

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

**CASE NO. 16-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 16-04**

**IN RE: ESTABLISHMENT OF
PROCEDURES FOR TRANSFERRING
RELATED CASES FROM THE COUNTY
COURT CIVIL DIVISION TO THE CIRCUIT
COURT CIVIL DIVISION**

WHEREAS, occasionally, open, related cases appear in county and circuit civil court and the parties prefer that a single judge resolve both cases (hereinafter referred to as "Related Case(s)"); and

WHEREAS, while having the same judge for the Related Cases may be best for judicial efficiency, there is no legal authority to transfer a case within the exclusive jurisdiction of the county court to the circuit court, or vice versa, and then consolidate those cases together; and

WHEREAS, however, it is permissible to have the same judge preside over the Related Cases by temporarily designating the circuit civil court judge to serve as an acting county civil court judge or to temporarily designate the county civil court judge to serve as a circuit civil court judge; and

WHEREAS, although such temporary designations would not consolidate the Related Cases in the same court, the same judge would be authorized to preside over both cases; and

WHEREAS, pursuant to long established case law and Rule 2.215(b)(4), Florida Rules of Judicial Administration, the undersigned is authorized to assign any judge to temporary service for which the judge is qualified in any court in the same circuit; and

WHEREAS, accordingly, semi-annually, the undersigned executes Administrative Orders to effectuate such temporary assignments whereby circuit court judges are temporarily assigned to act in the capacity of a county court judge and likewise county court judges are temporarily assigned to act in the capacity of a circuit court judge; and

WHEREAS, it was determined that it would be preferable for a circuit civil court judge to preside over the Related Cases; and

WHEREAS, in addition to such authority vested in circuit court judges and county court judges under the Administrative Orders it was deemed appropriate to establish procedures for transferring Related Cases from the county court civil division (hereinafter referred to as "county civil court") to the circuit court civil division (hereinafter referred to as "circuit civil court") under certain circumstances;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of Judicial Administration, the following procedures are hereby established for transferring Related Cases from the county civil court to the circuit civil court where there is no jurisdictional or other legal basis for the transfer:

1. **Agreed Motions to Transfer:** Where the jurisdiction is properly within the county civil court and there is no jurisdictional or other legal basis in which to transfer a case from county civil court to circuit civil court; but, there is a Related Case in circuit civil court and the parties are in agreement, the following procedure for transfer shall be followed:
 - a. The parties shall submit a Joint Motion to Transfer along with an Agreed Order to the Administrative Judge of the Circuit Civil Division who has the discretion to either sign the Agreed Order or set a hearing regarding the motion.
 - b. The style of the case including the parties and case number of the Related Case in the circuit civil court case shall be referenced in the Agreed Order.
 - c. Once an Agreed Order is signed by the Administrative Judge of the Circuit Court Civil Division, the county civil court case will be assigned to the circuit civil court judge that has the Related Case.
2. **Contested Motions to Transfer.** Where the jurisdiction is properly within the county civil court and there is no jurisdictional or legal basis in which to transfer a case from county civil court to circuit civil court; but, there is a Related Case in the circuit civil court and the parties are not in agreement regarding the transfer, the following procedure for transfer shall be followed:
 - a. A Motion to Transfer shall be filed and scheduled before the county court civil judge assigned to the county court civil case who shall hear the arguments of the parties. Thereafter, the county court civil judge shall forward a recommendation to the Administrative Judge of the Circuit Court Civil Division to either grant or deny the Motion to Transfer (i.e., Order Recommending Approval of Transfer or Order Recommending Denial of Transfer), which shall contain the circuit civil court case style, including the parties and the case number in the Related Case.
 - b. Thereafter, the Administrative Judge of the Circuit Court Civil Division shall have the discretion to (i) enter an order Granting the Transfer ("Transfer Order") based on the Order Recommending Approval of Transfer, (ii) enter an order Denying the Transfer based on the Order Recommending Denial of Transfer, or (iii) hold a hearing on the Motion to Transfer before entering an order.
 - c. If the Administrative Judge of the Circuit Court Civil Division signs a Transfer Order, the county civil court case will be assigned to the circuit civil court judge that has the Related Case.

- d. Pursuant to Paragraph 2b hereinabove, if after hearing the argument of the parties who do not agree with the transfer and the transfer is not approved, the Administrative Judge of the Circuit Court Civil Division shall refer the county civil court case back to the Administrative Judge of the County Court Civil Division for reassignment of said case back to the original county civil court judge.
3. **Objection to Transfer Order:** If an order is entered by the Administrative Judge of the Circuit Court Civil Division transferring the county civil court case to the circuit civil court judge presiding over the Related Case as provided under Paragraphs 1 (c) or 2(c) herein, the parties in the circuit civil court case shall have thirty (30) days from the date of the Transfer Order to file an objection to said Order with the circuit civil court judge. Within twenty (20) days, the circuit civil court judge shall notify the Administrative Judge of the Circuit Civil Division of the objection so that the county civil court case is referred back to the Administrative Judge of the County Court Civil Division as prescribed in paragraph 2(d) hereinabove.
4. In the aforementioned Order(s) allowing the transfer of the Related Case, the Administrative Judge of the Circuit Court Civil Division shall reference the Administrative Order authorizing circuit civil court judges to act as county civil court judges in effect at the time of the transfer.
5. The Related Cases shall not be consolidated and shall retain their original case styles and case numbers, but would be heard and disposed of by the same circuit civil court judge if the transfer is completed.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 29th day of February, 2016.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**