



STATE OF FLORIDA
NINTH JUDICIAL CIRCUIT COURT
Orange County Courthouse
425 North Orange Avenue, Orlando, Florida 32801
(407) 836-1550
www.ninthcircuit.org
76orange@ninthcircuit.org

VIRTUAL LINK

<https://ninthcircuit.webex.com/meet/76orange>

AMY J. CARTER
County Judge

Jill Ryan
Judicial Assistant

Guidelines and Procedures
County Civil Division 76
Judge Amy J. Carter

(Updated 1/1/25)

In order to assist self-represented litigants (referred to as *pro se litigants*) and attorneys, the following guidelines and procedures are adopted for County Civil Division 76 in Orange County, Florida when practicing before Judge Amy J. Carter.

Please note these are general guidelines/procedures. Each case is unique. The Court or applicable law may require different or additional procedures than referenced below. If there are any questions about specific rules/procedures, please reference the applicable rules to your type of case (*i.e.*, Florida Small Claims Rules; Florida Rules of Civil Procedure, or local administrative orders).

SMALL CLAIMS ACTION

If you file a **Small Claims** action (damages sought are \$8,000 or less) it will be set for a **Pre-Trial Conference/Mediation** (Clerk sets the date and time on the Summons). Assuming service of process is timely perfected, parties will conduct a telephonic or Virtual Pre-Trial Conference with the Court. **The link for the hearing will appear on the notice.**

Parties are encouraged to resolve cases prior to the pre-trial date but must appear at the Pre-Trial Conference to meet with the Court to ensure any agreement has been approved by the Court. Attorneys can appear at Mediation without their client in a Small Claims action if they have full settlement authority.

A Pre-Trial Conference may only be continued by Court Order. If a party fails to appear at Pre-Trial Conference/Mediation, the opposing side can request a Clerk's Default or Court Dismissal of Action. Attorneys wanting a Clerk's Default must submit the Order to the Clerk's office. The Clerk of the Court will not provide a Default Order to an attorney. If a Clerk's Default is entered, Plaintiff and/or Plaintiff's Attorney must submit a Default Final Judgment packet to the Judge, via the Clerk, with a courtesy copy E-mailed to the Court in **Word Format** at 76orange@ninthcircuit.org

NOTE: Administrative Order 2009-12-03 effective October 7, 2021, regarding First Party Insurance Claims. <https://ninthcircuit.org/sites/default/files/AO2009-12-03.pdf> While these cases may be filed as Small Claims cases, the Rules of Civil Procedure are invoked upon filing and a Case Management Order must be included. *All Parties* whose cases incorporate the Rules of Civil Procedure must be familiar and strictly comply with Ninth Judicial Circuit **Amended Administrative Order 2021-04-03**, Order Governing Civil Case Management and Resolution. <https://ninthcircuit.org/sites/default/files/AO2021-04-03.pdf>

COUNTY COURT ACTION

If you file a **County Court** action (\$8,001 to \$50,000) no mediation date will be set. A Defendant typically has 5 to 20 days to reply after service (*See* Summons for response date). If a Defendant fails to respond the Plaintiff can move for a Clerk's Default. If a Defendant is self-represented and files a response to the complaint, the Court will likely to refer the case to Mediation (\$60 mediation fee each party; Mediation office asks that you kindly pay in advance!). Landlord/Tenant actions are treated differently pursuant to Florida law.

All Parties must be familiar and strictly comply with Ninth Judicial Circuit **Amended Administrative Order 2021-04-03** Order Governing Civil Case Management and Resolution. <https://ninthcircuit.org/sites/default/files/AO2021-04-03.pdf>

HEARINGS

Self-Represented Litigants – Written requests for relief or judicial action, known as a **Motion**, must be mailed to, or filed with the Clerk of Court. The Clerk will send the Motion to the Judge for review. If a hearing is necessary, the Judicial Assistant will set the hearing and send notice of the hearing date and time to the parties. Make sure the Motion has a proper caption, case number, date, your mailing address, phone number, **E-mail address**, printed name and signature. Self-represented litigants must mail copies of the Motion to all other parties, or their counsel, if opposing parties are represented. Additionally, the motion must have a certificate of service.

