

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

**ADMINISTRATIVE ORDER S-2024-021
(Supersedes Administrative Order S-2021-014)**

CIRCUIT CIVIL DIVISION

In light of Administrative Order S-2023-056 (*East Division Reorganization*) which established East Circuit Division “P” as an additional circuit division to handle circuit civil cases and Administrative Order S-2024-007 establishing a second circuit civil trial division, it is necessary for the proper and efficient administration of justice to update the administrative provisions in the Circuit 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 General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. Divisions

A. Generally

Civil matters of the circuit court, including appeals and extraordinary writ petitions, will be administered by the following 20 divisions: Division “A,” Division “B,” Division “C,” Division “D,” Division “E,” Division “F,” Division “G,” Division “H,” Division “I,” Division “J,” Division “K,” Division “L” (Business Court), East Division “R,” East Division “P,” East Division “T,” Division “T” (Involuntary Civil Commitment of Sexually Violent Predators), Division “Y” (Tobacco), Division “Z” (Asbestos Litigation), Trial Division 1 and Trial Division 2. Divisions “A,” “B,” “C,” “D,” “E,” “F,” “G,” “H,” “I,” “J,” and “K” are standard Tampa civil divisions. Divisions “L,” “T,” “Y,” “Z,” Trial Division 1 and Trial Division 2 are specialty civil divisions. East Divisions “R,” “P,” and “T” are standard Plant City civil divisions, responsible for handling civil actions filed in the East Division in accordance with this administrative order and Administrative Order S-2024-027 or any successor administrative order.

B. Transferred Cases

In order to initially populate East Circuit Division “P” with its proportionate share of civil cases, an equitable number of civil cases

from East Circuit Division “R” and East Circuit Division “T” will be transferred to East Circuit Division “P.” The clerk will coordinate the transfer of cases with the administrative judge and the technology department of the Administrative Office of the Courts.

C. Specialty Divisions

i. Business Court

Business Court Division “L” is responsible for handling business actions and certain complex business litigation in accordance with Local Rule 3 and Administrative Order S-2013-021 or any successor administrative order.

ii. Involuntary Civil Commitment of Sexually Violent Predators

The Clerk of the Circuit Court (clerk) will assign all petitions filed by the state attorney in accordance with section 394.914, Florida Statutes – styled as “In Re: Commitment of _____” followed by the name of the person alleged to be a sexually violent predator – to Circuit Civil Division “T.” The Florida Rules of Civil Procedure for Involuntary Commitment of Sexually Violent Predators apply to all cases in Division “T.”

iii. Tobacco

The clerk will assign all civil actions concerning allegations of personal injury or wrongful death arising out of the use of or exposure to tobacco products to Circuit Civil Division “Y.” Counsel must mark all complaints with the Division “Y” designation prior to filing. All tobacco cases will be managed during the pretrial stage in Division “Y” until the case is activated for trial. The term “activated for trial” means that a case is ready for trial according to the case management order. When a case is activated for trial, the presiding judge of Division “Y” will direct the clerk to reassign the case, using a random equitable distribution, to one of the standard circuit civil divisions.

iv. Asbestos

The clerk will assign all civil actions concerning allegations of personal injury or wrongful death arising out of exposure to asbestos to Circuit Civil Division “Z.” Counsel must mark all complaints with the Division “Z” designation prior to filing.

v. Trial Divisions

Trial Division 1 and Trial Division 2 are responsible for handling jury and non-jury trials in accordance with this administrative order.

2. Allocation of Cases

Except as provided in section 1.C. of this administrative order, the clerk will assign all other civil actions, including all civil-related appeals and all civil-related extraordinary writ petitions, to the standard civil divisions by a random equitable distribution.

3. Extraordinary Writ Petitions

If a petition is civil in nature, any petition filed with the clerk for writ of mandamus, quo warranto, certiorari, prohibition, or all writs necessary or proper to complete the exercise of the court's jurisdiction must be identified as an extraordinary writ petition in the caption of the petition. In addition to filing with the clerk through the Florida Courts E-Filing Portal (Portal), the petitioner must immediately hand deliver, mail or e-mail a copy of the extraordinary writ petition to the judge of the assigned division. A courtesy copy of all subsequent written submissions must be immediately hand delivered or mailed to the judge of the assigned division by the party filing the original subsequent written submission with the clerk.

4. Florida Contraband Forfeiture Act Cases

Sections 932.701 through 932.7062, Florida Statutes, establish procedural requirements in the application of the Florida Contraband Forfeiture Act.¹

If a person entitled to notice timely submits to the seizing agency a request for an adversarial preliminary hearing, the seizing agency will file the notice of seizure with the clerk. The seizing agency must then (A) contact the court to set a hearing date and time for the adversarial preliminary hearing, (B) serve a copy of the notice of hearing on the claimant(s) and provide a copy of the notice to the court, and (C) file the original notice of hearing with the clerk.

Upon the filing of a complaint, if no adversarial preliminary hearing has been requested, the seizing agency will submit a proposed order to the court so that the court may determine whether probable cause exists. The proposed order should be submitted

electronically through the Portal in accordance with section 13 of this administrative order.

5. Approval of Settlement of Minors' and Incapacitated Persons' Claims

A petition seeking court approval of the settlement of a claim on behalf of a minor or an incapacitated person must comply with Florida Probate Rule 5.636 and sections 744.301, 744.3025, and 744.387, Florida Statutes. The court will conduct a hearing to determine if the settlement is in the best interest of the minor or incapacitated person and if the attorney's fees and costs are fair and reasonable. Unless excused by the court, the minor or incapacitated person must be present at the hearing as well as the parent, next friend or guardian. The attorney must have the most recent medical report of the treating physician available for the court. If court approval is requested of a settlement for less than the actual value of the claim because of policy limits, evidence indicating the amount of insurance coverage must be produced at the hearing.

6. Related Cases

Plaintiffs have an affirmative obligation to notify the court of any related cases at the beginning of the first hearing on any matter set in the case. A case is "related" if it is a pending civil case or an extraordinary writ petition filed in the Thirteenth Judicial Circuit Court or the Hillsborough County Court which involves a combination of the same parties, common legal issues, common claims, or the same property location.

