

## **Division N Procedures**

### **Applicability of Procedures**

This division will follow these procedures in addition to other applicable law, including the Florida Rules of Civil Procedure, the Florida Small Claims Rules, the Florida Evidence Code, the Florida Rules of General Practice and Judicial Administration, and the Thirteenth Judicial Circuit's administrative orders. These procedures supplement the other generally applicable law.

### **Notice to Self-Represented Parties and Attorneys in Cases with Pro Se Parties**

- Like all attorneys appearing before the court, self-represented parties are expected to follow the applicable law and these procedures. Be sure to read the rest of these procedures, which will apply to your case. Your opportunity to communicate with the judge about your case occurs only through hearings and the papers you file with the clerk and serve on all other parties to your case. No one at the court—not the judge, the judicial assistant, the clerk, or anyone else— can give legal advice. But if you have a question about filing a document, call the clerk's office at (813) 276-2029. If you have a question about scheduling or these procedures, contact the judicial assistant.
- Unless excused by the clerk under Florida Rule of Judicial Administration 2.516(b)(1)(D), self-represented parties must sign up for email notices through [Hillsborough Online Viewing of Electronic Records \(HOVER\)](#). By doing so, they can electronically file and receive papers on the [Florida E-Portal](#). Court papers are served quicker electronically than by other means.
- Attorneys must mail conformed copies of court orders and judgments to any pro se party not on the email service list.
- Pro se parties and attorneys are reminded that all communications (with limited exceptions) with the Court, including emails to the Judicial Assistant, must have all parties copied on the communication.

### **Interpreter**

Because this is a civil division, if you need an interpreter, please provide your own.

### **Ruling without a Hearing**

- Because this division has an incredibly high case volume, and it is not automatically sent e-filed documents, the court strongly encourages parties—for faster service—to submit proposed orders and judgments through the E-Portal without scheduling hearings whenever possible. The court will enter an order without a hearing in most circumstances. When the applicable law does not require a hearing, a party may submit through the Florida E-Portal a cover letter and a proposed order or judgment. The court will enter judgments and orders only on motions, pleadings, and other papers already filed with the clerk.
- The court may assume that a hearing on a motion will be unnecessary if (1) a party doesn't schedule a hearing within 20 days after the motion is filed or (2) the nonmoving party does not respond to the motion within 20 days after it is filed. The hearing, if one is needed, doesn't have to occur in the 20-day timeframe. It needs only to be scheduled. If a hearing is deemed unnecessary, the court may strike the motion for lack of prosecution or rule on it without a hearing.
- When the clerk has entered a default, plaintiff's counsel may submit a proposed final default judgment to the court. The motion for a default judgment must first be filed with the clerk and served on every defaulted defendant. Any damages included in a proposed judgment must be supported by affidavit or verification and be filed with the clerk.

### **Scheduling a Hearing**

- Email [civdivn@fjud13.org](mailto:civdivn@fjud13.org) for all scheduling matters that are not easily set in our JAWS calendar.
- The court uses the Judicial Automated Workflow System (JAWS) to process much of its work. JAWS shows available hearing times up to 30 minutes. Please cooperate with all other parties to your case about scheduling a hearing if you want one.
- After getting a hearing time from JAWS or the judicial assistant, a scheduling party should immediately, but in any event within 24 hours, e-file and serve a hearing notice. If the scheduling party misses that deadline, the court may strike the untimely notice, and the hearing time may be made available for another matter.
- Motion for Summary Judgment - **PRIOR** to setting a hearing on a motion for summary judgment the matter must be mediated. Failure to mediate the case can result in the hearing being unilaterally canceled by the court.
- Attorney's fees - **PRIOR** to scheduling a hearing on a Motion for Attorney's fees the moving party must schedule a case management conference. Failure to have a Case Management Conference can result in the hearing being unilaterally canceled by the court.
  - Please schedule your hearing time carefully, keeping the following in mind:
  - Consider whether a hearing is even needed. Most matters won't require one.
  - If you have a routine motion that requires a hearing and can be heard in 5 or fewer minutes, schedule it on the uniform motion calendar (UMC – to be conducted by ZOOM).
  - If the parties run out of time at a hearing, the court may take the noticed matter(s) under advisement and ask the parties to submit competing orders.
  - If you have a question about time availability or need more than a half hour for your hearing, email the judicial assistant and copy all other parties to your case. You will then be directed to file and serve a written motion explaining why extra time is necessary, which the court may grant or deny in its discretion.