PLEASE DO NOT E-MAIL THE COURT with questions as this is considered EX-PARTE communication and is prohibited. Any issue you need the Court to review must be filed in writing with the Clerk of Court and not sent to the Court by E-mail. All inquiries/letters/motions/proposed Orders must be in writing and filed with the Orange County Clerk of Court in Room 350, located at 425 North Orange Avenue, Orlando FL 32801, for the Judge's review. Clerk hours of operation are Monday through Friday from 7:30 a.m. to 4:00 p.m. **You may sign up for the e-portal to e-file your documents and receive any court filings/orders by E-mail by clicking the link below.**

<https://www.myflcourtagency.com/common/ui/pages/register.aspx?rr=5>

HOW TO SCHEDULE/CANCEL A HEARING

Counsel of record must comply with AO 2017-04-02 - Amended Administrative Order Establishing Ninth Judicial Circuit Court County Civil Court Guidelines, Orange County

<https://ninthcircuit.org/sites/default/files/AO2017-04-02.pdf>

CONTESTED HEARINGS:

MOST HEARINGS WILL BE VIRTUAL UNLESS REQUESTED TO BE IN-PERSON OR THE COURT REQUIRES THE PARTIES TO BE IN-PERSON DEPENDING ON THE CASE

PLEASE CHECK THE NOTICE OF HEARING TO SEE IF THE HEARING IS IN PERSON OR VIRTUAL.

(1) Using the aiCalendar, select an available hearing date and time. Go to the Court website, www.ninthcircuit.org Go to the bottom of the Home Page where you will find “Available Hearing Times.” This takes you to a separate page, click on “aiCalendar.” Scroll down to Civil Division 76. Click on “Available Hearings.” Dates must be searched one day at a time. There is not a way to view a week or month of available hearing times, only one specific date. Please see [aiCalendar User Guide for Attorneys](#) for assistance.

(2) Coordinate the date and time with opposing counsel/pro se party. To set unilaterally, you MUST comply with the requirements of AO 2017-04-02 - Amended Administrative Order Establishing Ninth Judicial Circuit Court County Civil Court Guidelines, Orange County <https://ninthcircuit.org/sites/default/files/AO2017-04-02.pdf> and include a Certificate of Compliance with your hearing request.

(3) E-mail the Judicial Assistant at 76orange@ninthcircuit.org with a copy to all counsel/self-represented litigants. Your E-mail must include the case number and style, title of the motion to be heard and date it was filed, date of the “meet and confer,” date and time of the requested hearing, and number of witnesses. If more than 15 or 30 minutes is needed for the hearing, you must state the reason for the requested time in your E-mail.

(4) Receive confirmation time for your hearing. Your hearing time is not confirmed until you receive a reply E-mail from the Judicial Assistant. Your confirmation will include the virtual link to attend the hearing, if applicable. Once your hearing is confirmed by the Judicial Assistant, you will receive an E-mail requiring you to file a Notice of Hearing promptly to include ALL of the language provided to you in the confirming E-mail.

If you fail to file the Notice of Hearing, the hearing will be canceled. Please keep in mind that once the Court confirms your hearing request, that time is reserved on the Court’s docket and other requests for this same date/time are denied. ***Please be mindful of the Court’s time as well as the time of other litigants who are seeking hearing time.***

(5) File a Notice of Hearing with the Clerk of Court and properly notice all parties. Cooperation of Counsel – If counsel/self-represented litigant does not cooperate in scheduling a

hearing, the requesting party may set the hearing unilaterally. The hearing request must include a completed **Certificate of Compliance** per the AO referenced in (2). The Notice of Hearing must state that opposing counsel/litigant refused to coordinate a hearing time. **AO 2017-04-02 - Amended Administrative Order Establishing Ninth Judicial Circuit Court County Civil Court Guidelines, Orange County** <https://ninthcircuit.org/sites/default/files/AO2017-04-02.pdf>

EMERGENCY HEARINGS - If an emergency arises, counsel/self-represented litigant may request a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. **The motion must be delivered to the Court before a hearing will be set.** The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will attempt to contact counsel/litigants to set the hearing. In light of the short setting, opposing counsel/litigant may attend the hearing virtually if their schedule will not allow them to appear in person, and if the Court approves.

