

MICHAEL P. McDANIEL
JUDGE OF THE CIRCUIT COURT
STATE OF FLORIDA, COUNTY OF POLK
WWW.JUD10.FLCOURTS.ORG

Polk County Courthouse
PO Box 9000
Drawer J-134
Bartow, FL 33831-9000

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CIRCUIT CIVIL DIVISION 04 PROCEDURES AND GENERAL INFORMATION

Term of Assignment: Effective January 1, 2023

Mailing Address: P.O. Box 9000, **Drawer J-134**
Bartow, FL 33831-9000

Hearing Room: **5A-1 (fifth floor, red elevators)**
Motion Hearings and Non-Jury Trials

Courtroom: **7B (Seventh floor, red elevators)**
Jury Trials

Administrative Orders: Copies of all Administrative Orders for the Circuit are available on our website at WWW.JUD10.FLCOURTS.ORG.

Docket Schedule: Three weeks of motions and two weeks of jury trials.
Non-Jury Trials are scheduled during motion weeks.

Microsoft Teams Call in number for hearings with Judge McDaniel

****To appear via video, click the link below.****

[Click here to enter Polk Civil Division 04 Virtual Courtroom](#)

Or

Call in by phone and use ID
+1 754-236-7164, Conference ID: 496 259 409#

Revisions:

02/01/2023

- Initial Document

10/04/2023

- Changed formatting of document
- Modified section on scheduling of hearings to reflect that discovery motions must be promptly set
- Modified section on submitting orders to reflect:
 - Most orders should be submitted via the E-Filing Portal
 - The format of orders must comply with 10th Judicial Circuit AO 1.61.1
 - Certain Orders and Judgment (e.g., Final Judgments of Foreclosure) must be submitted in hard copy
 - New procedures for Orders Granting Joint Motion to Continue Trial
- Added section on dispositive motions and Motions in Limine
- Added section on Sale of Structured Settlement Agreements
- Added section re: Order Appointing Attorneys Ad Litem
- Clarified section on Motions for Rehearing

A. SCHEDULING HEARINGS ON REGULAR (MOTIONS) DOCKET:

You must **email** our office (jduffey@jud10.flcourts.org) to obtain hearing times for a motion hearing once the motion has been filed with the Clerk's office and, if the case has been closed, once the case has been reopened. Please note the following:

1. Scheduling:

- a. Hearings **MUST** be scheduled via **email only**. Please do not call for hearing dates. Make sure each attorneys' office is copied on the email.
- b. When you email us for a hearing, you will need the following information:
 - i. Your estimate of time needed for the hearing. **You must schedule ample time for each party to have a fair opportunity to be heard regarding the issues. If ample time is not scheduled, the hearing may come to an end and require resetting to conclude. Please copy all parties to be coordinated with in your email request.**
 - ii. The case number, style of the case, and the names of the attorneys involved, and your motion to be heard.
- c. You must send back an email to reserve a particular date/time slot. **Do not send out a notice of hearing until you have received confirmation from the judicial assistant.** This is on a first come, first serve basis.
- d. All hearing date/time slots shall be cleared with opposing counsel prior to notices being filed. In the alternative, if counsel's good faith attempts to clear a hearing have been unsuccessful, the following language shall be included in your notice of hearing: **"The above hearing date has not been cleared with opposing counsel's calendar because (factual statement)."** Once a slot has been cleared (or a good faith attempt has been made) you must email back and copy all parties to reserve a particular date/time slot. If you don't, the hearing will not be reserved or added to the calendar. All available hearing date/time slots are given to anyone attempting to set a hearing. Slots are **not "held"** unless directed by the judge.
- e. Be sure to include the location of the hearing on your Notice of Hearing. Unless otherwise advised by the judicial assistant, all in person hearings will be held in **hearing room 5A-1, 5th Floor, Red Elevators**. Virtual hearings will be held via Microsoft Teams. A sample Notice for Hearing (Remote) is attached to the bottom of this document.

2. Submitting Materials to the Court:

- a. **You must send a copy of the Motion that is being heard with the Notice of Hearing.**
- b. Judge McDaniel accepts e-mailed copies of the Motion, so long as it is in PDF format and includes all attachments within the same file. If the file is too large, you may send a USB drive or a link to a shared drive where the file can be downloaded (**NOTE: our network only allows access to links stored on Microsoft OneDrive**). For Motions with many attachments (e.g., motions for summary judgment), the attachments may be in separate files from the Motion provided they are named sequentially so that they can be sorted alphabetically or numerically (e.g., 01_Attachment.pdf, 02_Attachment.pdf).

