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09/08/2004 at 02:34 PM, BOB INZER, CLERK OF COURTS

IN THE COUNTY COURT OF
LEON COUNTY FLORIDA

RE: LOCAL RULES

ADMINISTRATIVE ORDER 73-1

Subject to the approval of the Chief Judge and the Supreme Court of Florida, the attached local rules are hereby adopted for the County Court of Leon County, Florida.

DONE AND ORDERED this 2nd day of January, 1973.

ADMINISTRATIVE JUDGE

cc: State Attorney
Public Defender
Clerk of County Court
Sheriff, Leon County
Chief, Tallahassee Police Department
Tallahassee Bar Association

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LOCAL RULES OF THE COUNTY COURT OF LEON COUNTY, FLORIDA

RULE 1. DIVISIONS

For the purpose of practice, in issuing, serving and returning process, and for the trial and disposition of all cases, this Court is hereby divided into five divisions as follows:

CRIMINAL DIVISION

This division will handle all criminal matters filed in this Court including misdemeanors, preliminary hearings in felony cases, and violations of municipal ordinances of the City of Tallahassee other than traffic.

TRAFFIC DIVISION.

This division shall handle all traffic matters coming before the Court.

CIVIL DIVISION.

This division will handle all civil cases filed in this Court within the jurisdictional limits of $1,500.01 and $2,500.00.

SMALL CLAIMS DIVISION:

This division will handle all matters filed in this Court having a monetary jurisdictional amount of $1,500.00 or less.

THE ADMINISTRATIVE DIVISION:

This division shall handle the functions of coroner, issuance of marriage licenses and all other non trial functions of the County Court.

RULE 2. PLACE OF DOCKETING AND TRIAL OF CASES

All cases filed in the Criminal, Civil and Small Claims Divisions arising within Leon County or in which the Court otherwise has jurisdiction shall be returnable to and tried at the Court House in Tallahassee and shall be docketed there. All cases within the Traffic Division shall be returnable to and docketed with the Clerk of the Court at 234 E. 7th Avenue.

RULE 3. TRIAL SESSIONS, WHEN HELD

Regular trial sessions of this Court shall be held as hereinafter stated, for which petit juries shall be drawn and to which appearance bonds in criminal cases shall be made returnable in accordance with the law.

CRIMINAL AND TRAFFIC DIVISIONS

The third week in each month, however criminal trials shall not be intermingled with traffic trials. All jury trials shall be held in the Leon County Courthouse. Traffic non-jury trials shall be held at 234 E. 7th Avenue as set by the Clerk after due notice to the parties.

CIVIL DIVISION.

The fourth week of each month.

SMALL CLAIMS DIVISION.

As set by the Clerk with consent of Court and due notice to parties

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RULE 4. TRIAL SETTING

Criminal and Traffic cases shall be set for trial at the time of arraignment. Civil cases shall be set for trial as provided in Rule 1.440 Florida R.C.P. Small Claims cases shall be set for trial as provided in Rule 7.090 S.C.P.R.

RULE 5. CONTINUANCES

Continuances will be granted only on stipulation of the attorneys, or upon hearing after due notice to all parties except that in a situation of emergency, the Court may grant a continuance on its own motion.

RULE 6. MOTIONS

Where practicable, motions except in the Small Claims Division should be heard by the Court at a time prior to the date of trial after due notice to opposing counsel. An appointment may be secured from the Judge's secretary. The attorney shall indicate to the Judge's secretary his estimate of the time necessary for hearing the motion.

RULE 7. SETTLEMENTS

Where possible in Civil or Criminal cases a settlement or disposition of the case should be communicated to the Clerk in sufficient time that the witnesses may be notified that their attendance will not be necessary

RULE 8 OFFICE HOURS AND APPOINTMENTS

Except when he is in Court, the Judge will normally be in his Chambers during normal working hours. Appointments to see the Judge can be made by contacting his office. If the appointment is designed to influence judicial action, opposing counsel should be notified to be present. The Judge's prefer to see defendants, relations of defendants, and non attorneys in the Court Room rather than in Chambers. The Judge's Chambers are in the Leon County Courthouse.

The following local rules will have a specific application to the Divisions as indicated:

RULE 9. CRIMINAL AND TRAFFIC - ARRAIGNMENT

Arraignment in cases coming before the Criminal Division shall be held at the Leon County Courthouse at 9:00 a.m. on the first and third Wednesday after the first Monday in each month. Arraignment in cases coming before the Traffic Division shall be held at the branch Courtroom, 234 E. 7th Avenue at 9:30 a.m. Monday through Friday of each week. The State Attorney determines what matters are to be called to the attention of the Court as well as the order of arraignment. In an effort to encourage the representation of persons present for arraignment by private counsel, the Court prefers to arraign those defendants represented by counsel first. The trial of those defendants pleading not guilty will normally be set at the time of arraignment. Where such is not practicable notice of the exact trial date will be sent to each defendant and to counsel at a later date. It is incumbent upon the defendant to keep the Court notified of his precise current address and counsel shall verify the entry of his name in the Court file as attorney of record so that proper notice may be sent him.

