

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2012-037  
(Supersedes Administrative Order S-2012-027)**

**COUNTY CIVIL DIVISION PROCEDURES**

It is necessary for the proper and efficient administration of justice to update the procedures in the County Civil Division. By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

**1. Divisions**

Civil matters of the county court will be administered by ten judicial divisions and one civil traffic hearing officer division. The judicial divisions are designated as Division "H," Division "I," Division "J," Division "K," Traffic Division "K" (civil traffic infractions)<sup>1</sup>, Division "L," Division "M," Traffic Division "N" (civil traffic infractions), Division "Q" (East Division), and Division "T" (non-criminal non-traffic infractions). The civil traffic hearing officer division is designated as Division Z-2. The Clerk of the County Court ("clerk") will designate on the court file cover and on the progress docket the division to which each case is assigned. Thereafter, each case will be heard, tried and determined by the judge or hearing officer presiding over the assigned division, except as otherwise provided in this administrative order.

**2. Assignment of Cases**

**A. Civil Traffic Infractions**

All civil traffic infraction cases, except infractions occurring in the East Division, will be filed in Division Z-2. Such infractions will be disposed of by the hearing officer except for cases involving accidents resulting in injury or death, or cases in which the alleged offender, within 30 days of the issuance of the citation, requests in writing for the case to be heard by a county judge. Civil traffic infraction cases involving accidents resulting in injury or death, or in which the alleged offender, within 30 days of the issuance of the citation, requests in writing for the case to be heard by a county judge, will be transferred to and disposed of in one of the civil traffic divisions according to the first letter of the alleged offender's last name. If the first letter of the alleged offender's last name is "A" through "L," the case will be transferred to and disposed of in civil Traffic Division "N." If the first letter of the alleged offender's last name is "M" through "Z," the case will be transferred to and disposed of in civil Traffic Division "K."

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<sup>1</sup> County Civil Traffic Division "K" was designated so the clerk's office will not be required to make extensive programmatic changes to the current traffic system. When the new traffic system becomes operational, this civil traffic division may be re-lettered to avoid confusion with County Civil Division "K."

All civil traffic infraction cases in which the infraction occurs in the East Division will be assigned to Division "Q."

**B. Non-Criminal Non-Traffic Infractions**

All non-criminal non-traffic infraction cases in which the infraction occurs outside of the East Division, including but not limited to, cases involving consumer protection (section 162.21, Florida Statutes, and Hillsborough County Ordinance 06-22), vessels (section 327.73, Florida Statutes), wildlife (section 372.83, Florida Statutes), juvenile smoking near school property (section 386.212, Florida Statutes), litter (section 403.413(6)(a), Florida Statutes), and juvenile possession and purchase of tobacco products (section 569.11, Florida Statutes), will be assigned to Division "T," except open container civil infractions occurring in the City of Tampa. All City of Tampa open container civil infractions will be assigned to County Criminal Division "A." All non-criminal non-traffic infraction cases in which the infraction occurs in the East Division will be assigned to Division "Q."

**C. Municipality Civil Citation Cases**

All City of Tampa and City of Temple Terrace civil citation cases assigned to Division "T" will be set for arraignment by the clerk upon receipt of the citation, except when the city notifies the clerk that the respondent is at risk for default under section 162.21(3)(c), Florida Statutes, in which event the clerk will set the citation for a default hearing. When a civil citation is set for an arraignment or hearing, the clerk will mail notice of the event to the respondent.

**D. Animal Cases**

All appeals of dangerous dog classifications (section 767.12, Florida Statutes), animal custody cases (section 828.073, Florida Statutes) and animal control citations (section 828.27, Florida Statutes, and Hillsborough County Animal Ordinance 00-26, as amended by Ordinance 03-08), will be assigned to Division "T."

**E. Civil Actions**

All county civil cases in which a defendant resides in the East Division, the cause of action accrued in the East Division, or the property in litigation is located in the East Division will be assigned to Division "Q." *See* Administrative Order S-2012-019 (*East Division*) or any successor administrative order. It is the responsibility of the plaintiff's attorney or plaintiff, if unrepresented, to advise the clerk if the case meets the criteria for assignment to the East Division. All other county civil cases will be assigned to a division using a random assignment system to assign cases to Divisions "H," "I," "J," "K," "L" and "M" at a ratio of 10:10:9:4:8:10.

