

**UNIFORM ADMINISTRATIVE POLICIES AND PROCEDURES
OF THE CIVIL DIVISION OF THE
NINTH JUDICIAL CIRCUIT COURT**

Revised May 2020

SECTION 1. EFFECTIVE DATE; SCOPE; PURPOSE.

(A) These administrative policies and procedures are in effect and apply to all cases filed in the Civil Division.

(B) The purpose of these administrative policies and procedures is to supplement the Florida Rules of Civil Procedure and Judicial Administration, and applicable statutory and case law. In some instances, they coincide with existing administrative orders.

SECTION 2. ORGANIZATION OF THE DIVISION; PRESIDING JUDGES; SUPPORT STAFF.

(A) **ORANGE COUNTY:** Division 2 is the General Civil Division, which is presently comprised of **six (6)** subdivisions which are designated as follows:

Division 33
Division 34
Division 35
Division 37
Division 39
Division 40

(B) **OSCEOLA COUNTY:** The General Civil Divisions include Probate, Guardianships and Mental Health, and are comprised of **two (2)** subdivisions which are designated as follows:

Division B, Subdivision 20
Division E, Subdivision 22

(C) **COMPLEX BUSINESS COURT:** The Complex Business Litigation Court is designated as

Division 43-2

(1) Business Court was re-established pursuant to Administrative Order 2019-08-02.

(2) The procedures for Business Court are established in Amended Administrative Order 2004-03-04.

(D) Each division is presided over by a Circuit Judge who is assigned to that division by the Chief Judge. The names, business addresses and telephone numbers of the currently assigned presiding Judges are on the Court's web site: www.ninthcircuit.org.

(E) Each Judge has a Judicial Assistant. The names of the current Judicial Assistants are on the Court's web site: www.ninthcircuit.org.

(F) Each Judge has established procedures for the subdivision that answer most commonly asked questions. The procedures are available at www.ninthcircuit.org/about/judges by clicking on the Judge's photograph. Counsel and unrepresented litigants should review the procedures for the subdivision to which their case is assigned.

(G) Each Judge is assigned a Trial Clerk by the Clerk's office. The contact information for the Trial Clerk's office is:

Orange County: 425 North Orange Avenue, Orlando, Florida 32801
Telephone: 407/836-2055.

Osceola County: 2 Courthouse Square, Kissimmee, Florida 34741
Telephone: 407/742-3500

(H) Each Judge is assigned a Court Deputy by the Sheriff's Office. The contact information for the Court Deputy's office is:

Orange County: 425 North Orange Avenue, Orlando, Florida 32801
Telephone: 407/836-6060.

Osceola County: 2 Courthouse Square, Kissimmee, Florida 34741
Telephone: 407/742-6500

(I) The Court does not employ in-house court reporters for civil cases and therefore, court reporters must be hired and compensated by the party or parties requesting them with costs taxed at the conclusion of the case as prescribed by law. Court reporters taking depositions in a pending case, at hearings or trials are considered officers of the Court and are governed by the provisions of Florida Rules of Judicial Administration 2.070 (b) (e), (f) and (h), and 2.075 (e). Court reporters are not permitted at *ex parte* hearings unless permission is obtained from the presiding Judge in advance.

SECTION 3. ADMINISTRATIVE JUDGE; ALTERNATE JUDGES; DUTY JUDGE.

(A) **Administrative Judge.** Presiding Civil Judges are appointed Administrative Judge and Associate Administrative Judge of the Civil Divisions by the Chief Judge. The Administrative Judge is responsible for overseeing the operation and functioning of the Civil Divisions.

(B) Alternate Judge. Each Civil Judge has an assigned alternate Judge. A list of the Judges and their alternates is maintained in the Court Administrator's office. This list may also be obtained on the Court's web site under Administrative Orders. In the event the assigned Judge is absent or otherwise unable to take action, time sensitive and emergency matters will be handled during business hours by his or her alternate or, if the alternate is not available, by the Administrative Judge or the Chief Judge.

(C) Duty Judge. There is a Judge on duty after hours and on weekends and holidays on a continuous basis. True emergency matters arising on weekends, holidays or after business hours should be referred to the Duty Judge. The Duty Judge may be contacted through the Orange County Sheriff's Communications Section at 407/836-3980.