7. Consolidation

When two or more civil cases, petitions, or appeals, regardless of the nature, involving common questions of law or fact, are pending in the Circuit Civil Division, which might be appropriately considered or tried together, but which are assigned to different divisions of the Circuit Civil Division, the judge assigned to the division which has the lowest case number may, upon appropriate motion or on the judge's own motion, transfer the case(s) with the higher number(s) to the division with the lowest case number. Upon any transfer, the clerk will make appropriate notation upon the progress docket. Thereafter, the issues in all the matters will be heard, tried and determined by the judge assigned to the division consolidating the cases, actions, or

appeals. Any transfer will remain permanent regardless of whether the matters are ultimately tried together. After consolidation, each pleading, paper or order filed in a consolidated action must show in the caption, the style and case number of all of the transferred cases, actions, or appeals that have been consolidated.

8. Re-Filed Cases

Any case which was assigned to a division of the Circuit Civil Division but which was dismissed and thereafter re-filed will be assigned to the division to which the case was originally assigned. The party re-filing the case must identify in writing to the clerk the division to which the case was originally assigned. If a presiding judge determines that a re-filed case was not properly assigned to the division to which the case was originally assigned, the presiding judge will enter an order transferring the re-filed case to the appropriate division.

9. Reassignment of Case upon Judge's Disqualification

A. Tampa Standard Divisions

If a judge assigned to one of the Tampa standard civil divisions enters an order of disqualification, the clerk will reassign the case to another of the standard Tampa civil divisions based on a random equitable distribution.

B. East Divisions

If a judge assigned to East Division "P," "R," or "T" enters an order of disqualification, the clerk will reassign the case to one of the other two standard East Division civil divisions based on a random equitable distribution. If all three judges in East Divisions "P," "R," and "T" enter orders of disqualification, the clerk will reassign the case to a standard Tampa civil division based on a random equitable distribution.

C. Business Court

If the judge assigned to Division "L" enters an order of disqualification on a case originally transferred into Division "L" from another Circuit Civil Division, the clerk will transfer the case back to the division from which the case was transferred. If the judge assigned to Division "L" enters an order of disqualification on a case originally assigned to Division "L," the clerk will reassign the case to a standard Tampa civil division based on a random equitable distribution.

D. Involuntary Civil Commitment of Sexually Violent Predator Cases

If the judge assigned to Division “T” enters an order of disqualification, the clerk will reassign the case to a trial division in the Circuit Criminal Division based on a random equitable distribution.

E. Tobacco Cases at the Pretrial Stage

If the judge assigned to Division “Y” enters an order of disqualification, the clerk will reassign the case to a standard Tampa civil division based on a random equitable distribution.

F. Asbestos Cases

If the judge assigned to Division “Z” enters an order of disqualification, the clerk will reassign the case to a standard Tampa civil division based on a random equitable distribution.

G. Trial Divisions

If a judge assigned to Trial Division 1 or Trial Division 2 enters an order of disqualification, the clerk will reassign the case back to the division from which the case was transferred.

10. Case Maintenance (Odyssey) and Case Management (JAWS) Systems

A. Odyssey

When a court document is electronically filed through the Portal it is automatically transmitted to the clerk’s case maintenance system called Odyssey. Electronically filing a document transmitted through the Portal and maintained through Odyssey does not automatically notify the judge’s office that the document has been filed.

B. JAWS

The Judicial Automated Workflow System (JAWS)² is the Thirteenth Judicial Circuit’s case management system. Filing a notice of an e-mail address through the Portal does not input the e-mail address into the JAWS for purposes of receiving electronically signed orders and judgments, JAWS notifications or e-mail correspondence from the court. The JAWS requires e-mail addresses to be registered on its software for each individual case and for each individual attorney or entity entitled to e-service.

11. Motions

A. Conference prior to Filing Motion

Except for a motion (i) for injunctive relief; (ii) for judgment on the pleadings; (iii) for summary judgment; (iv) to dismiss or to permit maintenance of a class action; (v) to dismiss for failure to state a claim upon which relief can be granted; or (vi) to involuntarily dismiss an action, before the moving party or moving party's counsel files any other motion, the party or counsel should confer with the opposing party or opposing counsel in a good faith effort to resolve the issues raised by the motion. The moving party or moving party's counsel should file with the motion a statement certifying that the moving party or moving party's counsel has conferred with the opposing party or opposing party's counsel – either in person, by telephone, or by video conferencing device – and stating whether the party or counsel agree on the resolution of the motion. A certification to the effect that opposing party or opposing party's counsel was unavailable for a conference before filing a motion should describe, with particularity, all of the efforts undertaken to accomplish dialogue with the opposing party or opposing party's counsel prior to filing the subject motion.

B. Motions to Compel – Order Without Hearing

When a motion to compel that complies with the good faith certification in Florida Rule of Civil Procedure 1.380(a)(2) – motion “must include a certification that the movant, in good faith, has conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action” – 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 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 proposed order in accordance with section 13 of this administrative order.

C. Other Non-Evidentiary Pretrial Motions

A non-evidentiary pretrial motion in a non-foreclosure case may be ruled upon without a hearing.³ Any attorney wishing to invoke this provision may send an e-mail to the divisional e-mail address

requesting that the court consider a particular motion, which is attached to the e-mail message, without a hearing. The attorney must copy all parties or counsel for the parties on the request. If no objection is filed within 10 days of the request stating good cause why a hearing on the motion should be granted, the court will rule on the motion without a hearing or direct that a hearing be scheduled. The movant must submit to the court a proposed order in accordance with section 13 of this administrative order.

12. Hearings

A. Uniform Motion Calendar

i. Availability

Each standard civil division will, and any specialty civil division may, maintain a Uniform Motion Calendar (UMC) on a regular basis. Each attorney setting any appropriate motion for hearing on the UMC must ascertain the presiding judge's UMC calendar availability prior to serving notice.

ii. Time Limitation

Hearings are limited to 10 minutes per case with time to be allocated to the parties by the judge. The 10 minutes includes the time necessary for the judge to review documents, memoranda, and cases.

iii. Types of Matters

Matters may only be scheduled on the Uniform Motion Calendar if they can be heard within 10 minutes. The court will not hear contempt matters and testimonial matters on the Uniform Motion Calendar.

iv. Scheduling

Hearings for the Uniform Motion Calendar should be scheduled through the JAWS using the dropdown menu titled "UNIFORM MOTION CALENDAR."

