

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 12.003/16-2
AMENDED

Doc# 2096238
Bk# 2821 Pg# 1156

IN RE: COUNTY JUDGES/
TEMPORARY AND SPECIAL
ASSIGNMENT
CIRCUIT COURT

_____:

WHEREAS, Rule 2.215(b)(4), Fla.R.Jud.Admin., provides that the chief judge shall assign judges to the courts and divisions, and shall determine the length of each assignment; and

WHEREAS, the temporary assignment of county judges to the circuit court shall increase the access of the bar and general public to the circuit court and shall improve judicial efficiency; and

WHEREAS, the Supreme Court of Florida in *Wild v. Dozier*, No. 85-050 (Fla. Feb. 8, 1986), held that a county court judge may be assigned successively and repeatedly in six-month assignments over several years to preside in the circuit court for half of all felony cases in a county; and

WHEREAS, this is no more than a six-month assignment; and

IT IS THEREFORE ORDERED THAT

A. The Honorable Ruth Becker, The Honorable Wayne Miller, The Honorable Peary S. Fowler, and the Honorable Sharon Hamilton, County Judges, are temporarily assigned to all divisions of the circuit court to hear, try, conduct, determine and dispose of all cases presented to them within the scope of this order and any further order of the Chief Judge. Under the authority hereof, each county judge is hereby vested with all and singular powers and prerogatives conferred by the constitution and laws of the State of Florida upon a judge of the circuit court.

B. Without limiting the foregoing assignment, county court judges acting as circuit judges may exercise the circuit court's authority in the following divisions and instances:

- 1) In those instances when a resident circuit court judge is unavailable in the main courthouse or a branch courthouse or in emergency situations any county court judge shall have the authority to conduct emergency

circuit court hearings that may be presented in any division provided that the emergency matter shall be presented first to the county judge who has been assigned as magistrate at the respective courthouse location;

a. For the purposes of this order, emergency circuit division hearings shall be defined as those non-routine matters which, by their nature, require the immediate action by a judge to prevent physical harm, property damage or hardship and which are of such a critical nature that the swift intervention by the court is deemed necessary (*See also* Administrative Order 2.007, *In re: Duty Judges/Emergencies* and its amendment Administrative Order 2.007/03-1);

2) Cases filed pursuant to Chapter 394 and 741.30, *Florida Statutes*, in such cases when a circuit judge is unavailable to consider them, provided that the case shall be presented first to the county judge who has been assigned as magistrate at the respective courthouse location;

3) Detention hearings held pursuant to Rules 8.013, Fla.R.Juv.P. and shelter hearings pursuant to Rule 8.305, Fla.R.Juv.P., in such cases when a circuit judge is unavailable to consider them, provided that detention and shelter hearings shall be presented first to the county judge who has been assigned as magistrate at the respective courthouse location;

4) All counterclaims, cross claims, amended claims or third party actions filed in a county court action for which the amount in controversy exceeds the jurisdiction of the county court, or for which the relief sought is not cognizable in county court, shall be transferred to the appropriate division of the circuit court for disposition. Prior to transfer to the circuit court, the county court shall first determine upon its own motion *ex parte* or upon motion of any party, with or without hearing, whether the county court claim, in the furtherance of convenience to the parties or to avoid prejudice, should be retained in the county court and not transferred with the circuit court counter claim, cross claim, amended claim, or other circuit court claim;

a. A uniform order of transfer, copies of which are attached hereto, shall be used by the affected county court judge to fully effectuate and implement this order.

5) In those instances when a circuit court judge is unavailable in the main or a branch courthouse, any county court judge who is on location shall have the authority to conduct felony arraignments;

6) Any special or division assignment as ordered by the Chief Judge;

C. Under and by virtue of the authority hereof, each judge of the county court is hereby vested with all and singular powers and prerogatives conferred by the constitution and laws of the State of Florida upon a judge of the division and/or court to which he or she is hereby assigned.

D. This order shall apply to qualified county judges assigned temporarily from outside the circuit.

E. This order shall take effect January 1, 2017, and terminate effective June 30, 2017. However, it shall not operate contrary to any incidental reassignment of cases or any other modifications that may have been or may be entered by the Chief Judge.

DONE AND ORDERED at Key West, Monroe County, Florida this 14 day of October, 2016.



Mark H. Jones
Chief Judge

IN THE COUNTY COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

CASE NO.:

_____/

**ORDER TRANSFERRING COUNTERCLAIM, CROSS CLAIM OR THIRD
PARTY CLAIM TO CIRCUIT COURT/RETAINING COUNTY COURT CLAIM
IN COUNTY COURT**

THIS CAUSE was considered upon the filing of a claim in excess of the jurisdiction of the county court/ or seeking relief not cognizable in county court, and the court having considered the nature of said claim in relation to the county court claim, and the court finding that in furtherance of convenience or to avoid prejudice to any party that a separate trial should be had, now therefore it is

ORDERED AND ADJUDGED that the counterclaim, cross claim, amended claim or third party claim is hereby transferred to circuit court upon payment of the required fee and a circuit court case number will be assigned.

The remaining claims shall remain in county court for trial.

IT IS FURTHER ORDERED AND ADJUDGED that if the moving party has not paid the transfer fee within thirty days of the filing of this order, then the order shall be vacated automatically and the moving party's pleadings shall be deemed to seek relief not exceeding jurisdiction of county court.

DONE AND SIGNED, in Chambers, in _____, Monroe
County, Florida, this the _____ day of _____, _____.

County Court Judge

cc: Counsel

IN THE COUNTY COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

CASE NO.:

_____ /

ORDER TRANSFERRING ENTIRE CAUSE TO CIRCUIT COURT

THIS CAUSE was considered upon Motion to Transfer Cause to Circuit Court, and it appearing that a counterclaim, crossclaim or third party claim was filed, which claim exceeds the jurisdiction of the county court, it is

ORDERED AND ADJUDGED, that this cause be, and the same is hereby transferred to circuit court upon payment of required fee. A circuit court case number will thereupon be assigned.

IT IS FURTHER, ORDERED AND ADJUDGED that if the moving party has not paid the transfer fee within thirty days of the filing of this order, then this order shall be vacated automatically and the moving party's pleadings shall be deemed to seek relief not exceeding jurisdiction of county court.

DONE AND SIGNED, in Chambers, in _____, Monroe County, Florida, this the ____ day of _____, _____.

County Court Judge

cc: Counsel