- c. **DO NOT password protect or encrypt any file emailed without emailing and getting the Court's permission ahead of time.** Do not send a .zip or .exe file.
 - d. You may send hard copies if you wish, but please do not send via both email and regular mail.
 - e. No matter which delivery method you choose, the Motion and attachments must be received in this office **no later than five (5) business days prior to the hearing date.**
 - f. **Do not** email evidence to this office and expect it to be printed.
3. **Uniform Motion Calendar:** Judge McDaniel **does not** have a UMC Calendar. If a matter is uncontested, you may submit the motion and proposed order to the judge for review. The motion itself **should reflect that the matter is, in fact, uncontested.** (See section D.3.e., below).
4. **Discovery Motions, Motions to Compel, and Motions for Protective Order:**
- a. You must set your motion for hearing to bring the matter to the Court's attention. The mere filing of a motion is insufficient. **Any motions filed but not set for hearing will be considered abandoned.**
 - b. All such discovery motions must comply with the Florida Rules of Civil Procedure including, but not limited to, a certification of a good faith attempt to resolve that matter without court action. See Fla. R. Civ. P. 1.380(a)(2)
 - c. The filing of a Motion for Protective Order without promptly attempting to set it for hearing is insufficient to protect from any discovery requested.
 - d. Where necessary, and when possible, the Court will hear and, if possible, rule by telephone on motions or substantive objections that occur during depositions where a failure to do so would require the stopping of a deposition and the resetting of same depending on the Court's ruling.
5. **Emergency or expedited hearings:** Emergency or expedited hearings **are only set by the judge** once he has received an *Emergency Motion* for consideration and directs that an emergency hearing be set on the matter. If the *Emergency Motion* is denied as an emergency, the attorney/movant may set it during the regular course of business per the Civil Rules of Procedure. Requests for emergency relief must be brought to the judge's attention **via email (preferred), fax, or hand delivery (e-filing alone will not bring this matter to the courts attention).**
6. **Cross Notices:** **No cross-notices** to add other motions will be permitted **unless the judge's office has cleared the hearing time and the motions**, and provided that the hearing time and other motions were cleared with opposing counsel.
7. **Remote (virtual) vs. In-person Hearings:**
- a. **Evidentiary hearings** shall be held **in-person**, absent good cause shown and a motion filed. Non-jury trials and hearings where all defendants have been defaulted, although evidentiary in nature, may be held remotely using communication technology (Microsoft Teams) provided all trial exhibits are pre-marked and received by the court prior to the trial or hearing.
 - i. NOTE: If an evidentiary hearing is permitted to be held remotely, you must pre-mark and submit to this office all evidence, including documentary evidence, you intend to introduce during the hearing. Do not expect this office to print and/or mark any of your evidence. Make sure you send the evidence well in

advance to ensure it is received prior to your hearing. Obviously, if your evidentiary hearing is to be held in-person there is no need to submit your evidence to this office ahead of time.

- ii. Contested evidentiary hearing may also be held remotely via Microsoft Teams, at the discretion of the court, provided all parties agree and the above procedures are followed.
- b. Non-evidentiary hearings shall be remotely, absent good cause shown and a motion filed, via the Microsoft Teams video teleconference platform. The link and telephone number are provided on the first page of this document, and are also available at the following link:

<https://jud10.flcourts.org/virtual-courtroom-links/polk-civil>

A copy of an example Notice of Hearing (Remote) is included at the bottom of this document.

B. RESIDENTIAL/ COMMERCIAL FORECLOSURE INSTRUCTIONS:

NOTE: FORECLOSURE CASES ARE NOT PROCESSED BY THE COURT OR CLERK VIA THE E-PORTAL PROCESSES OUTLINED BELOW IN SECTION D.1.

1. Generally:

- a. Residential or commercial foreclosure Motions for Summary Judgment, Bench Trials, and Orders to Show Cause hearings should be scheduled during motion weeks and should be submitted to the Court according to the instructions below. **Foreclosure Judgments should not be submitted via the e-portal** due to necessary post-judgment clerical requirements and procedures. (See Section D.2., below, for a list of orders that should not be submitted through the e-portal system).
- b. **All Foreclosure Motions for Summary Judgements, unopposed Bench Trials, and Orders to Show Cause will be held remotely via Microsoft Teams**, unless otherwise approved by the Court.
- c. Once a Foreclosure Judgment is entered, the Clerk of Court will schedule the sale date, enter the date in the Judgment and copies, and distribute copies. **COUNSEL MUST INCLUDE IN THE FORECLOSURE PACKET SUFFICIENT COPIES AND PRE-STAMPED, CORRECTLY ADDRESSED ENVELOPES FOR ALL PERSONS ENTITLED TO RECEIVE A COPY OF THE JUDGMENT.**
- d. **Foreclosure packets for this docket shall be forwarded to our office a minimum of five (5) days prior to the hearing date.** All information readily available (i.e. attorney's fees and costs) should be completed. Our circuit requires the filing of a notarized Affidavit of Compliance in accordance with Administrative Order No. 3-29.2. A copy of the **notarized Affidavit of Compliance** must be included in the packet. **Failure to include this document will prevent the Final Judgment from being signed and processed. All original documents must be filed with the Clerk of Courts.** Do not send original documents with the packet.
- e. Section 45.031, Fla. Stat., directs that sale of real or personal property by judicial order must, absent the Plaintiff's consent, occur not less than 20 days or more than 35 days after the entry of the Final Judgment. The Clerk of Court has requested at least 35 days to ensure sufficient time for processing, publication, etc. However, unless the Plaintiff agrees otherwise, sale will occur within 35 days as required by statute.

2. **Orders to Show Cause for Entry of Foreclosure Judgment: You must include a final hearing date** that is obtained by email before submitting the packet for the judge's consideration. If this is sent in with a blank for the final hearing date, **it will be returned with a memo directing the attorney to email for available dates and resubmit with the date filled in.**
3. **Motions for Appointment of Attorney Ad Litem:** A hearing is normally not necessary. See section G, below.
4. **Emergency Motions to Cancel Sales**, with a proposed Order, must be submitted via-email to: jduffy@jud10.flcourts.org, so that, if granted, the Order may be hand-delivered to the Clerk for processing **PRIOR** to the sale occurring. Non-Emergency Motions to Cancel Sales should be submitted by U.S. Mail, overnight mail or hand delivered, with copies and stamped address envelopes for clerk's distribution to parties.
5. **Motions to Reset Sale** or the resetting of a sale included in a Motion/Order Cancelling a Sale, **SHALL** include the following language (including the blank lines):

The public sale is hereby rescheduled to take place online at
www.polk.realforeclose.com at 10:00 a.m. on
 _____, 2023 after the requirements of Florida
 Statutes Section 45.031 have been complied with, no sooner than _____
 days from the date hereof.
6. **Motions for Default Final Judgment: The judge WILL NOT grant any Motions for Default Final Judgment on residential or commercial foreclosure cases without a properly noticed hearing.** The only exception to this would be if the Default Final Judgment was stipulated to by counsel/parties. A copy of the signed stipulation would need to be submitted along with the packet and filings would still need to comply with local Administrative Order 3-29.2 (which includes filing and providing a hard copy of a notarized Affidavit of Compliance).