v. Telephonic or Audiovisual Appearance

Parties may appear telephonically or by audiovisual conferencing unless otherwise directed by the court. Motions and orders to appear telephonically or by audiovisual conferencing are not required. "Telephonic" or "Audiovisual Conferencing" should be indicated on the JAWS and on the Notice of Hearing. Presiding judges will specify on their individual websites if they prefer a specific method of conducting

telephonic or audiovisual hearings (CourtCall, Webex, the court's hearing room telephone line, or Zoom).

vi. Hearing Sequence

The hearings begin as scheduled in JAWS. All counsel and parties must be present at the commencement of the docket. Cases where all parties are physically present will be heard first. Cases where all parties are appearing telephonically or by audiovisual conferencing will be heard next. Cases where some parties are physically present at the commencement of the docket and other parties are appearing telephonically or by audiovisual conferencing will be heard last if time permits.

vii. Filing Prior to Setting Hearing

Motions must be e-filed through the Portal *prior* to setting a hearing on the Uniform Motion Calendar.

viii. Documents Submitted to the Court

Any documents to be considered by the court must be received by the court at least three business days prior to the Uniform Motion Calendar hearing unless otherwise directed by the court. Documents must not exceed 10 pages and they may be e-mailed to the judicial assistant.

B. Scheduling 15-Minute or 30-Minute Hearings

i. Method

a. Self-Represented Litigants

Self-represented litigants may schedule a 15-minute or 30-minute hearing by e-mailing the respective judicial assistant at the court's divisional e-mail address accessed via the judicial directory posted on the court's webpage and copying all associated parties or their counsel on the e-mail.

b. Attorneys

Attorneys should schedule 15-minute or 30-minute hearings through the JAWS using the dropdown menu titled "DAILY" which provides 15-minute and 30-minute hearing times that are available. Motions must be e-filed through the Portal *prior* to setting a hearing on the JAWS.

ii. Telephonic or Audiovisual Appearance

Parties may appear telephonically or by audiovisual conferencing unless otherwise directed by the court. Motions and orders to appear telephonically or by audiovisual conferencing are not required. Parties may appear telephonically or by audiovisual conferencing only for hearings of 30 minutes or less unless specifically approved by the court. “Telephonic” or “Audiovisual Conferencing” should be indicated on the JAWS and on the Notice of Hearing. For any multi-party telephonic hearings, all parties must be conferenced into the call prior to the call being placed to the presiding judge’s office or courtroom. Presiding judges will specify on their individual websites if they prefer a specific method of conducting telephonic or audiovisual hearings (CourtCall, Webex, the court’s hearing room telephone line, or Zoom).

iii. Documents Submitted to the Court

Any documents to be considered by the court must be received by the court at least three business days prior to the hearing unless otherwise directed by the court. Only documents that are 10 pages or less may be e-mailed to the judicial assistant. Documents that are more than 10 pages must be delivered to the court via mail or hand delivery.

C. Scheduling Hearings for More Than 30 Minutes

Attorneys and self-represented litigants who wish to schedule a hearing for more than 30 minutes must have their request approved by the court prior to setting the hearing on the judge’s calendar. The following process must be used.

i. E-Mail Request

Attorneys and self-represented litigants must e-mail the respective judicial assistant at the court’s divisional e-mail address accessed via the judicial directory posted on the court’s webpage and copy all associated parties or their counsel on the e-mail. The requesting e-mail must have the following information included in the body of the e-mail:

- a. The Case Style and Case Number;
- b. The Title of the Motion;
- c. The Filing Date of the Motion;
- d. The Amount of Hearing Time Requested; and

e. The Date of the Trial, if applicable.

ii. Court's Available Dates

The judicial assistant will reply via a "reply all" e-mail after the court has reviewed the request. If the court grants the hearing time, the judicial assistant will offer available times in the e-mail. The attorneys or self-represented litigants will have three business days to decide upon a mutually agreeable date and time.

iii. Selection of Date and Time

Only one responsive e-mail is required which states the mutually agreeable date and time. In the body of the responsive e-mail, the following information must be repeated to avoid lengthy searches through multiple e-mails:

- a. Date and Specific Time of the Hearing;
- b. Amount of Hearing Time Allotted for the Hearing; and
- c. The Title of the Motion.

iv. Notice of Hearing

Upon receipt of the mutually agreeable response, the judicial assistant will schedule the hearing and it will then appear on the Court's docket. The moving party must prepare, file, and serve on all parties affiliated with the case a Notice of Hearing.

v. Courtesy Copy of Documents Delivered to the Court

The moving party must mail or hand deliver (no e-mail) to the judicial assistant a courtesy copy of the notice of hearing and motion(s), response(s), and any other documentation to be considered by the court. These documents must be received at least three business days prior to the hearing unless otherwise directed by the court.

D. Notice of Hearing

All notices of hearing must specify the specific matters being heard and must state: (1) the length of the time reserved on the judge's calendar for the hearing; or (2) that the hearing is set on the Uniform Motion Calendar. Counsel and self-represented parties are not authorized to indicate that the hearing will be on "all pending

motions;” rather, the matter(s) being heard must be set out with particularity. For hearings that are authorized to be conducted telephonically or by audiovisual conferencing, the term “Telephonic” or “Audiovisual Conferencing” should be indicated on the notice of hearing. A good faith effort to clear all hearing dates with opposing counsel or a self-represented party is required prior to notices of hearing being filed. This fact should be shown on the face of the notice itself by inserting the following at the very bottom of the notice after the certificate of service: “*The above hearing has been cleared with opposing counsel’s (party’s) calendar on (date).*” In the alternative, if it has not been possible to reach opposing counsel’s office of opposing party to clear the date or if opposing counsel or party has failed to respond, the following language should be used: “*The above hearing date has not been cleared with opposing counsel’s/party’s calendar because [state reason]...*”

E. No Cross-Noticing or “Piggy-Backing”

There will be no cross-noticing or “piggy-backing” of motions on hearing time unless the opposing counsel or opposing party contacts the judge’s office and determines if the docket will accommodate hearing additional matters at the same time. Cross-noticing or piggy-backing is also not permitted unless the original scheduling party has been contacted and has agreed to the add-on or the court has already approved. The judicial assistant should be contacted by e-mail when cross-noticing has been agreed to or when seeking court approval. The motion(s) will be added with a notation on the notice of hearing stating, “If time allows...”

