

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 08-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 08-03
(Rescinding AO 03-14, as amended)**

**IN RE: ASSIGNMENT OF CASES IN
THE CRIMINAL DIVISION OF THE
COUNTY COURT**

WHEREAS, pursuant to Administrative Order No. 03-14, entered by this Court on October 28, 2003, in an effort to establish a comprehensive, consistent policy for the assignment of Traffic, Misdemeanor, Driving Under the Influence ("DUI") and Boating Under the Influence ("BUI") cases, Administrative Memorandum No. 94-10, including amendments 94-10-A1 and 94-10-A2; Administrative Memorandum No. 01-1; Administrative Memorandum 01-2; Administrative Order No. 96-25, entered in Case No. 96-1 including amendment 96-25-A1 entered in Case No. 01-1; and Administrative Order No. 01-10 entered in Case No. 01-1 (Court Administration on June 2001) were consolidated thereunder; and

WHEREAS, furthermore, said Administrative Order established certain procedures regarding the assignment of cases in the Criminal Division of the County Court of this Circuit; and

WHEREAS, County court cases shall continue to be assigned by the Clerk of the Court to Court locations based upon the indicated agency issuing the citation; and

WHEREAS, however, additional agencies issuing citations have been identified; therefore, it has been determined that in order to ensure the efficient use of said Court locations, as well as to offer convenience to witnesses, parties and police officers of this County, the current Court locations wherein certain cases will be assigned must be changed;

WHEREAS, Administrative Order No. 03-14 amended by Administrative Order No. 03-A1, entered on April 6, 2004; and

WHEREAS, thereafter, Administrative Order No. 03-14 was amended three additional times; however, due to scrivener's errors such amendments were not properly numbered, to wit: Administrative Order No. 3-14 A1, entered on November 21,

2004 (should be Administrative Order No. 3-14 A2), Administrative Order No. 03-14 A3, entered on June 9, 2005 (correctly numbered); and Administrative Order No. 03-14 A2, entered on September 27, 2006 (should be Administrative No. 3-14 A4); and

WHEREAS, in view of the number of amendments and to correct the scrivener's errors, it is practical to rescind Administrative Order No. 03-14, as amended, to eliminate any confusion;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.215 of the Florida Rules of Judicial Administration, the following procedures shall be immediately adhered to in the assignment of cases in the Criminal Division of the County Court of this Circuit.

1. The principal criterion in determining the Court location to which a case is to be assigned shall be the arresting officer's geographical jurisdiction and/or officers' Court District code. Within each court location, cases shall be randomly assigned by the Clerk of Court pursuant to the currently utilized blind filing system.
2. County Court cases shall continue to be assigned by the Clerk of the Court to the following Court locations based upon the indicated agency issuing the citation:

A. Richard E. Gerstein Justice Building (Central)

<u>AGENCY CODE</u>	<u>AGENCY</u>
1	CITY OF MIAMI
20	DIVISION OF HIGHWAY SAFETY AND MOTOR VEHICLES (DHSMV)
29	ISLANDIA
30	MIAMI-DADE POLICE (All those except District Codes I, M, C, H or K (Intracoastal, Miami Lakes, Cutler Ridge, Hammocks, Kendall)).
31	FLORIDA HIGHWAY PATROL - Central zone (all except those with District Code I and C)
32	FLORIDA DIVISION OF ALCOHOL/TOBACCO
33	STATE NARCOTICS BUREAU
34	FEDERAL BUREAU OF INVESTIGATIONS (FBI)
35	U.S. BORDER PATROL
36	U.S. IMMIGRATION
37	U.S. BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF)
38	U.S. SECRET SERVICE
39	U.S. CUSTOMS AND BORDER PROTECTION
40	U. S. MARSHALS SERVICE
41	MINIMUM HOUSING
42	CODE ENFORCEMENT (Building and Zoning)

