

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO: 5-20.6

**IN RE: ADMINISTRATIVE PROVISIONS FOR FAMILY LAW DIVISION**

**WHEREAS**, the proper administration of justice in this circuit will be served by the adoption of the recommended administrative provisions; the court, therefore

**ORDERS AND ADJUDGES:**

**SECTION 1: APPLICABILITY**

These provisions shall apply to domestic relations actions in the Family Law Division of the Circuit Court in and for the Tenth Judicial Circuit in addition to any other administrative orders applicable to the court, and are intended to complement the Florida Family Law Rules of Procedure. These provisions supersede all conflicting provisions in any prior administrative orders adopted in this circuit.

Judges presiding over pro se cases may establish procedures in pro se cases that vary from the procedures established in this administrative order.

**SECTION 2: INFORMATION FOR PRO SE LITIGANTS**

General information for self-represented litigants is provided in Appendix One. This information provides an overview of the court system, its participants, and its processes.

**SECTION 3: MEDIATION**

Mediation is mandatory in all cases in which there remains a disputed issue, unless the court finds that there has been a history of domestic violence that would compromise the mediation process.

Either party may file a motion requesting an order for mediation. The motion shall state whether or not a domestic violence injunction for protection exists between the parties. Furthermore, the motion shall indicate whether the parties have a history of domestic violence that would compromise the mediation process. Any party may request, by written motion with good cause stated, that mediation be waived.

Orders of mediation to be conducted by Tenth Circuit Mediation Services shall be substantially in the form set forth in Appendix Two.

This section does not apply to mediation in Department of Revenue Cases.

#### **SECTION 4: TRIALS**

All trials must be scheduled in accordance with Rule 1.440, Florida Rules of Civil Procedure; Rule 12.440, Florida Family Law Rules of Procedure; by stipulation; or as otherwise provided by the Florida Rules of Judicial Administration.

#### **SECTION 5: CASE MANAGEMENT AND PRETRIAL CONFERENCES**

In all family law cases in which a trial is anticipated, the attorney shall submit a notice that the cause is at issue. The court may then schedule a case management conference. An order scheduling the case management conference, substantially in accordance with the form set forth in Appendix Three, will be entered. Matters to be considered at the case management conference shall include: (a) whether disputed issues might be resolved by mediation; (b) scheduling future proceedings, including a pretrial conference (if deemed necessary) and the final hearing; (c) the case management stipulation; (d) discovery, including completion dates; and (e) any other issues provided by Rule 12.200, Florida Family Law Rules of Procedure.

A final hearing scheduled for less than two (2) hours will not require a pretrial or a case management conference unless ordered by the court on its own motion or the motion of a party.

The court may schedule other case management conferences as authorized by law.

**SECTION 6: MOTIONS**

A. REASONABLE TIME

“Reasonable Time” as set forth in Rule 12.090, Florida Family Law Rules of Procedure, and Rule 1.090, Florida Rules of Civil Procedure shall be deemed to be not less than five (5) business days except upon a finding of emergency status by the judge before whom such motion is heard.

If motions/pleadings are not timely filed, the court may continue the hearing to a later date.

B. ORIGINAL MOTIONS

All original motions shall be filed with the Clerk of the Court. When a motion is scheduled for hearing, a copy of said motion shall be furnished directly to the judge along with a copy of the notice of hearing.

An original motion for rehearing shall be filed with the Clerk of Court, and a copy of the motion for rehearing must be submitted to the judge’s office.

All motions shall include the number of the section to which the case is assigned. The section number shall be placed beneath the case number.

C. EX PARTE RELIEF

Any motion seeking ex parte relief, i.e. a motion for rule to show cause or a motion for emergency relief, must be verified by the party seeking the relief, or the motion must have a supporting affidavit of the party attached.