F. Cancellation

If any hearing is canceled or rescheduled, the attorney or self-represented party setting the hearing must notify the judge’s judicial assistant and the opposing counsel or opposing party as soon as possible after discovering the need for the cancellation. Providing notice of the cancellation must occur by the following methods:

i. Cancelling within 24 Hours of the Hearing

If cancelling a hearing within 24 hours of the scheduled hearing, *it is imperative* to notify the judicial assistant by e-mailing a copy of the Notice of Cancellation. E-filing a document through the Portal *does not* automatically notify the judge’s office.

ii. Cancelling with more than 24 Hours' Notice

If a hearing was scheduled on JAWS and it is being cancelled with more than 24 hours of the scheduled hearing, the scheduling party must cancel their own hearing through JAWS. If a hearing was scheduled via the court's divisional e-mail address, the scheduling party must cancel their own hearing by submitting a Notice of Cancellation via the court's divisional e-mail address.

iii. Cancelling Foreclosure Hearings

In foreclosure cases, cancellations less than 20 days before the hearing date require a written notice of cancellation filed with an explanation of the reason for the cancellation.

13. Orders and Final Judgments

Except when the court enters a Uniform Final Judgment of Foreclosure (as referenced in section 20.B. of this administrative order), the following provisions apply to proposed orders and proposed final judgments after a hearing:

A. Consultation with Opposing Counsel or Opposing Self-Represented Party

Prior to submitting a proposed order or final judgment for the court's consideration after a hearing, the counsel or self-represented party directed to submit the proposed order or final judgment must consult with opposing counsel or the opposing self-represented party within three business days after the court's decision and make a genuine effort to agree on the language of the proposed order or final judgment.

B. Timely Submission

Proposed orders on motions scheduled on the Uniform Motion Calendar must be submitted to the judge within five days of the judge's ruling. Unless the presiding judge directs otherwise, proposed orders on all other motions and proposed final judgments must be submitted to the judge by the attorney or self-represented party directed to prepare the order or final judgment within 10 business days after the judge's ruling. If the attorney or self-represented party designated to prepare the order or final judgment fails to timely submit it, the attorney for the opposing party or the opposing self-

represented party may submit a proposed order or final judgment within five business days after the initial time period.

C. Title

i. Orders

The title of every submitted proposed order must contain the title of the pleading or motion upon which the ruling is made and must fairly apprise the reader of the action being ordered. Language such as “Order Granting...” or “Order Denying...” is generally preferred over “Order on...”

ii. Final Judgments

The title of every proposed final judgment must state whether it is entered against plaintiff(s) or defendant(s). Any final judgment that is not against all plaintiffs or all defendants named in the action will additionally 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 of two named defendants in an action will be titled “Final Judgment against Defendant, John Doe.”

D. Form

The first paragraph of all proposed orders and final judgments must state the date or dates on which the hearing or trial took place. No proposed order or final judgment may contain an “orphan” signature page, in other words, the page containing the court’s signature must also contain substantive language of the proposed order or final judgment so that a proposed order or final judgment does not contain a signature page consisting only of the court’s signature. Each page, except for the first page, must contain a page number.

E. Cover Letter

Whether or not the language of a proposed order or final judgment has been agreed to, all proposed orders and final judgments must be submitted to the court with a cover letter. The cover letter must state that (1) a copy of the proposed order or final judgment has been provided to all other parties or their counsel; and (2) the form and content of the order or judgment has been agreed to, or that no objection was raised within five business days, or that an opposed

order or judgment is being submitted and the specific objection of the opposing party.

F. Submission of Proposed Orders and Final Judgments

i. Unopposed Proposed Orders and Final Judgments

a. Submission through the Portal

Proposed orders and final judgments along with an appropriate cover letter should be submitted through the Portal for electronic signature only when all parties have agreed to the form and content of the order or judgment, or when no objection has been raised within five business days, or when an order in a contraband forfeiture case is submitted by a seizing agency when no adversarial preliminary hearing has been requested. The Portal should not be used to submit proposed orders and judgments if anyone entitled to receive a copy cannot be served by e-mail, except as authorized in section 20.B.ii. of this administrative order dealing with final judgments of foreclosure.

b. Format

All proposed orders and final judgments submitted through the Portal must be in in Portable Document Format (PDF) or PDF/A (Portable Document Format for Archiving) unless specifically directed otherwise by the court so that the court may make specific findings of fact or conclusions of law. PDF or PDF/A proposed orders and judgments should be created directly from the computer, using “save as” PDF or PDF/A or printing to PDF or PDF/A, not by printing the proposed order or judgment on paper and then scanning it. Exhibits or attachments to the proposed order or judgment, however, may be scanned from paper documents.

c. Paper Copies

If any party is represented by an attorney who has been excused from e-mail service by the court under Rule 2.516, the movant’s attorney must submit to the presiding judge sufficient paper copies of the proposed order along with stamped, addressed envelopes. If any party is self-represented and is directed by the presiding judge to submit a proposed order to the court without a direction regarding the specific method for submission, the self-represented party may either submit the proposed order through the Portal or may submit sufficient paper copies of the proposed order along with stamped,

addressed envelopes to the presiding judge.

d. Only One Submission

Proposed orders and final judgments must only be submitted to the presiding judge one time. If an attorney or party submits a proposed order or final judgment to the presiding judge via the Portal in accordance with this provision, then the attorney or party must not also submit the proposed order or final judgment in paper copies. If an attorney or party submits a proposed order or final judgment to the presiding judge via paper copies in accordance with this provision, then the attorney or party must not also submit the proposed order or final judgment via the Portal.

ii. Opposed Proposed Orders and Final Judgments

When a proposed order or final judgment has not been agreed to, the proposed order or final judgment must be served on the opposing party and submitted to the judicial assistant by United States Mail, courier delivery service or hand delivery. Sufficient conformed copies of the proposed order or final judgment along with stamped, addressed envelopes must also be submitted to the judicial assistant. The proposed order or final judgment must include a cover letter indicating the specific objection of the opposing party and a copy of the opposing party's proposed order or final judgment, if available. If a copy of the opposing party's proposed order or final judgment is not available at the time the proposed order or judgment is submitted to the court, the opposing party must submit a copy of their proposed order or final judgment along with a cover letter within five business days after the other party submitted the original opposed proposed order or final judgment to the court.