43 FRESH WATER FISH GAME COMMISSION (Absorbed by
 44 Florida Fish and Wildlife Conservation Commission in 1999)
 45 FLORIDA FINANCIAL RESPONSIBILITY DIVISION
 46 PUBLIC WELFARE FRAUD
 47 MIAMI DADE COUNTY WASTE DEPARTMENT
 48 MILITARY
 49 BONDSMAN
 49 FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF)
 JUVENILE COURT
 50 CIRCUIT COURT
 51 CRIMINAL COURT
 52 CIVIL COURT
 53 FEDERAL COURT
 54 PROBATION OFFICER
 55 COUNTY JUDGE
 56 OFFICE OF THE STATE ATTORNEY (MIAMI-DADE)
 57 POSTAL AUTHORITIES
 58 DRUG ENFORCEMENT ADMINISTRATION
 59 POLLUTION CONTROL
 60 MIAMI-DADE CORRECTIONS & REHABILITATION
 61 PRIVATE COMPLAINANT
 62 ANIMAL CONTROL
 63 DADE COUNTY SCHOOL BOARD
 64 FLORIDA MARINE PATROL (Florida Fish and Wildlife
 Commission)
 65 CONSUMER PROTECTION DIVISION
 66 MIAMI-DADE FIRE DEPARTMENT
 67 MIAMI FIRE DEPARTMENT
 68 MIAMI DADE COUNTY PARKS
 69 PUBLIC SERVICE COMMISSION
 70 SEABOARD RAILROAD POLICE
 71 FLORIDA STATE PARKS DEPARTMENT
 72 FLORIDA DEPT OF TRANSPORT
 73 FLORIDA EAST COAST RAILWAY CO
 74 MIAMI-DADE AVIATION DEPARTMENT
 75 DIVISION OF DRIVER'S LICENCES
 76 FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE)
 77 FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION
 78 MEDICAL EXAMINER (MIAMI-DADE COUNTY)
 79 HIALEAH FIRE DEPARTMENT
 80 FLORIDA INSURANCE FRAUD
 81 VILLAGE OF KEY BISCAYNE
 82 MIAMI-DADE CONSUMER SERVICES PASSENGER
 TRANSPORTATION REGULATORY DIVISION
 83 FLORIDA DEPARTMENT OF AGRICULTURE AND
 CONSUMER SERVICES
 84 MIAMI-DADE DEPARTMENT OF ENVIRONMENTAL
 RESOURCES (DERM)
 87 U.S. COAST GUARD
 88 MEDICAID FRAUD UNIT
 90 COURT ORDERS/ADMIN HOLD

91	TOLL OPERATIONS - DOT (Department of Transportation)
92	MIAMI-DADE PUBLIC WORKS CAUSEWAYS DIVISION
93	BISCAYNE/EVERGLADES NATIONAL PARK
94	FLORIDA STATE FIRE MARSHAL
98	DEPARTMENT OF CORRECTIONS - STATE OF FLORIDA
101	HOMELAND SECURITY FEDERAL PROTECTIVE SERVICE
102	BUILDNG CODE COMPLIANCE
103	MIAMI-DADE EXPRESSWAY
105	SEAPORT PARKING AUTHORITY
106	MIAMI-DADE TRANSIT AUTHORITY
107	FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

B. Joseph Caleb Center

30	MIAMI DADE POLICE - Northside Station Misd only when facility is open otherwise Northside Station is assigned to Central
Note:	no criminal traffic cases are assigned to this location

C. Hialeah

4	HIALEAH
5	MIAMI SPRINGS
8	OPA LOCKA
22	MEDLEY
26	VIRGINIA GARDENS
27	HIALEAH GARDENS
97	CITY OF DORAL
95	TOWN OF MIAMI LAKES

D. North Dade Justice Center

30	MIAMI-DADE POLICE – Intracoastal and Miami Lakes Stations (only those with District Code I or M)
31	FLORIDA HIGHWAY PATROL - North Zone (only those with District Code I)
6	NORTH MIAMI
7	NORTH MIAMI BEACH
11	MIAMI SHORES
12	BAL HARBOUR
13	BAY HARBOR ISLAND
14	SURFSIDE
17	BISCAYNE PARK
18	EL PORTAL
19	GOLDEN BEACH
21	INDIAN CREEK VILLAGE
23	NORTH BAY VILLAGE
24	FLORIDA INTERNATIONAL UNIVERSITY CAMPUS POLICE - NORTH (all except those with District Code C)
85	AVENTURA
89	SUNNY ISLES BEACH

E. Miami Beach

2 MIAMI BEACH

F. Coral Gables

3 CORAL GABLES
9 SOUTH MIAMI
15 WEST MIAMI
25 SWEETWATER
24 FLORIDA INTERNATIONAL UNIVERSITY CAMPUS POLICE -
SOUTH (only those with District Code C)