**F. Re-Filed Cases**

Cases re-filed after being dismissed either voluntarily or involuntarily will be assigned to the same division to which the case was originally assigned. It will be the responsibility of the plaintiff or his or her attorney to advise the clerk so that the proper assignment can be made. The clerk will post a conspicuous notice of the plaintiff's responsibility under subsection in the clerk's office.

### **3. Case Numbering System**

The clerk will assign a case number to each filed using the Uniform Case Numbering System in accordance with Florida Rule of Judicial Administration 2.245(b).

### **4. Jurisdictional Statement**

Every complaint or statement of claim will state either the exact total amount claimed or the value of the property involved, exclusive of costs, interest and attorney's fees **OR** one of the four following statements: (1) this claim does not exceed \$99.99, exclusive of costs, interest and attorney's fees; (2) this claim exceeds \$99.99, but does not exceed \$500, exclusive of costs, interest and attorney's fees; (3) this claim exceeds \$500, but does not exceed \$2,500, exclusive of costs, interest and attorney's fees; (4) this claim exceeds \$2,500, but does not exceed \$5,000, exclusive of costs, interest and attorney's fees; or (5) this claim exceeds \$5,000, but does not exceed \$15,000, exclusive of costs, interest and attorney's fees.

### **5. Court Registry Fee**

In accordance with Florida law, the clerk is entitled to be paid a registry fee when the clerk accepts money for deposit into the registry of the court. When a person is required by law or court order to deposit a specified sum of money into the registry of the court, the person making the deposit must pay the amount of the registry fee to the clerk in addition to the amount of the deposit. If the registry fee is not paid at the time of the deposit, the clerk will deduct the amount of the registry fee from the deposit. The court has jurisdiction to determine the sufficiency of a deposit when a registry fee is not paid and which party is responsible for payment of the registry fee. The clerk will assist the public in calculating the amount of the registry fee.

### **6. Captions**

After the assignment of a case to a division, all subsequent documents filed in the case will bear on the first page, as part of the caption of the case, the case number and letter of the division to which the case has been assigned. Every page of a filed document will be consecutively numbered and indicate the total number of pages of the document at the bottom of each page. For example, "Page 1 of 4," "Page 2 of 4," etc.

### **7. Multi-Count Complaints, Judgments, Executions and Satisfactions**

A multi-count complaint, in which each count demands money or involves property valued at a sum not exceeding the maximum jurisdictional amount of the court, exclusive of costs, interest and attorney's fees, will be filed in the county court, regardless of whether the total sum of money or property demanded in all counts exceeds the maximum jurisdictional amount of the court, exclusive of costs, interest and attorney's fees.

The Florida Small Claims Rules will apply in cases in which each count of a multi-count complaint demands money or property not exceeding \$5,000, exclusive of costs, interest and attorney's fees. The Florida Rules of Civil Procedure will apply in cases in which one or more of the counts in a multi-count complaint demands money or property exceeding \$5,000 in value, exclusive of costs, interest and attorney's fees.

A final judgment rendered as a result of a multi-count action will be prepared on one final judgment form. Each count will be separately designated and totaled. A writ of execution issued as a result of a multi-count final judgment will separately designate the total award rendered on each count. A satisfaction of judgment resulting from the entry of a multi-count final judgment will separately designate which counts of the multi-count final judgment are being satisfied.

#### **8. Small Claims Pre-Trial Conferences**

The clerk will keep the court's pre-trial conference calendar and, in accordance with Florida Small Claims Rule 7.050(d), will notify the parties of the pre-trial conference date and time. The clerk will set the pre-trial conferences in small claims cases not more than 50 days from the date of the filing of the complaint or statement of claim, in accordance with Florida Small Claims Rule 7.090(b).