CANCELLATION OF HEARINGS: It is the responsibility of the attorney to notify the Judicial Assistant of all hearings that are canceled. The Clerk of Court does not send copies of Notices of Cancellation to the Judge or Judicial Assistant. **E-mail Notice of Cancellations to:** 76orange@ninthcircuit.org.

CANCELLATION OF TRIALS: *Trials cannot be cancelled unilaterally.* You must E-mail or speak directly with the Judicial Assistant, provide the reason for the cancellation and the Judicial Assistant will advise if the matter can be cancelled. Timely file with the Clerk's Office and **E-mail to the Judicial Assistant a notice of cancellation.** If you settle a case, file the dismissal with Clerk's Office, email a copy to the Judicial Assistant, and ask if you can file a Notice of Cancellation to take the case off the trial docket.

COURT REPORTER - If you want a record of a hearing/trial you must make arrangements for a Court Reporter. Parties, Witnesses and/or Attorneys shall not record the proceeding except through a court reporting service present at the hearing.

INTERPRETERS – Unlike criminal cases, the Court does not provide language interpreters for litigants. You must provide your own interpreter. Under the ADA, Court Administration will provide a sign language interpreter in civil matters. Contact Court Administration 407-836-2303 five (5) days in advance to arrange accommodation for hearing or voice impairment. *See* Administrative Order 2008-01-02.

<https://ninthcircuit.org/sites/default/files/2008-01-02%20Amended%20Order%20Establishing%20Court%20Interpreter%20Policy.pdf>

HEARING MATERIALS (CASELAW, EXHIBITS, ETC.,) – All hearing materials for the Court's consideration **must** be submitted directly to the Court on a **USB drive or via Dropbox**. Hearing Notebooks/Binders will not be accepted. All materials must be in the Court's possession **two (2) business days in advance** of the scheduled hearing. **MAIL BOX:** USB drives or other materials for the Court's consideration may also be delivered to Judge Carter's (Division 76) mailbox, located on the **3rd Floor** of the Courthouse. All materials must also be sent to opposing parties two (2) business days in advance of the hearing. Additionally, please note that all FedEx/UPS deliveries addressed to the Judge are received by the Courthouse Mail Room and are delayed in delivery to the Judge. If you FedEx/UPS for next day delivery it may be two days before the Judge receives it from the mail room.

TRIAL/HEARING EVIDENCE: The parties shall provide the Court, at least two (2) business days in advance of the trial/hearing, any EVIDENCE you intend to offer at the trial/hearing. The parties shall mail the EVIDENCE to the Court. The evidence must have your Case Number clearly written on it. The Exhibits/Evidence must be clearly identified and labeled in Alphabetical order [e.g. Exhibit A (A Descriptive Name of Exhibit); Exhibit B (A Descriptive Name of the Exhibit); etc.]. The Court does not accept E-mailed copies of evidence. If you have video evidence, you may submit a USB with only the video evidence. As an alternative to mailing evidence, parties may drop off EVIDENCE at the Courthouse at 425 N. Orange Avenue, Orlando, Florida, 32801. Judge Carter's mailbox is on the 3rd Floor of the Courthouse. Please put all materials in an envelope and address to Judge Carter c/o Jill Ryan, Judicial Assistant. Parties must then confirm via E-mail that they have dropped off evidence by E-mailing the Judicial Assistant at 76orange@ninthcircuit.org. You must also give a copy to the opposing party either via email or by mail. **Please remember all EVIDENCE provided to the Court, if entered, will go into the Court file and will not be returned to the parties.**

FILING OF PLEADINGS – E-File or Mail to the Clerk of the Court. Please understand if you e-file, it takes approximately 72 hours for a filing to appear in the Clerk's system for the Judge to view. If you go to the Clerk's Office, Room 350, to file a document/pleading in a case set for hearing less than 72 hours before the hearing, please tell the Clerk at the counter and they will make sure it is docketed and viewable for the Court.