C. CANCELLATION OF HEARINGS:

1. **A Notice of Cancellation is required before a hearing will be removed from the docket and the attorneys and parties are excused from appearing.**
2. Please call as soon as you learn that the hearing is to be canceled. If your case settles, you **must** still cancel any hearings that you have set on the judge's calendar.
3. Only the party who set the hearing may cancel it, and **it is that party's responsibility to notify everyone, including unrepresented parties, of the cancellation.**
4. If the length of a hearing changes in any way (for example, a case settles and you know that a long hearing will only take a few minutes rather than an hour) please let the judge's office know as soon as possible so that the excess time can be used for other hearings.

D. SUBMITTING PROPOSED ORDERS FOR CONSIDERATION:

1. **Generally:**
 - a. Proposed Orders (except for matters identified in section D.2., below) must be submitted via the [State of Florida E-Filing Portal \(myflcourtaccess.com\)](http://State of Florida E-Filing Portal (myflcourtaccess.com)). Instructions can be located here: [10th Judicial Circuit's Instructions for Submitting Proposed Orders to Florida Courts E-Filing Portal \(flcourts.org\)](http://10th Judicial Circuit's Instructions for Submitting Proposed Orders to Florida Courts E-Filing Portal (flcourts.org)). (Document included below).

- b. All proposed Order submitted through the portal must comply with [Administrative Order No. 1-61.1 Uniform Procedures and Requirements for Electronically Submitting Proposed Orders Through CAPS \(flcourts.org\)](#). (Document included below).

2. **Orders and Judgments Not Processed Via The E-Filing Portal:**

- a. The following must NOT be submitted through the e-filing portal:
 - i. Final Judgments of Foreclosure (Residential and Commercial)
 - ii. Final Judgments of Foreclosure of a Lien.
 - iii. Order Rescheduling Sale
 - iv. Writs of Garnishment
 - v. Writs of Possession
 - vi. Writs of Replevin
 - vii. Writs of Bodily Attachment
 - viii. Non-Foreclosure Orders to Show Cause
 - ix. Sales of Structure Settlements are
- b. Due to clerical requirements regarding the processing of Orders regarding such matters they must be submitted by U.S. Mail, overnight mail or hand delivered, with copies and stamped addressed envelopes for distribution. For non-foreclosure Orders to Show Cause, you must have the hearing date filled in when submitting the paperwork. Contact the judicial assistant for hearing times to include in the OTSC paperwork
- c. You must include sufficient copies and stamped envelopes to be conformed and mailed out to all parties/counsel. All proposed orders sent via mail should be bound together by either a paperclip or binder clip. **PLEASE DO NOT STAPLE the cover letter, original proposed order, and copies to be conformed together as one large packet.** Also, do not staple the envelopes to the copies to be conformed. Stamped, addressed envelopes: Send stamped addressed envelopes for all parties to whom a copy of the order should be sent. The return address on the envelope should be that of the judge:

Michael P. McDaniel, Circuit Judge
P.O. Box 9000, Drawer J-134
Bartow, FL 33831-9000

- d. **Do not** put "Honorable" or "The Honorable" under the signature line. The correct form is simply to type the judge's name in capitals, followed by a comma, and then his title.

Correct form:

Michael P. McDaniel, Circuit Judge

- e. **Do not** type only the **"DONE AND ORDERED"** part or only the signature line on a page by itself. You must either ensure some portion of the substantive text of the

proposed order is on the same page, or ensure the case style, case number and title of the order is in a headnote.

- f. Do not leave any more “fill in” blanks in an order than you absolutely have to. If you can find out the information by placing a telephone call or sending an email, you should do so, and then type it in the order before submitting it to the judge’s office. That gives opposing counsel an opportunity to react to the figures or dates, and saves problems arising after entry of the order. It also prevents incorrect information being filled in, and then the order having to be redone.
- g. Always show at the bottom of the order (and the transmittal letter) the people to whom copies are being provided. If someone is being ordered to do something (submit a report to the court, etc.) they will need a copy, even if they do not normally get copies of all pleadings.
- h. **Do not include a Certificate of Service to be completed by the judicial assistant.**

3. Orders Submitted Without a Hearing:

- a. **Pursuant to Local Admin. Order 1-61.1(c)(1), all motions submitted to the e-portal must have been e-filed prior to submission of the proposed order and only a courtesy copy of the motion with the e-filing portal date/time filing stamp thereon should be submitted for review with the proposed order. NO ORIGINAL, UNFILED, MOTIONS SHOULD BE SUBMITTED TO THE E-PORTAL. SUBMITTING COPIES OF MOTIONS TO THE E-PORTAL IS NOT THE SAME THING AS E-FILEING, AND THE COURT WILL NOT E-FILE YOUR MOTIONS FOR YOU.**
- b. Please verify the correct judge with the Clerk’s Office prior to submitting the motion/proposed Order packet for consideration. If the judge believes a hearing is needed, the submission will be rejected in the queue with a memo stating that the judge requires a hearing.
- c. When submitting proposed orders, be sure to send a transmittal letter (included in the queue if submitted via the E-Filing Portal, or paper copy if the Order is one which is required to be submitted in hard copy) showing that a copy of the letter and proposed order has been sent to opposing party.
 - i. Orders will generally be held for a minimum of five (5) working days in order to give opposing party/counsel time to object. If the cover letter indicates that there are no objections to the proposed order, the judge may waive the hold process and sign the order upon submission to the Court.
 - ii. If you object to an order, please **email** your objection to the judge’s office immediately. If you send in your objection via regular mail, it may arrive too late. No objection made by phone or voicemail will be accepted or acknowledged.
- d. All original motions must be filed with the Clerk of Courts. This office will not e-file your motions for you. If you are filing a motion that requires a reopen fee, make sure that you submit the information directly to the clerk for initial processing.
- e. **Agreed Orders:** All proposed orders that have been agreed to by all parties **MUST** be entitled “Agreed Order _____” (e.g., “Agreed Order Granting Motion to Continue Trial”). Any proposed order represented as having been fully agreed to that is not properly entitled will be returned unexecuted.

