

Local Rules

Rule 1 - Divisions of Court

(A) Circuit Court. The following shall be the Divisions of the Circuit Court of the Sixth Judicial Circuit:

1. Appellate Division

All appeals from the County Courts and designated administrative bodies of Pinellas and Pasco Counties shall be assigned to the Appellate Division in the Circuit Court.

The Appellate Division includes civil appeals and criminal appeals. The judges assigned to the Appellate Division shall sit as three judge panels, and may have separate panels for civil appeals and criminal appeals. Oral argument is in the discretion of the panel and is only granted when the court determines that the issues are so complex or novel that argument would benefit the court.

2. Civil Division

All suits, causes, proceedings or actions within the jurisdiction of the Circuit Courts and not herein assigned to another division are assigned to the Civil Division. Cases under section 394.910 et seq, Florida Statutes, involuntary civil commitment of sexually violent predators, (Jimmy Ryce) are assigned to the Civil Division.

3. Criminal Law Division

All actions, cases and proceedings within the jurisdiction of the Circuit Court involving the administration of criminal justice are assigned to the Criminal Division.

4. Family Law Division

All suits, causes, proceedings or actions relating to dissolution of marriage, child custody, child visitation, grandparent proceedings, annulment, URESA, UIFSA, Title IV-D, child support, alimony, name change, paternity, adoption, domestic, repeat, dating, and sexual violence injunctions, separate maintenance, Chapter 39 and 985, Florida Statutes, and enforcement of domestic or foreign orders or judgments involving these same causes of action, and other proceedings designated by administrative order of the Chief Judge.

An attorney representing a party in a domestic violence or dissolution of marriage case must file a notice with the court informing the court of any dependency or delinquency case involving a child of one of the parties.

The Chief Judge may designate one or more sections in the Family Law Division to serve as a Unified Family Court. The purpose of Unified Family Court is to ensure that children and families involved in multiple court proceedings are assigned to one judge, where possible. Juvenile delinquency and dependency proceedings shall be included within the Unified Family Court Section of the Family Law Division. In addition, related cases from the Family Law Division may be assigned to Unified Family Court as determined by the Unified Family Court section judge.

Contested and uncontested original and post-judgment proceedings may be referred to a general master with the exception of those filed pursuant to Fla. Fam. L.R.P. 12.490(c), unless objected to pursuant to Fla. Fam. L.R.P. 12.490.

Original and post-judgment proceedings in which a party is receiving services pursuant to the provisions of Title IV-D of the Social Security Act, 42 U.S.C. §651, et. seq., and original and post-judgment proceedings dealing solely with child support issues that do not involve a recipient of services pursuant to the provisions of Title IV-D of the Social Security Act shall be assigned to circuit family law sections and may be heard by the child support enforcement hearing officer pursuant to the provisions of Fla. Fam. L.R.P. 12.491, unless heard by a judge.

5. Probate and Guardianship Division

All causes, proceedings, matters and actions pertaining to the probate of estates, administration of guardianships, incapacity proceedings, proceedings arising out of Chapter 393, Florida Statutes, the Baker Act, and Marchman Act, the Life-Prolonging Procedures Act, any proceeding arising under the Florida Probate Rules, and the administration of trusts, are assigned to the Probate and Guardianship Division.

(B) Pasco County Court The following shall be the divisions of the County Court in Pasco County:

1. Civil Division. All suits, causes, proceedings or actions within the jurisdiction of the County Court and not herein assigned to another division are assigned to the Civil Division.
2. Criminal Division. All actions, causes and proceedings within the jurisdiction of the County Court involving the administration of criminal justice and violations of local ordinances are assigned to the Criminal Division.
3. Small Claims Division. All actions, causes and proceedings subject to the Florida Small Claims Rules are assigned to the Small Claims Division.
4. Traffic Division. All actions, causes and proceedings within the jurisdiction of the County Court involving violation of traffic laws are assigned to the Traffic Division.

(C) Pinellas County Court The following shall be the divisions of the County Court in Pinellas County:

1. Civil Division. All suits, causes, proceedings or actions within the jurisdiction of the County Court and not herein assigned to another division are assigned to the Civil Division. Simplified dissolution of marriage proceedings and uncontested dissolution of marriage proceedings may be heard in the civil division.
2. Criminal Division. All actions, causes and proceedings within the jurisdiction of the County Court involving the administration of criminal justice and violations of local ordinances are assigned to the Criminal Division.
3. Small Claims Division. All actions, causes and proceedings subject to the Florida Small Claims Rules are assigned to the Small Claims Division.