14. Orders of Disbursement from the Court Registry

A. Request for Clerk's Statement of Available Registry Funds

When a party seeks an order directing the clerk to disburse funds from the court registry, prior to filing a motion, the party must request the clerk to provide a statement showing available funds in the court registry. The statement will indicate the date and time the available funds were verified by the clerk. The clerk will develop and post on the clerk's website (www.hillsclerk.com) a form entitled *Request for Clerk's Statement of Available Registry Funds*.

B. Motion for Disbursement of Registry Funds

The party must attach a copy of the clerk's Statement of Available Registry Funds to the motion for disbursement of funds, file and serve the motion on all parties and legal counsel for the clerk. If the party seeking disbursement objects to the amount listed in the clerk's Statement of Available Registry Funds, the motion must identify the basis for the objection, and set the motion for hearing. If the party seeking disbursement does not object to the amount listed in the clerk's Statement of Available Registry Funds, the motion must confirm the stated amount is the proper amount of disbursement and request the entry of an order, without a hearing, if no other party files and serves a written objection within five days after service of the motion.

C. Change in Registry Balance

If any party becomes aware of any change to the court registry balance after the issuance of the initial clerk's Statement of Available Registry Funds, that party must obtain an updated clerk's Statement of Available Registry Funds and provide copies to the other party and to the court prior to the hearing on the motion seeking disbursement. If an updated clerk's Statement of Available Registry Funds is not presented at the hearing on the motion seeking disbursement, then the amount identified in the initial clerk's Statement of Available Registry Funds will be deemed the correct amount available for disbursement.

D. Disbursement Orders to Account for Clerk Fees

All proposed orders submitted to the court for disbursement from the court registry must contain the phrase "less clerk fees" immediately after the total requested disbursement amount (for example, Total: \$12,000, less clerk fees). If the amount in the order exceeds the amount held in the court registry, the clerk will disburse the available amount in the registry, less clerk fees, at the time of the entry of the order (pro rata if disbursement is made to multiple parties).

15. Trials

A. Trial Divisions

Multi-week trials may be scheduled in Trial Division 1 and Trial

Division 2 as set forth below. If the presiding judge of a standard division has conferred with the presiding judge of Trial Division 1 or Trial Division 2 and determined that the schedule in a trial division may accommodate the trial, the presiding judge in that trial division will enter an order setting case for pretrial and trial. All pretrial motions will be heard in the standard divisions and even after a case is set for pretrial and trial in a trial division, no pretrial motions will be heard in the trial divisions.

B. Standard Divisions

The judge of each standard division will schedule the weeks in which jury trials and non-jury trials will be held in that division and will determine the number of cases to be set for trial in any given week. The judge will determine the order to be assigned to each case scheduled for trial in that judge's division.

C. Scheduling

i. Available Dates

Trial weeks and corresponding pretrial conference dates can be obtained online by clicking "Schedule" on the individual presiding judge's website. It is the responsibility of the parties to set their case for trial in the assigned division. If a trial period has been agreed upon by all parties, there is no need for a hearing.

ii. JAWS

A case may be scheduled for trial on the JAWS by entering the case on the pretrial conference date under the "PRETRIAL" drop down menu to obtain a time certain for the pretrial conference.

iii. Uniform Motion Calendar

If a trial week cannot be agreed upon, a motion to set trial date may be set for hearing on the Uniform Motion Calendar docket.

D. Uniform Order

Uniform orders setting pretrial and trial for jury cases and uniform orders setting pretrial and trial for non-jury cases must be used. Uniform orders can be found on the court's website at www.fljud13.org under "FORMS." After the case has been scheduled on the JAWS, Plaintiff's counsel must prepare the uniform order. Once the uniform order is prepared, it must be uploaded in PDF or

PDF/A to the Portal for electronic signature in the judge's queue in the "Proposed Order" section. Attorneys will receive electronically conformed copies via e-mail. If one or more persons entitled to receive a copy cannot be served by e-mail or is a self-represented litigant, the moving party must serve a copy of the uniform order upon the self-represented litigant.

E. Pretrial Conference

At least one trial counsel who serves as lead counsel per party must be physically present at the pretrial conference. Counsel must be prepared to negotiate settlement at the pretrial conference and have available at the conference a party or representative who has full authority to settle.

F. Settlement Notification

If the case has settled, one of the parties or counsel must contact the judicial assistant by e-mail with documentation so that the case can be removed from the trial or pretrial conference docket.

G. Continuances

Pretrial conferences and trials cannot be continued by stipulation of the parties. Only a court order can continue a pretrial conference or a trial.

16. Exhibits

A. Generally

Each exhibit must be identified numerically, starting with number 1. Each exhibit must be preceded by a cover sheet indicating the exhibit number and the party submitting the exhibit. All exhibits must be listed, in numerical order, on a separate paper that sets forth the case caption, identifies the party submitting the exhibits and includes columns with the following headings: Exhibit Number, Document Description, Date Identified, Date Admitted, and With or Without Objection. No markings should be made in the "Identified" and "Admitted" columns. These columns are to be used by the courtroom clerk to record the exhibits that are offered into evidence and those that are received into evidence. Each party must provide a paper copy of the Exhibit List to the courtroom clerk before the start of the evidentiary hearing or trial. The courtroom clerk will file the completed Exhibit List after the conclusion of the evidentiary hearing or trial.

B. Format (Electronic or Paper)

Notwithstanding Florida Rule of Judicial Administration 2.525(d)(4), parties are strongly encouraged to file electronically-stored exhibits through the Portal. Paper exhibits may be manually submitted to the clerk if necessary.

