

GIUSEPPINA MIRANDA  
COUNTY COURT JUDGE  
CIVIL DIVISION  
SEVENTEENTH JUDICIAL CIRCUIT OF  
FLORIDA



BROWARD COUNTY COURTHOUSE  
201 SE 6TH STREET, ROOM 13137  
FORT LAUDERDALE, FL 33301

(954) 831-7230

## **COUNTY COURT JUDGE GIUSEPPINA MIRANDA**

### **PROCEDURES FOR DIVISION 52**

**(Amended May 1, 2017)**

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### **E-ORDERS WILL BE UTILIZED**

**ON-LINE SCHEDULING IS REQUIRED FOR 5 MINUTE MOTION CALENDAR  
AND PERMITTED FOR SPECIAL SET HEARINGS (15 and 30 minute hearings only)**

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### **E-ORDERS**

If you are submitting an AGREED ORDER; EX-PARTE ORDER COMPELLING DISCOVERY, ORDER INVOKING THE RULES OF CIVIL PROCEDURE; STIPULATION FOR SUBSTITUTION OF COUNSEL; or ORDER containing the court's ruling after hearing wherein opposing counsel is in agreement with the form of the Order; you are REQUIRED to submit these Orders through the online e-order system. The Court encourages everyone to utilize the e-order system whenever possible.

Please follow this link to determine how this is done:  
<http://www.17th.flcourts.org/index.php/self-help/eorders>.

Please be advised that when a Motion or Pleading is e-filed with the Clerk of Court, the Judge does NOT receive a copy. If you file a motion that the Judge needs to see immediately or act upon quickly, you must deliver / mail / email the motion to the Judge's office. A proposed Order should be included with your submission, along with stamped, self-addressed envelopes.

The Clerk of Court DOES provide the Judge with courtesy copies of Motions and Pleadings filed by self-represented litigants, if the litigant has not registered with the on-line system.

The Court will accept emails on a case-by-case basis. Contact the Judicial Assistant if you wish for the court to consider accepting an email from you. If you are provided with the email address, you must include the opposing party in the email chain and you MUST NOT use the email address to continually communicate with the Court or Judicial Assistant.

## SCHEDULING HEARINGS

Motion Calendar and Special Set Hearings that are 15 or 30 minutes in duration may be scheduled using the Online Scheduling system.

All special set hearings greater than 30 minutes must be set through the Judicial Assistant.

You may NOT utilize the Division 52 email address to set hearings. Please call the Judicial Assistant by phone if you are not using the on-line scheduling system and wish to set a hearing.

EVICTON and UNLAWFUL DETAINER CASES (Chapters 82 and 83, Fla. Stat.) **MAY NOT** be scheduled online – please call the Judicial Assistant to set an expedited hearing.

See “Online Scheduling” at: [www.17th.flcourts.org](http://www.17th.flcourts.org)

See also: Local Rule 11 [http://www.17th.flcourts.org/Local\\_Rule\\_11.pdf](http://www.17th.flcourts.org/Local_Rule_11.pdf)

All parties setting hearings online are required to register an account and schedule such hearings at [www.17th.flcourts.org](http://www.17th.flcourts.org). Click “online scheduling” in the lower right hand corner, and follow the procedures outlined.

If you have any difficulty in the registration or scheduling of hearings, send an e-mail to [calendar@17th.flcourts.org](mailto:calendar@17th.flcourts.org) with a description of your problem, and it will be attended to.

All motions must be filed with the Clerk’s Office prior to scheduling any hearings.

MOTION CALENDAR HEARINGS will be conducted on:

MONDAYS AND THURSDAYS

Session 1 is from 9:30 - 10:00 a.m.

Session 2 is from 10:00 - 10:30 a.m.

SPECIAL SET HEARINGS (15 and 30 minutes) will be conducted on:

MONDAYS AND THURSDAYS beginning at 10:30 a.m. and 1:30 p.m.

Motion calendar: all parties shall be prepared to proceed at 9:30 a.m. or 10:00 a.m. depending on which session is selected. If one party fails to timely appear, after proper notice, the matter may proceed on the merits. A Motion Calendar hearing may ONLY be cancelled by the attorney who set the hearing. Non-evidentiary motions may be heard on the Motion Calendar, provided such matters can be conducted in (5) five minutes equally allocated among the parties. Do not schedule Motions for Summary Judgment on Motion Calendar.

If the matter settles, or you need to obtain a new date, you must notify the Judge’s office immediately. If a matter cannot be fully argued by both sides within the allotted time, the parties will be asked to come back on another day. Time limits will be strictly enforced.