4. Traffic Division. All actions, causes and proceedings within the jurisdiction of the County Court involving violation of traffic laws are assigned to the Traffic Division. If a jury trial is required in a traffic case, the case will be transferred pursuant to administrative order to the Pinellas County Criminal Justice Center.

Rule 2 - [Rescinded]

Rule 3 - Assignment of Cases

(A) Initial Assignment of Cases

All suits, causes, actions and proceedings shall be assigned to a section in a division on an equal, at random, blind assignment system, except when cases are assigned by administrative order or when a case is assigned by the Chief Judge or his or her designee. The Clerks of the Circuit Court shall assign all cases pursuant to this rule or administrative order of the Chief Judge. When the reference number is discontinued, the Clerk of Court shall include the assigned section number either as the last two digits of the Uniform Case Number or in addition to the Uniform Case Number in all computer systems, court files, and all documents prepared by the Clerk of the Court that include the Uniform Case Number. In complying with this requirement, the Clerk of the Court must ensure that the section number can be used for purposes of data gathering as required by law or directive of the Court.

Any action which was formerly assigned to a specific section in a division shall be assigned to the same section in which it was last pending. Counsel and unrepresented litigants shall be responsible for observation of this rule and cases shall be assigned to the proper section upon discovery of the application of this rule.

(B) Reassignment of Cases

1. Reassignment of companion cases

An attorney representing a party in a case to which there are companion cases shall file a notice of a companion case. The original notice and sufficient copies for filing in each companion case shall be filed with the Clerk and a copy provided to the judge in the section which has been assigned the case bearing the lowest docket number. Said judge may thereupon reassign all such companion cases to the section which has been assigned the case bearing the lowest docket number if the court finds that the companion cases involve common questions of law or fact or the reassignment would result in an efficient administration of justice. The Clerk shall make appropriate notations on the file cover and the progress docket of such reassigned case or cases and thereafter all such companion cases shall be heard, tried, and determined by the judge assigned to the section having the companion case bearing the lowest docket number.

A companion case is

- (a) an action filed in the same division involving the same parties or
- (b) an action involving at least one party in common and the same transaction or occurrence.

2. Reassignment of cases within a division

A case may be reassigned when the Chief Judge or the Chief Judge's designee determines it is appropriate to do so or when a judge has been recused or disqualified from a case. When a judge has been recused or disqualified from a case, the judge shall direct the Clerk of Court to reassign the case by random, blind rotation in accordance with Local Rule 3(a) unless the case is

otherwise reassigned by the Chief Judge. If the judge believes the same circumstances causing his or her disqualification or recusal would exist for other judges in the division or circuit, the judge's Order of Recusal or Disqualification shall direct the case to the Chief Judge for reassignment.

3. Reassignment of cases between divisions

When a motion to consolidate, a motion to transfer, or any similar motion is filed which relates to cases that are in two or more of the Court's divisions, sufficient copies shall be provided for each case and the Clerk shall file the motion in each court file involved. The Chief Judge or the Chief Judge's designee will hear any such motion. A motion to consolidate or transfer cases filed in more than one division of the court shall be granted only when the Chief Judge determines that the efficient administration of justice requires reassignment.

Rule 4 – [Rescinded]

Rule 5 – General

(A) Cancellation of Proceedings

When a matter is scheduled for hearing and the matter is resolved by agreement or settlement, the party setting the matter for hearing shall notify the court. When a matter is scheduled for trial and the case settles, the plaintiff shall notify the court. Permission of the court must be obtained in order to cancel a trial.

(B) Emergency Matters

All emergency matters arising in any cause pending in any of the Divisions of this Court shall be heard and determined by the assigned judge if available, or if unavailable by the judge designated by the section judge who has agreed to handle such matters during his or her absence, or the emergency duty judge assigned pursuant to administrative order of the Chief Judge.

(C) Affidavit of Good Faith, Motions to Compel

(1) Before filing a motion to compel or a motion for protective order, counsel for the moving party shall 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 the filing of the motion a statement certifying that he or she has so conferred with opposing counsel and that counsel have been unable to resolve the dispute.

(2) 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 therefor as stated by the opposing party.

(D) Non-Military Affidavits

(1) Non-Military Affidavits provided for in United States Code 50 App. Section 520 are required in all cases prior to the entry of default by the Clerk of Court.

(2) In the absence of such affidavit, the Clerk shall enter default only upon order of the Court.

Rule 6 - Clerks of the Circuit Court

The Clerk of the Circuit Court of each County in this Circuit shall furnish to the Chief Judge and each judge assigned to the County, a list of his or her pending cases at intervals and in such format which shall be designated by the Chief Judge and shall furnish such other reports as may be required.

