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IN THE COUNTY COURT IN AND FOR
LEON COUNTY, FLORIDA.

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FEB 15 3 07 PM '74
AS THE SAME APPEARS NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

RE: LOCAL RULES

ADMINISTRATIVE ORDER 74-2

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 15th day of February, A. D. 1974, to become effective April 1, 1974.

Hayward V. Atkinson
HAYWARD V. ATKINSON
ADMINISTRATIVE JUDGE

CC: State Attorney
Public Defender
Clerk of County Court
Sheriff, Leon County
Chief, Tallahassee Police Department
Tallahassee Bar Association
Judge George Harper
Judge Eldon McLeod

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LEON COUNTY
GWEN MARSHALL
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LOCAL RULES OF THE COUNTY COURT IN AND FOR 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, exclusive of costs and interest.

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

Plea day shall be held on Wednesday of each week commencing at 9:00 A. M. Each Wednesday afternoon, commencing at 2:00 P. M., shall be set aside for pleas of guilty and sentencing. The Judge presiding at plea day shall also preside at the afternoon session.

One day each month shall be set aside for the trial of non-jury criminal cases.

Trial of criminal and traffic jury trials shall commence on the second Thursday of each month and continue for nine (9) days. The nine days are designated as follows: The second Thursday, Friday, the following Monday and Tuesday. Commencing again with the following Thursday, Friday, Monday, Tuesday and Thursday. All jury trials are to be set for 9:00 A. M. and continue through the day until that days' calendar is completed. No traffic and criminal jury trials are to be set on the same day.

All traffic cases other than jury trials shall be held at 234 East 7th Avenue as set by the clerk on plea day for traffic Plea day shall be held at 9:30 A. M. Monday through Friday with non-jury trials on Thursday afternoon at 2:00 P. M. each week unless otherwise ordered by the Court.

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RULE 3. TRIAL SESSIONS, WHEN HELD

CIVIL DIVISION

All civil and small claims cases shall be set for 9:00 A. M. and 2:00 P. M. on any day other than those days set aside for criminal trials and plea day.

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 may be granted by the proper clerk in either civil or criminal matters only when both parties agree to said continuance in writing. All other continuances must be with the approval of a Judge of the Court.

RULE 6. MOTIONS

Motions in all matters shall be held at 2:00 P. M. on Tuesday of each week. Notice shall be given by the proper clerk at least one week prior to hearing and hearings on motions shall be conducted at least one week prior to trial.

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

Office hours shall generally conform with other office hours of the Court House. Each Judge shall be responsible for setting his chamber calendar.

RULE 9. CRIMINAL AND TRAFFIC ARRAIGNMENT

The state attorney shall determine the trial docket in both criminal and traffic cases, both jury and non-jury.

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 pre-sentence 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

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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 entering 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

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.

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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 th is Court to those members of The Bar who request copies of the rules.

RULE 20. ASSIGNMENT OF JUDGES

Each Judge shall be available for general assignment by the Administrative Judge. Assignments shall be made so that each Judge will serve in all divisions of the Court equally with the other Judges. Judges shall be available for assignments of other Judges in cases of disqualification and emergency. The Administrative Judge should be notified of such changes so far as it affects the trial calendar.

RULE 21. CRIMINAL AND TRAFFIC FIRST APPEARANCE

First appearance of all persons not previously released in a lawful manner shall be held in Courtroom No. 4, Leon County Court House at 9:00 A. M. each day, Monday through Friday of each week, except those weeks which have holidays. First appearance on holidays and weekends shall be held at the Leon County Jail. All Judges from Franklin, Leon and Wakulla Counties shall rotate first appearance on weekends upon assignment of the Administrative Judge. Judges may swap or exchange weekends with another Judge, however, the assigned Judge shall be responsible for a substitute when changes are made.

RULE 22. TRAFFICE 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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