20040084308 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3157 PG: 796,
09/08/2004 at 02:34 PM, BOB INZER, CLERK OF COURTS

83-11

IN THE COUNTY COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

AUG 7 4 09 PM 1983
CLERK OF CIRCUIT COURT

RE: PROCEDURES FOR COUNTY COURT

_____/

O R D E R

The attached Procedures for County Court are hereby adopted by this Court.

DONE AND ORDERED en banc this 1 day of August, A.D., 1983.

APPROVED:

BEN C. WILLIS
CHIEF JUDGE

JOHN E. CRUSOE

CHARLES D. McCLURE

HAL S. McCLAMMA

cc: Honorable Charles D. McClure
Honorable John E. Crusoe
Honorable Hal S. McClamma
Mr. Clyde Wiggins, Clerk
Civil Division
Mrs. Marjorie Moody

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IN THE COUNTY COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

ADMINISTRATIVE ORDER 83-11

RE: PRACTICE AND PROCEDURES FOR
ENTRY DOCUMENTS IN CASE FILES
IN CIVIL DIVISION OF LEON
COUNTY COURT.

In order to establish a uniform system of filing cases, noting entries, and entering documents in the files of the Civil Division of this Court, this Administrative Order is hereby promulgated.

1. All documents filed in the Court files shall be clocked in at the time said document is received by the Clerk. During Court any document or evidence admitted by the Court shall be marked with the date and time filed in Court.

2. All exhibits filed in Court or otherwise attached to any pleading shall, in addition to the requirements contained herein, shall have the case number also inscribed upon the document.

3. The exhibit tabs shall be marked during the trial to reflect if a document or other tangible evidence is marked for identification only or if said evidence is admitted into evidence by the Court.

4. Upon receiving all correspondence pertaining to a file by the Clerk said correspondence shall be clocked in and the appropriate case number shall be inscribed thereupon prior to said document being entered into the file.

5. In the filing of all documents in the Civil Division of this Court the Clerks shall detach all correspondence from any pleadings and securely place said correspondence on the left inside cover of the appropriate file. All legal pleadings shall be securely placed in the right inside cover of the case file. At no time shall pleadings and correspondence be intermingled.

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6. All documents, correspondence and legal pleadings shall be filed in the case file in accordance with the date said document is received by the Clerk with the earliest document being placed at the bottom and each succeeding document placed on top of the earlier document. This will allow the latest document to be at the top of the file.

7. Only original pleadings with attachments and correspondence shall be entered into the case file. No duplicates of any documents shall be placed in the file or received by the Clerk.

8. In receiving payment by check for filing fees the Clerk shall require that the case number be ascribed to the check prior to accepting said check. In cases where cash is received for filing fees from litigants the Clerk shall issue a receipt to said litigant with the appropriate case number ascribed to the receipt. The original of said receipt shall then be placed on the left side of the case file along with correspondence.

9. All correspondence originating from the Clerk's Office to litigants concerning pending litigation shall reference the style of the case along with the appropriate case number.

10. Upon replacing any pleadings or correspondence in a case file the Clerks shall replace said document in the appropriate order by date, in the file.

11. On Motion hearings the Clerks shall place a marker or paper clip on the appropriate Motion or Motions to be heard by the Court for ready reference by the Judge.

12. When Final or Conditional Judgments are forwarded to the Judge for signature, after pre-trial or otherwise, a copy of the docket sheet shall also be included for the Court to insure consistency with the typed Final Judgment or Conditional Judgment.

13. All correspondence directed to the Court pertaining to a pending case shall be forwarded to the Judge along with the appropriate case file.

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14. No files shall be checked out to anyone except any attorney of record, the Court or any other person with prior approval of the Court.

15. Upon the filing of any complaint in this Court the Clerk shall follow the following procedures:

A. If a complaint is filed in person by a Plaintiff or the Plaintiff's authorized representative a case number and pre-trial date shall be assigned said case on the complaint and personally delivered to the Plaintiff prior to the Plaintiff leaving the Small Claims Department. The delivery of said complaint with the assigned pre-trial date included shall be the only written notice required of the Clerk. In the event a Plaintiff or Plaintiff's personal representative files a number of complaints all at the same time and date, the Clerks shall either give the Plaintiff written notice of the pre-trial date with assigned case number in a pre-trial notice form or prepare the notice portion contained on the complaint and deliver same to the Plaintiff prior to the Plaintiff's departure.

B. In the event a Plaintiff mails in a complaint to be filed, the Clerk,shall on the date the complaint is received by the Clerk mail to Plaintiff, on the same day's mail, the completed complaint reflecting the date of the pre-trial with a cover letter to the Plaintiff, a copy of which shall be attached into the appropriate case file.

C. In all cases the Clerk shall not receive or accept any complaint unless all appropriate fees are paid to the Clerk at the time of filing.

D. In all lawsuits filed where Sheriff's service is required delivery of said complaint to the appropriate department of the Sheriff's Office shall be made within twenty-four (24) hours of the Clerk receiving and filing the complaint, weekends excepted. Under circumstances where a complaint is filed on a Friday the complaint shall be delivered to the Sheriff's Office by 5:00 P.M. the following Monday.

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E. All entries relating to any case, including mailing to the parties, shall be documented on the docket sheet with the appropriate Clerk's initials inscribed by said entry.

F. The Clerk shall maintain and file in the appropriate Court file pursuant to these rules all envelopes of incoming mail.

