

**ADMINISTRATIVE ORDER GOVERNING THE
PRIORITY OF SERVICES FOR FISCAL YEAR 2018-2019 PROVIDED BY
THE CLERK OF THE TRIAL COURT IN OSCEOLA 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 Osceola 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, subject to fund availability due to budget cuts mandated by the Florida Clerk of Court Operations Corporation, and as more specifically set forth hereafter.

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, subject to fund availability due to budget cuts mandated

by the Florida Clerk of Court Operations Corporation, the Clerk must maintain the current level of trial clerk coverage for the Judges, Magistrates and Hearing Officers. The Clerk must also provide coverage if new Judges, Magistrates and/or Hearing Officers are added, as well as the addition of any new Court divisions or specialized courts.

3. All documents filed through the e-portal should continue to be docketed, scanned and indexed into the automated case maintenance system within twenty-four (24) business hours of receipt. All paper filings should be docketed, scanned and indexed into the case maintenance system within forty-eight (48) business hours of receipt, working toward a goal of within twenty-four (24) business hours of receipt. The Judges must also be able to view said documents within the same timeframe.

4. Because a hearing on a bond motion is administratively required to be held within seventy-two (72) hours of filing of the motion and a demand for speedy trial must be heard within five (5) days of the filing of the motion, the Clerk is required to maintain a paper file for all bond motions and demands for speedy trial.

These paper files must be maintained until such time as the Clerk can demonstrate the processing system has become more efficient allowing all bond motions and demands for speedy trial to be electronically scanned and available to the Judge within twenty-four (24) business hours of filing.

5. 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.

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 and/or defendant's counsel in court within fifteen (15) minutes after the Judge completes the matter before the Court in the defendant's

case, provided that defendant and/or counsel are still present in the courtroom. In the event that defendant and/or counsel are no longer present in the courtroom, the documents will be sent to defendant's address of record in the court file and/or to defendant's counsel.

8. 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 motion 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.

9. Because the Court utilizes forms within Benchmark 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.

10. 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.

11. 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.

12. For the reason that 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.

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

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

Administrative Order 2017-21 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, Osceola County
Clerk of Court, Orange County
General E-Mail Distribution List
<http://www.ninthcircuit.org>