

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. VI-93-E-3

IN RE:

ERRONEOUS FILING PROCEDURES
COUNTY TO CIRCUIT

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, it is;

ORDERED that where subject matter jurisdiction as provided by F.S. 34.01(1)(c) 3,4 and 34.01(4) is in question, the Clerk of Court is directed to follow the procedure set forth herein;

1. The Clerk shall file in County Court (if that is where person is filing) the complaint, assign the case to a division, withhold issuance of the summons, and refer the case to the assigned judge;

2. The assigned County judge will review the complaint allegations to determine if jurisdiction is properly lodged in County Court, and may, if the complaint is jurisdictionally defective, enter the attached form Order, giving the plaintiff a time deadline within which to amend the complaint and cure the deficiency or to move to transfer to Circuit Court, failing which the action will be dismissed without prejudice to a refile, for lack of prosecution. The transfer Order may waive the Clerk's filing fee and assess a Twenty-Five (\$25.00) dollar transfer fee.

Attorneys, in the initial drafting of the complaint or in complying with the Order of Dismissal with leave to amend, should not rely upon a boilerplate introductory allegation that the amount in controversy does or does not exceed a certain amount, as such allegation is ineffective to invoke a court's jurisdiction. See *Sullivan v. Nova University*, 613 So. 2d 597 at 600 (5th D.C.A. Fla. 1993). This is especially so when the attached exhibits contradict the jurisdictional allegation. Within the body of each count, there should be an allegation of the specific date on which the cause of action accrued (for example, "Defendant owes Plaintiff \$ x from x date with interest from that date.") If the cause of action accrued on or after July 1, 1990, but before July 1, 1992, the amount in controversy can not exceed \$10,000, and if the accrual date is on or after July 1, 1992, the amount can not exceed \$15,000, if the case is to remain in County Court. The same considerations apply if one or more counts of the complaint seek equitable relief.

This Order shall take effect from date of issuance.

DONE AND ORDERED in Chambers in Fort Lauderdale, Broward County, Florida this 26th day of October, 1993.

/s/DALE ROSS
DALE ROSS, Chief Judge