

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

**ADMINISTRATIVE ORDER S-2015-013  
(Supersedes Administrative Order S-2012-058)**

**GENERAL CIVIL DIVISION PROCEDURES**

In light of this circuit's Judicial Automated Workflow System (JAWS)'s ability to schedule hearings and process proposed orders and the Clerk of the Circuit Court (clerk)'s Odyssey system's ability to accept electronically-stored exhibits, it is necessary for the proper and efficient administration of justice to update the administrative procedures in the General 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 circuit court will be administered by nineteen divisions designated as Division "A," Division "B," Division "C," Division "D," Division "F," Division "G," Division "H," Division "I," Division "J," Division "K," Division "L" (Business Court), Division "M" (Mortgage Foreclosure), Division "N" (Mortgage Foreclosure), East Division "R," East Division "T," Division "T" (Jimmy Ryce Act), Division "Y" (Tobacco), Division "Z" (Asbestos Litigation), and Trial Division 1. Divisions "A," "B," "C," "D," "F," "G," "H," "I," "J," and "K" are standard civil divisions. Divisions "L," "M," "N," "T," "Y," "Z," Trial Division 1, and East Divisions "R" and "T" are specialty civil divisions.

**2. Specialty Divisions**

Business Court Division "L" is responsible for handling civil actions in accordance with Administrative Order S-2013-021 or any successor administrative order. Mortgage Foreclosure Divisions "M" and "N" are responsible for handling residential mortgage foreclosure cases in accordance with Administrative Order S-2013-080 or any successor administrative order. East Divisions "R" and "T" are responsible for handling civil actions filed in the East Division in accordance with this administrative order and Administrative Order S-2013-033 or any successor administrative order. Division "T" is responsible for handling involuntary civil commitment petitions in accordance with Administrative Order S-2006-093 or any successor administrative order. Division "Y" is responsible for handling tobacco

personal injury actions at the pretrial stage in accordance with Administrative Order S-2012-009 or any successor administrative order. Division "Z" is responsible for handling asbestos litigation in accordance with Administrative Order A-1989-085 or any successor administrative order and the division's omnibus order. Trial Division 1 is responsible for handling jury and non-jury trials in accordance with this administrative order.

### **3. Allocation of Cases**

The clerk will assign cases to the standard civil divisions by a random equitable distribution system. The clerk will designate the division to which each case is assigned on the progress docket. Thereafter, each case assigned will be heard, tried and determined by the judge presiding in the respective division, except as otherwise provided in these administrative procedures.

### **4. Caption**

In addition to the information required in a caption under Florida Rule of Civil Procedure 1.100(c), the caption must also include on the first page the letter of the division to which the case has been assigned. If an extraordinary writ petition is filed, the caption must additionally identify the case as an extraordinary writ petition case. See §11 of this administrative order.

### **5. Consolidation of Cases**

When two or more civil cases, regardless of the nature, which involve common questions of law or fact, are pending in the General Civil Division, which might be appropriately considered or tried together, but which are assigned to different divisions of the General 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 such transfer, the clerk will make appropriate notation upon the progress docket and thereafter the issues in all such cases will be heard, tried and determined by the judge assigned to the division consolidating such cases. Any such transfer will remain permanent regardless of whether such cases 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 which have been consolidated.

### **6. Re-Filed Cases**

Any case which was formerly assigned to a division of the General 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.

**7. Obligation to Notify Court of Other Relevant Proceedings**

Attorneys and parties must notify the court as soon as it becomes evident to them of the existence of any other court proceeding in any jurisdiction that may be relevant to the subject matter before the court. A copy of any relevant orders must be provided to the court. This obligation is a continuing one throughout the proceeding.

**8. Constructive Service – Affidavit of Diligent Search and Inquiry**

To obtain constructive service in a case filed in the General Civil Division, all counsel and parties (if unrepresented) must complete and file an affidavit of diligent search and inquiry substantially similar to the affidavit designated as Florida Rule of Civil Procedure Form 1.924. A uniform Affidavit of Diligent Search and Inquiry may be found at [www.fljud13.org](http://www.fljud13.org).