4. **Orders Resulting from a Hearing or Trial:**

- a. The order should have a full title containing the subject matter of the motion or pleading ruled upon (e.g., “Order Granting Plaintiff’s Motion to Compel,” **not just “Order”**).
- b. The opening paragraph of the Order should include the hearing or trial date and the names of counsel and parties who were present at the hearing. If a party did not appear after having received proper notice of the hearing, the Order should so indicate.
- c. All orders submitted for the judge’s signature must be on a plain, white background and free of any law firm logo or address.

5. **Orders Approving Sale Of Structured Settlement:**

- a. You must submit to this office the following orders in hard copy form (no electronic transmission), preferably in advance of the hearing:
 - I. An unredacted order approving the sale;
 - II. An order sealing the unredacted order approving the sale; and
 - III. A redacted order – with petitioner’s counsel making the appropriate statutory redactions – which will NOT be signed by the judge.
- b. If the sale is approved, the judge will sign the unredacted order and the order sealing it. The redacted order will remain unsigned by the judge. The judicial assistant will hand-deliver all three to the Clerk of Court.

E. FAXES:

The only documents permitted to be faxed to this office are those titled as **Emergency Motions**, but **e-mail is preferred**. Always email the judicial assistant first to make sure it was received and that there is someone available in the office to process it. Failure to do this will delay the processing of your Emergency Motion. Also, be sure you indicate the name of the person to whom the fax is being sent, as we share a fax machine with other offices. Again, email is preferred.

F. SUBMITTING EMERGENCY MOTIONS FOR CONSIDERATION:

1. **Generally:**

- a. **You must first e-mail this office to apprise the judicial assistant that your office will be submitting an Emergency Motion for Judge McDaniel’s consideration** and then either email or fax a copy of the Emergency Motion to the office.
- b. Any emergency motion submitted for ex parte consideration should clearly be entitled a such (i.e., “Ex Parte Emergency Motion to ____”).
- c. Unless the Emergency Motion is being submitted ex parte, the email or fax shall include a cover letter that indicates that this submission has been copied to the opposing counsel (or party if unrepresented), who may send in a timely response.
- d. After reviewing the Emergency Motion and any response received from the other side, Judge McDaniel will decide if the matter raised is a true emergency and whether the hearing should be advanced on the docket.
- e. **Failure to contact this office before submitting the Emergency Motion will delay its processing.**

2. Availability of Back-Up or Daily “Duty” Judge for Emergency or Priority Need:

- a. If you have an Emergency Motion or priority need and Judge McDaniel is unavailable, the following is an outline of the correct procedure to follow:
 - i. **You must first e-mail Judge McDaniel’s office.** If directed to do so by Judge McDaniel, the judicial assistant will then refer you to another judge’s office.
 - ii. Each judge has a designated “back-up” judge. Generally, judges in each division will substitute for one other when necessary, subject to their availability. If another Civil Division judge is unavailable, there is also a designated daily Duty Judge. But, **referring a case to another judge is completely at the discretion of Judge McDaniel**, which is why it is necessary to contact his office first.

G. MOTION FOR APPOINTMENT OF AD LITEM:

If a case calls for the appointment of an Ad Litem (Attorney/Guardian/Administrator) pursuant to §49.31, Fla. Stat., you may choose an attorney that accepts regular appointments in civil matters. When you submit the motion and proposed order to our office, please be sure name, address, and phone number of the Ad Litem is included in the proposed order. There should be no blanks in the proposed order for the judge to fill in. A hearing is generally unnecessary.

H. TRIALS:

1. Scheduling:

- a. To have your case set for trial, you will need to file a Notice for Trial with the Clerk of Court and either email or mail a copy to this office. Do not rely on the clerk to provide our office with the information.
- b. Judge McDaniel’s trial calendar is available online. If all parties agree to a specific trial block, ensure your email includes the block selected and the anticipated length of the trial.
- c. If you do not receive an Order Setting Trial (if all parties agree to the trial date), or an Order Setting Case Management Conference (if the parties cannot agree on a trial date) within a reasonable time, you should inquire with the judicial assistant.
- d. Jury trials are scheduled during a two-week trial period. Non-Jury trials are normally scheduled during the three-week motion block.

2. Marking Trial Exhibits:

- a. Prior to any hearing all documents intended for admission into evidence shall have exhibit identification information pre-marked in a form suitable for receipt into evidence. The exhibit labels shall be in substantially the following format:

Case No. _____
Party _____ **Exhibit No.** _____
Admitted _____ **Excluded** _____
Date: _____

- b. The party submitting the exhibit shall fill in all blanks on the label except “admitted” and “excluded.”

3. Jury Instructions:

- a. In accordance with the uniform Order Setting Pretrial Conference and Jury Trial and Directing Mediation, Plaintiff shall provide a complete set of proposed jury instructions. Defendant shall provide only special instructions not included in Plaintiff's submission.
- b. The proposed instructions should be submitted via email to the judicial assistant no later than the Friday before the trial. Said instructions should be in MS Word format.

4. Dispositive Motions: All hearings related to dispositive motions and trial matters must be filed and heard **prior to the pre-trial conference**. Failure to timely schedule such motions will not be grounds for a continuance absent an extraordinary and compelling reason.