Counsel must not try to “squeeze” a hearing into a time slot that does not provide adequate time to resolve the motion. No “add-on’s” will be permitted without approval of the Court or by agreement of the opposing party. If the opposing party agrees, you must indicate that agreement in the amended notice of hearing. If you can’t reach an agreement, you must receive permission to add-on a hearing by the Judge. You must submit your request in writing and may utilize the Division 52 email (call the Judicial Assistant). You must include opposing counsel on the email or provide them a copy of any letters. The motion must have been filed with the Clerk of Court and should be attached to the email. Failure to do so may result in your motion not proceeding.

Hearings that have been special set by the Judge may NOT be cancelled by the parties unless an agreement on the merits has been reached and the parties have entered into a written stipulation, submitted and agreed order.

If the parties cannot agree on a date or the length of the hearing, then all persons responsible for scheduling such hearing for each party must participate in a conference call to the Judge’s Judicial Assistant in order to schedule the hearing. If a party is not cooperating with contacting the Judicial Assistant, an email or letter should be sent to the Judge’s office with a description of the delay and the court will contact the parties with further instructions.

The on-line scheduling system is provided as a convenience to the parties and is not intended to be the only means of scheduling hearings. If, after a good faith attempt to utilize the on-line scheduling, you are unable to set the matter within needed timeframes, you should contact the Judicial Assistant to obtain an earlier date. Please limit your requests to time sensitive matters and/or cases that are on the Judge’s trial docket. We will not know if you are having a difficult time setting hearings unless we receive your feedback.

In an effort to be “paperless” hard copies of notices of hearing and the motions need not be provided to the Court. However, any memoranda, case law or other supporting authorities that have not been filed with the Clerk of Court (or have been filed but have not registered for viewing on the Clerk’s system) should be delivered to the Judge’s Chambers, no later than 2 business days prior to the hearing date. Failure to do so may cause your hearing to be reset.

### PROPOSED ORDERS AFTER HEARING

A party may not submit an order through the online order system unless the form of the Order has been approved by both parties. If the parties cannot agree on the wording of an Order after the Court has ruled, EACH party shall submit their own order to the Judge with a cover letter or email explaining that the parties disagree as to the Court’s ruling. The Court will then either select the Order she feels more accurately reflects her ruling or draft a separate Order.

The Court will endeavor to utilize the e-order system whenever possible. The Judge does have the capability to upload an Order to the e-order system after being provided with a proposed Order in Word format. Proposed orders may be sent to Division 52 email address.

If you choose not submit an Order electronically, be sure to submit sufficient copies of your proposed Order to the Court. The prevailing party is responsible for supplying self-addressed stamped envelopes.

### NOTICE FOR TRIAL

When filing a “Notice of Readiness for Trial”, you must file the original with the Clerk of Court and deliver a copy of the Notice. Please inform the Court of the amount of time needed for trial and whether jury trial has been demanded.

Upon receipt of your Notice for Trial the case will be ordered to Mediation. In addition, you will electronically receive an Order Setting Pretrial Deadlines, Pretrial Conference, Calendar Call and Trial Dates. Please read the order thoroughly as it contains very important information and deadlines.

We understand and expect that many cases will settle after placement on a trial docket. However, we expect that if your case does resolve, as a professional courtesy to the court, a phone call will be placed to the Judicial Assistant as soon as possible, so that we can properly manage the rest of our docket. Failure to attend pretrial conferences may result in a dismissal of the case.

### MOTION FOR CONTINUANCE

You must contact the opposing party to see if they have any objection. The Motion for Continuance must be filed with the Clerk of Court and a copy with a proposed order, sufficient copies to conform and self-addressed, stamped envelopes should be delivered to (or emailed to) the Judge at the Division 52 email address. If the continuance is agreed to by all parties, please submit an Agreed Order to the Judge. If the other side objects to the continuance, it will be necessary to set a hearing on the Motion thru the On-Line Scheduling or by contacting the Judicial Assistant.

The Court will NOT automatically accept a joint motion for continuance of a pretrial conference, calendar call or trial. The Court will evaluate the motion on a case-by-case basis.

### MOTION FOR ATTORNEY’S FEES AND TAX COSTS

Attorneys must send a copy of their Motion to Tax Costs and Award Attorney’s Fees to the Judge’s office. Once received, the Judge will electronically enter an Order Preliminary to hearing. Once the attorneys comply with the Preliminary Order and are ready for a special set hearing, the moving attorney must contact the Judicial Assistant to obtain a special set hearing time. However, the Court will not enter its Order Preliminary unless there is a Final Judgment, Stipulation for Dismissal, etc., entered in the case.