SECTION 4. ASSIGNMENT, REASSIGNMENT AND TRANSFER OF CASES.

(A) Initial Assignment.

New cases filed in the Civil Division will be assigned to the Civil Judges by the Clerk using a random electronic data assignment system.

(B) Reassignment of Cases.

(1) After Recusal or Disqualification. Orders of disqualification shall be immediately forwarded to the Administrative Judge for reassignment. The Administrative Judge will sign and e-file the order with copies to the affected Judges, counsel of record and unrepresented parties.

(2) Related Cases. When two or more cases are assigned to different divisions which would be more efficiently handled by the same Judge, such related cases may to be brought to the attention of the Administrative Judge by a Motion to Transfer. If the Administrative Judge then transfers such cases, the party initially seeking the transfer shall immediately file a Motion to Consolidate the cases in question.

(3) Refiled Cases. When a case is terminated by voluntary dismissal, dismissal for lack of prosecution or involuntary dismissal without prejudice, and is refiled without substantial change in claims or parties, the attorney refileing the case must notify the Administrative Judge who will reassign the new case to the same division to which the prior case was assigned.

(4) Reassignment to Complex Business Litigation Court. If a case is filed and qualifies for Complex Business Litigation Court pursuant to Administrative Order 2019-08-02 but is not filed directly into Complex Business Litigation Court, the file may be reassigned by the Administrative Judge either by request by the assigned Judge or by Motion.

(5) By Chief Judge or Administrative Judge for Any Reason. The Chief Judge or Administrative Judge may reassign any case for any good and sufficient reason.

(C) Transfer of Cases to or from Other Courts.

(1) To Another Circuit Court. When an order has been entered transferring a case from an Orange or Osceola Circuit Court to another Circuit Court on grounds of improper venue or *forum non conveniens*, the party designated in the order to pay the transfer costs within thirty (30) days of the date of the order, shall deliver to the Clerk the filing fee for the other Court to accompany the file upon its transfer.

(2) Transfer to or from Orange or Osceola County Court. When this Court finds the County Court has subject matter jurisdiction, the assigned Judge shall enter an order transferring the case and specifying which party shall pay any necessary filing fees. When the case and filing fee has been received, the Clerk shall assign the case to a Judge as if it was a newly filed case.

SECTION 5. COURT FILES AND RECORDS.

Pursuant to Florida Statute 28.13 and Florida Rule of Judicial Administration 2.050, the following procedures apply to Court files.

(A) The Clerk is required by statute to keep all papers and electronic filings filed in the Clerk's office with utmost care and security.

(B) All filings in Civil Division are to be done electronically in accordance with [Florida Supreme Court Standards for Electronic Access to the Courts - Version 18.0 - Updated August 2017, \(as noted in AOSC09-30\)](#).

SECTION 6. APPEARANCE, SUBSTITUTION AND WITHDRAWAL OF ATTORNEYS.

(A) Every appearance by an attorney either by e-filing a document or by oral announcement at a hearing or trial shall be considered a general appearance, except that a limited special appearance may be made for the purpose of filing a motion to dismiss for lack of jurisdiction over the person, or for insufficiency of process or for insufficiency of service of process.

(B) Appearance by attorneys from other states (*pro hac vice*), appearance of additional counsel, and substitution and withdrawal of attorneys are governed by the Florida Rule of Judicial Administration 2.060 and strict adherence to those procedures is required.

(C) Every Order of Withdrawal as counsel of record must contain an address and an e-mail address for service of papers upon the client and a telephone number for the client. *Fla. R. Jud. Admin. 2.505 (f) (1)*

SECTION 7. UNREPRESENTED (PRO SE) PARTIES.

(A) Every party to a legal proceeding has the right to appear and prosecute a claim or maintain a defense without being represented by an attorney. There are three exceptions relevant in civil proceedings.

(1) Corporations and limited liability companies must be represented by an attorney and may not represent themselves through non-lawyer employees, officers, directors or shareholders, even where such non-lawyer person is the sole shareholder. The only exception is that a corporate landlord may bring an action through its non-lawyer managing agent to evict a tenant for nonpayment of rent.