Any party or attorney filing up to twenty-five (25) cases at the same time to which the Small Claims Rules apply will have all the subject cases assigned to the same division and set for a pre-trial conference on the same day at the same time period. This procedure may only be exercised one time per week, per division, per party or attorney.

#### **9. Reassignment of Case upon Judge's Disqualification**

If either of the judges presiding in civil Traffic Divisions "K" and "N" enters an order of disqualification, the clerk will reassign the case to the other civil traffic division. If the judge presiding in Division "T" enters an order of disqualification, the clerk will reassign the case to one of the civil traffic divisions based on the alphabetical assignment schedule in section 2(A) of this administrative order. If the judge presiding in East Division "Q" enters an order of disqualification in a civil traffic infraction case, the clerk will reassign the case to one of the civil traffic divisions based on the alphabetical assignment schedule in section 2(A) of this administrative order. If the judge presiding in East Division "Q" enters an order of disqualification in a non-criminal non-traffic infraction case, the clerk will reassign the case to Division "T."

If a judge presiding in any other Tampa division enters an order of disqualification, the clerk will randomly and equitably reassign the case to another Tampa division. If the judge presiding in East County Division "Q" enters an order of disqualification in a county civil case, the clerk will reassign the case randomly and equitably to one of the Tampa divisions.

#### **10. Consolidation**

When two or more cases, regardless of their nature, involving common questions of law or fact are pending in the court and might appropriately be considered or tried together, but which are assigned to different divisions of the court, the judge assigned to the division in which the lower case number is pending may, upon a party's motion or upon the judge's own motion, transfer the case(s) with the higher number(s) to the judge's division. Upon any reassignment, the clerk will make an appropriate notation on the court file cover of the

reassigned case(s) and upon the progress docket(s), and thereafter the issues in all such cases will be heard, tried and determined by the judge assigned to the division making the reassignment. Once made, any reassignment will be permanent notwithstanding that such cases may not be ultimately tried together.

If the cases are consolidated, the party filing the motion to consolidate is responsible for providing copies of the order of consolidation for filing in the reassigned cases. If the cases are consolidated upon the judge's own motion, the judge will designate the party responsible for providing copies of the order of consolidation for filing in the reassigned cases. After consolidation, each pleading, paper or order filed must show in the caption, the style and case number of all of the reassigned cases which have been consolidated. Each pleading, paper or order will be filed only in the case into which the other cases have been consolidated.

#### **11. Trials and Motions**

Each division's final hearing, trial and motion calendar will be kept by the judge assigned to the division. All final hearings, trials and motion hearings will be arranged and approved by the judge through the judge's judicial assistant and be coordinated with all other parties prior to a notice of hearing being served. Additionally, a copy of the notice of hearing will be sent to the judge's judicial assistant within 7 days from the time the hearing time is reserved with the judge's office, or the time may be canceled and reassigned by the court upon notice to the defaulting party.

All jury trials will be set by the judge of the division to which each case is assigned or reassigned. The case may be set for trial by an order based upon stipulation of the parties or as provided by the Florida Small Claims Rules or the Florida Rules of Civil Procedure. Any party requesting a jury trial will send a copy of the demand for jury trial to the assigned judge within 7 days from the date of filing the demand. The parties in every case will determine as nearly as possible the amount of time which will be necessary for the final hearing or trial before scheduling with the judge.

All motions will be made in writing and will be submitted in good faith. Attorneys filing motions will arrange to have the motions set for hearing immediately. *Pro se* parties will file the motion with the clerk who will arrange to have the motion timely set for hearing. Every notice of hearing will state the length of time reserved on the judge's calendar for the hearing and specify which matters are to be heard. Attorneys will not file a notice of hearing specifying the hearing on "all pending motions;" however, for purposes of case management and efficiency, a judge may set a hearing for "all pending motions." There will be no cross-noticing on hearing times unless the opposing counsel or party contacts the judge's office and determines if the docket will accommodate hearing additional matters at the same time.