STIPULATIONS TO INVOKE THE RULES AND WAIVE APPEARANCE  
IN SMALL CLAIMS CASES (PRETRIAL CONFERENCES)

This Division utilizes a uniform order that SHOULD BE submitted through the E-Order system. Proposed orders submitted which are not in compliance with the uniform order will not be entered unless both parties agree to the changes. The standard form is attached to these instructions. Please note that submission of a motion to invoke the rules and waive appearance does NOT excuse appearance at the Pretrial Conference unless the Court has actually entered the order. Orders MUST be submitted and signed by 12:00 noon the day of the scheduled hearing, or your attendance is required. Failure to attend without securing a signed order before noon may result in dismissal/default.

EMERGENCY HEARINGS PROCEDURE

The Judicial Assistant is not permitted to schedule any emergency hearings without approval by the Judge. In order to obtain a hearing time for an “Emergency Hearing” your very first step is to provide the Judge’s office with a copy of the motion and other supporting documentation, along with a cover letter advising how much time is requested for the hearing – taking into account the amount of time that may be required by all potential parties. After the Judge has reviewed the motion, instructions will be provided to the Judicial Assistant as to whether grounds sufficiently set forth a need for an “emergency” hearing and you will be contacted.

TELEPHONE APPEARANCES

See Rule 2.530, Rules of Judicial Administration

Motion must be filed, unless agreed to by the parties. Telephone appearance may be permitted for hearings of 15 minutes or less UNDER THE FOLLOWING CONDITIONS:

- 1) Full compliance with Rule 2.530, Fla. R. Jud. Admin.
- 2) Rule 2.530 (testimony) requires either consent of the parties or a motion for permission to present testimony through communication equipment.
- 3) Rule 2.530 (e) requires that the cost for the use of the communication equipment be the responsibility of the party requesting attendance by phone.

You must indicate on the Notice of Hearing that your appearance will be on the telephone. You must call the Judge’s chambers (954-831-7230) at the scheduled time of the hearing, and your call will be placed on “hold” until the hearing begins.

IN THE COUNTY COURT IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO.: COCE \_\_\_\_\_ (52)  
JUDGE: GIUSEPPINA MIRANDA

\_\_\_\_\_,  
Plaintiff(s),

vs.

\_\_\_\_\_,  
Defendant(s).

**WAIVER OF APPEARANCE AT  
PRETRIAL CONFERENCE AND ORDER**

\_\_\_\_\_  
The parties hereby agree to invoke the RULES OF CIVIL PROCEDURE and to waive procedures under the SMALL CLAIMS RULES and further agree to waive their appearance at the pretrial hearing.

Print Legibly: Attorney for Plaintiff  
Address \_\_\_\_\_  
Office # \_\_\_\_\_  
E-Mail \_\_\_\_\_

Attorney for Defendant  
Address \_\_\_\_\_  
Office # \_\_\_\_\_  
E-Mail \_\_\_\_\_

Signature: Attorney for Plaintiff  
Fla. Bar No. \_\_\_\_\_

Attorney for Defendant  
Fla. Bar No. \_\_\_\_\_

**ORDER INVOKING RULES OF CIVIL PROCEDURE**

This cause came to be considered on the Plaintiff and Defendant's agreement to waive the procedures under the Small Claims Rules and, invoke the Rules of Civil Procedure. It is therefore,

ORDERED AND ADJUDGED that:

1. The Florida Rules of Civil Procedure are hereby invoked.
2. The Defendant shall have 20 days from the date of this order to file a response to Plaintiff's complaint or shall suffer default after application as provided by Rule 1.500(b).

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida, on this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Giuseppina Miranda  
COUNTY COURT JUDGE

Copies provided to the above-referenced attorneys.

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

CASE NO.: COCE\_\_\_\_\_ (52)  
JUDGE: GIUSEPPINA MIRANDA

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s),

vs.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s).  
-----/

**ORDER GRANTING PLAINTIFF'S/DEFENDANT'S  
MOTION TO COMPEL DISCOVERY**

THIS CAUSE came before the Court for consideration of the Plaintiff's/Defendant's Motion to Compel *[insert discovery sought]*, and the Court having reviewed the Motion, having considered Local Rule 11, and having been sufficiently advised in the premises, the Courts finds as follows:

The moving party has alleged a complete failure of the opposing party to respond or object to discovery, and has further alleged that the opposing party has not requested an extension of time. Pursuant to Local Rule 11, it is hereby

ORDERED that the Motion is GRANTED. The Plaintiff/Defendant shall comply with the original discovery demand within ten (10) days of the entry of this Order, failing which sanctions may be imposed.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ in Fort Lauderdale,  
Broward County, Florida.

\_\_\_\_\_  
COUNTY COURT JUDGE

Copies furnished to the parties