### **In-person Hearings**

Unless the court orders otherwise, the following will be conducted in person:

- Pretrial conferences—including those in small-claims cases
- Case-management conferences—including discovery disputes\*
- Motions to determine rent\*
- Claims of exemption\*
- Final small-claims hearings
- Summary-proceeding hearings under § 51.011, Fla. Stat.\*
- Nonjury trials\*
- Jury trials\*
- Dismissal dockets
- All evidentiary hearings regardless of length\*
- All specially set hearings scheduled for more than 30 minutes\*

\*Please contact the judicial assistant to schedule an event marked above with an asterisk.

If a party files a hearing notice that provides for a videoconference appearance, but these procedures require an in-person appearance, the notice may be stricken.

### **Discovery Disputes**

The court will reserve certain times a month for case-management conferences to resolve discovery disputes. If you need the court to help with a discovery dispute or to rule on a motion that relates in some way to discovery, and the matter cannot be decided on the papers only, please contact the judicial assistant for the next available case-management conference. You must then file a notice of case-management conference that identifies your assigned date and time and all the filed discovery motions to be resolved. The case-management conference will be held in person. No party or party's attorney may schedule a discovery dispute for a specially set hearing of any length.

### **Videoconference Hearings**

- Non-evidentiary hearings specially set for 30 or fewer minutes will presumptively be held by videoconference on Zoom. You can download Zoom for free by clicking [here](#).
- To access the Zoom Courtroom, follow this link:  
<https://fljud13-org.zoom.us/j/82393131402>  
Meeting ID: 823 9313 1402  
No password required
- If you plan to present any testimony or evidence at a hearing, please do not notice it as a Zoom hearing. An evidentiary hearing—regardless of length—will be held in person.
- All who appear before the court by videoconference must display their first and last names and use both the audio and visual capabilities. If you cannot comply with these requirements, be prepared to explain why. The court may continue the hearing and require in-person attendance.
- If you'd prefer to appear in person for a hearing that would presumptively be held over Zoom, please reach out to all other participants, get everyone's consent to appear in person, and then file and serve a notice for an in-person hearing.
- The court will generally not allow a hybrid situation where some hearing participants appear in person and others appear remotely. If the hearing will be on Zoom, all participants must appear on Zoom. If the hearing will be in person, all participants must appear in person.

### **Videoconference Etiquette**

- Display your first and last name.
- Act, dress, and appear as if you're in a courtroom.
- Be aware of what can be seen and heard through your camera and microphone.
- Keep your camera off until the court calls your case.
- Mute yourself when you aren't speaking.

### **Emergency Hearings**

- The division is not automatically served with e-filed documents filed with the clerk. To ensure timely consideration of a motion that a party believes requires an emergency hearing, email it to the judicial assistant as soon as you file it with the clerk, copying all opposing parties and stating the amount of time requested. The court will then decide whether the motion should be heard as an emergency.
- The moving party must certify that the emergency has not been caused by the moving party's or the moving party's counsel's lack of due diligence but by circumstances beyond the moving party's or the moving party's counsel's control. The motion should further certify that the moving party has not filed it for any improper purpose, such as to harass, delay, or increase the cost of litigation. It should further explain why the matter is an emergency and describe the harm that would occur if the matter is not heard as an emergency. Consider including words to the following effect: "[The moving party] seeks [brief statement of the requested relief] and requires a [specify length] hearing on or before [date] because [explain]."
- Carefully consider whether a motion is truly an emergency. The unwarranted designation of a motion as an emergency may result in sanctions.

