

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

**ADMINISTRATIVE ORDER S-2017-070
(Supersedes Administrative Orders S-2016-061, S-2016-060,
S-2012-009, S-2006-093 and S-1989-085)**

CIRCUIT CIVIL DIVISION

It is necessary for the proper and efficient administration of justice to update the administrative provisions in the Circuit Civil Division and to consolidate the provisions of other administrative orders into this administrative order.

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 ORDERED:

1. Divisions

A. Generally

Civil matters of the circuit court will be administered by the following 19 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), Division "M" (Mortgage Foreclosure), East Division "R," East Division "T," Division "T" (Involuntary Civil Commitment of Sexually Violent Predators), Division "Y" (Tobacco), Division "Z" (Asbestos Litigation), and Trial Division 1. Divisions "A," "B," "C," "D," "E," "F," "G," "H," "I," "J," and "K" are standard Tampa civil divisions. Divisions "L," "M," "T," "Y," "Z," and Trial Division 1 are specialty civil divisions. East Divisions "R" 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-2013-033 or any successor administrative order.

B. 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. Mortgage Foreclosure

Mortgage Foreclosure Division "M" is responsible for handling residential mortgage foreclosure cases filed on or before December 31, 2012 in accordance with

this administrative order.

iii. Involuntary Civil Commitment of Sexually Violent Predators

a. Filing of New Cases

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.”

b. Rules of Procedure

The Florida Rules of Civil Procedure for Involuntary Commitment of Sexually Violent Predators apply to all cases in Division “T.”

iv. Tobacco

a. Filing of New Cases

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.

b. Transfer to Standard Division upon Activation for Trial

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.

v. Asbestos

a. Filing of New Cases

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.

b. Case Processing

Asbestos cases will be processed according to the omnibus order that is currently in effect.

vi. Trial Division

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

2. Allocation of Cases

Except as provided in section 1.B. of this administrative order, the clerk will assign all other civil actions 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 e-portal, the movant 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. Unless the presiding judge directs otherwise, the proposed order should be submitted electronically through the Judicial Automated Workflow System (JAWS), which may be accessed at the following link: <http://jaws.fljud13.org/system/login.aspx>. Prior to submitting the proposed order, the seizing agency must review and comply with the divisional provisions posted on the presiding judge's webpage to determine that judge's format preference (Microsoft Word v. searchable PDF). If the presiding judge does not have divisional provisions posted, then the attorney should submit the proposed order in

¹ The initial application for probable cause determination is assigned to the judge presiding in County Criminal Division "C." See Administrative Order S-2017-067 (*County Criminal Division*).

searchable PDF.

5. 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. Foreclosure Judgment Packet

i. Contents

The foreclosure judgment packet must include the following documents:

- Proposed Uniform Final Judgment of Foreclosure (sale date will be inserted by the court at the time of the hearing) with sufficient copies. The most current Uniform Final Judgment form, which must be used, may be accessed at www.fljud13.org.
- Certificate of Sale;
- Certificate of Disbursements;
- Certificate of Title; and
- Three copies of stamped addressed envelopes.

ii. Timing of Delivery

If the moving party's counsel is attending the hearing in person, the counsel must bring the foreclosure judgment packet to the hearing; counsel should not send the packet to the judge's office prior to the hearing. If the moving party's counsel is attending the hearing telephonically, foreclosure judgment packets must be received by the presiding judge's office at least five business days prior to the scheduled hearing date for the motion for summary judgment.

C. 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 at <http://www.hillsborough.realforeclose.com>. 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 debaring that bidder from participating in future judicial sales for a period of time, up to one month, or longer 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.

c. Upon Suggestion of Bankruptcy

Unless otherwise directed by the presiding judge or a United States Bankruptcy Judge, 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.

d. Upon Plaintiff's Failure to Pay 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.

vi. Judicial Sale Fees

In accordance with section 45.035(3), Florida Statutes (2017), the clerk is entitled to receive an electronic sale service charge that “shall be assessed as costs and paid when filing for an electronic sale date.” The clerk will assess this electronic sale service charge and the plaintiff will pay the service charge each time the plaintiff files for an electronic sale date.

