

**IN THE COUNTY
COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 3-32.0

**CONSENT TO DISMISSAL AND CLOSURE FOR
LACK OF PROSECUTION IN POLK COUNTY EVICTION CASES**

WHEREAS, in accordance with Florida Rule of Judicial Administration 2.545, “[j]udges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so”; and

WHEREAS, Florida Rule of Civil Procedure 1.420(e), provides for dismissal of actions for failure to prosecute where no action, such as the filing of pleadings or orders, has taken place within 10 months; and

WHEREAS, eviction cases are included in the procedure outlined in Rule 1.420(e); and

WHEREAS, eviction cases, unlike other County Civil cases, involve only the issue of possession, which is often resolved within thirty (30) days of the eviction action being filed; and

WHEREAS, oftentimes the resolution of the eviction action occurs by Tenant(s) vacating the premises upon being served with process; and

WHEREAS, closing eviction actions through the procedure set forth in Rule 1.420(e), requires a substantial expenditure of financial and human resources; and

WHEREAS, time and resources of the judiciary, the Polk County Clerk of Courts, and Plaintiffs/Landlords will be saved if, at the time of commencing suit, Plaintiffs/Landlords are given the opportunity to voluntarily agree to dismiss/close their case after a certain period of inactivity; and

Now, therefore, it is ORDERED that:

1. The Polk County Clerk of Courts shall include a *Consent to Case Closure after 90 Days of Inactivity* form (attached and incorporated herein as Attachment A) in the eviction forms package and as the Polk County Clerk of Court otherwise deems appropriate.
2. For all cases wherein the Polk County Clerk of Courts receives from Plaintiff/Landlord a *Consent to Case Closure after 90 Days of Inactivity* form, the clerk or the Office of the Court Administrator shall notify the presiding judge of said cases whereupon said presiding judge shall consider the entry of an order of dismissal/case closure similar to

the attached *Order of Dismissal and Closure of Case* (attached and incorporated herein as Attachment B).

3. The effective date of this administrative order is February 1, 2012.

DONE AND ORDERED on this 17th day of January, 2012.

WM. BRUCE SMITH, Chief Judge

**IN THE COUNTY COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

Plaintiff(s),

v.

Defendant(s).

Case No.: _____

Section: _____

ORDER OF DISMISSAL AND CLOSURE OF CASE

The Court, having been apprised by the Polk County Clerk of Courts or the Office of the Court Administrator that there has been no activity in the above-styled case for 90 days and that Plaintiff/Landlord has entered a *Consent to Case Closure after 90 Days of Inactivity*, hereby

ORDERS and **ADJUDGES** that the above-styled action is **DISMISSED** and the Polk County Clerk of Courts is **DIRECTED** to close the case pursuant to Plaintiff/Landlord's *Consent to Case Closure after 90 Days of Inactivity*.

DONE and ORDERED at Bartow, Polk County, Florida, this ___ day of _____, 20__.

County Court Judge

Copies:
Plaintiff/Landlord
Defendant(s)

**IN THE COUNTY COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

_____ /

Plaintiff,

v.

_____ /

Defendant.

_____ /

Case No.: _____

Section: _____

CONSENT TO CASE CLOSURE AFTER 90 DAYS OF INACTIVITY

Plaintiff/Landlord does hereby consent to the dismissal and closure of this case file upon 90 days of inactivity.

I hereby certify that a true and correct copy of the foregoing has been furnished by U. S mail or initial service of process to the above named defendant(s).

DATED this _____ day of _____, 20_____.

Plaintiff/Landlord