(2) A guardian of a minor or incompetent must be represented by an attorney unless the guardian is an attorney.

(3) A personal representative of a decedent's estate must be represented by an attorney, unless the personal representative is an attorney or unless the personal representative is the sole person to receive assets from the estate.

(B) The Court urges every party to retain an attorney to represent them. However, if a party entitled to represent himself or herself chooses not to retain an attorney, he or she is hereby advised:

(1) Neither the Judge nor his or her Judicial Assistant nor employees of the Clerk's office will give an unrepresented party legal advice.

(2) The unrepresented party will be governed by the same rules of law, procedures,, and rules of evidence that attorneys are required to follow.

(3) An unrepresented party may not communicate privately with the Judge either by letter, telephone, in person or otherwise. Copies of legal papers or any other written materials should not be sent to the Judge unless specifically requested by the Judge or required by these administrative procedures. Any unrequested or non-required papers or materials sent to a Judge will not be read but will be returned to the sender or placed unread into the court file.

SECTION 8. INDIGENT PARTIES

(A) **Original Proceedings in Circuit Court.** A party claiming indigency and seeking to have certain Clerk's and Sheriff's fees and costs waived must complete and file an affidavit of insolvency provided by the Clerk. If the affidavit is sufficient, the Clerk will issue and file a written certificate and e-file copies of the certificate to the insolvent party. If the Clerk deems the affidavit insufficient, the party may e-file a motion to have the assigned Judge determine its sufficiency. Only a party to a legal action which is pending is entitled to a certificate waiving costs and fees. If a party is represented, the attorney may submit a written certificate as required by Florida Statute 57.018 (1).

(B) **Appeal from County Court to Circuit Court or from Circuit Court to**

District Court of Appeal. A party claiming indigency who desires to have Clerk’s fees and costs waived in connection with an appeal from County Court to the Civil Division of this Court or from the Civil Division of this Court to an appellate court must e-file a motion accompanied by an affidavit of insolvency.. If no written objection is filed by an opposing party within five (5) days of e-filing the motion and affidavit, the movant must then promptly present a proposed order to the presiding Judge either during *ex parte* or by mail. If a written objection is filed, the objecting party must obtain hearing time in no less than five (5) days and no more than ten (10) business days and file and serve a notice of hearing simultaneously with the objection.

SECTION 9. ASSISTANCE FOR DISABLED PERSONS.

Attorneys, parties, witnesses, jurors and other persons with speech, hearing, or sight impairments or other physical disabilities who need special accommodation to participate in a legal proceeding should contact either:

Orange County: Court Administrator
 Orange County Courthouse
 425 North Orange Avenue, Room 2130
 Orlando, Florida 32801
 Telephone: 407/836-2303

Osceola County: Court Administration - ADA Coordinator
 Osceola County Courthouse
 2 Courthouse Square, Suite 6300
 Kissimmee, Florida 34741
 Telephone: 407/742-2417

at least seven (7) days before your scheduled Court appearance, or immediately if you receive less than a seven (7) day notice to appear. If hearing or voice impaired, contact (TDD) 1-800-955-8771.

SECTION 10. HEARINGS.

(A) Regularly Scheduled Hearings.

(1) Each attorney shall utilize the Court’s web page, www.ninthcircuit.org, and the calendaring system to obtain hearing time before contacting the Judicial Assistant.

(2) Hearings must be scheduled with the Judge’s Judicial Assistant. Notice must be e-filed no less than five (5) working days before the hearing.

(3) Moving counsel must present a proposed order with space for ruling left blank at the conclusion of any hearing.

(B) Ex Parte Matters. *Ex parte* matters are heard by all civil divisions. Times and availability are on www.ninthcircuit.org in the calendaring system. Contested matters generally may not be heard during this time. If the Judge is unavailable, uncontested or agreed matters requiring no explanation by counsel may be delivered to the Judge by mail. Uncontested or agreed matters that are mailed should include extra copies and addressed and stamped envelopes with a copy to any unrepresented litigant who has not opted-in to e-service. No order may be emailed to the Judge or Judicial Assistant unless directed by the Judge or Judicial Assistant.

(C) Uniform Motion Calendar (“Short Matters”).

