

ADMINISTRATIVE ORDER
NO. 2016-01

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

**ORDER GOVERNING SPECIFIED VIOLATION OF PROBATION AND NEW LAW
VIOLATION CASE ASSIGNMENTS TO THE CIRCUIT CRIMINAL SUBDIVISIONS
AND VACATING ADMINISTRATIVE ORDER 2006-02-08, ORANGE COUNTY**

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, the Circuit and County Courts in Orange County are organized into divisions for more efficient case and records management; and

WHEREAS, caseloads in each division are identified by numbered subdivisions to facilitate the exchange of caseloads when changes of division assignment occur; and

WHEREAS, Amended Administrative Order number 2006-02-08 has fulfilled the purpose for which it was issued and is no longer required;

NOW, THEREFORE, I, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, under Florida Rule of Judicial Administration 2.215, hereby order the following, effective **January 1, 2016**, and superseding any provisions in prior Administrative Orders which may be inconsistent:

The Clerk shall reassign all violation of probation cases from prior subdivision 23 and subdivision 27 to the originally assigned felony subdivision by December 31, 2015. Beginning January 1, 2016, all violation of probation cases shall be assigned to the originally assigned felony subdivision. Cases in which completion of a Unified Problem Solving Court Program is a special condition of probation shall be handled exclusively by the Unified Problem Solving Court Judge.

Defendants who are arrested for alleged violations of probation regarding felony cases, who remain in custody, shall be brought before the Subdivision 23 Judge for arraignment based on the date of arrest as follows:

<u>Date Arrested:</u>	<u>Appearance Date Following Arrest:</u>
Sunday	Thursday
Monday	Thursday
Tuesday	Monday
Wednesday	Monday
Thursday	Tuesday
Friday	Tuesday
Saturday	Tuesday

Should any appearance date fall on a court holiday, the appearance date will be moved to the next working day. The Subdivision 23 Judge may alter the above arraignment dates on occasion to accommodate the Judge's schedule.

Defendants who are currently on misdemeanor or felony probation for a case originating from a felony subdivision who are arrested on or after January 1, 2016 for a new felony offense,

except first degree murder, shall have the new felony case assigned to the felony subdivision presiding over the violation of probation case. In cases where defendant is charged with first degree murder, the violation of probation case shall be assigned to the subdivision hearing the first degree murder case.

Where necessary, the State or the defense shall file a motion to transfer the new felony case to the subdivision presiding over the violation of probation. Nothing herein shall prevent the Chief Judge or the Administrative Judge of the Circuit Criminal Division from transferring any case in the interest of judicial economy.

Amended Administrative Order number 2006-02-08, entered on January 31, 2011, Governing Case Assignments to Subdivisions 23 and 27, Circuit Criminal Division 1, Orange County, has fulfilled the purpose for which it was issued and is vacated. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

Nothing in this Administrative Order shall be construed so as to abrogate any judicial responsibility on the part of any Judge to hear those matters which are properly before them.

DONE AND ORDERED at Orlando, Florida, this 11th day of February, 2016. Nunc pro tunc to January 1, 2016.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>