

LOCAL RULES NO. 1 *
COURTS OF THE TENTH JUDICIAL CIRCUIT OF FLORIDA

RULE 1. IMPLEMENTATION RULE

1.1 ORGANIZATION OF CIRCUIT COURTS

a. Sections of Court.

(1) General. Each Circuit Judge shall be assigned a numerical section. These section numbers shall remain in the respective divisions of the court even though the judges rotate from the division.

(2) Pending cases. Jurisdiction of cases pending before alphabetical divisions heretofore existing shall continue in the judge heretofore presiding over that division, unless and until reassigned.

(3) Use of section designations. Sections shall be permanently assigned to special divisions now or hereafter created. Judges shall be assigned to and rotated by name between sections. The successor to any judge in any section shall assume jurisdiction of all cases pending in that section and the duties theretofore assigned to the judge presiding over that section. The assignment and reassignment of judges to sections on rotation or otherwise shall be accomplished by order of the chief judge, to be recorded in the office of the Clerk in each county of the circuit.

b. Divisions of Court.

(1) Establishment. For administrative purposes the following divisions are hereby established:

(a) General Civil Division in which all actions and proceedings within the jurisdiction of the Court and not herein assigned to another division shall be filed.

(b) Probate, Guardianship and Trust Division in which all actions and proceedings pertaining to the probate of wills, administration of estates, guardianships and trusts, incompetencies and arising under the Baker and Myers Acts shall be filed.

(c) Juvenile Division in which all actions and proceedings pertaining to dependent and delinquent children and all other matters formerly under the jurisdiction of the juvenile court shall be filed.

(d) Criminal Justice Division in which all actions and proceedings within the jurisdiction of the Court pertaining to the administration of criminal justice, including proceedings under Rule 3.850, Florida Rules of Criminal Procedure, and extradition proceedings shall be filed.

(e) Family Division in which all actions and proceedings within the jurisdiction of the Court pertaining to matters regarding dissolution of marriage, Child custody and support, visitation relief, property matters arising out of a dissolution of marriage, URESA, name changes, paternity actions, adoption proceedings, and domestic violence cases shall be filed.

(2) Dockets and files. Separate dockets and files, color coded or otherwise marked for easy identification, shall be maintained by the Clerks of the counties of the circuit for each of the divisions. Each file shall be numbered, employing the prefix of the last two digits of the calendar year (92 for 1992). Letter coding indicating the division may also be included in the file number assigned by the Clerk.

(3) Assignment to divisions.

(a) General. The chief judge shall assign one or more sections to each division on a part or full time basis according to the demonstrated workload of the division. The assignments shall be revised from time to time as the workload increases or decreases in each division so as to equalize the workload of the entire Court and insure the prompt disposition of matters pending in all divisions.

(b) Administrative Judges. When one section is assigned to a division the presiding judge shall be the administrative judge of that division. When more than one section is assigned to any division, one judge shall be designated by the chief judge as the administrative judge. The administrative judge will be responsible for the efficient organization and prompt dispatch of the Court's business in that division.

(c) Workloads. In order to determine the workload in each division, herein defined as the time required for each case related activities to dispose of pending matters, the chief judge may require records to be maintained and periodic reports to be made by the judges.

(d) Rotation. The judge or judges assigned to any section shall be rotated periodically to develop and maintain the competence of each judge to exercise the entire jurisdiction of the Court.

c. Judges' Conference.

The Conference of Circuit Judges of the Tenth Judicial Circuit shall consist of all of the circuit judges of the circuit. The conference may meet jointly or concurrently with the Conference of County Judges of the circuit or otherwise on the call of the chief judge or a majority of the conference. All matters requiring the action of the conference shall be brought by motion, without the necessity of a second thereto.

1.2 ASSIGNMENT OF CASES IN CIRCUIT COURT

a. General procedure.