5. Motions in Limine:

- a. Motions in Limine may not be scheduled for a hearing **unless and until counsel have conferred** in an effort to resolve all or a portion of the Motion. The term "confer" requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter.
- b. The Motion in Limine or Notice of Hearing on said Motion must contain a certification that the parties have conferred in an attempt to resolve each portion of the Motion without court
- c. The Notices of Hearing on the Motion in Limine must identify the specific issues which remain in controversy after counsel have conferred.
- d. No Motion in Limine will be heard during trial unless the judge authorizes it in advance.
- e. The Motion in Limine must state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies.
- f. The judge may summarily rule on any Motion in Limine not written with particularity as described above. Any Motion in Limine not timely filed and scheduled for hearing before pretrial conference will be considered abandoned.
- g. "Omnibus" and "boilerplate" motions in limine are discouraged. *See, Boyles v. A&G Concrete Pools, Inc.*, 149 So.3d 39, 43-44 (Fla. 4th DCA 2014) ("Motions in Limine can serve an important function in streamlining a trial. The excessive use of them, however, can clog the docket and become a trap.").

6. Joint Motions to Continue Trial:

- a. Judge McDaniel *normally* does not require hearings on Joint Motion(s) to Continue Trial, provided that all parties have signed the joint motion, along with their respective attorneys, if applicable.
- b. Counsel for the moving party should contact the judicial assistant to advise that a joint motion is forthcoming, so the pretrial and/or trial date can be flagged for removal from the docket upon execution of the Order of Continuance/ new Pre-Trial Conference/ Trial Order.
- c. In order to avoid a delay in prosecution of the case, Judge McDaniel requires that a new pretrial and trial date be chosen at the time the joint motion is filed.

- i. Counsel for the party seeking the continuance, or the Plaintiff in the event both parties are requesting the continuance, shall submit the Order Granting Continuance and shall coordinate the new trial block.
 - ii. The Order Granting Continuance (or a separate order if the parties prefer) shall include the agreed upon new date/ time/ location for both the Pre-Trial Conference and Trial Block.
 - iii. The proposed Order shall also include any other information that the parties wish to change, i.e. cutoff dates, mediation, etc., as the proposed Order submitted for entry will serve as the new Pre-Trial Conference / Trial Order.
- d. **Any information not updated in this new Order will remain as announced in the previously entered Pre-Trial Conference/ Trial Order.**

I. MOTION(S) FOR REHEARING:

1. Florida Rule of Civil Procedure 1.530(b) provides that a Motion for New Trial or Motion for Rehearing must be served within 15 days of the jury verdict or the filing of a judgment in a non-jury action.
2. You must file the original with the Clerk and e-mail or mail a courtesy copy to the judge.
3. If a rehearing is to be held, the judicial assistant will email you available dates and times for you to clear and notice the hearing. **DO NOT CONTACT THIS OFFICE TO SCHEDULE A HEARING ON YOUR MOTION FOR REHEARING UNLESS INSTRUCTED TO DO SO BY THE JUUDICIAL ASSISTANT.**

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a copy of the foregoing has been filed and served on all parties via Florida's E-Filing Portal, electronic mail, or U.S. Mail this ***Date***.

ATTORNEY NAME

FBN:

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Court Administrator, 255 N. Broadway Avenue, Bartow, Florida 33830, (863) 5344686, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

NOTICE REGARDING REMOTE PARTICIPATION

OPTIONS FOR PARTICIPATION

Videoconference by computer or laptop: You must have a microphone and camera installed, email account, and reliable internet connection. You may select “Join in Browser” without downloading software, or download the free Microsoft Teams app for better user experience.

Videoconference by smartphone or tablet: You must have camera, microphone, reliable internet connection, and an email account. Participation using a smartphone or tablet requires download of the free Microsoft Teams app.

Teleconference option: You may appear by telephone using the telephone number and conference ID provided in the above notice.

OTHER ADVISEMENTS

Any testifying participant must appear by videoconference.

Participate from an indoor location free from excessive background noise.

If you are directed to a virtual lobby, please be patient until the case is called.

Mute your microphone upon entering the virtual courtroom and keep your microphone muted unless speaking.

Additional information may be found on the Tenth Judicial Circuit Website at <http://www.jud10.flcourts.org/>. If you have questions or need additional support, please email Court Technology at 10thVirtualCourtSupport@jud10.flcourts.org, or call (863) 534-7788.

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

ADMINISTRATIVE ORDER NO. 1-61.1

UNIFORM PROCEDURES AND REQUIREMENTS FOR
ELECTRONICALLY SUBMITTING PROPOSED ORDERS THROUGH CAPS

WHEREAS, the Florida Supreme Court entered *In Re: Judicial Electronic Filing*, AOSC19-74 (November 1, 2019) (hereinafter “AOSC19-74”), which created a “policy that the Court Application Processing System (CAPS) be deployed in every circuit, county, and division of Florida’s trial courts and that CAPS be used by all judges, when available”; and

WHEREAS, AOSC19-74 “requires judges to electronically sign orders and file them through the Portal or directly to the clerk’s case maintenance system when CAPS is available, fully-operational, and integrated with the Portal to receive proposed orders and file electronically signed orders”; and

WHEREAS, AOSC19-74 “encourages the submission of proposed orders through the [Florida Courts E-Filing] Portal to CAPS”; and

WHEREAS, the Court has been electronically signing and filing orders for some time and is ready to enable the local CAPS to accept proposed orders from the Florida Court’s E-Filing Portal; and

WHEREAS, the Court finds it necessary to establish uniform procedures and requirements for electronic submission of proposed orders through the local CAPS; and

WHEREAS, by virtue of the authority vested in me as Chief Judge of the Tenth Judicial Circuit of the State of Florida under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2),

NOW THEREFORE, IT IS ORDERED that the below uniform procedures and requirements must be followed when electronically submitting proposed orders through the ICMS CAPS system:

A. Baseline Technical Requirements

1. Proposed orders must be submitted in Microsoft Word .docx format.
2. Complex formatting such as tables, styles, and auto-populating fields should be minimized.
3. Font size and type, margins, and blank spacing must meet the requirements of Rule 2.520(d)(2)(A), Florida Rules of General Practice and Judicial Administration. Additionally, for proposed orders intended to be filed in the circuit court acting in its

appellate capacity, font type and size must meet the requirements of Rule 9.045, Florida Rules of Appellate Procedure.