**9. Military Service – Memorandum for Certificate of Military Service**

If a plaintiff/petitioner does not know whether the defendant/respondent is on active duty in a branch of the military service of the United States, the plaintiff/petitioner must complete a memorandum for certificate of military service substantially similar to the memorandum designated as Florida Family Law Rule of Procedure Form 12.912(a). A uniform Memorandum for Certificate of Military Service can be found at [www.fljud13.org](http://www.fljud13.org).

**10. Default Judgment – Affidavit of Military Service**

If a plaintiff/petitioner seeks a default judgment and the defendant/respondent has been properly served and has not responded to the complaint/petition, the plaintiff/petitioner must complete and file an affidavit of military service substantially similar to the affidavit designated as Florida Family Law Rule of Procedure Form 12.912(b). A uniform Affidavit of Military Service can be found at [www.fljud13.org](http://www.fljud13.org).

**11. Extraordinary Writ Petitions**

If a petition is civil in nature, any petition for writ of mandamus, quo warranto, certiorari, prohibition, or all writs necessary or proper to complete the exercise of the court's jurisdiction filed with the clerk must be identified as an extraordinary writ petition in the caption of the petition. In addition to filing with the clerk through the e-portal, the movant must immediately hand deliver or 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.

**12. Reassignment of Case upon Judge's Disqualification**

If the 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 Tampa standard civil divisions based on a random equitable distribution.

If either of the judges assigned to East Divisions "R" or "T" enter an order of disqualification, the clerk will reassign the case to the other East Circuit Division. If both of the judges in East Divisions "R" and "T" enter an order of disqualification, the clerk will reassign the case to one of the Tampa standard civil divisions based on a random equitable distribution.

If the judge assigned to Division "L" enters an order of disqualification on a case originally transferred into Division "L" from another General 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 Tampa standard civil division based on a random equitable distribution.

**13. Approval of Settlement of Minors' and Incompetents' Claims**

A petition seeking court approval of the settlement of a claim on behalf of a minor or incompetent must comply with Florida Probate Rule 5.636 and Sections 744.301 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 incompetent and if the attorney's fees and costs are fair and reasonable. Unless excused by the court, the minor or incompetent 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. In situations where approval of a settlement for less than the actual value of the claim is requested because of policy limits, evidence indicating the amount of insurance coverage must be produced at the hearing.

**14. Motions**

**A. Motions to Set Case for Trial – Certificate by Attorney**

All motions to set a case for trial must contain a certificate by the attorney filing such motion that the attorney has discussed the subject matter of the motion with the opposing counsel and has been unable to reach agreement concerning the setting of the case for trial, or that opposing counsel has failed to respond.

B. Motions to Compel – 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 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 §18 of this administrative order.

C. Other Non-Evidentiary Pre-Trial Motions

A non-evidentiary pre-trial motion may be ruled upon without a hearing.

**15. Uniform Motion Calendar**

A. Schedule

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

B. 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.

C. Types of Matters

Matters may only be scheduled on the Uniform Motion Calendar if they may be heard within 10 minutes. Contempt matters and testimonial matters will not be heard on the Uniform Motion Calendar. Procedural matters will not be heard unless counsel for the moving party certifies in the motion or in the notice of hearing that a good faith effort has been made to contact opposing counsel to resolve the issues raised.

D. Notice

Unless the presiding judge directs otherwise, the movant is not required to deliver a copy of the notice of hearing and the motion to the judge's judicial assistant.

E. Hearing Process

Failure of any party to appear at the scheduled time will not prevent a party from proceeding with the hearing when a case is called. If a party chooses to wait for her or his adversary, the case will be moved to the bottom position on the Uniform

Motion Calendar.

F. Complexity

At the hearing, the judge may order that a further hearing be scheduled if the matter appears too complex to handle on the Uniform Motion Calendar.

**16. Scheduling of Hearing**

Attorneys may obtain available hearing times and schedule hearings on a judge's calendar by telephoning the judge's judicial assistant or accessing the Judicial Automated Workflow System (JAWS) which may be accessed at the following link: <http://jaws.fljud13.org/system/login.aspx>. Self-represented parties may identify available hearing times and schedule hearings on a judge's calendar by telephoning the judge's judicial assistant.