The Clerk of the Court in each county in the circuit shall assign each action filed in any division to the section presiding in that division. Such assignment shall be noted on the progress docket and file cover. If more than one section presides in the division in which the case is filed, each case shall be assigned to a section presiding in accordance with an automatic random schedule of assignments heretofore or hereafter approved by the conference or by other random means approved by the conference. Such assignments shall be noted on the progress docket and file cover in each case. After assignment, the case shall be heard, tried and determined by the judge of the section to which assigned or that judge's successor and no other judge, except on substitution or when the assigned judge is absent or unable to act, any matter pending before his section may be heard by any other judge.

b. Applications for emergency relief.

Applications for emergency or extraordinary relief, such as re exeat, injunction or receivership, or for the dissolution or modification of any injunction, receivership or for other order granting extraordinary relief, with the exception of habeas corpus relief, shall be made to the section in which the cause is pending, except that when the judge of that section is absent or unable to act, the application may be heard by any other section. Applications for writs of habeas corpus shall be made to the chief judge of the circuit. Any application in any case not previously assigned by the Clerk to a section of this Court, when the Clerk's office is not open, may be made to any judge of this Court, but nothing herein shall vary the assignment of such case thereafter made by the Clerk as provided in Rule 2(a) and 2(b). This section shall not apply to the request for and issuance of temporary injunctions in domestic violence cases.

c. Enforcement, modification or vacation of orders

All applications, motions and proceedings for the enforcement, modification or vacation of any judgment or order heretofore or hereafter entered shall be heard and determined by the section in which the judgment was ordered.

d. Filing of Pleadings.

All pleadings shall be filed with the Clerk before being presented to the Court, except in cases where the Clerk's office is closed and emergency relief is sought.

1.3 ORGANIZATION OF COUNTY COURT OF POLK COUNTY, FLORIDA

a. Divisions of Court.

(1) Establishment. For administrative purposes the following:

(a) Criminal Division. The filing, processing, arraignment and trial of all criminal misdemeanor cases shall be assigned to the Criminal Division, including all jury trials for violations of the Uniform Traffic Code, Chapter 316, Florida Statutes.

(b) Traffic Division. The filing, processing, arraignment, jury, and non-jury trials of all violations of the Uniform Traffic Code shall be assigned to the Traffic Division. If a Traffic Bureau is established either within the County Court or as a function of the Clerk of the County Court, the supervision thereof shall be assigned to this division. The supervision of any Defensive Driving Court or D.L.I. school established by the Court shall be assigned to this division.

(c) Civil Division. All actions and proceedings filed pursuant to the Florida Rules of Civil Procedure, and all other civil matters not assigned to another division, shall be assigned to the Civil Division.

(d) Claims Division. All actions and proceedings initially filed pursuant to the Summary Claims Rules shall be assigned to the Claims Division. A case initially assigned which subsequently becomes governed by the Florida procedure shall be transferred to the Civil Division.

(e) Magistrate Division. All actions and proceedings relating to the criminal jurisdiction of the Court not assigned to any other division shall be assigned to the Magistrate Division, including all powers, duties, and functions relating to the issuance of arrest warrants, misdemeanor summons, first appearance hearings, preliminary hearings, bond hearings, applications for search warrants, waiver and refusal of extradition, and all other functions of the judges of the County Court in their capacity as Committing Magistrates.

(f) Marriage License Division. The processing and supervision of all application for marriage licenses arising within the territorial jurisdiction of the Court shall be assigned to the Marriage License Division.

(2) Dockets and Files. Separate dockets and files, color coded or otherwise marked for easy identification, shall be maintained by the Clerk of the Court for each of the above named divisions, except the magistrate Division. The Clerk may establish separate dockets and files for the Magistrate Division.

