4009 in advance to make special arrangements.

FINE AND COURT COSTS: If you are found **guilty**, your **fine and/or court costs** are **due the same day of your hearing**. If you fail to appear on the day of your hearing, and are found guilty, payment is due the same day of your hearing.