D. Verified Motion for Writ of Possession

If a purchaser seeks an order directing the Clerk to issue a writ of possession, a verified motion must be filed swearing or affirming that the 30-day notice of termination was delivered to the tenant and the tenant failed to vacate the premises at the conclusion of the 30-day period or that the purchaser is not required to provide notice because one of the exceptions under 83.561(3), Florida Statutes, apply, in which case the purchaser must specify which exception or exceptions apply. A Uniform Verified Motion for Writ of Possession may be accessed at www.fljud13.org.

E. Applicability

All subsections of this section apply to residential mortgage foreclosure cases. Only subsections B (Foreclosure Judgment Packet) and C (Judicial Sale) of this section apply to non-residential mortgage foreclosure cases.

6. Consolidation of Cases

When two or more civil cases, 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 such transfer, the clerk will make appropriate notation upon the progress docket. 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.

7. Re-Filed Cases

Any case which was formerly 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.

8. Reassignment of Case upon Judge's Disqualification

A. Tampa Standard Divisions

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 standard Tampa civil divisions based on a random equitable distribution.

B. Plant City Divisions

If either of the judges assigned to East Divisions "R" or "T" enters 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 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. Mortgage Foreclosure Cases Prior to 2013

If a senior judge temporarily assigned to Division "M" enters an order of disqualification, the case will remain assigned to Division "M" but the case managers will ensure that all future proceedings are scheduled before a senior judge other than the senior judge who entered the order of disqualification. If all senior judges covering Division "M" enter orders of disqualification, the clerk will reassign the case to a standard Tampa civil division based on a random equitable distribution.

E. 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.

F. 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.

G. 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.

9. 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. 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.

10. Motions

A. Certification by Attorney

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 must 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 must 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 is insufficient to satisfy the parties’ obligation to confer. The moving party or moving party’s counsel must 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.

The moving party or moving party's counsel retains the duty to contact the opposing party or opposing party's counsel expeditiously after filing and to supplement the motion promptly with a statement certifying whether, or to what extent, the parties have resolved the issue(s) presented in the 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 §12 of this administrative order.

C. Other Non-Evidentiary Pretrial Motions

i. Non-Foreclosure Cases

A non-evidentiary pretrial motion may be ruled upon without a hearing. 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 then 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 §12 of this administrative order.

ii. Foreclosure Cases

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 §12 of this administrative order.

D. Summary Judgment Motions in Foreclosure Cases

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.

11. Hearings

A. Scheduling

Attorneys may obtain available hearing times and schedule hearings on a judge’s calendar by telephoning or e-mailing the judge’s judicial assistant or accessing the JAWS. In foreclosure cases pending in Division “M,” attorneys must set hearings in Section I or II on the JAWS. Self-represented parties may identify available hearing times and schedule hearings on a judge’s calendar by telephoning or e-mailing the judge’s judicial assistant. In foreclosure cases pending in Division “M,” self-represented parties may schedule hearings by contacting the case manager in Section I at sectionIrmf@fljud13.org or Section II at sectionIIrmf@fljud13.org. The court may unilaterally cancel without notice any hearing set on the JAWS if the court has already entered an order on a non-evidentiary motion.

B. Telephonic

Telephonic hearings are governed by Florida Rule of Civil Procedure 1.451 and Florida Rule of Judicial Administration 2.530. 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. For any foreclosure case pending in Division “M,” attorneys must use CourtCall (<http://www.courtcall.com>) or another comparable telephonic court appearance program for all telephonic appearances for summary judgment motions and other motion hearings.

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 specify which matters are being heard. The court finds it helpful if the notice of hearing also specifies the date that the motion was filed. 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.

D. 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. If the hearing was scheduled on JAWS, attorneys must also cancel the hearing through JAWS. 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.

