

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HIGHLANDS, HARDEE AND POLK COUNTIES

ADMINISTRATIVE ORDER NO. 3-1.1

**NOTICE OF DISMISSAL AND DISMISSAL FOR
LACK OF PROSECUTION IN CIVIL CASES**

WHEREAS, in accordance with Rules 1.420(e) and 1.200, Florida Rules of Civil Procedure, Rule 2.54, Florida Rules of Judicial Administration, and other applicable rules of procedure, if no order or stipulation staying the action is filed, any interested person, including the Court or the Clerk of Court, can serve notice to all parties that no record activity has occurred in an action, and, if no further action occurs after such notice, the action shall be dismissed; therefore it is

ORDERED THAT:

1. In Polk County, the procedure is as follows:
 - a. Court Administration shall receive from the Clerk of Court a monthly, automatically generated list of action(s) of which there has been no record activity for ten (10) months. Court Administration, in conjunction with judicial assistants, shall prepare and mail a notice of lack of prosecution. A notice of lack of prosecution provides notification to all parties that no record activity has occurred within the preceding ten (10) months, and, if no further record activity occurs within sixty (60) days of the date of such notice, said action(s) may be dismissed.
 - b. After said sixty (60) days, for all actions for which there has been no additional record activity, the Court shall issue a motion to dismiss and order to show cause and appear. Hearing(s) on the motions before the Court shall be scheduled.
 - c. If the parties fail to appear for the hearing(s) or no further record activity occurs in the action(s), the Court shall dismiss said action(s) for lack of prosecution.

2. In Highlands County, the procedure is as follows:
 - a. Every year on a quarterly basis, the Administrative Judge for the Civil Division in conjunction with Court Administration shall receive from the Clerk of Court a list of all open actions.
 - b. Thereafter, Court Administration shall prepare and mail (1) a notice setting a case management conference or (2) a notice of lack of prosecution, provided no further record activity has occurred within the preceding (10) months of the date of the notice of lack of prosecution. Hearing(s) on the motion(s) before the Court shall be scheduled.
 - c. If the parties fail to appear for the hearing(s) or no further record activity occurs in the action(s), the Court shall dismiss said action(s), including, but not limited

to, for lack of prosecution provided that no further record activity occurs for sixty (60) days following the date of the notice of lack of prosecution.

3. In Hardee County, the procedure is as follows:
 - a. As necessary, the judicial assistant of the Administrative Judge shall receive from the Clerk of Court a list of action(s) of which there has been no record activity for ten (10) months.
 - b. Thereafter, the judicial assistant shall schedule and notice a case management conference(s) or a notice for lack of prosecution, provided no further record activity has occurred within the preceding (10) months of the date of the notice of lack of prosecution.
 - c. If parties fail to appear for the case management conference(s) or no further record activity occurs in the action(s), the Court shall dismiss said actions, including, but not limited to, for lack of prosecution provided that no further record activity occurs for sixty (60) days following the date of the notice of lack of prosecution.

4. Administrative Order No. 3-1.0, entered July 31, 1979, is hereby VACATED.

DONE AND ORDERED on this 1st day of February, 2010.

J. DAVID LANGFORD, Chief Judge