**17. Chamber Hearings**

A. Court Reporter

If an attorney or self-represented party wishes to have a court reporter present during any chamber hearing, it is that attorney's or self-represented party's responsibility to contact the court reporter to arrange for the presence of such reporter. All notices of hearing must specify whether or not the party setting a matter for hearing will be securing the services of a court reporter. *See also* Administrative Order S-2003-020 (*Court Reporting Procedures for Civil Proceedings*).

B. 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 of the cancellation. Attorneys must also cancel the hearing through JAWS if the hearing was scheduled on JAWS.

C. Notice of Hearing

All notices of hearing must state the length of the time reserved on the judge's calendar for the hearing or must state that the hearing is on the Uniform Motion Calendar and must also specify which matters are being heard. 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. There will be no cross-noticing 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.

## **18. Orders**

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

Unless the presiding judge directs otherwise, prior to submitting a proposed order for the court's consideration after a hearing, the counsel or self-represented party directed to submit the proposed order 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.

### **B. Cover Letter Objection**

If, after consultation with opposing counsel or the opposing self-represented party, the parties cannot agree on the language in the proposed order to be submitted to the court, then the attorney or self-represented party submitting the proposed order must document in a cover letter that the opposing party or counsel has registered an objection and specifically state what the objection is. At the time the cover letter and proposed order is submitted to the court, a copy must simultaneously be sent to all parties or their attorneys. A cover letter is only required if the opposing counsel or party has registered an objection. A cover letter should not be sent or uploaded to the JAWS unless there is an objection. If an objection is registered, the court will determine if a hearing is necessary to resolve the dispute.

### **C. Timely Submission**

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

### **D. Submission of Proposed Orders and Judgments**

#### **i. JAWS – All Parties Represented by Counsel**

Unless the presiding judge directs otherwise, if all parties are represented by attorneys, none of whom have been excused from e-mail service under Florida Rule of Judicial Administration 2.516, an attorney who is requested to submit a proposed order will do so through the JAWS. Prior to submitting a proposed order, the attorney must review and comply with the internal division procedures posted on the presiding judge's webpage to determine that judge's format preference



(Microsoft Word v. searchable PDF). The JAWS is capable of linking a cover letter with a proposed order so all cover letters must document any objections of the opposing party to the proposed order. Competing proposed orders must not be submitted through the JAWS.

ii. Hard Copies and Envelopes – Self-Represented Party, Party’s Attorney Excused from E-Service or Presiding Judge Direction

If any party is self-represented or represented by an attorney who has been excused from e-mail service by the court under Rule 2.516 or if the presiding judge directs, the self-represented party or attorney who is requested to submit a proposed order or judgment must do so by submitting to the presiding judge sufficient hard copies of the proposed order or judgment along with stamped, addressed envelopes.

E. Title

The title of every proposed order submitted must contain the subject matter of the pleading or motion upon which the ruling is made and must fairly apprise the reader of the action being ordered. Phrasing such as “order granting...” or “order denying...” is preferred over “order on...”.

F. Form

The first paragraph of all proposed orders must state the date or dates on which the hearing or trial took place. In all proposed orders, the page containing the court’s signature must also contain substantive language of the proposed order so that a proposed order 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.

**19. Disbursement Orders**

Any order directing the clerk to disburse funds held by the clerk should be captioned *Order Directing Clerk to Disburse Funds* and a hard copy of the signed order must be delivered to the clerk’s accounting department. If the clerk’s accounting department discovers an accounting error in an order signed by a judge, the clerk will give written notice immediately to the parties and the presiding judge. Such notice will stay the clerk’s obligation to make distribution on the order until further direction from the court.

**20. Final Judgments**

All final judgments must state in the title whether they are entered against plaintiff(s) or defendant(s). Any final judgment which 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.”

## **21. Jury Trials**

All jury trials will be set by the judge of the division to which each case is assigned or transferred. Uniform orders setting pre-trial and trial for jury cases must be used. Uniform orders can be found at [www.fljud13.org](http://www.fljud13.org). The judge of each division will schedule the weeks in which 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.

## **22. 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 in the court file the completed Exhibit List after the conclusion of the evidentiary hearing or trial.