#### **12. Motions to Compel Discovery – Order without Hearing**

When a motion to compel complying with Florida Rule of Civil Procedure 1.380(a)(2) alleges the absence of a response or objection to discovery and there has been no request for an extension of time to respond, the court, without a hearing, may enter an order

requiring compliance with the original discovery request within ten (10) days of the signing of the order, provided no written showing of good cause has been filed by the non-moving party. The movant must submit to the court a copy of the motion to compel, a proposed order and copies of the proposed order along with stamped, addressed envelopes.

**13. Motions to Set Case for Trial**

All motions to set case for trial will contain a certificate by the party or attorney filing such motion that the party or attorney has discussed the subject matter of the motion with the opposing party(ies) or attorney(s) and has been unable to reach agreement concerning the setting of the case for trial or that the opposing party or attorney has failed to respond.

**14. Cancellations**

The court must be notified immediately if the parties have resolved the issues of a matter set for trial or hearing so that the court's time can be allotted to other cases or matters. The party setting the hearing, or the plaintiff in the case of a final hearing or trial, will be primarily responsible for contacting the judge or the judge's judicial assistant and all other parties and witnesses to advise of the cancellation.

**15. Continuances**

Attorneys seeking a continuance of a scheduled trial or hearing will make a good faith application stating the justification for a continuance and will arrange to have the request heard immediately upon learning that a continuance is needed, unless all parties have agreed to the continuance and secured the approval of the court. *Pro se* parties seeking a continuance of a scheduled trial or hearing will file a good faith application stating the justification for a continuance. The clerk will arrange to have the *pro se* request forwarded to the judge for consideration to be heard timely upon learning that a continuance is needed, unless all parties have agreed to the continuance and secured the approval of the court.

**16. Jury Selection**

The jury for any case to be tried during any week will be selected on Monday of that week. After the juries have been selected, the case which is assigned the first docket priority will commence.

**17. Jury Instructions**

Requested special instructions will be properly titled and distinctly indicate the party submitting the instructions. They will be numbered consecutively and contain not more than one instruction per page. Each requested special instruction will be understandable, brief, non-argumentative, will embrace only one subject, and the principle stated in the request will not be repeated in subsequent requests. Except for standard jury instructions, all requested instructions will be accompanied by a citation of authorities supporting the proposition of law stated in such instructions. A copy of all requested instructions will be provided to the court at least 7 days prior to trial, or such other period as the court may require.

**18. Courtroom Procedure**

The counsel table is for the use of counsel and their clients. All other persons involved will remain behind the rail. Counsel, before addressing the jury at any time, will first obtain permission from the court.

**19. Professional Conduct and Courtroom Decorum**

Counsel will adhere to The Florida Bar's Guidelines for Professional Conduct (<http://www.floridabar.org>) and the Hillsborough County Bar Association's Standards of Professional Courtesy (<http://www.hillsbar.com>). Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines or Standards as that judge deems appropriate.

**20. Court Reporter**

If a party wishes to have a court reporter present during any hearing, it is that party's responsibility to secure the services of a court reporter, including the payment of all court reporter fees. *See also* Administrative Order S-2003-020 (*Court Reporting Procedures for Civil Proceedings*).

**21. Emergency Applications**

Emergency application for extraordinary relief in an assigned case will be made to the judge of the division in which the case is assigned. When the judge of any division is for any reason absent from the courthouse, any emergency application in any case assigned to that judge's division will be presented to the judge present in the courthouse whose division next follows in alphabetical sequence the division in which the case is pending. "Present in the courthouse" includes being in a hearing, a jury or non-jury trial. If all of the County Civil Division judges are absent from the courthouse, any emergency application in an assigned case will be presented to the duty judge. (*See* [www.fljud13.org](http://www.fljud13.org) for duty judge assignments). The judge will review the request as soon as it is reasonably possible.

Emergency application for any extraordinary relief in an action unassigned because the clerk's office is not and will not be open within a reasonable time, may be made to the chief judge or the chief judge's designee. If the chief judge or the chief judge's designee is unavailable, then the application will be made to the duty judge. (*See* [www.fljud13.org](http://www.fljud13.org) for duty judge assignments). As soon as the clerk's office is open, any application and any orders entered will be properly filed with the clerk, and the assignment of the case will be made by the clerk in accordance with this administrative order.