C. Electronically-Stored Exhibits

If a party files their electronically-stored exhibits through the Portal, the following provisions apply:

i. Submission

Each numbered and marked exhibit must include an Exhibit Cover Sheet and be electronically stored in an individual PDF or PDF/A file. Each PDF or PDF/A file must have a unique identification name and number (e.g. Plaintiff's Exhibit 1). Parties may file multiple exhibits in one electronic submission as long as each exhibit includes a cover sheet and the single submission does not exceed 50 megabytes. The Portal will not allow a submission of more than 50 megabytes in a single submission. If the submission will exceed 50 megabytes, more than one submission of the exhibit(s) will be required. The party submitting the exhibits must e-file them with the Exhibit List as a separate attachment to a submission titled "Notice of Filing [Party's Name]'s Exhibit List for [Trial or Evidentiary Hearing]." The e-filing of the Exhibit List and exhibits via the Portal will effectuate a party's delivery of exhibits to the opposing party or parties.

ii. Electronic Storage Medium for Large Volume of Exhibits

When filing exhibits that are in excess of 50 megabytes, parties may transmit the exhibits using a Universal Serial Bus (USB) flash drive, compact disc (CD), or any other electronic method mutually agreed to by counsel (e.g. Dropbox™) in a file named with the case name, case number, and the party introducing the exhibits (e.g. Smith v. Jones, 14-CA-123456, Plaintiff's Exhibits for [Trial or Evidentiary Hearing]). A USB flash drive or CD file containing the Exhibit List and the electronically stored exhibits must be delivered to the courtroom clerk before the start of the trial or evidentiary hearing.

iii. Use in Court

The electronically-stored exhibits will be considered the official

exhibits for purposes of trial or the evidentiary hearing. However, a party using exhibits during the examination of a witness must, at the commencement of the party's questioning of the witness, provide paper copies of the exhibits to be used during the examination of the witness to the witness, opposing counsel or party, and unless the presiding judge directs otherwise, the presiding judge. Paper exhibits used during the examination of a witness will be removed from the courtroom following their use by the party using the paper exhibits.

iv. Additional Exhibits

If additional exhibits are offered or introduced during the course of the evidentiary hearing or trial that were not either e-filed or included on the USB flash drive or CD furnished to the courtroom clerk, a complete set of the additional exhibits introduced into evidence must be e-filed as separate attachments to a submission titled "Notice of Filing [Party's Name]'s Additional Exhibits" within seven days following the conclusion of the evidentiary hearing or trial.

D. Paper Exhibits

If a party manually submits their paper exhibits to the clerk, the following provisions apply:

i. Submission

At the commencement of an evidentiary hearing or trial, each party must deliver to the courtroom clerk the original and one copy of the Exhibit List and all exhibits to be introduced into evidence in paper format. Original exhibits must not be stapled or permanently bound. Additional copies of the exhibits, either stapled or in binders or folders must be provided for use by witnesses, opposing counsel or party, and unless the presiding judge directs otherwise, the presiding judge. Any exhibits introduced at hearing or trial that have not been pre-marked should be tendered to and marked by the courtroom clerk as they are presented in evidence.

ii. Disposal

The clerk may dispose of any unclaimed paper exhibits in accordance with Florida Rule of Judicial Administration 2.430(f). Parties will bear all costs associated with reclaiming exhibits.

E. Large Exhibits or Non-Paper Exhibits

Items other than paper documents to be introduced into evidence must be photographed, accompanied by an Exhibit Cover Sheet, and listed on the Exhibit List. Paper documents larger than 8½ x 11 inches must be listed on the Exhibit List and accompanied by a reduced 8½ x 11-inch copy and an Exhibit Cover Sheet. Counsel must attach Exhibit Cover Sheets to both the original physical exhibit and the photograph or reduced copy of the exhibit (substitutes), identifying the exhibits and corresponding substitutes with the same exhibit number. Unless the court orders otherwise, at the conclusion of the trial or evidentiary hearing at which the exhibits are offered, if the clerk has custody of the substitutes, the clerk will return the corresponding original exhibits to counsel. If an appeal is taken, substitutes will be included in the record on appeal.

17. Rehearing / Reconsideration / Clarification / New Trial

Motions for Rehearing, Motions for Reconsideration, Motions for Clarification and Motions for New Trial will not be set for hearing without the court's authorization. Once the motion is filed, parties or counsel must e-mail, mail, hand deliver, or use a courier service to deliver a paper copy of the motion, proposed order and a cover letter to the judge's office for consideration by the court.

18. Dismissal Docket

The clerk will prepare a dismissal docket for the respective Circuit Civil Divisions in accordance with the applicable Rules of Civil Procedure.

19. Emergencies

A. Temporary Injunctions

Applications for temporary injunctions without notice must comply with Florida Rule of Civil Procedure 1.610.

B. Emergency Matters in an Assigned Case

Application for emergency relief in an assigned case must be filed with the clerk with the term "Emergency" in its title. When filing through the Portal, the moving party must also indicate on the Portal interface's "Review and Submit" tab that the document being filed is deemed an "Emergency Filing." After the motion is filed, the moving party must e-mail the judicial assistant, advising of the filing of the

emergency motion. The e-mail must include the style of the case, case number, title of the motion, the date it was filed and the length of time requested for a hearing. A judge will review the request as soon as reasonably possible and the parties and counsel will be contacted by the judicial assistant after the judge has reviewed the emergency request.

i. Handling by a Judge Assigned to the Circuit Civil Division

As a backup, the clerk will also promptly notify and present the emergency matter to the presiding judge of the division to which the case is assigned. If the clerk makes the notification and presentation via e-mail, the clerk must verify that the judge is actually aware of the pending emergency matter. If 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 by the clerk to the judge present in the courthouse whose Circuit Civil Division next follows in alphabetical sequence the division in which the case is pending. The term "present in the courthouse" includes being in a hearing, a jury trial or non-jury trial.

Any judge assigned to the Circuit Civil Division who issues an *ex parte* order must personally conduct the return hearing unless the judge of the division in which the case is pending agrees to conduct the hearing. All emergency motion handling orders will be issued by the court, served on the parties, and delivered to the chambers of the judge of the division in which the case is pending for any necessary follow-up action. All emergency motion handling orders must be served to the parties by e-mail, facsimile, or regular United States mail.

If the reviewing judge determines that an emergency does not exist or denies the emergency request without a hearing, the requesting party is prohibited from presenting the emergency request to any other judge except the judge presiding in the division to which the case is assigned.

ii. Handling by Duty Judge

If there are no Circuit Civil Division judges present in the courthouse when an application for emergency relief is made in an assigned case, then the emergency matter will be presented to the duty

judge. If the duty judge is a judge assigned to the Circuit Civil Division, the judge will handle the matter in accordance with section 19.B.i. of this administrative order above. If the duty judge is not assigned to the Circuit Civil Division, then the duty judge will handle the matter as set forth below.

If a duty judge issues an *ex parte* order and determines that the nature of the emergency requires that a return hearing be conducted imminently, the duty judge will personally conduct the return hearing. If a duty judge issues an *ex parte* order and determines that the nature of the emergency allows the return hearing to be scheduled with the judge presiding in the division in which the case is pending, the emergency motion and the *ex parte* order entered by the duty judge will be presented to the judge presiding in the division to which the case is assigned. The judge presiding in the division in which the case is pending may vacate any order issued by the duty judge before, after, or in lieu of the return hearing.