4. All submissions must comply with the requirements of Rule 2.526, Florida Rules of General Practice and Judicial Administration relating to accessibility of information and technology.

B. Proposed Order Composition

1. A proposed order should, whenever possible, contain only one case number. The case number should be the complete 20-character Uniform Case Number (UCN). If the proposed order contains multiple case numbers, a separate submission is required for each case number.
2. The traditional “DONE AND ORDERED” date line and signature block or a magistrate’s recommendation date and signature block must be replaced by specialized ICMS code found in Attachment A.
3. Distribution lists should follow the judicial signature block and include for each recipient the name of the service recipient. For recipients required to participate in e-service, the e-mail address of the recipient must appear to the right of the recipient’s name. For recipients not required to participate in e-service, the mailing address of the recipient should appear to the right of the recipient’s name. Additional information, such as the organizational or party affiliation/designation of the recipient may also be included.
4. Proposed orders shall include any exhibits/attachments in the same .docx file. Exhibits/attachments in formats other than Word .docx must be converted to image files and be embedded in the proposed order.
5. Pages consisting of embedded images may be formatted with ½-inch margins to maximize image size.
6. Exhibits/attachments must be clearly referenced in the body of the proposed order.

C. General Submission Requirements

1. If the submission relates to a written motion, the motion must be e-filed prior to submission of the proposed order. A courtesy copy of the motion with the E-Filing Portal date/time filing stamp must be included in the submission of the proposed order as an additional document.
2. If a person or entity is entitled to service of the order and is also a person or entity required to participate in e-service, if the person or entity is not included as a service recipient in the E-Filing Portal, that person or entity must be added as a service recipient in the E-Filing Portal prior to submission.

3. The proposed order and all accompanying materials submitted electronically must be provided contemporaneously to all interested parties. The submitting party must select all interested parties required to participate in e-service for service of the proposed order and accompanying materials in the E-filing Portal and must select the appropriate option indicating whether the order is opposed or unopposed. The submitting party must serve all interested parties not required to participate in e-service with hard-copies of the proposed order and accompanying materials by first-class U.S. mail or facsimile transmission.
4. Duplicate proposed orders must not be submitted by mail, fax or e-mail.

D. Technical Guidance

1. Tenth Judicial Circuit Information Technology department has developed a detailed written technical guide and formatting “how-tos” related to the electronic submission of proposed orders. The technical guide and formatting “how-tos” will be posted to the Tenth Judicial Circuit Court’s website.
2. The Tenth Judicial Circuit Court “portal banner” will include a link to any administrative order governing electronic submission of proposed orders as well as links to the Court’s technical guide and formatting “how-tos.”

- E. Effective Date: This Administrative Order vacates and supersedes Administrative Order No. 1-61.0, entered on March 3, 2023, and is effective on April 17, 2023.

DONE AND ORDERED in Bartow, Florida, on this 14 day of April, 2023.

s/ELLEN S. MASTERS, Chief Judge

Original:

Polk County Clerk of Courts

Copies:

All Judges

Hardee County Clerk of Court

Highlands County Clerk of Court

Polk County Clerk of Court

Nick Sudzina, Trial Court Administrator

Office of the State Attorney

Office of the Public Defender

Office of Criminal Conflict and Civil Regional Counsel, Second District

Department of Juvenile Justice

Department of Children and Families

Electronic Bar Mailing

ATTACHMENT A

FORMATTING FOR DATE AND SIGNATURE BLOCK

I. SPECIALIZED DATE AND SIGNATURE BLOCK CODE FOR USE WHEN SUBMITTING PROPOSED ORDERS THROUGH FLORIDA’S E-FILING PORTAL IN THE TENTH CIRCUIT

Signatures and signature dates are applied to proposed orders received in the Integrated Case Management System (ICMS) via the E-Filing Portal using unique code. Therefore, in lieu of the traditional “ORDERED” date line and signature block, proposed orders should include the specialized code instead.

The following is a list of specialized code recognized by ICMS in the processing of digital orders:

No.	CODE	DESCRIPTION
1	DDDD	Signature date of Judge
2	RRRR	Signature date of Magistrate or Hearing Officer
3	JJJJ	Judge’s signature
4	GGGG	Magistrate’s or Hearing Officer’s signature