(3) Assignment of Workload. The Administrative judge shall assign the workload of the divisions of this Court pursuant to administrative order filed with the Clerk. The assignments shall be revised from time to time as the workload of each division increases or decreases so as to equalize the workload of the entire court and to insure the prompt disposition of all matters pending in all division. The workload of the Court shall be assigned to the judges hereof in such a manner as to insure that each judge shall within a calendar year exercise the entire jurisdiction of the Court.

b. Conference of County Judges.

The conference of County judges shall consist of all of the judges of the said Court. The conference may meet jointly or

concurrently with the conference of Circuit judges of the Circuit or otherwise on the call of the Chief Judge of the Circuit. All matters requiring the action of the conference shall be brought by motion, without the necessity of a second thereto.

1.4 ASSIGNMENT OF CASES IN COUNTY COURT OF POLK COUNTY, FLORIDA

a. General procedure.

The Clerk shall assign each action filed in the Civil and Claims Division in accordance with an automatic random schedule of assignments approved by the Administrative judge, which schedule shall reflect the allocation of the workload between the judges assigns thereto. Such Assignments shall be noted in the progress docket and file cover on each case. After assignment, the case shall be heard, tried and determined by the judge to whom it was assigned, or that judge's successor, and by no other judge, except that when the assigned judge consents, is absent or unable to act, any matter pending before said judge may be heard by any other judge.

b. Assignment of Criminal Cases.

Matters within the jurisdiction of the Criminal Division shall be assigned by the Administrative Judge by Administrative Order, in accordance with an automatic random schedule of assignments, which schedule shall reflect the allocation of the workload between the judges assigned to the division. After assignment, the case shall be heard, tried and determined by the arraigning judge, i.e., the assigned judge, or that judge's successor and by no other judge, except that when the assigned judge consents, is absent or unable to act, the case may be heard by such judge as shall be assigned thereto by the Administrative judge.

c. Enforcement, modification or vacation or orders and judgements.

All applications, motions and proceedings for the enforcement, modification or vacation of any judgment or order heretofore or hereafter entered shall be heard and determined by the judge entering said judgment or order.

1.5 MISCELLANEOUS

a. Companion Cases.

Any attorney representing a party involved in companion cases shall forthwith so advise the judge to whom each of such cases is assigned. If justice and efficiency for pretrial or trial requires, the companion case shall be assigned to the judge to whom the lowest docket number has been assigned. The Clerk shall make appropriate notation on the file cover and progress docket of such reassignment and thereafter all such companion cases shall be heard, tried and determined by the judge assigned and reassigned.

b. Disqualification, substitution and reassignment.

Any judge may substitute for any judge in any proceeding any case by arrangement between the judges without the entry of a formal order of reassignment, provided, however, that no reassignment of any assigned cases shall be permitted if the effect thereof will be that a judge handles only certain classes of cases to the exclusion of all others. Upon the absence or disability of any judge to act, the Administrative judge, or in that judge's absence or disqualification, the Chief Judge of the Circuit, may reassign the case to another judge by order of reassignment. When judges recuse themselves to hear any case for any reason, upon the entry of the judge's notice of recusal, the Administrative Judge, or in that judge's absence or disqualification, the Chief Judge of the Circuit, shall reassign the case to another judge. In making reassignments, the Administrative Judge shall consider the calendar and commitments of the other judges.

c. Verification when submitted.

When a matter is submitted to a judge other than a judge to whom the case is assigned, reassigned or is submitted prior to assignment, as permitted in these rules, the attorney presenting such matter shall be conclusively presumed to verify that the question or matter then presented, the order or judgment requested, has not been previously submitted to any other judge.

1.6 ALL JUDGES TO EXERCISE FULL JURISDICTION OF COURT.

Nothing in these rules shall be construed as precluding any judge from acting in or determining any case or matter or from performing any duty or responsibility prescribed by law within the jurisdiction of the Court

* A True Copy of this document was attested by SID J. WHITE, Clerk of the Supreme Court of Florida and signed by the Chief Deputy Clerk. October 26, 1994.