(1) Scheduling. Contact the Judge’s office to ascertain whether Short Matters will be heard by a specific division on the date selected, and to confirm the location (hearing room or courtroom) at which the hearings will occur.

(2) Suitable Motions. Motions suitable for hearing at Short Matters are simple motions to dismiss complaints, to strike, for more **definite** statement, to amend pleadings, to compel discovery, for protective orders, objections to CMEs, etc. Evidentiary hearings, motions for summary judgment (except uncontested mortgage foreclosures), or more than two motions to be heard at one time should not be scheduled on this calendar.

(D) Other Motion Hearings. All other motions must be specially set through the Judge’s Judicial Assistant at a date and time certain. Requests for hearing time in excess of one (1) hour require permission of the Judge, obtained through request directed to the Judicial Assistant or by personal appearance of counsel at *ex parte*.

(E) Remote Appearances. Counsel or unrepresented parties may arrange, through the Judicial Assistant, to appear remotely at any hearing. The published practices and procedures of the individual Judge should be reviewed or, if not available, the Judge should be contacted to determine his or her specific policy on remote appearances. If two or more attorneys or unrepresented parties are to appear by telephone, one of them (typically the moving party) should arrange to connect the other parties/attorneys on a conference call.

(F) Hearings on Motions for Rehearing, Reconsideration or New Trial. Motions for rehearing, reconsideration or new trial will not be set for hearing unless the Judge so directs. Counsel filing such a motions shall simultaneously provide a chambers copy directly to the Judge with a cover letter requesting a hearing, if one is desired. The Judge will then either rule upon the motion without a hearing and serve copies of the order through the e-portal or have the Judicial Assistant contact moving counsel to coordinate hearing time which will be noticed by moving counsel.

SECTION 11. MOTION PRACTICE GENERALLY.

(A) Form of Motions.

(1) Every motion shall cite the particular rule or statute and/or leading

case upon which the motion is based.

(2) *Fla.R.Civ.P.* 1.140(b) relating to motions to dismiss requires that the “grounds . . . and the substantial matters of law to be argued shall be stated specifically and with particularity.” The Court may elect to request a written response from opposing counsel and then consider the matter in Chambers without a hearing.

(3) *Fla.R.Civ.P.* 1.510(c) relating to motions for summary judgment requires that “the motion shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued.” To comply with this rule, every such motion must contain (a) a concise, non-argumentative statement of all uncontested material facts and (b) a brief statement of the legal proposition(s) relied upon.

(B) Chambers Copies of Memorandums. Legal memoranda in support of, or in opposition to, motions are optional. If filed, counsel must furnish the Judge with chambers copies of the memorandum and copies of any legal authorities cited therein. As an alternative to a memorandum, counsel may provide the Court with legal authority. Chambers copies and authority lists must be under cover letter referencing the case style and number and stating the date and time of the hearing, show affirmatively that a copy has been sent to opposing counsel and shall be delivered to the Judge at least five (5) business days before the hearing. Counsel should consult the assigned Judge regarding preferences for paper or digital Chambers’ copies.

(C) Obtaining Hearing Times.

(1) Parties shall meet in person or by telephone and confer on the subject at issue before requesting hearing time. All notices of hearing must reflect that the parties met, in person, and conferred on the subject being brought before the Court for resolution. See, *Admin. Order* 2012-03 and Exhibit A attached thereto.

(2) If hearing time cannot be coordinated with opposing counsel, attorneys shall appear at *ex parte* to resolve the issue.

(D) Notices of Hearing.

(1) Every notice must specify the motions to be heard. A notice calling up “all pending motions” is insufficient. Every notice must also specify the manner (e.g. telephone, video, in person) in which the motions are to be heard and provide appropriate information for remote appearances, if applicable. Motions not noticed, or insufficiently noticed, will not be heard.

(2) Opposing or other motions may not be cross-noticed without agreement with opposing counsel and permission from the Judicial Assistant.

(E) Canceling Hearings. Only the attorney who noticed a hearing may cancel it. **If a hearing becomes unnecessary after it has been set, the Judge’s Judicial Assistant and all other counsel must be notified immediately.**

SECTION 12. ORDERS AND JUDGMENTS.

