

# Supreme Court of Florida

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June 20, 2007

The Honorable Robert B. Bennett, Jr.  
Chief Judge, Twelfth Judicial Circuit  
P.O. Box 48927  
Sarasota, Florida 34230

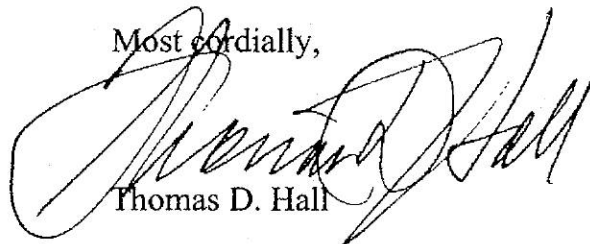
Re: Proposed Amendments to the Local Rules of the  
Twelfth Judicial Circuit

Dear Chief Judge Bennett:

The Proposed Amendments to the Local Rules of the Twelfth Judicial Circuit was approved by the Court on May 16, 2007. I have enclosed copies for your records.

If you have any questions, please do not hesitate to contact me.

Most cordially,



Thomas D. Hall

TDH/vbv  
Enclosures

cc: The Honorable Marguerite H. Davis  
John F. Harkness, Jr., Esquire  
The Honorable Karen E. Rushing  
The Honorable R. B. "Chips" Shore  
The Honorable Mitzie McGavie  
Mr. Walt Smith

## **Local Rules: Twelfth Judicial Circuit**

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### **RULE 1. Divisions of Circuit Court**

- a. Criminal Division. All actions, cases, and proceedings involving the administration of criminal justice are assigned to the Criminal Division.
- b. Probate and Guardianship Division. All proceedings, matters, and actions pertaining to the probate of estates, administration of guardianships, incapacity proceedings, proceedings arising out of the Baker Act or Marchman Act, and the administration of trusts are assigned to the Probate and Guardianship Division.
- c. Family Division.
  1. Domestic Relations Section. All actions, proceedings, or matters pertaining to domestic relations, adoptions, domestic violence, dissolution of marriage, child support, custody, alimony, visitation, and related matters.
  2. Juvenile Section. All actions, proceedings or matters pertaining to juveniles, including delinquency, dependency, termination of parental rights, and related matters.
- d. Civil Division. All proceedings or actions within the jurisdiction of the circuit court and not assigned to another Division are assigned to the Civil Division. The Civil Division shall be subdivided into lettered divisions for each judge in the Division.

e. Appeals.

1. All county court criminal appeals are assigned to the resident felony judge of the county where the appeal originates. Appeals shall be assigned in the same manner used in the assignment of felony cases – by reference to the last name of the defendant in the county court proceeding.
2. All county court civil appeals shall be randomly assigned to lettered divisions of the Civil Division in the county where the appeal originates.

**RULE 2. Assignment of Cases**

- a. Generally. All felony cases shall be assigned as prescribed in an Administrative Order by the Chief Judge. All civil actions and proceedings shall be assigned to a lettered division at random on a blind assignment system pursuant to an Administrative Order of the Chief Judge.
- b. Refiled Cases. Any action assigned to a lettered division of the Civil Division that was dismissed and refiled within one year shall be assigned to the proper lettered division when it is found that this rule has not complied with the LOCAL RULES.
- c. Companion Cases. An attorney representing a party when there are companion cases shall tell the judge to whom any case is assigned of the existence of the other cases. The judge shall reassign all companion cases to the judge who has the companion cases bearing the lowest docket number. The clerk shall make appropriate notations on the file cover and the progress docket of each reassigned case. Thereafter, all companion cases shall be determined by the judge having the case bearing the lowest docket number.

**RULE 3. General Magistrates**

General magistrates shall be appointed from those attorneys resident within the circuit in the number that the Chief Judge deems necessary for the efficient administration of the court. General magistrates shall serve at the pleasure of the Chief Judge and may hear uncontested dissolution of marriage proceedings and the other matters that may be properly referred to them. This rule shall not prevent any party from having a dissolution of marriage heard before the assigned judge if the

party so elects. The Chief Judge may appoint special magistrates as provided in Rule 1.490(b).