Rule 7 – [Rescinded]

Rule 8 - [Rescinded]

Rule 9A – Electronic Jury Selection - Pinellas County

- (a) The equipment used in jury selection is the IBM-96-72 with the operating system OS/390, utilized by the Management Information Systems Department of Pinellas County.
- (b) The source from which names shall be taken is the Department of Highway Safety and Motor Vehicles database of all persons at least 18 years of age or older, who are citizens of the United States and legal residents of Florida and whose address is in Pinellas County. In every year hereafter, on or before January 1, the Department of Highway Safety and Motor Vehicles will deliver to the Clerk of Circuit Court of Pinellas County a computerized tape of the names of each person at least 18 years of age or older whose name appears in the department database and whose address is Pinellas County. The Clerk of Circuit Court of Pinellas County will protect the tape from further alteration and keep any such tape securely stored in the Management Information Systems Department until such time as jurors have been drawn.
- (c) The Clerk of Circuit Court of Pinellas County is designated the official custodian of the computer records of the names to be used in jury selection and shall ensure they are not accessible to anyone other than those directly involved in selection of venires, as herein provided. Functions of the Clerk of Circuit Court may be performed by deputies.
- (d) If the entire list of names is not used as the final certified jury list from which venires are selected, then, the Chief Judge, with the aid and assistance of the Clerk of Circuit Court of Pinellas County, shall select enough prospective jurors by lot and at random from the entire list using a user defined COBOL random number generator which generates a seed internally based upon the time of day at which the job starts and utilizes the random program algorithm.
- (e) The Clerk of Circuit Court of Pinellas County shall cause jury venires to be selected by the computer system from the Department of Highway Safety and Motor Vehicles database using the method described above in accordance with directions received from the Chief Judge by Administrative Order.

Rule 9B – Electronic Jury Selection - Pasco County

- (a) The equipment used in jury selection is an DEC ALPHA 2100 computer located in the secured computer room of the Clerk of the Circuit Court of Pasco County.
- (b) The source from which names shall be taken is the Department of Highway Safety and Motor Vehicles database of all persons at least 18 years of age or older, who are citizens of the United States and legal residents of Florida and whose address is in Pasco County. In every year hereafter, on or before January 1, the Department of Highway Safety and Motor Vehicles will deliver to the Clerk of the Circuit Court of Pasco County a computerized tape of the names of each person at least 18 years of age or older whose name appears in the department's database and whose address is in Pasco County. The Clerk of Circuit Court of Pasco County will protect

the tape from further alteration and keep such tape secure in the computer room until such time as jurors have been drawn.

(c) The Clerk of Circuit Court of Pasco County is designated the official custodian of the computer tape of the names to be used in jury selection and shall ensure that it is not accessible to anyone other than those directly involved in selection of venires, as herein provided. Functions of the Clerk of Circuit Court of Pasco County may be performed by deputies.

(d) The Chief Judge, with the aid and assistance of the Clerk of Circuit Court of Pasco County shall select sufficient prospective jurors by lot and at random by use of the Department of Highway Safety and Motor Vehicles tape, using the random number generator Attachment A below.

(e) The Clerk of Circuit Court of Pasco County shall cause jury venires to be selected from the final certified jury list programmed into the Pasco County computer in accordance with directions received from the Chief Judge by Administrative Order.

Rule 10 – [Reserved]

Rule 11 - [Rescinded]

Attachment A

The A09225 Program utilizes the multiplicative congruential method of generating random numbers. The general formula for producing the random number is: $r_n = ar_{n-1} \pmod{m}$ which is a congruential random number generator, hereafter referred to as the generator.

The parameters a and m , and the seed r_{n-1} are specified to give desirable statistical properties of the resultant sequence of numbers. When using a typical computer system such as the IBM-4381, the value of a is chosen to yield the longest cycle of numbers, before the cycle begins to repeat itself. The value of a equals 65539 and remains constant for all operations of the generator. The modulus m is fixed by the design of the computer, which has a radix of 2 and a word length of 31 bits. Therefore, $m = 2^{31}$. The seed r_{n-1} is supplied to the generator and is always an odd positive integer. The initial seeds are random numbers supplied externally from the generator, and converted to an odd number prior to entry into the generator.

The seed r_{n-1} , such as a date from which is subtracted the time in seconds of the current day, provides the generator with the initial seed, which when multiplied by the constant a and then divided by the modulus m , results in a congruential remainder U_n , expressed as a decimal.