(A) Who Is To Prepare.

(1) Proposed orders and judgments will be prepared by the prevailing attorney unless the Judge orders otherwise.

(2) When submitting proposed orders or judgments, counsel shall also include sufficient copies and self-addressed, stamped, envelopes for all parties who do not participate in electronic filing.

(B) Requirements for Orders.

(1) All proposed orders must be accompanied by an e-filed cover letter (the cover letter must have the filing stamp across the top) and must indicate that opposing counsel has reviewed and approved the form of the order or that opposing counsel will be submitting a competing order. Rule 2.525, *Fla. R. Jud. Admin.*

(2) All orders must be formatted for 8 1/2 X 11 plain white paper, double spaced, and comply with the formatting requirements of Rule 2.520, *Fla. R. Jud. Admin.* The Judge may require orders to be provided electronically in Word by email.

(3) The order must specify the matter to which it pertains, e.g., “Order on Defendant Smith’s Motion to Dismiss.” See, *Fla. R. Civ. P.* 1.100(c) and Committee note 1971 Amendment. If the order is agreed or unopposed, the title must indicate the substance of the proposed order in addition to the indication that it is an “agreed” or “unopposed” order.

(4) The preamble of the order should include the date of the hearing and the motions heard.

(5) The adjudication portion of the order shall specify the relief ordered. Simply stating that “the motion is granted” without more is insufficient.

(6) The order shall specify the time period for the performance of any act ordered to be done and should state whether the time period runs from the date of the hearing or the date the order is signed or some other specified date.

(7) The order should contain a full certificate of service with the complete names and addresses of the attorneys and unrepresented parties to be served, unless service is to occur through the e-portal only. Merely showing “copies to” is insufficient.

(8) If an order of dismissal is final (*i.e.*, it disposes of the entire case) the title must contain the word “Final.” When the order is not final but leaves other counts, or claims, pending, it shall so state.

(9) When submitting stipulations, orders shall be by separate order, not attached to or at the end of the stipulation.

(10) Orders will be electronically filed through the statewide ePortal. If any party receives service by U.S. Mail, rather than through the ePortal, sufficient paper copies of the order and stamped, addressed envelopes must be provided to chambers for each party not receiving electronic service. Rule 2.525, *Fla. R. Jud. Admin.*

(C) Requirements for Judgments.

(1) All judgments must be designated as either a “Final Judgment” (*i.e.*, the judgment disposes of the entire case) or “Partial Final Judgment,” and if the latter, shall specify in a separate paragraph the remaining counts or claims.

(2) All judgments shall contain the full name and full address of any judgment debtor, if known.

(3) All judgments which award accrued interest or pre-judgment interest must be accompanied by a document reflecting in detail the manner of interest calculation.

(4) Counsel must provide addressed and stamped envelopes to the Judicial Assistant for service of default judgments.

(D) How Presented.

(1) Counsel preparing the Final Judgment or order shall draft and circulate copies to all parties within two (2) working days of the ruling.

(2) If counsel preparing the Final Judgment or order obtains approval of the order from all counsel, the original with copies and envelopes shall be sent directly to the Judge with a cover letter stating all counsel agree to the form of the order or judgment. If objecting counsel does not furnish the Judge an alternative proposed judgment or order within 3 days with copies under cover letter stating the reasons for the objection, all objections are waived. Orders and judgments may not be submitted to the Judge to hold waiting for an objection.

(3) Unsigned orders or judgments must not be sent to the Clerk’s office for transmission to the Judge.

SECTION 13. GENERAL DISCOVERY GUIDELINES.

(A) General Principles. Counsel should be guided by courtesy, candor and common sense, and conform to the Florida Rules of Civil Procedure and any applicable orders. **Direct and informal communication between counsel is encouraged to facilitate discovery and resolve disputes.**

(B) Timeliness. Time limits specified in the rules and applicable orders and division procedures must be observed. If additional time is needed, an extension must be obtained before the time limit expires by stipulation or, failing that, by motion and order.

(C) Filing of Motions. Interrogatories and answers thereto, copies of documents produced in response to a request, and depositions are not be filed with the Clerk unless needed for a hearing or trial.