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RULE 10. CRIMINAL AND TRAFFIC SENTENCING.

Normally sentencing in minor criminal and traffic cases will be performed immediately after the plea of guilty or the verdict by the jury. However, complex cases or those requiring further study by the Court or presentence investigation by the Florida Probation and Parole Commission will have sentencing or ultimate disposition deferred. Such deferred dispositions will be normally handled upon notice by the Clerk to defendant and counsel of the setting of the case for a final disposition.

RULE 11. CRIMINAL AND TRAFFIC - APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS.

Counsel may be appointed for indigent defendants that qualify under the guideline set forth in Section 27.52, Florida Statutes.

The Court accepts the concept that to a certain degree counsel to indigents is a public service rendered by the Bar and the fees to be allowed are not to be measured by the same standard that would govern private employment. Since the standard of fees is not comparable to that enjoyed in ordinary private employment, the Court prefers to appoint counsel who have indicated their willingness to accept cases. The Court appoints such attorneys from the list on a rotating basis.

RULE 12. CIVIL - RULES OF PROCEDURE.

The Florida Rules of Civil Procedure as amended from time to time shall apply to all cases filed within the Civil Division of this Court.

RULE 13. SMALL CLAIMS - RULES OF PROCEDURE.

The Summary Claims Procedure Rules adopted by the Supreme Court of Florida as amended from time to time shall govern all cases filed within the Small Claims Division of this Court, unless otherwise provided by law or a rule of this Court.

RULE 14. TRAFFIC - RULES OF PROCEDURE.

All proceedings for the trial of traffic cases when trial by jury is requested and authorized shall be governed by the Rules of Criminal Procedure so far as they may be applicable if the Florida Traffic Court Rules do not provide otherwise.

RULE 15. CRIMINAL - RULES OF PROCEDURE.

The Florida Rules of Criminal Procedure shall apply to all cases filed in the Criminal Division.

RULE 16. TRAFFIC - TRAFFIC VIOLATIONS BUREAU.

Pursuant to Rule 6.12 of the Florida Rules of Practice and Procedure for Traffic Courts, there is hereby established a Traffic Violations Bureau at 234 E. 7th Avenue, Tallahassee, Florida, which Bureau shall accept appearances, waivers of trial and pleas of guilty or nolo contendre. Actual payment of the fines and costs in accordance with the schedule of fines posted at the Traffic Violations Bureau shall be made immediately upon appearance and entrance of plea at the Bureau. All Traffic Citations shall be returnable to the Violations Bureau. All appearances which may not be disposed of at the Bureau shall be made in open Court on the appropriate plea day as assigned by the Clerk no later than 15 days after return date of Citation unless cause be shown.

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RULE 17. ASSIGNMENT OF JUDGES

When a matter is filed in any Division of this Court all appointments, conferences, telephone calls, motions and other matters affecting the disposition of the case or intended to influence judicial action including the trial of the case shall be before the Judge assigned to the Division in which the matter was filed, unless upon order of such Judge or in an emergency. However, nothing in these Rules shall abridge the jurisdiction of a Judge of this Court to dispose of any matter properly before him under the Constitution and laws of Florida or Rules of the Supreme Court of Florida,

RULE 18. FILES AND EXHIBITS

No original documents or exhibits may be removed from the Court in any cases filed within the Criminal or Traffic Divisions.

Case files and exhibits in those cases filed within the Civil or Small Claims Divisions may be removed only by members of the Florida Bar in good standing upon approval of the Clerk and the execution of an appropriate receipt for the delivery of the file. Any file shall be returned immediately to the Court upon demand by the Clerk.

RULE 19. FURTHER RULES

It is anticipated that as the Court gains additional experience with its new functions in the Small Claims and Civil Division that additional local rules will be issued. Copies of these rules will be furnished without further additional requests to each member of the Bar who notifies the Clerk in writing of his desire to receive all rules of this Court when issued. In addition, current copies of the rules will be furnished to any member of the Bar who may request them. This rule is in no way to be construed as limiting practice before this Court to those members of the Bar who request copies of the rules.

RULE 20. ROTATION OF JUDGES

Judges shall rotate assignments each 6 months. The initial assignments are as follows:

The Group One Judge shall handle all matters filed in Criminal and Traffic Divisions.

The Group Two Judge shall handle all matters filed in Civil and Small Claims Divisions and shall conduct first appearances and arraignments when the Group One Judge is holding trials.

RULE 21. CRIMINAL AND TRAFFIC FIRST APPEARANCE.

First appearance of all persons not previously released in a lawful manner shall be held at 234 E. 7th Avenue at 9:00 a.m. Monday through Friday of each week.

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RULE 22. TRAFFIC DIVISION - PERSONAL APPEARANCES

In any case requiring personal appearance, such personal appearance may be excused by the Court only upon a showing in writing of extreme hardship. Residence out of Leon County shall not automatically constitute such hardship.

RULE 23. ADMINISTRATIVE JUDGE

The Administrative Judge shall serve for a period of one year commencing the first Tuesday after the first Monday of January. The Office shall rotate among the Judges of the Court according to seniority with Judge with longest service on the Court serving first.

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