II. FORMATTING SPECIFICATIONS

a. FOR STANDARD JUDGE-ONLY DATE/SIGNATURE BLOCK

← **ORDERED** in [Hardee, Highlands, or Polk] County, Florida on DDD. **JJJ**

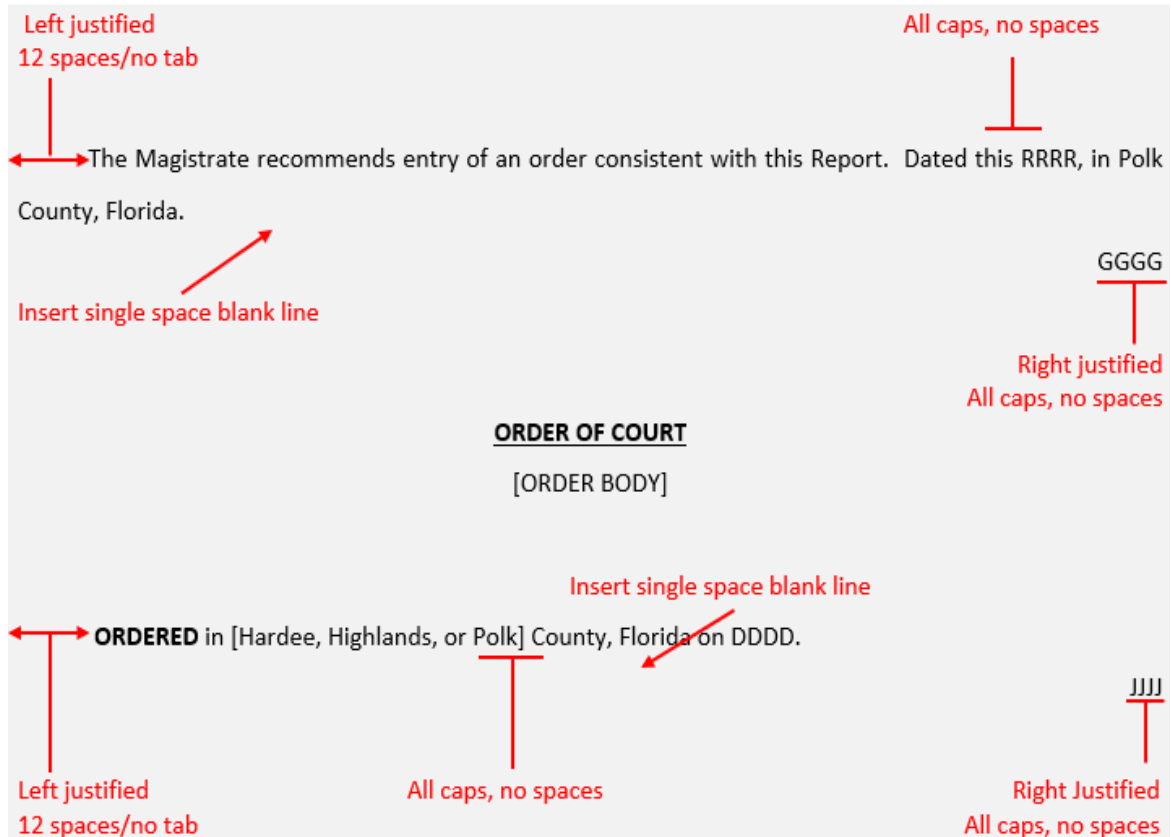
Left justified
12 spaces/no tab

All caps, no spaces

Insert single space blank line

Right Justified
All caps, no spaces

b. **FOR MAGISTRATE/HEARING OFFICER & JUDGE DATE/SIGNATURE BLOCKS**



c. In addition to the formatting specifications in Sections II. a. and II. b., the date line and signature block should not appear on different pages. Further, they should not appear together, but on a page alone by themselves. To prevent the date line and signature block from appearing on different pages, the “JJJ” or “GGGG” should not appear below line 35 or more than 6 ¾ inches from the top margin of a document formatted with 1-inch margins in 12-point type size.

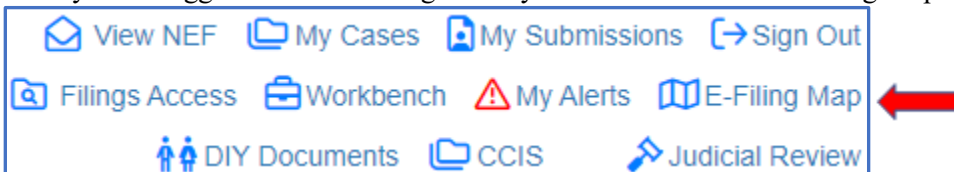
10TH JUDICIAL CIRCUIT'S INSTRUCTIONS FOR SUBMITTING PROPOSED ORDERS TO FLORIDA COURTS E-FILING PORTAL

Helpful Links:

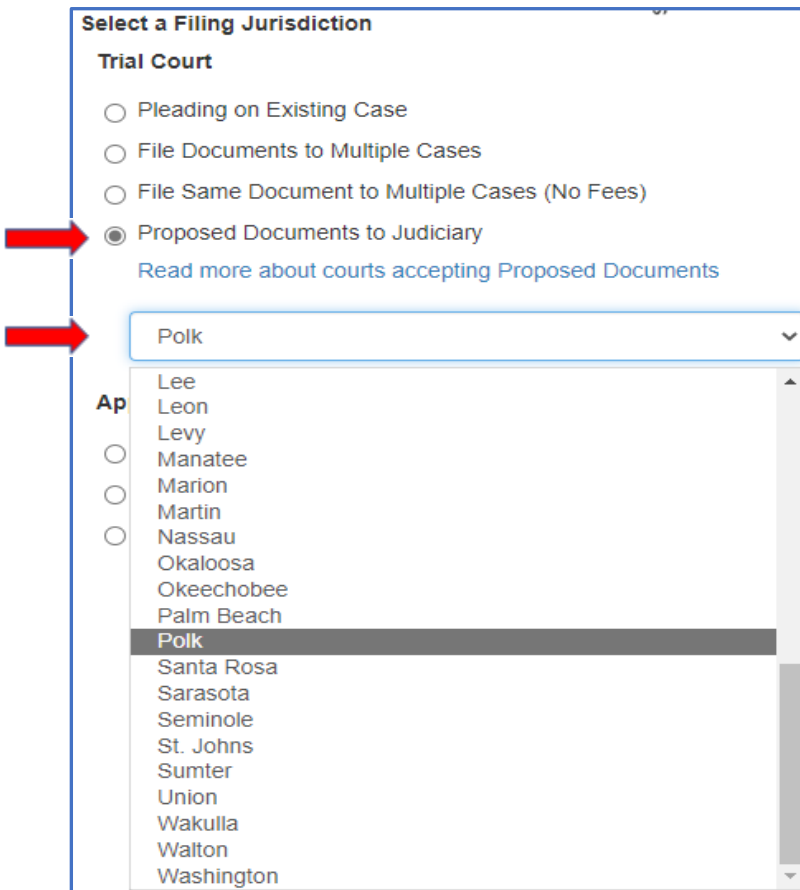
- Link to E-Portal video on Submitting a Proposed Order - [Submitting a Proposed Order Through the Portal - YouTube](#)
- Link to Florida Courts E-Filing Authority - [Florida Courts E-Filing Authority Home Page](#)
- E-Portal login page - [Florida Courts E-Filing Portal Login Page](#)