(D) Hearings on Discovery Disputes. Movants shall provide the Court with copies of the correct complaint/petition, answer(s) if served, and overdue requests for discovery and any applicable response at least five (5) days prior to the hearing.

SECTION 14. DEPOSITION GUIDELINES.

(A) Scheduling. Depositions may not be unilaterally scheduled. If counsel, or *pro se* Parties, fail or refuse to cooperate in scheduling depositions, the party or attorney attempting to schedule the deposition shall file a Motion to Set Deposition and notice such motion for an *ex parte* or short matters hearing with at least five (5) days' notice. Attorneys' fees and other sanctions may result if the Court finds any party or attorney to have been unjustifiably uncooperative in the scheduling of depositions.

(B) Questioning. Disputes arising in depositions may be resolved by contacting the Judge's Judicial Assistant who will then arrange, if possible, for a conference call with the Judge. If the presiding Judge is unavailable, the parties/attorneys shall contact the Alternate Judge and if that Judge is unavailable, the Administrative Judge. Attorneys' fees and other sanctions may result if such judicial intervention occurs. Questions should be brief, clear and simple. Each question should deal with only a single point.

(C) Objections. Objections to the conduct of counsel or other persons present must be specifically noted on the record. Objection to the form of a question should state the specific grounds for the objection, *i.e.*, leading, compound, etc., but the question must be answered unless the examiner rephrases or withdraws the question. Instruction not to answer is rarely justified and may lead to sanctions. Speaking objections and frequent recesses or other tactics to coach a deponent are improper and may also lead to sanctions.

(D) Multiple Depositions of Same Witness. Generally, a witness or party should be deposed only once in a given case. All counsel of record should be given notice of the deposition and an opportunity to examine. Counsel who fail to attend or fail to examine a witness after notice shall be deemed to have waived their right to depose the witness. A second deposition may be taken of a witness only upon stipulation of counsel or court order and, if allowed, will generally be limited to new matters occurring since the first deposition.

SECTION 15. ALTERNATIVE DISPUTE RESOLUTION.

It is the policy of the Civil Division Judges to maximize the use of alternative dispute

resolution procedures. Mediation shall occur in all cases. Counsel may move to dispense with or defer mediation or arbitration or move to modify the referral order for good cause.

SECTION 16. SETTING CASES FOR TRIAL.

Notices for Trial pursuant to *Fla.R.Civ.P* 1.440 and filed with the Clerk shall include a sufficient number of stamped addressed envelopes for all counsel and unrepresented parties who do not participate in e-filing. The notice must indicate whether the case is to be tried by jury or non-jury and estimate the total number of days or hours needed for the trial. A copy of the Notice for Trial should be sent directly to the Judge's Chambers. If the parties can agree on an available trial date or date after which the case will be ready to try, the date requested should be included in the Notice for Trial.

SECTION 17. SETTLEMENTS.

(A) Immediate Notice. Counsel will **immediately** notify the Judge's Judicial Assistant by telephone and email of the settlement of any case scheduled for trial.

(B) Settlement of Cases Involving Minors or Incompetents. Fla. Stat. §744.387

(1) Court approval of settlement is required: (a) where the gross settlement of a minor's claim for the minor's own injury exceeds \$15,000; (b) in a wrongful death case where there are multiple claims including a claim on behalf of a minor survivor; (c) in a case where there are multiple claims including a claim by a minor for permanent injury to a parent; and (d) where the minor is one of several plaintiffs or defendants and only equitable relief is to be granted.

(2) A legal guardianship shall be required when the amount of the net settlement of a minor's claim exceeds \$15,000, pursuant to Fla. Stat. § 744.387. In cases in which the net settlement or judgment exceeds \$15,000, the Court may, prior to the approval of the settlement, appoint a guardian *ad litem* to represent the minor's interests, pursuant to Fla. Stat. § 744.3025. After the guardianship is established and the attorney's trust account is in receipt of the funds, the Probate Division Judge shall direct disbursement of the minor's funds from the attorney's trust account to the guardianship.

(3) A guardian *ad litem* must be appointed to represent a minor and protect the minor's interests where the gross settlement of the minor's claim equals or exceeds \$50,000, pursuant to Fla. Stat. §744.3025(b).