### **Expedited Hearings**

If the applicable law allows a nonemergency cause to be advanced on the calendar, please email a copy of the relevant filing to the judicial assistant for an expedited hearing date. The filed document should include a citation of legal authority for the expedited hearing.

### **Unilateral Hearing Notice**

A party may unilaterally notice a hearing only if the other side fails to cooperate and with a minimum of 30 days notice. The scheduling party must prepare a hearing notice that is labeled "unilateral" and describes the efforts made—including all means, dates, and times of contact—to reach an agreed hearing date. The court may strike a unilateral hearing notice that does not comply with the above and cancel the hearing.

### **Amending a Hearing Notice**

A party may amend a hearing notice only with the judicial assistant's permission. If you need to amend a notice that has already been filed and served, please email the judicial assistant and identify what changes need to be made. Once you have permission to amend, you may file and serve the amended hearing notice.

### **Cross-Noticing a Hearing**

A party may cross-notice a hearing only with the court's permission. To request permission, email the judicial assistant, copying all parties and stating what you would like to have heard. If the court grants permission, file an amended notice of hearing and serve a copy on all other parties or attorneys. Be sure to schedule enough time for all to argue the matters in both the notice and cross-notice. The court may deny without prejudice the relief sought in a cross-notice prepared without prior permission.

### **Canceling a Hearing**

- If you no longer need a previously scheduled hearing, please let the court know immediately. Try to give at least 24 hours' notice of cancellation so that the time can be used for another case. When canceling a hearing, (1) e-file a notice of cancellation of hearing, and (2) email the judicial assistant a timestamped copy of the cancellation notice, copying all other parties. After receiving that email, (3) the judicial assistant will reply "confirmed." A hearing will not be considered canceled unless steps 1 through 3 above occur. So, if you don't receive a confirmation email from the judicial assistant, you must appear at the hearing and update the court about the status of your case. Because the court is committed to being prepared, it may rule, to the extent permitted by law, on matters set for a hearing that is canceled at the last minute.
- You may cancel a hearing that another party set only with the consent of all affected or the court's permission.
- You may not cancel a clerk- or court-scheduled pretrial conference, trial, or other hearing.

### **Authorities for Hearings**

If you want the court to consider any authorities before a hearing and they're not already in the court file, you may email them to the judicial assistant, copying all other parties. Put your authorities in a PDF, bookmark each separate document, and include an index and a certificate of service. [This link provides information about how to bookmark a PDF.](#) To help ensure that the court can review the materials in advance, plan on having them arrive in chambers at least 72 hours before the hearing. When considering which authorities to send, remember that less is more.

### **Proposed Orders**

- Submit proposed orders in PDF format through the Florida E-Portal. A proposed order should include the date of the hearing, if one occurred **AND** indicate if a party failed to appear.
- Include a cover letter stating whether the other parties object or agree to the form of the order.
- Any proposed order sent through the E-Portal must have only one signature line for the judge. Our software allows for only one signature. See the next point about not including a certificate of service by the judicial assistant.
- Unless a statute, procedural rule, or other law requires otherwise, do not include a signature line for the judicial assistant that certifies that she served the order. Instead, use the words "Copies to" and state the names and contact information of all parties who are to be served with the signed order.
- When you electronically submit a proposed order, **DO NOT** include blanks for the court to fill in the entry date. The judge's electronic signature will show when the order was signed
- Unless the court directs otherwise, a party charged with preparing a proposed order must consult all others after a hearing and genuinely try to agree on the order's language. The proposed order should be submitted to the court within 7 days after the hearing unless the court directs otherwise. Failure to timely submit a proposed order may result in denial of the motion without prejudice or a rehearing.
- *Agreed Orders.* When the parties agree on the relief requested, the caption should begin with "Agreed Order." Doing so is not only more accurate but also helps process the order faster. The body of the proposed order should identify the stipulation or motion providing the basis for relief.
- *Mediation Orders.* If you want the court to enter an order directing mediation in a case not subject to a small-claims pretrial conference, please file a motion with the clerk and send a proposed order to the court through the E-Portal.
- *Competing Orders.* A party submitting a proposed order must tell the court that the opposing party disapproves of it. Unless the court directs otherwise, any party objecting to the form of a submitted proposed order must notify

the judicial assistant immediately and then submit a competing proposed order in 3 or fewer days. The competing order should be emailed in Word format, and the words "Competing Proposed Order" along with the case number should be in the email's subject line. The email may briefly describe why the party's proposed form is correct, but any additional legal argument will be disregarded. When appropriate, however, you may send in transcripts or excerpts along with a competing proposed order.