16. The Civil Division of the County Court shall, in accordance with the Florida Rules of Civil Procedure be divided into two departments.

A. Department A concerns litigation from $1.00 to $1500.00.

(1) Rules of Summary Procedure shall apply to any claim falling into the amounts stated above.

(2) All claims within the amounts of $1.00 to $1500.00 shall be set on the pre-trial calendar before the appropriate Judge at an appointed time set by the Court calendar.

(3) Any litigant demanding a jury trial for litigation in this category shall, upon filing the complaint, deposit a jury cost deposit of $500.00. Failure to file the required cost deposit at the appropriate time shall constitute a waiver of jury trial and the litigation shall be set for non-jury.

B. Department B involves litigation where a party seeks damages from $1501.00 to $5,000.00.

(1) The Florida Rules of Civil Procedure shall apply to any claim filed demanding monetary damages within the range of subparagraph B above.

(2) Any party in litigation under Department B of this Court shall be, upon written demand, entitled to a trial by jury without any cost deposit being required by the Clerk.

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17. All pre-trial calendars shall be set to begin at 9:00 A.M. and 2:00 P.M., for cases involving non-lawyer litigants. In litigation filed by an attorney the pre-trial shall be set on the appropriate pre-trial date at 10:00 A.M. Any litigation originally filed by a non-lawyer shall remain on the non-lawyer pre-trial calendar irrespective of the entry of an attorney subsequent to the original filing of the complaint, unless otherwise approved by the Court.

18. CONTINUANCES - requested by one of the parties shall not be granted unless prior written consent is obtained from the other party or upon approval of the Court.

19. MOTIONS - All Motions, accompanied by the corresponding file, by litigants shall be forwarded to the Judge assigned to the case for further determination or docketing for a hearing by said Judge.

20. SETTLEMENTS - The Clerks should advise the parties to notify the Clerk of this Division, as early as possible, of any settlement. Each party to any litigation shall have the sole responsibility of notifying their own witnesses that the case has been settled and the witnesses' attendance at the trial is not required. The Clerk shall have no responsibility to contact any witness in any litigation that has been settled by the parties or otherwise dismissed.

21. FILES AND EXHIBITS - Upon the request of any non-lawyer party to examine and study a file said party shall be entitled to do so only under the direct supervision of a deputy clerk. No exhibits or documents shall be removed from the file without approval of the Court.

22. Under no circumstances shall the Clerk refer a party litigant directly to the Judge presiding over any litigation. The Clerk shall transmit the presiding Judge's phone number with

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instructions to contact the Judge's secretary for the possibility of an appointment or hearing date. Since Judges are prohibited by the Judicial Code of Conduct from exparte communications with litigants the Clerk should so advise any party litigant that the Judge cannot discuss any matter involving the lawsuit without both parties being present with the Judge.

23. In advising litigants of basic Court preparation, the Clerks should inform all litigants that written letters, affidavits, and out-of-court statements by non attending witnesses are inadmissable evidence. Further, that to support a litigants case sworn testimony must be presented at the trial by the witness.

24. TRANSMITTAL OF FINAL OR CONDITIONAL JUDGMENTS - Upon entry of a Final or Conditional Judgment by the Court the Clerk shall immediately transmit a copy of said Judgment to each of the parties or their respective attorneys at the latest address contained in the file. The Clerk should advise all parties to maintain a current mailing address with the Clerk's Office and said address shall be entered into the file.

25. When the parties have reached a mutual agreement or stipulation of indebtedness and the terms of repayment are not contested, the parties may file a written Stipulation or Conditional Judgment with the Clerk prior to pre-trial or trial. The case can then be withdrawn from the Court calendar. No appearance by the parties will be required. The Clerk shall then immediately notify the presiding Judge of any cancellation of a trial. Such notification shall not be necessary at the pre-trial stage of litigation. The Clerk, upon stipulation or Conditional Judgment shall forward such Judgment for signature without hearing.

26. Equal distribution of cases shall be assigned each of the Judges of this Court so as not to vary in numbers greater than five (5) cases within any thirty (30) day period. Assignment of cases should be determined at the time of filing and the Judge's name stamped on the outside of the Court file and on the complaint.

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27. In all claims where the Plaintiff is seeking up to $1500.00 the Clerk shall furnish and accept complaints upon the Summary Claims complaint forms. All Civil claims exceeding $1500.00 shall not be filed on Summary Claims complaint forms nor shall the Clerks provide such forms for that purpose. The Clerks are further directed not to furnish any advice to parties on any claims exceeding $1500.00 nor accept or file any complaint exceeding $1500.00 on Summary Claims forms.

28. The Clerks are directed to advise parties filing complaints against corporations that the litigation should be filed against the corporation with the resident agent's name and address appropriately inscribed with the Defendant corporation in order that service of process can be perfected. The resident agent of any corporation may be obtained from the office of the Secretary of State by the Plaintiff. The responsibility of providing the resident agent's name and address shall be the sole responsibility of the Plaintiff and not the Clerk.

DONE AND ORDERED in Chambers, at Tallahassee, Leon County, Florida, this 1 day of August, A.D., 1983.

JOHN E. CRUSOE
ADMINISTRATIVE JUDGE

cc: Honorable Charles D. McClure
Honorable Hal S. McClamma
Mr. Clyde Wiggins, Clerk
Civil Division
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