Any judge to whom the emergency application is presented will determine whether an emergency actually exists, whether the requested relief is suitable for *ex parte* consideration if such a request is being made, and whether a hearing with notice to the adverse party is required pursuant to Florida Rule of Civil Procedure 1.610. If the judge determines that a hearing with notice is required, the hearing will be scheduled in the division in which the case is pending. If the judge determines that an emergency does not exist or denies the emergency request without a hearing, the requesting party will not present the emergency

request to any other judge other than the judge assigned to the division in which the case is or will be pending.

## **22. Orders and Judgments**

All orders and judgments will be reduced to writing as quickly as possible after being rendered by the court. All orders and judgments will be submitted to the clerk to be submitted as quickly as possible to the judge, along with the court file. A party or attorney preparing an order or judgment will furnish sufficient copies and addressed, stamped envelopes to be mailed to all parties after entry by the court. All orders and judgments submitted to the court will be on blank paper. Any submission of an order or judgment by a party or attorney will be considered a representation that the party or attorney has read the submission and that it is submitted in good faith.

All final judgments will state in the title whether it is entered against the plaintiff or defendant. Any final judgment which is not against all plaintiffs or all defendants named in the action will state the name of each party against whom judgment is rendered. For example, a final judgment against all defendants in an action will be titled "Final Judgment Against Defendants." A final judgment against only one or two named defendants in an action will be titled "Final Judgment Against Defendant, John Doe." A final judgment in favor of a landlord for possession will be titled "Final Judgment for Possession - Count I." A final judgment in favor of an owner or landlord for past due rents will be titled "Final Judgment for Past Due Rents - Count II."

All orders submitted for signing will contain in the title of the order the exact nature of the court's ruling. No order will be submitted to a judge unless such order contains in the body of the order a reference to the date of the hearing during which the subject matter of the order was argued before the court or that it was submitted *ex parte* or by stipulation. Any order directing the clerk to disburse funds held by it should be captioned "Order Directing Clerk to Disburse Funds." A certified copy of such an order will be delivered to the clerk's trust accounting department at no cost to any party.

All orders and judgments will be signed by the judge to whom the case is assigned; provided, however, that any order or judgment may be signed during the temporary absence or unavailability of the judge to whom the case is assigned by any other county court judge assigned to the civil division; or if such other judge is not available, then by any other county court judge.

If a stipulation for payment has been filed, an order approving or ratifying the stipulation should be submitted to the judge by a party or attorney as quickly as possible after the stipulation has been filed.

## **23. Post-Judgment Motions, Orders for Contempt and Orders for Arrest**

All post-judgment motions for contempt and related notices of hearing may be served by regular U.S. Mail, postage pre-paid. However, all post-judgment orders of contempt will be served on the subject person personally before any orders of arrest are signed. All orders



of arrest will contain the following statement:

“That all singular sheriffs of the State of Florida do arrest and produce instanter before this Court \_\_\_\_\_ or if not subject to apprehension during the hours that this Court is in session, do arrest and take into custody and produce him/her before this Court at the earliest opportunity, to show cause, if any, why the Order Adjudicating Contempt should not be enforced.”

**24. Dismissal Docket**

The clerk will prepare a dismissal docket for the respective County Civil Divisions in accordance with the applicable Rules of Civil Procedure and Small Claims Rules. The date and time of each dismissal docket will be fixed by the presiding judge of the respective divisions.

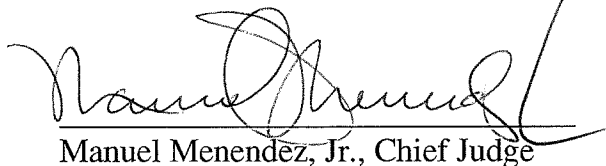
**25. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-2012-027 (*County Civil Division Procedures*).

**26. Effective Date**

This administrative order is effective July 1, 2012.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 28<sup>th</sup> day of June, 2012.

  
Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Court

Copies to: All County Civil Division Judges

All Civil Traffic Infraction Hearing Officers