#### **Trials and Evidentiary Hearings**

- *Submit exhibits online and have enough copies for everyone's use in the courtroom.* The parties must submit all exhibits that may be introduced as evidence at a trial through the Florida E- Portal at least 3 days before trial and provide enough paper copies for all parties, the judge, the clerk, and the witness to use in the courtroom.
- All exhibits should be appropriately tagged. The tag should include the name of the case, case number, to whom the exhibit belongs, and the exhibit number. Composite exhibits, e.g., a series of photographs, may be designated with sequential letters, e.g., 1A, 1B, 1C, 1D, etc. For electronically submitted exhibits, the tag should be either on the first page of the exhibit PDF or be there first page of the exhibit PDF.
- Exhibits longer than 1 page should have marked on each page a number, e.g., Bates numbers such as "P1-0001", or with a letter, e.g., composite exhibits such as "P1A."
- *Filing your evidence is just a first step.* Even if you have attached your evidence to prior court filings, you must still move to admit the evidence at trial. You may do so either by having a tangible copy of the evidence ready to surrender to the clerk or by uploading the evidence through the technology available at the time of trial that allows the court to electronically admit an exhibit. [This link provides information about uploading exhibits that can be admitted electronically at trial.](#)
- *Here are some forms you can use.* In all civil cases not governed by the Florida Small Claims Rules or Florida Statute § 51.011's summary procedure, the court will, unless it directs otherwise, use the Circuit Civil Uniform Order Setting Case for Trial and Pretrial and Uniform Pretrial Conference Order. [This link takes you to those forms.](#) Pretrial orders should be customized to the case's needs. The court will typically require a completed mediation and pretrial conference under Florida Rule of Civil Procedure 1.200(b) before trial.
- *Read on if you are a party to a small-claims or summary-procedure trial.* The parties to these cases must:
  - Agree to and file a notice scheduling the pretrial conference and trial dates. If no party to a case has counsel, the court will serve this notice.
  - Exchange the names and addresses of witnesses at least 7 days before trial.
  - Exchange all trial exhibits at least 7 days before trial.
  - Meet at least 3 days before trial to (1) discuss settlement; (2) pre-mark and exchange exhibits using numbers, not letters (e.g., Plaintiff's Exhibit 1, Defendant's Exhibit 1); (3) prepare an exhibit list, which must include all objections or stipulations concerning the exhibits; (4) stipulate to any undisputed facts; and (5) create an itemized list of damages the plaintiff expects to prove.
  - These procedures are meant to help the parties organize the evidence to be presented at trial. Although the court will not allow a trial by ambush, a party's failure to follow these procedures is not a per se basis for a continuance or other delay.
- *Read this if you have a jury trial.* Proposed voir dire questions, proposed jury instructions, and a brief joint statement of the case to be read to the jury at a jury trial must be submitted to chambers at least 7 days before the trial starts.

#### **Continuing or Canceling a Trial or Final Hearing**

- If a party wants to continue a scheduled trial or final hearing, the party must confer with the opposing side. The party must file a motion, explaining the reasons for a continuance and reporting the result of the meet and confer, and propose an order, offering a new trial or final-hearing date for the court's consideration. The trial or final hearing will stay on the calendar until the court grants the continuance.
- When a case settles before a scheduled trial or final hearing, the plaintiff should email the judicial assistant, copying all other parties, and provide the relevant documents and upload an order of cancelation to the E-Portal.
- If you have any questions regarding cases in County Civil, Division N, please contact the Division's Judicial Assistant by calling (813) 272-5887 or emailing [civdivn@fljud13.org](mailto:civdivn@fljud13.org).