E. Uniform Motion Calendar

i. Availability

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 judge's 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

Parties and counsel may only schedule matters 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. Procedural matters will not be heard unless counsel for the moving party files a certification with the motion in accordance with section 10.A. of this administrative order.

iv. 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.

12. Orders

Except when the court enters a Uniform Final Judgment of Foreclosure (as referenced in section 5.B. of this administrative order), the following provisions apply to orders after a hearing:

A. Consultation with Opposing Counsel or Opposing 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

Prior to submitting a cover letter with a stipulated 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 preference on the use of cover letters for stipulated proposed orders.

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 must 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). If the presiding judge does not have divisional provisions posted, then the attorney should submit the proposed order in searchable PDF.

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

13. Orders of Disbursement from the Court Registry

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

At any time 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).

14. 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."

15. Jury Trials

A. Trial Division 1

Multi-week cases may be scheduled in Trial Division 1 as set forth below. If the presiding judge of a standard division has conferred with the presiding judge of Trial Division 1 and determined that the schedule in Trial Division 1 may accommodate the trial, the presiding judge in Trial Division 1 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 Trial Division 1, no pretrial motions will be heard in Trial Division 1.

B. Standard Divisions

The judge of each standard 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.

C. Uniform Order

Uniform orders setting pre-trial and trial for jury cases must be used. Uniform orders can be found at www.fljud13.org.

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)

Unless the presiding judge directs otherwise, parties represented by counsel must file electronically-stored exhibits, except that paper exhibits may be used in all cases in which any party is self-represented.

C. 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. Fifty Megabytes or Less

If the number of exhibits listed on a party's Exhibit List are 50 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 50 Megabytes

If the number of exhibits listed on a party's Exhibit List are in excess of 50 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.

D. 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 in accordance with Florida Rule of Judicial Administration 2.430(f). Parties will bear all costs associated with reclaiming exhibits.

17. Dismissal Docket

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

18. 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 E-Portal, the moving party must also indicate on the E-Portal interface’s “Review and Submit” tab that the document being filed is deemed an “Emergency Filing.” A judge will review the request as soon as reasonably possible.

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

The clerk will 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 18.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.

C. Emergency Matters in an Unassigned Case

An unassigned case is a matter which has not been assigned to a Circuit Civil 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 will be made to the chief judge or the chief judge's designee, if the chief judge is unavailable. Otherwise, the application will be made to the duty judge. As soon as the clerk's office is open, any application and any order entered will be filed and the clerk will assign the case in accordance with section 2 of this administrative order.

19. Professional Conduct and Courtroom Decorum

Counsel will adhere to The Florida Bar's Guidelines for Professional Conduct (<https://www.floridabar.org/prof/presources/presources002/>), The Florida Bar's Professionalism Expectations (<https://www.floridabar.org/wp-content/uploads/2017/04/professionalism-expectations.pdf>) and the Hillsborough County Bar Association's Standards of Professionalism (<http://hillsbar.site-ym.com/?page=Professionalism>). 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.

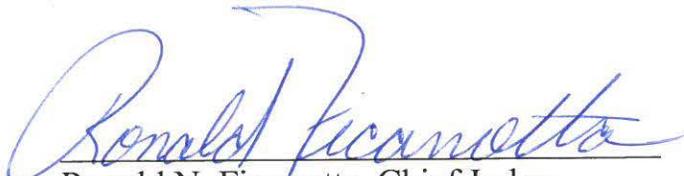
20. Previous Administrative Orders Superseded

This administrative order supersedes Administrative Orders S-2016-061 (*General Civil Division Procedures*), S-2016-060 (*Foreclosure Procedures*), S-2012-009 (*Tobacco Division*), S-2006-093 (*General Civil Division "J" ("Jimmy Ryce Act" Cases)*), and S-1989-085 (*Creation of Division "Z," Assignment and Transfer of Asbestos Litigation*).

21. Effective Date

This administrative order is effective January 1, 2018.

ENTERED in Tampa, Hillsborough County, Florida, on December 27, 2017.


Ronald N. Ficarrotta, Chief Judge

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