E-Filing Steps:

1. Once you've logged into the E-filing Portal you'll want to select "E-Filing Map".



2. Select "Proposed Documents to Judiciary" then choose which county you need from the dropdown.



3. Select “File Now” and it will take you to the portal of the County that you chose in Step 2. The first tab on the page is the Case Information tab where you will select the Division, Year, Sequence Number, and Court Type of your case. Next, select “Search”. All of the Case Information fields at the top of the screen will then be populated. Beneath the search button is the “Judicial Officer/Division” dropdown. Select the dropdown and choose “Viewer, Judge” and then click “Next”.

Proposed Documents to Judiciary
Help

Circuit: Tenth Judicial Circuit

County: Polk

Division: Circuit Criminal

Case #: 532022CF00.000A000XX

Type: Circuit Criminal / Circuit Criminal (CF-XX)

Status: CASE CLOSED

Case Title: STATE OF FLORIDA VS

Case Information
 Documents
 ServiceList
 Review and Submit

*** County**

*** Division**

*** Year**

*** Sequence #**

*** Court Type**

Party Identifier

Bra

*** Judicial Officer/Division:**

Matter #:

- Now, you should be on the “Documents” tab and this is where you’ll add your proposed order. Select “Add”, check “Proposed order”, Select whether it is opposed or unopposed. Then click “Choose File” and select the document you want to submit (document must be in Word .docx format). At the bottom of the page there will be a place for “Document Title” and you’ll fill that in. Select “Save”, then “Next” and it’ll take you to the “Service List”.

Courtesy Copy of Motion Exhibits **Proposed order**

1 - 1 of 1 items

Unopposed/Opposed: The proposed document is unopposed, or a default has been entered against the defendant(s).
 The proposed document is opposed.

* Upload: TEST DOCUMENT.docx

* Document Title:

- Service List: Select which parties you want to receive service. Please note, if a person or entity is entitled to service of the order, is a person or entity required to participate in e-service, but they are not included as a service recipient in the E-Filing Portal, then that person or entity must be added as a service recipient in the E-Filing Portal prior to submission. After selecting which parties to receive service, select “Next” and it’ll take you to the “Review and Submit” tab.

Case Information Documents **ServiceList** Review and Submit

Electronic Service Recipients My Added Attorney/Interested Parties My E-service Email Addresses for this Case

<input type="checkbox"/> Serve All?	Name/ID	Recipient Sta...	Affiliation/Role	Email Status	Email Address	Email Type
<input checked="" type="checkbox"/>	[Redacted]	Active	Public Defender Office 10th Circuit Attorney – Florida Bar		[Redacted]	Primary
					[Redacted]	Alternate 1
					[Redacted]	Alternate 2
<input checked="" type="checkbox"/>	State Attorney 10Th Circuit	Active	State Attorney Office 10th Circuit LawFirm Administrator		[Redacted]	Primary
<input type="checkbox"/>	[Redacted]	Active	Tenth Judicial Circuit Judge		[Redacted]	Primary

- You will review your service list on the Review and Submit tab and then select “Submit”.

Case Information
Documents
ServiceList
↑ Review and Submit

Back
Submit

PDF/A ADVISORY: PDF/A is the preferred filing format. [Click here for a PDF FAQ](#) and [here for an online video on creating](#)
WARNING: As an attorney or self-represented filer, you are responsible to protect confidential information under Florida R
 Administration 2.420 and 2.425. Before you file, please ensure that you have complied with these rules, including the need
 Notice of Confidential Information form or motion required under 2.420 regarding confidential information.
 Your failure to comply with these rules may subject you to sanctions.

Request For Emergency Filing Status

Do you wish to declare this filing an “Emergency Filing”?

Service List

Documents will be electronically mailed to:

Name	Email Address	Status
[REDACTED]	[REDACTED]	On eService List
[REDACTED]	[REDACTED]	On eService List
[REDACTED]	[REDACTED]	On eService List
State Attorney 10Th Circuit	[REDACTED]	On eService List

Documents will **not** be electronically mailed to:

Name	Email Address	Status
[REDACTED]	*****	Not selected for eService

Documents

#	Document	File
1	Judiciary Proposed order	C:\fakepath\TEST DOCUMENT.docx

7. After you submit your service list, you will be taken to a “Filing Received Confirmation” page so you can have it for your records.

Filing Received Confirmation

2 documents are successfully submitted to **Judicial Circuit**
Uniform Case # you have provided is [redacted]
Court Case # you have provided is [redacted]
Reference # for this filing is [redacted]

Important: If you should contact the court about any document in this filing, please provide this Submission # to help us locate this filing.

You may want to print this page for your records. [Print](#)

Recent Filings

Pleading	Proposed Order	Submission/NEF	Case Style/Docket	Court Case #	Status	Court	Submission Date
Submit	Submit	[redacted]	STATE OF FLORIDA - VS - [redacted]	[redacted]	Being Reviewed	[redacted]	12/31/2019 09:42:13 AM

1