If a duty judge determines that an emergency does not exist or denies the emergency request without a hearing, the requesting party must not present the emergency request to any other judge except the judge presiding in the division to which the case is assigned.

20. Foreclosure Cases

A. Mediation

The Hillsborough County Bar Foundation is designated as the mediation provider for the Thirteenth Judicial Circuit to provide and manage the mediation of residential mortgage foreclosure cases on a case-by-case basis. Mediation services provided by the Hillsborough County Bar Foundation will include maintaining a web-enabled information platform, the coordination of the collection and exchange of financial documents, coordinating and scheduling the mediation conference, providing mediation facilities, assignment of a mediator and other related administrative tasks associated with the mediation conference. If the presiding judge determines that a case is appropriate for mediation, the judge will enter a Uniform Order of Referral to Foreclosure Mediation. Parties wishing to utilize mediation services other than those provided through the Hillsborough County Bar Foundation must follow the provisions set out in the order of referral.

B. Uncontested Summary Judgment Motions

i. Hearings

Hearings on uncontested summary judgment motions are to be scheduled on the designated date and time provided in JAWS for residential foreclosure matters. These are multi-case dockets. Parties are expected to respect the timeframes designated for these dockets.

ii. Entry of Foreclosure Judgments

Plaintiffs must upload an electronic Proposed Uniform Final Judgment of Foreclosure (sale date will be inserted by the court at the time of the hearing) and a Final Disposition Form at least three business days prior to the scheduled hearing date for the motion for summary judgment. The most current Uniform Final Judgment form, which must be used, may be accessed at www.fljud13.org. The signed Uniform Final Judgment will be electronically served on the parties through the JAWS. The clerk will mail paper copies of the Uniform Final Judgment to all parties not represented by an attorney, those parties who do not designate an e-mail address, and all attorneys excused from e-mail service under Rule 2.516. The clerk will generate and issue the Certificate of Sale, Certificate of Disbursements and Certificate of Title from Odyssey and will serve these documents upon the parties in accordance with Florida law.

C. Contested Summary Judgment Motions

i. Prerequisites to Scheduling Hearing

Prior to selecting a mortgage foreclosure summary judgment hearing date on the JAWS, attorneys of record for plaintiffs must file with the clerk the motion for summary judgment and a uniform affidavit titled "Affidavit of Compliance with Foreclosure Procedures." The uniform affidavit form may be accessed at www.fljud13.org. The affidavit swears or affirms that certain requisite actions have been completed and the dates on which they have occurred. Hearings scheduled on the JAWS prior to the filing of the summary judgment motion and the affidavit may be cancelled by the court without notice.

ii. Original Note or Lost Instrument Affidavit Required

If an affidavit of lost instrument is filed with the clerk, the affidavit must contain an agreement to indemnify the maker(s) or provide other adequate consideration. See § 673.3091(2), Fla. Stat.

“The court may not enter judgment in favor of the person seeking enforcement unless it finds that the person required to pay the instrument is adequately protected...”); see also § 702.11, Fla. Stat. (establishing reasonable means of adequate protection). These requirements are in addition to the pleading procedures set forth in section 702.015, Florida Statutes.

D. Non-Evidentiary Pretrial Motions

Unless the presiding judge directs otherwise, a copy of all non-evidentiary motions must be served on the presiding judge when the original motion is filed with the clerk. The presiding judge may decide to rule on a non-evidentiary motion without a hearing unless a hearing is required under section 702.10, Florida Statutes. Unless the presiding judge directs otherwise, a party may not set a non-evidentiary motion for hearing until at least 30 days have elapsed from the date of service of a copy of the motion on the presiding judge. The movant must submit to the court a proposed order in accordance with section 13 of this administrative order. For motions that are ripe to be set for hearing, uncontested 5-minute hearings and contested 15-minute hearings are to be scheduled in the JAWS only on the designated times reserved under the respective division’s foreclosure contested or uncontested docket. Parties are expected to respect the timeframe designated. Any materials that the parties wish to deliver to the court are to be received at least two business days prior to hearing.

E. Scheduling Hearings on Non-Summary Judgment Matters

Attorneys and self-represented litigants must schedule hearings in accordance with section 12 of this administrative order.

F. Telephonic or Audiovisual Appearances

Parties and counsel may appear telephonically or by audiovisual conferencing unless otherwise directed by the court. Parties and counsel should indicate “Telephonic” or “Audiovisual Conferencing” on the JAWS and on the Notice of Hearing. There are no telephonic appearances for pretrial conferences and trials. All counsel and parties must be present before the court at the pretrial conference and trial. Presiding judges will specify on their individual websites if they prefer a specific method of conducting telephonic hearings

(CourtCall, Webex, the court's hearing room telephone line, or Zoom).

G. Non-Jury Trials

It is the responsibility of the parties to set their case for trial. Parties may schedule their case for trial on the JAWS under either the uncontested or contested category. Requests for more than one hour of trial time require notice to, and approval from, the presiding judge via an e-mail request to the judicial assistant. The parties must complete the Residential Foreclosure Order Setting Non-Jury Trial and Directing Pretrial Procedures form available under the "FORMS" tab on the circuit's website and submit the completed form to the presiding judge. Failure to timely submit the proposed Residential Foreclosure Order Setting Non-Jury Trial and Directing Pretrial Procedures may result in the court cancelling and continuing the non-jury trial. All counsel and parties must be present at the trial. A pretrial conference may be requested by a party or the parties by providing a copy of the request to the judge's judicial assistant (via mail or hand delivery) and scheduling through the JAWS. If a pretrial conference is requested, it should be scheduled as a 15-minute hearing in the JAWS to occur no less than 10 days before the trial.