PROPOSED ORDERS AND FINAL JUDGMENTS - Proposed Orders and Final Judgments can be E-mailed to 76orange@ninthcircuit.org in **WORD format**. Orders and Final Judgments sent by U.S. Mail will no longer be accepted. For proposed orders where the Plaintiff is represented and the Defendant is self-represented, the Final Judgment needs a certificate of service with language that Plaintiff's Counsel will mail the Defendant a copy of the Order and/or Fact Information sheet (if applicable) within 48 hours of the entry of the Order. Agreed Orders should indicate "Agreed." Please attach a courtesy copy of the motion and any required supporting documentation or affidavits. **Please ensure any proposed orders submitted to the Court contain the following language in the Certificate of Service:**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System. Movant is responsible for serving any party not participating in electronic filing and then filing a certificate of service within three (3) business days of this Order.

For in-person hearings, bring proposed Orders to **ALL** hearings, with proper number of copies, and self-addressed stamped envelopes.

PREPARATION - A well prepared attorney/self-represented litigant should do the following:

- (A) **Show up on time.** If you fail to show up or contact the Court to advise you are running late, the hearing or trial will start without you, even if your client is present. As a courtesy, the Court may provide a 5-minute grace period for hearings and a 10-minute grace period

for trials. Security lines at the entrance to the Courthouse can be long and it may take you some time to get to the courtroom. **Please be early.** Cases will not always be reset if you are late or do not show up. If your case is held virtually, the same applies. Please make sure you have tested the technology you are utilizing and ensure it is working.

(B) Check In. Check in is located in room 370 of the Courthouse. At the time of your Hearing the Deputy will open the door and call the halls for the parties to enter.

(C) Bring proposed Order. Bring any proposed Order with copies/stamped addressed envelopes; copies of case law/Statutes for Judge and opposing counsel; and copies of the Motion in case they are missing from Court File, which is managed by the Clerk of Court, not the Court. All materials you would like the Court to consider at a hearing **MUST** be submitted to the Court on a **USB Drive two (2) business days in advance** of the hearing. The materials submitted to the Court must also be provided to the opposing party two (2) business days in advance of the hearing.

(D) Know proper Courtroom Decorum. The Ninth Circuit has adopted the Orange County Bar Association Standards of Professionalism. See AO 2003-07-02 <https://ninthcircuit.org/sites/default/files/2003-07-02%20-%20Amended%20Order%20Establishing%20Ninth%20Judicial%20Circuit%20Courtroom%20Decorum%20Policy.pdf>

VIRTUAL/TELEPHONIC APPEARANCES – Florida Rule of Judicial Administration 2.530 governs the use of communication technology. <https://ninthcircuit.webex.com/join/76orange> is Division 76 virtual WEBEX link for hearings that have been set virtually.

DISCOVERY DISPUTES

Discovery Disputes – Attempt to resolve discovery disputes in good faith prior to scheduling a hearing. The Court follows the guidelines set out in the Florida Civil Discovery Practice <https://fb.informz.net/FB/data/images/Discovery%20Handbook%202024%20FINAL.pdf>

Discovery Motion – The mere filing of a Discovery Motion, Motion to Compel, or Motion for Protective Order is insufficient. The Motion must be set for hearing to bring the matter to the Court’s attention. If no response or objection has been filed to the initial Supreme Court approved discovery requests (*e.g.* Fact Information Sheet, Interrogatories, etc.), the moving party may submit a proposed order with the Motion. No hearing will be necessary.

Attorney Fees - **If you are seeking attorney fees you must, before filing a Motion to Compel** pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a **Motion for a Protective Order**, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, **confer with counsel** for the opposing party in a **good-faith effort** to resolve by agreement the issues raised, and **shall file** with the court at the time of filing of the motion a statement certifying that he/she has conferred with opposing counsel and that counsel have been unable to resolve the dispute.