**SECTION 7: HEARINGS, NOTICES, CANCELLATIONS, AND CONTINUANCES**

A. SCHEDULING HEARINGS

The judicial assistant for the judge assigned to a case will schedule all hearings unless the judge schedules a hearing at a pretrial or case management conference. A party desiring to schedule a trial or hearing may obtain available dates from the judicial assistant. Attorneys shall request adequate time to hear their motion. When requesting hearing time, the attorney setting the hearing should consider how much time opposing counsel will need to defend the motion. At the hearing, it is the responsibility of opposing counsel to inform the court of the time to defend the motion, not to exceed fifty percent (50%) of the time reserved. All hearing dates shall be cleared with opposing counsel prior to notices being filed. This fact shall be shown on the face of the notice itself by inserting the following: **“The above hearing has been cleared with opposing counsel’s calendar on (date).”** In the alternative, if counsel’s good faith attempt to clear a hearing has been unsuccessful, the following language shall be used: **“The above hearing date has not been cleared with opposing counsel’s calendar because (factual statement).”**

B. NOTICES OF HEARING

All notices of hearing shall be on a paper separate from the pleading for which the hearing is scheduled unless it is clearly drawn to the viewer’s attention by the words “Notice of Hearing” being part of the title of the pleading for which the hearing is scheduled. All notices of hearing shall clearly specify the purpose, place, date, time and length of the hearing. All notices of hearing shall comply with the Americans with Disabilities Act. Copies of the notice of hearing shall be served on all parties and the judge.

For all final hearings, even after a default has been entered, counsel setting the hearing shall provide a copy of the notice of hearing to opposing counsel and any unrepresented opposing party.

C. ADDITIONAL MOTIONS

Counsel shall not notice additional motions to be heard at the same time as motions previously noticed for hearing unless both counsel determine that the docket will accommodate the additional motion(s) at the scheduled time, and both counsel stipulate that all motions can be heard at the same time, the judicial assistant is informed, and an amended notice of hearing is served.

D. CANCELLATION OF HEARINGS

All hearings scheduled for two (2) hours or more may not be canceled without the mutual consent of the attorneys and approval of the court. Other hearings may be canceled only by the attorney setting the hearing, and only with the consent of opposing counsel.

E. CONTINUANCES

Pursuant to the Florida Rules of Judicial Administration, “All motions for continuance shall be in writing unless made at trial and, except for good cause shown, shall be signed by the party requesting the continuance.”

All motions for continuance shall include a statement that opposing counsel has been contacted and that opposing counsel either agrees or disagrees with said continuance request.

**SECTION 8: ORDERS AND FINAL JUDGMENTS**

A. CONTENTS OF ORDER

The order or final judgment shall contain:

- (1) A title with a description stating the issue, pleading, or motion ruled upon.  
The description SHALL NOT simply recite “order” or “final judgment.”
- (2) An introductory paragraph reciting:
  - (a) the date(s) on which the hearing was held;
  - (b) the parties present and their respective counsel, if any, and;

- (c) the title of all motions ruled upon by the order.
- (3) Findings of fact and conclusions of law announced by the court.
- (4) Judgments and orders announced by the court.

B. FORMAT

- (1) All orders and judgments submitted to the court shall be on blank stationery.
- (2) The signature block of the order shall include the name of the presiding judge followed by the words “Circuit Judge” and shall not include terms such as “The Honorable” or “Honorable,” unless otherwise authorized by the court.

C. SUBMITTING PROPOSED ORDERS

Every proposed order or judgment shall be submitted by the attorney or unrepresented party designated by the court for signature within ten (10) working days after the decision. Every proposed order should be accompanied by a letter, indicating only that a copy of the proposed order has been provided to the opposing party. In the event the designated attorney or unrepresented party fails to submit a proposed order or judgment within said ten (10) working days, the opposing attorney or unrepresented party may submit a proposed order or judgment within ten (10) working days after certifying that he/she has made a good faith effort to contact the designated attorney and has received no reason for the delay.

In the event this rule is not complied with, the court may consider imposing appropriate sanctions.

