

ADMINISTRATIVE ORDER
NO. 2018-26

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

**ADMINISTRATIVE ORDER GOVERNING THE
PRIORITY OF SERVICES FOR FISCAL YEAR 2018-2019 PROVIDED BY
THE CLERK OF THE TRIAL COURT IN ORANGE COUNTY, FLORIDA**

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, the chief judge of each circuit, after consultation with the clerk of court, shall determine the priority of services provided by the clerk of court to the trial court;

NOW, THEREFORE, I, Frederick J. Lauten, after consulting with the Clerk of Court for Orange County, in order to facilitate the efficient operation of the administration of justice, and 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 that, **effective immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent, the Clerk shall:

1. Continue to fully provide all services rendered by the Clerk's office to the Court during the previous fiscal year.
2. Pursuant to section 43.26(2)(d) and section 43.26(2)(e), Florida Statutes, the chief judge shall have the power to require the attendance of clerks and "[t]o do everything necessary to promote the prompt and efficient administration of justice in the

courts over which he or she is chief judge.” *See* section 43.26(2)(e), Florida Statutes and Florida Rule of Judicial Administration 2.215(b)(6). Therefore, the Clerk must maintain the current level of trial clerk coverage for the Judges, Magistrates and Hearing Officers. In the event new Judges, Magistrates and/or Hearing Officers are added, as well as the addition of any new Court divisions or specialized courts, the Clerk must meet and confer with the Chief Judge to determine coverage priorities based upon availability of funding due to budget cuts mandated by the Florida Clerk of Court Operations Corporation.

3. Documents should be uploaded and evented into the progress docket within one (1) business day, but not longer than two (2) business days to the electronic case file. Documents filed for any case that has a hearing scheduled within forty-eight (48) hours or less must be given priority.

Informations and Notices of Appearance in criminal traffic and misdemeanor cases must be docketed and filed immediately for those cases scheduled for arraignments. Any notice or request of recusal or disqualification, proposed final judgments and orders shall be delivered to the Judge within forty-eight (48) hours of receipt by the Clerk.

4. Because a demand for speedy trial must be heard within five (5) days of the filing of the motion, within twenty-four (24) hours of filing of the motion the Clerk shall email the judicial assistant of the division the case is assigned notice of the motion.

5. County criminal disposition forms from arraignments that re-notice a defendant must contain the defendant’s address.

6. Affidavits in support of arrest warrants and other supporting documentation must be provided to the Judges at Initial Appearances, including Initial Appearances which are reset.

7. Provide documents to a criminal defendant in court within fifteen (15) minutes after the Judge completes the defendant's case.

8. Emergency motions in domestic cases, notice of expiration of speedy trial, motions to stay writ of possession in foreclosure cases, and motions to stay in landlord/tenant cases should be presented to the assigned Judge on the same day they are filed.

9. Bar scan files in the courtrooms for the digital court reporting system.

10. All court minutes/orders prepared by the Clerk, throughout the entire process from initial appearance to final disposition, must contain designation of the presiding judge and the courtroom in which the proceeding was held.

11. The docket provided in lieu of subpoena for civil traffic infractions, non-criminal traffic and non-criminal misdemeanor, i.e. tolls, parking and red light camera cases, must be emailed to the appropriate law enforcement agency at least twenty (20) days prior to the date of the docket with an ultimate goal of emailing the docket forty-five (45) days prior to the date of the docket.

12. The Clerk shall retain all civil traffic infraction files for at least forty-five (45) days after disposition before purging files to accommodate litigants obtaining paperwork and filing motions for rehearing.

13. The time frame for the purging of criminal traffic files must be based on the sentence date rather than the date the file is opened.

14. Any correspondence received relating to an infraction must be placed in the file after docketing including a copy of any notations stamped on return envelopes. No such correspondence should ever be returned to sender.

15. The utmost care must be taken to ensure that all scanned and electronically filed documents are correctly named and placed in the progress docket. The progress docket entry shall contain the complete title and author of the pleading. No shorthand descriptions or other generic descriptions shall be acceptable. As to Odyssey, the Clerk must ensure that divisions can be more easily added and expanded, and especially as to the County Court, the County organizational chart nodes need to be expanded to permit individual divisions.

16. The Clerk shall continue to provide the caseload report statistics to the Court on the first of each month. The report shall be emailed to the Chief Judge and each Administrative Judge, with copy to each respective judicial assistant.

17. Because the Court utilizes forms within Odyssey that incorporate the information on the party screen into the certificate of service, the Clerk shall endeavor to maintain accurate and current information on the party screen.

18. The Clerk shall provide to the Senior Staff Attorney, via email, a monthly report of all postconviction motions filed for the preceding month. The report shall include those motions filed pursuant to Florida Rules of Criminal Procedure 3.850, 3.800, 3.851 and 3.853, including all related motions for extension of time filed by the State, as well as those motions which are postconviction but not specifically filed under one of the foregoing rules. The report shall list the defendant's name, case number, type of motion and the date filed.

19. The Clerk shall provide current driving records to the Court upon request.

20. The Clerk is required to record the Judge or Hearing Officer's name on all civil traffic infraction court minutes.

21. The Clerk must not distinguish between attorney filed postconviction motions and pro-se filed postconviction motions. All postconviction motions filed by an attorney must be sent to the assigned Judge in the same manner as a pro-se filed postconviction motion. The Clerk cannot rely on the attorney to send a courtesy copy to the Judge.

22. Because funding and logistical resources of this Circuit are dependent upon an accurate assessment of caseload, the Clerk must be attentive to ensuring that cases are accurately closed within the case maintenance system.

23. Each time the Clerk makes an upgrade or any type of change which impacts the functionality of its case maintenance system, the Clerk shall ensure the Court continues to have case management capabilities within the case maintenance system. The Clerk shall also keep the Court informed of any anticipated changes in software that may affect the Court.

Administrative Order 2017-20 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 15th day of November, 2018.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

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