Supreme Court of Florida

No. SC2025-1377

IN RE: AMENDMENTS TO FLORIDA RULES OF TRAFFIC COURT 6.100, 6.160, AND 6.325.

October 22, 2026

PER CURIAM.

The Traffic Court Rules Committee filed a report proposing amendments to Florida Rule of Traffic Court 6.160 (Practice as in Criminal Rules).[1, 2] This report was filed in response to a referral letter in which the Court asked the Committee to consider changes to rule 6.325 (Speedy Trial: Infractions Only) consistent with recent changes to the criminal speedy trial rule. *See In re Amends. to Fla. Rule of Crim. Proc. 3.191*, 411 So. 3d 385 (Fla. 2025). We amend rule 6.160 as proposed by the Committee, consistent with Florida

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

2. The Committee originally recommended additional amendments, but it later filed a "Request to Withdraw Proposed Amendments to Rules 6.100 and 6.325," which was granted.

Rule of Criminal Procedure 3.191 (Speedy Trial), to have speedy trial start at formal charge rather than arrest.

The Court hereby amends the Florida Rules of Traffic Court as reflected in the appendix to this opinion. New language is underscored; deleted language is stricken through. The amendments shall become effective on January 1, 2027, at 12:01 a.m.

It is so ordered.

COURIEL, C.J., and LABARGA, MUÑIZ, GROSSHANS, FRANCIS, and BARRIOS, JJ., concur.
TANENBAUM, J., specially concurs with an opinion.

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

TANENBAUM, J., specially concurring.

The Florida Constitution authorizes the Legislature to "establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions." Art. V, § 1, Fla. Const. The Legislature did just that. *See* §§ 318.30–.38, Fla. Stat. (establishing the Civil Traffic Infraction Hearing Officer Program). In doing so, it tasked this court with the program's supervision and with adopting "rules and procedures for the establishment and

operation" of the program. §§ 318.30–.31, Fla. Stat.

By definition, matters adjudicated through this hearing officer program are "noncriminal." § 318.13(3), Fla. Stat. (defining "infraction"). These matters also not being common-law suits, no jury-trial right attaches. And no constitutional "speedy trial" right attaches in these infraction matters either. *Cf.* Art. I, § 16(a), Fla. Const. (securing to the accused "in all *criminal* prosecutions" the right to "a speedy and public trial by impartial jury" (emphasis supplied)); U.S. Const. Amend. VI (same).

The most this court could do by rule, then, is administratively establish a time limit for getting one of these infractions to trial—a time limit having as its sole purpose to move these matters along and *not* to establish a new right. Indeed, the court adopted Florida Rule of Traffic Procedure 6.325 in 1992 at the rules committee's urging, that committee stating in part the proposed "time limit . . . ultimately will ease the backlog of pending cases and may also ease the daily burden upon county judges and traffic magistrates." *In re Amends. to Fla. Rules of Prac. & Proc. for Traffic Cts.*, 608 So. 2d 451, 452 (Fla. 1992).

To be clear, this procedural rule does not and could not give rise to a right (or "entitlement") on its own. There would need to be a statutory enactment establishing a "speedy trial" right, but presently there is none. Any dismissal under this rule, in turn, would have to be without prejudice, unless the limitation statute the Legislature enacted otherwise has run. *See* § 775.15(2)(d), Fla. Stat. (establishing a one-year limitation period for a "noncriminal violation"). Yet the rule's title ("Speedy Trial") and its use of the word "entitled" in subdivision (a) could prove confusing on this front. The rule should be modified in both respects to better reflect the rule's purely administrative nature.

Original Proceeding – Florida Rules of Traffic Court

Allyson L. Smith, Chair, Traffic Court Rules Committee, St. Petersburg, Florida, Rand Scott Lieber, Past 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

John K. Londot of Greenberg Traurig, P.A., on behalf of Florida Association of Court Clerks, Inc., d/b/a Florida Court Clerks & Comptrollers, Tallahassee, Florida,

Responding with comments

APPENDIX

RULE 6.160. PRACTICE AS IN CRIMINAL RULES

Except as provided, the Florida Rules of Criminal Procedure ~~shall~~must govern this part. A defendant ~~shall be~~is considered "~~taken into custody~~formally charged" for the purpose of rule 3.191 when the defendant is ~~arrested, or when~~issued a traffic citation, notice to appear, summons, information, or indictment ~~is served on the defendant in lieu of arrest~~, whichever occurs first.

COMMITTEE NOTES

[No Change]