D. OBJECTIONS TO PROPOSED ORDERS

The judicial assistants will hold any proposed order or final judgment for five (5) working days after receiving it to allow opposing counsel or unrepresented party time to file any objections to it. If the judicial assistant receives no objection within five (5) working days, the order or final

judgment shall be entered if approved by the court. Objections made by telephone must be followed by a written explanation to the court and opposing counsel or unrepresented party within five (5) working days of the telephone objection. Opposing counsel should notify the judicial assistant when there are no objections so the order can be distributed before the five (5) working days period. Upon receipt of any written objection, the judicial assistant shall present the matter to the judge for resolution.

E. COPIES

Copies of all orders and judgments entered in family law cases shall be mailed to the litigants, attorneys, and appropriate agencies, except when the orders or judgments are distributed in court. The attorney or unrepresented party preparing the proposed order or judgment shall furnish the court with stamped addressed envelopes for such purposes with the return address to read:

(Name of Judge)  
Circuit Judge  
P.O. Box 9000, Drawer \_\_\_\_\_  
Bartow, Florida 33831-9000

(The title "Honorable" shall not be used on the return address)

The judicial assistant will file any returned copies in the court file and notify the appropriate attorney or unrepresented party. It will then be the responsibility of the attorney or unrepresented party to attempt service.

**SECTION 9: CONSOLIDATION OF ACCOUNTS**

The following language shall be used in court orders wherein a support balance in one case is to be transferred to another case:

**“The Domestic Relations Department is hereby directed to transfer the outstanding balance of support due in Case No: \_\_\_\_\_ to the account in the instant case.”**

Effective dates shall be included in the order if applicable.



The parties shall comply with the Florida Rules of Judicial Administration, requiring a party to file a notice of related cases, if any. A case is considered related if it involves the same parties, children, or issues and is pending when the family law case is filed; or if it affects the court's jurisdiction to proceed; or if an order in the related case may conflict with an order on the same issues in the new case; or if an order in the new case may conflict with an order in the earlier case. The Florida Supreme Court Approved Family Law Rules of Procedure Form 12.900(h), Notice of Related Cases, is attached as Appendix Four.

The parties shall comply with the requirements involving social security numbers set forth in Chapter 61, Chapter 741-742 Florida Statutes (2007), as well as the Florida Family Law Rules of Procedure.

The parties shall comply with the requirements set forth in the Florida Rules of Judicial Administration, as well as the Florida Family Law Rules and Florida Statutes, pertaining to any request to make records confidential.

**SECTION 14: PARENTING PLANS WITH TIME-SHARING SCHEDULES:**

A form to assist the parties in developing a parenting plan, approved by the Florida Supreme Court on March 26, 2009, is attached as Appendix Five (Form 12.995(b)). As additional assistance to parties, Model Parenting Plans with time-sharing schedules are provided in Appendices Six, Seven, and Eight. A Supervised/Safety-Focused Parenting Plan is attached as Appendix Nine, Florida Supreme Court Approved Family Law Forms, Form 12.995(b).

**Administrative Order No. 5-20.5, entered June 11, 2009, is hereby VACATED.**

**ORDERED** on this \_\_\_\_\_ day of August 2009.

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**J. DAVID LANGFORD, Chief Judge**

**ATTACHMENTS:**

Appendix One – General Information for Self-Represented Litigants

Appendix Two – Order of Referral to Family Mediation

Appendix Three – Order Setting Case Management Conference

Appendix Four – Notice of Related Cases, Form 12.900(h)

Appendix Five – Parenting Plan, Form 12.995(a)

Appendix Six – Parenting Plan, Model 1

Appendix Seven – Parenting Plan, Model 2

Appendix Eight – Parenting Plan, Model 3 (Non-Local)

Appendix Nine – Supervised/Safety-Focused Parenting Plan, Form 12.995(b)

**DISTRIBUTION:**

All Circuit Judges

Richard M. Weiss, Clerk of Courts, Polk County

L.E. "Luke" Brooker, Clerk of Courts, Highlands County

B. Hugh Bradley, Clerk of Courts, Hardee County

Magistrates

Hearing Officers

Domestic Relations Department

Domestic Violence Department

Mediation Services

Self Help Office

Family Law Staff Attorney

Family Law Case Manager