#### **RULE 4. Scheduling Matters**

- a. Cancellation of Trial. When a matter is set for trial, it may be removed only by order of the judge.
- b. Ex-parte and Emergency Matters. All ex-parte or emergency matters in any action shall be heard and determined only by the assigned judge, except:
  1. In the absence of the assigned judge, by another judge of the same Division.
  2. If the assigned judge is not immediately available, by another judge of the same Division after approval by the assigned judge.
  3. If neither (1) nor (2) apply, no matters pending in one Division of the court shall be presented to a judge of another Division, except on prior approval of the Chief Judge.
  4. The term "Division" does not include lettered divisions of the Civil Division.

#### **RULE 5. Discovery Matters**

- a. Certificate of Good Faith. Before filing a motion to compel or for protective order, counsel for the moving party shall confer with counsel for the opposing party in good faith effort to resolve the issues raised. When a motion is filed, a statement certifying that counsel has conferred with opposing counsel and that they have been unable to resolve the dispute shall also be filed.
- b. Motions to Compel. Motions to compel discovery shall quote in full each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed and the objection and grounds given by the opposing party.

## **RULE 6. Judicial Annual Leave**

For the purposes of this Rule, “annual leave” means “time away from judicial duties to provide opportunities for rest, relaxation and personal pursuits.” Annual leave does not encompass sick leave, educational leave, military leave, leave to serve on court committees, or other leave in the furtherance of justice. The taking of annual leave shall not interfere with the efficient administration of a judicial officer’s docket. Before any judicial annual leave is taken, each judge must notify the Chief Judge of his or her intention to take judicial annual leave and must indicate the specific date(s) for which annual leave is to be used. When a judge is absent on annual leave, ex-parte and emergency matters in actions assigned to that division may be presented to another judge designated by the assigned judge or pursuant to Rule 4(b).

## **RULE 7. Clerks**

- a. Reports. The clerk of the circuit court of each county shall furnish a list to the Chief Judge and to each judge sitting regularly in the county of cases pending before the judge and such other reports as may be required.
- b. Removal of Court Files. No court file shall be removed from the office of the clerk without leave of court.

## **RULE 8. Family Division<sup>1</sup>**

1. The following matters will be assigned to the Family Division:
  - a) Actions filed pursuant to Chapter 61, Florida Statutes (Dissolution of Marriage; Support; Custody).
  - b) Actions filed pursuant to Chapter 63, Florida Statutes (Adoption).
  - c) Actions filed pursuant to Chapter 741, Florida Statutes (Marriage; Domestic Violence).
  - d) Actions filed pursuant to Chapter 39, Florida Statutes (Proceedings Relating to Children).
  - e) Actions filed pursuant to Section 784.046, Florida Statutes (Repeat Violence).
  - f) Actions filed pursuant to Sections 409.2551-409.2597, Florida Statutes (Child Support Enforcement).

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<sup>1</sup> This rule replaces *Local Rules Establishing a Family Division for the Twelfth Judicial Circuit*, promulgated on March 17, 1994.

- g) Actions filed pursuant to Chapter 88, Florida Statutes (Uniform Interstate Family Support Act).
  - h) Actions filed pursuant to Chapter 742, Florida Statutes (Determination of Parentage).
2. Assignment of Judges. The Chief Judge will assign judges to the Family Division by Administrative Order. Assignments will be based on need, and the number of judges assigned may vary.
  3. Administrative Judge. The Chief Judge may appoint an Administrative Judge of the Family Division. The Administrative Judge shall take reasonable measures to assure the prompt disposition of matters assigned to all, and shall have administrative responsibility for the implementation of programs established to facilitate the court's responsibility in disposing of matters assigned to the division.
  4. Establishing Programs. Programs to assist the judges assigned to hear and dispose of cases filed in the division pursuant to Paragraph 1 of this Rule may be established by an Administrative Order of the Chief Judge.
  5. Uniform Procedures and Forms. Judges assigned to the Family Division shall develop procedures and forms of pleadings. Procedures, forms, and judgments shall be uniform throughout the Circuit.
  6. Magistrates and Hearing Officers. Special and general magistrates and support enforcement hearing officers may be appointed, as provided by law, by Administrative Order of the Chief Judge, to assist the court in disposing of cases assigned to the Family Division pursuant to Paragraph 1 of this Rule.
  7. South County. Matters filed in Division H of the Circuit Court for Sarasota County, which are included in Paragraph 1 of this Rule, will be heard by the judges assigned to the South County courthouse in Venice, Florida.
  8. The Administrative Judge of the Family Division is designated as the judge to be contacted by the Supreme Court of Florida regarding implementation of its Family Law policies.
  9. Any Administrative Orders which are in conflict with these Rules are hereby repealed.