H. Judicial Sales

i. Notice of Sale and Proof of Publication

The original Notice of Sale and Proof of Publication must be filed with the clerk at least 24 hours prior to the scheduled sale date.

ii. Electronic Sales

Judicial sales will be held on non-holiday weekdays, under sections 45.031(10) and 45.035(1) and (3), Florida Statutes, by electronic means only. All judgments or orders scheduling or rescheduling judicial sales will indicate that the sale will be conducted electronically online.⁴ All electronic sales will begin at 10:00 a.m. and continue until all scheduled sales have been completed.

iii. Bidding Increments

All tendered bids must be in increments of at least \$100.00.

iv. Debarment for Failure to Pay

Any successful bidder who cannot pay the required deposit at the time of the judicial sale or who fails to pay the balance of the bid

or other required costs of the judicial sale within the time required by the clerk will be reported to the judge who ordered the judicial sale. The court may enter an order debarring that bidder from participating in future judicial sales if such conduct is found to have been repetitive within the past 12 months.

v. Cancellation of Foreclosure Sale

a. Deadline

The deadline for cancellation of a judicial sale and for payment of the clerk's sale fee is no later than 8:00 a.m. on the day of the scheduled sale.

b. Upon Plaintiff's Notice of Cancellation

The clerk will cancel any scheduled foreclosure sale at least two hours before the scheduled foreclosure sale date and time upon receipt of a Notice of Cancellation of Foreclosure Sale filed electronically by plaintiff's counsel no later than 8:00 a.m. on the day of the scheduled sale. The uniform Notice of Cancellation of Foreclosure Sale form may be accessed at www.fljud13.org. The clerk will notify the online vendor of all cancellations of judicial sales. A Motion to Reset Sale must be filed and a proposed order submitted to the court in order to obtain a new sale date.

c. Upon Defendant's Motion and Court Order

If the Defendant is the party requesting the cancellation, a Motion to Cancel Sale must be filed with the clerk. A hearing may be set on the motion or a proposed order submitted to the judge for review, or both.

d. Upon Suggestion of Bankruptcy

Unless otherwise directed by the presiding judge or a judge of the United States Bankruptcy Court, the clerk will cancel any scheduled foreclosure sale upon receipt of a suggestion of bankruptcy on behalf of a named defendant in a pending foreclosure action no later than 8:00 a.m. on the day of the scheduled sale.

e. Upon Plaintiff's Failure to Pay Clerk Fees

(1) Additional Filing Fee

If any difference between the estimated amount in controversy of the claim and the actual value of the claim causes there to be an

additional filing fee owed by the plaintiff under section 28.241(1)(a), Florida Statutes, the plaintiff must pay the additional fee prior to the judicial sale. If any additional filing fee owed is not paid prior to the judicial sale, the clerk will cancel the judicial sale.

(2) Judicial Sales Fee

If the plaintiff fails to pay the clerk's judicial sale fee in accordance with sections 45.035(1) and 45.035(3), Florida Statutes, no later than 8:00 a.m. on the day of the schedule sale, the clerk will cancel the judicial sale.

I. Verification of Compliance with Protecting Tenants at Foreclosure Act

A successor in interest seeking an order directing the clerk to issue a writ of possession must verify compliance with, or the inapplicability of, the notice requirements of either the federal Protecting Tenants at Foreclosure Act⁵ or the Florida Protecting Tenants at Foreclosure Act (§ 83.5615, Florida Statutes), whichever is currently in effect.

J. Applicability

All subsections of this section apply to residential mortgage foreclosure cases. Only subsections B (Uncontested Summary Judgment Motions), E (Scheduling Hearings on Non-Summary Judgment Matters), F (Telephonic or Audiovisual Appearances), and H (Judicial Sale) of this section apply to non-residential mortgage foreclosure cases. Other sections of this administrative order apply to both residential mortgage foreclosures cases and non-residential mortgage foreclosure cases, including but not limited to sections dealing with cancellation of hearings and trials (sections 12(F) and 15(F)), orders (section 13), and emergency matters (section 19).

21. Professional Conduct and Courtroom Decorum

Counsel will adhere to The Florida Bar's Guidelines for Professional Conduct,⁶ The Florida Bar's Professionalism Expectations⁷ and the Hillsborough County Bar Association's Standards of Professionalism.⁸ Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines, Expectations, or Standards, as that judge deems appropriate.

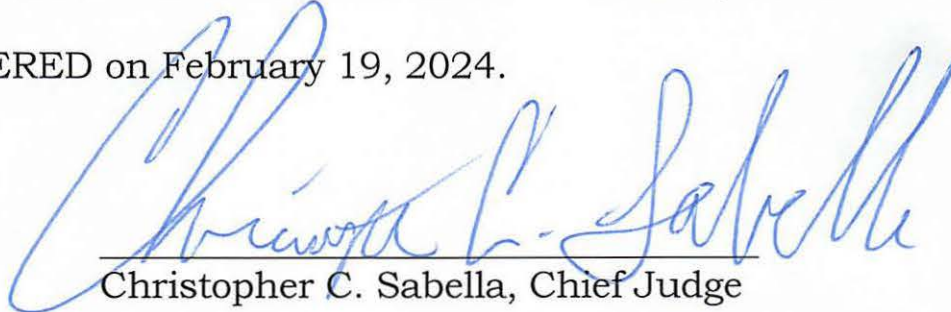
22. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2021-014 (*Circuit Civil Division*).

23. Effective Date

This administrative order is effective March 1, 2024.

ENTERED on February 19, 2024.



Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court
Copy: All Circuit Civil Division Judges
All Hillsborough County Law Enforcement Agencies
Hillsborough County Bar Association

¹ The initial application for probable cause determination is assigned to the judge presiding in County Criminal Division “C.” See Administrative Order S-2024-015 (*County Criminal Division*).

² <https://jawsinternal.fljud13.org/System/login.aspx>

³ A non-evidentiary pretrial motion in a foreclosure case may also be ruled upon by the court without a hearing. See section 20.D. of this administrative order for the process.

⁴ <http://www.hillsborough.realforeclose.com>

⁵ Pub. L. 111-22, Div. A., Title VII, §§ 701–704, 123 Stat. 1660 (2009) (codified in 12 U.S.C. § 5201 note, 12 U.S.C § 5220 note, and 42 USC § 1437f and note), as amended by Pub. L. 111-203, Title XIV, § 1484, 124 Stat. 2204 (2010), and as repealed and restored by Pub. L. 115-174 Title III, § 304, 132 Stat. 1339 (2018)).

⁶ <https://www.floridabar.org/prof/regulating-professionalism/presources002/>

⁷ <https://www.floridabar.org/wp-content/uploads/2017/04/professionalism-expectations.pdf>

⁸ <https://www.hillsbar.com/page/Professionalism>