In accordance with Florida Rule of Civil Procedure 1.380(a)(4), if the motion is granted, the court must award expenses, which may include attorney's fees. Motions must be in strict compliance with the Rule.

COUNTY COURT TRIAL

County Court actions will be set for trial when they are at issue. The failure of the pleadings to be closed will not preclude the court from setting a case for trial. *See Florida Rule of Civil Procedure 1.440 changes effective January 1, 2025.*

Non-Jury Trial - All hearings and non-jury trials are held in **Hearing Room 370**, unless otherwise noted on the Notice of Hearing. For a **non-jury trial**, file a Notice for Trial (*i.e.* that the case is at issue) with the estimated time needed by all sides and the Court will schedule a Status Conference/Case Management Hearing, issue a Case Management Order/ Uniform Trial Order requiring Pre-Trial matters to be completed, or coordinate with parties to set trial date. You can also review aiCalendar docket for available times, check with opposing counsel/self-represented litigant and then contact the Judicial Assistant with your request for a date, time and length of trial. The Court will ultimately decide the trial date and how much time will be allocated for trial. If you need more than an hour, it is suggested that you set out reasons in writing to the Judge.

Jury Trial - For a **jury trial** in Division 76, file a Notice for Trial and email a copy of the notice to the Judicial Assistant who will then schedule a Status Conference Hearing. Court will determine at hearing if the case is at issue, and if so, set it on a Jury Trial Docket. Order of cases will be determined at the Pre-Trial Conference, usually two-weeks before the start of the trial period. After a Status Conference, the Court will issue a **Uniform Order Setting Case for Jury Trial and Pre-Trial Conference**.

HAVE A QUESTION ABOUT YOUR CASE?

Please understand the County Civil Judges and Judicial Assistants work very hard to handle the thousands of cases before them. The Judicial Assistants spend hours each day talking to individuals when most of their questions could be answered by using the internet to review the Court file, or by simply filing an appropriate Motion.

When the Court signs an Order it is filed with the Clerk. Copies are mailed or E-mailed to the parties. If you want to know if an Order has been entered check with the Clerk or wait for an E-mailed/mailed copy. The Court does not maintain copies of signed Orders.

Myclerk - County Civil utilizes the **Odyssey electronic case management system**. Odyssey is maintained by the Clerk of Court. Odyssey electronically displays court filings, including financial information. Non-court personnel can access the Odyssey docket listing by going to www.myorangeclerk.com. On the left side is the icon for “myclerk.” Click the icon, answer access question, click Civil Case Records link, search by case and type in your case number (remember “o” as in Orlando, is the typical court location). Click the case and you can see the list of pleadings and orders filed with the Clerk. If you are unable to open a particular document you may go to Room 150 in the Orange County Courthouse and use a computer in the Viewing Room.. Please use “myclerk” instead of calling the Judicial Assistant if possible.

Electronic Filing - You can electronically file County Civil pleadings. **Note:** Judicial Assistants print mailing envelopes using the Odyssey system. If you know a name/address is erroneously listed in Odyssey, contact the Clerk's Office to change the error. If an address has changed, file Notice of Change of Address with the Clerk's Office. The Clerk has complete authority over what goes into Odyssey. If you file something today, the Clerk's policy is to have it displayed in Odyssey in 72 business hours. The reality is that it may be much longer.

Review a File - If you want to review a file in person or see the pleadings listed in Odyssey go to the **Viewing Room** located in Room 150 of the Orange County Courthouse. Using available computers, type in password "public" and navigate to file. No charge to view; \$1 per page to print out.

Confirm Upcoming Hearing/Check Docket - Want to confirm a scheduled hearing in a division? Go to www.ninthcircuit.org. Scroll down the main page and click the "Court Dockets" link toward the bottom of the "Court Information" column. Select "Division 76" and then click "Docket" and it will display scheduled hearings/trials for approximately the next two weeks.