G. South Dade Justice Center

30 MIAMI DADE POLICE – Kendall, Cutler Ridge and Hammocks
Stations (only those with District Code K, C or H)
31 FLORIDA HIGHWAY PATROL – SOUTH ZONE (only those
with District Code C)
10 HOMESTEAD
16 FLORIDA CITY
28 MICCOSUKEE TRIBAL POLICE
63 DADE COUNTY SCHOOL BOARD (District Code C)
86 PINECREST
96 VILLAGE OF PALMETTO BAY
104 CUTLER BAY

3. In order for the Clerk to properly assign cases as set forth in the Order, the State Attorney shall clearly indicate on the charging instrument the name of the arresting or investigating officer and his/her department. In the event that the State Attorney does not indicate an arresting or investigating officer, the Clerk of the Court shall assign the case to the Central location.
4. In cases where a defendant is charged with combined misdemeanor and criminal traffic charges arising from the same incident, the misdemeanor charge shall be assigned to the Blind File Section of the traffic charge.
5. In cases filed against an individual defendant having other matters pending in the same Court location, such cases shall be assigned to the Section within that Court location wherein such previously filed case bearing the lowest case number is pending unless the defendant has been charged with combined misdemeanor and criminal traffic charges, at which time Blind File rule #5 shall apply.

6. Where multiple defendants are charged in a case filed in the same Court location in which any defendant has a previously filed case, such case shall be assigned to that section within the same Court location in which that defendant has pending a previously filed case; and, should more than one of such defendants have pending a previously filed case in the same Court location as the subject case, the Section of the Court location wherein the lowest numbered case is pending shall be the Section of the Court location to which the entire case shall be assigned. If any of the multiple defendants have been charged with combined misdemeanor and criminal traffic charges, the entire case shall be assigned to the Blind File Section of the traffic charge. If more than one of such defendants has combined misdemeanor and criminal traffic charges, the entire case shall be assigned to the Blind File Section of the lowest numbered traffic case.
7. For purposes of the Administrative Order, all cases in which a defendant is on probation (i.e., wherein defendant has not been discharged from probation) shall be deemed pending cases, as well as cases in which there has not been an adjudication and sentence or final order of disposition, including any case in which the commitment has not been issued, and nunc pro tunc orders shall in no manner affect such assignments, as the status of a case will be determined as of the date of filing a new case.
8. It shall be the duty and joint responsibility of the Clerk of the Court, the State Attorney and defense attorneys to inform the Court of the pendency of any previously filed case which would affect proper assignment of every case filed thereafter.
9. If the pendency of a previously filed case is not brought to the attention of the Court until the newer case is so close to the trial date that a transfer would cause a continuance, the newer case will remain in the Blind Filed Section, unless the transfer is approved by the Judge of the Section to which the transfer of such case is proposed.
10. Notwithstanding the foregoing, the Administrative Judge may:
 - (a) Alter the filing system temporarily to provide for a different distribution of cases for a lengthy absence of a Judge for any reason;
 - (b) Alter the distribution upon good cause, such as emergencies; and
 - (c) Alter the share of cases assigned to any Judge having additional duties other than casework such as the Administrative Judge.
11. Any case assigned to a court location other than the Central Court

location, where a jury trial is demanded or the Public Defender is appointed, shall be transferred to the Central Court location and re-blind filed within that location.

In cases where the Public Defender is appointed at the jail arraignment/first appearance calendar, the Clerk is authorized to set such cases for arraignment at the Central Court location utilizing blind filing procedures for defendants who are no longer in custody or set such cases for report in the jail division for defendants who remain in custody.

In cases where the Public Defender is discharged, the Clerk is authorized to set such cases at the court location based upon the agency initiating the charge as designated in section 2 or at the Central Court location.

12. Upon the disqualification or recusal of the presiding Judge in any case within the Criminal Division of the County Court, the reassignment of such cases shall be made by the Clerk of the Court under a blind filing system historically utilized in making the initial assignment, or any similar method that will result in such cases being filed equally among the various Sections of the Court in an unpredictable manner.
13. Boating under the influence ("BUI") cases prosecuted pursuant to FSS 327.35 and Driving under the influence ("DUI") cases prosecuted under FSS 316.193 shall be blind filed to the Central Court location.

This Administrative Order shall be effective upon signing.

Administrative Order No. 03-14, as amended, is hereby rescinded and held for naught.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 28th day of February 2008.

**JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**