### **B. Paper or Electronic Format**

Unless the presiding judge directs otherwise, the parties must meet and confer no later than ten days before the pretrial conference or evidentiary hearing to discuss the use of electronically-stored exhibits. If the parties are unable to agree on the use of electronically-stored exhibits, the parties must use paper exhibits. Paper exhibits will be used in all cases in which any party is self-represented.

### **C. Paper Exhibits**

#### **i. Submitting Exhibits to the Court**

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 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. Large Items 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.

iii. Disposal

The clerk may dispose of any unclaimed paper exhibits unless notified by the appropriate party within 30 days (1) after entry of an order or judgment concluding a contested matter or an adversary proceeding; (2) after entry of any order determining any post-judgment motions, provided that no appeal is pending; or (3) upon the filing of the mandate if any appeal is taken. Parties will bear all costs associated with reclaiming exhibits.

D. Electronically-Stored Exhibits

i. Format

Each numbered and marked exhibit must include an Exhibit Cover Sheet and be electronically stored in an individual Portable Document Format (PDF) file. Each PDF file must have a unique identification name and number (e.g. Plaintiff's Exhibit 1).

a. Twenty-Five Megabytes or Less

If the number of exhibits listed on a party's Exhibit List are 25 megabytes or less, the party submitting the exhibits must e-file them with the Exhibit List as a separate attachment to a filing 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 E-Portal will effectuate a party's delivery of exhibits to the opposing party or parties.

b. More than 25 Megabytes

If the number of exhibits listed on a party's Exhibit List are in excess of 25 megabytes, the exhibits must be stored on a Universal Serial Bus (USB) flash drive or compact disc (CD) 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]. Parties may exchange exhibits by delivering a CD or USB flash drive containing the exhibits to the opposing party or parties by the time set forth in the court's pretrial order for exchange of exhibits. A CD or USB flash drive 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.

ii. 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 court, the witness, and other parties. 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.

iii. 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 filing titled "Notice of Filing [Party's Name]'s Additional Exhibits" within seven days following the conclusion of the evidentiary hearing or trial.

**23. Dismissal Docket**

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

**24. Emergencies**

Application for emergency relief in an assigned case will be made to the judge of the division to which such case is assigned. 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 to the judge present in the courthouse whose



General Civil 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 trial or non-jury trial. If all of the General Civil Division judges are absent from the courthouse, any emergency application in an assigned case will be presented to the duty judge assigned for that particular week. Duty judge assignments can be found at [www.fljud13.org](http://www.fljud13.org). The judge will review the request as soon as it is reasonably possible.

An unassigned case is a matter which has not been assigned to a division because the clerk's office is not and will not be open within a reasonable time. Application for emergency relief in an unassigned case may be made to the chief judge, or other such judges as the chief judge may designate. If the chief judge or designee is unavailable, then the application will be made to the duty judge assigned for that particular week. As soon thereafter as the clerk's office is open, any such application and any such order entered will be filed with the clerk and the assignment of the case will be made by the clerk in accordance with the procedures established in this administrative order.

Any judge to whom an 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 in accordance with Florida Rule of Civil Procedure 1.610. If the judge determines a hearing with notice is required, the hearing must 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 is not authorized to present the emergency request to any other judge other than the judge to whom the case is assigned.

## **25. 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.

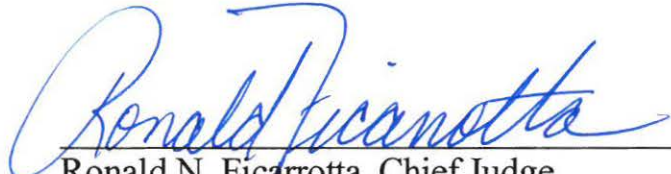
## **26. Previous Administrative Orders Superseded**

This administrative order supersedes Administrative Orders S-2006-035 (*Uniform Motion Calendar*) and S-2012-058 (*General Civil Division Procedures*).

**27. Effective Date**

This administrative order is effective March 1, 2015.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 13<sup>th</sup> day of February, 2015.

  
\_\_\_\_\_  
Ronald N. Ficarrotta, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court  
Copy to: All General Civil Division Judges  
Hillsborough County Bar Association