(4) If there is no case pending, the petition for approval of settlement shall be filed in the Probate, Guardianship and Mental Health Divisions . If there is a personal injury or wrongful death case pending in a Civil Division, the petition for approval of the settlement (and for apportionment) shall be filed in that case.

(5) If a guardian has been appointed, petition for approval of settlement of the

claim shall be filed in the pending civil case or, if no civil case is pending, in the guardianship case.

(C) Settlements by Governmental Agencies. Florida Statute 69.081, known as the “Sunshine in Litigation” law, requires that a governmental agency which settles a tort claim for an amount in excess of \$5,000 shall provide notice in accordance with Chapter 50 or have the settlement approved by a Court. The Civil Division Judges will approve governmental agency settlements of tort claims of minors but will decline to entertain any petitions to approve settlements with adults and will require that the governmental agency utilize the notice provision.

(D) Written Stipulations With Default Judgment Provisions. There are certain cases in which the parties enter into a written stipulation which provides for one party to make periodic payments of money and that upon default, a judgment will be entered against that party. In such cases, the Judge will enter a Final Order of Dismissal with prejudice but retain jurisdiction to enforce the stipulation. (See form order in Appendix hereto.) Counsel should deliver to the assigned Judge an executed copy of the stipulation, the order with copies and pre-addressed envelopes as necessary. All stipulations will be deemed to provide that reasonable notice shall be given to the defaulting party of any application for default judgment. The application for default judgment may be noticed for *ex parte* time, but if contested, the matter will be reset for hearing at a later time.

SECTION 18. PROMPT CLOSURE OF CASES.

When a case had been finally disposed of by Final Judgment, Final Order of Dismissal or Notice of Voluntary Dismissal, counsel for prevailing party or counsel preparing settlement papers **must** promptly file with the Clerk **Final Disposition Form 1.998** (found in the forms appended to the Florida Rules of Civil Procedure). The form may accompany the proposed Final Order or Final Judgment and the Judge will send it to the Clerk for filing along with the signed Final Order or Final Judgment.

SECTION 19. REMOVALS TO FEDERAL COURT.

Whenever a petition is filed to remove a case from a Civil Division to Federal District Court, the Clerk will remove the case from the Judge’s active case list. If there is a remand of the case back to this Court, counsel who sought the removal will notify the assigned Judge by letter and the Clerk will reinstate the case on the Judge’s active case list upon the filing of a copy of the remand order. If, however, the case is finally disposed of in Federal Court, including all pendent claims, counsel who sought the removal will file with the Clerk of this Court a copy of the Final Order or judgment of the Federal District Court together with Final Disposition Form 1.998 and the clerk will close the case.

SECTION 20. JUDICIAL SALES.

Unless the order or judgment providing for a judicial sale specifies otherwise, the sale will be conducted pursuant to Florida Statute 45.031 and the procedures for conducting foreclosure sales found on the following websites:

Orange County Clerk: www.myorangeclerk.realforeclosure.com

Osceola County Clerk: www.osceolaclerk.com/home/content/foreclosure-information

SECTION 21. PROCEDURES FOR APPEAL FROM COUNTY TO THE CIVIL COURT

The administrative procedures for appeals from County Court to the Civil Division are set forth in a separate publication entitled “County Court Appeal Procedures,” found on the Court’s website.

SECTION 22. PROFESSIONALISM.

The Civil Division Judges enforce the “*Ninth Judicial Circuit Courtroom Decorum Policy (Amended 2014)*” found on the website for the Ninth Judicial Circuit Court. All attorneys and *pro se* parties shall familiarize themselves with this Policy and conduct themselves in accordance with it.

APPENDIX

FORM 1 Order of Referral to Mediation

FORM 2 Final Order of Dismissal with Prejudice (Written Stipulation of Settlement)

FORM 3 Order to Comply with Post-Judgment Discovery or Show Cause

Ninth Judicial Circuit Courtroom Decorum Policy at <https://www.ninthcircuit.org/research/rules-policies/courtroom-decorum-policy>

Orange County Bar Association Standards of Professional Courtesy at <https://www.orangecountybar.org/about/mission-bylaws/standards-professional-courtesy/>

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Prior Revision November 2006*