

FLORENCE TAYLOR
BARNER
COUNTY COURT JUDGE
CIVIL DIVISION (54)
17TH JUDICIAL CIRCUIT OF FLORIDA



BROWARD COUNTY COURTHOUSE
201 S.E. 6TH STREET
CHAMBERS 13133
FORT LAUDERDALE, FL 33301
(954) 831-7568

YVETTE TOMKINS -JA 954-831-7568

UNIFORM MOTION CALENDAR

ON-LINE SCHEDULING IS REQUIRED FOR MOTION CALENDAR Please see "Online Scheduling" at www.17th.flcourts.org THERE IS NO LONGER ANY RECEIPT WHEN SCHEDULING HEARINGS.

MOTION CALENDAR IS MONDAY THRU WEDNESDAY FROM 9:15 - 10:15 A.M. IN HEARING ROOM 13156

Please bring an **extra** copy of the motion and hand it to the judge at the commencement of the hearing. Motion calendar is capped at **15 cases per calendar** or until time allotted has expired. All parties shall be prepared to proceed at 9:15 AM. **If one party fails to timely appear, after proper notice, the matter may proceed on the merits in his/her absence.** Copies of the Notice of Hearing, the Motion, and any pleadings or discovery to which the Motion is addressed shall be **in the hands of the Judicial assistant five (5) five working days in advance of the hearing.** Originals to be filed with the Clerk. If you are cancelling the hearing, please be sure to cancel it on the on-line. If you are cancelling a hearing that is scheduled for the same or next day, please call the JA as well. The Motion Calendar hearing may only be cancelled by the attorney who set the hearing.

Ex-parte matters or non-evidentiary Motions may be heard on the Motion calendar, provided such matters can be conducted in five (5) minutes equally allocated among the parties. The party requesting relief shall furnish the Court a prepared order and sufficient copies with self-addressed, stamped envelopes for all parties.

SAME MOTION - SEVERAL CASES

If an attorney has the same motion in several cases **with the same attorney on the other side** she/he may set one case and include the TITLE of the motion and the other case number to

which it applies.

HEARINGS THAT CANNOT BE SCHEDULED ON LINE:

- Hearings greater than 30 minutes
- Motions for Summary Judgment
- Motion for Rehearing/Reconsideration - According to AO2010-47 Gen, upon review the Judge may grant/deny motion or set hearing.
- Discovery Motions
- Tenant Evictions

MOTIONS TO COMPEL DISCOVERY

Prior to setting Motions to Compel on the docket, Judge Barner requires both parties to make a bona fide effort to resolve each contested matter, on an item by item basis, prior to the matter being set for hearing. AGREED ORDERS MUST BE SUBMITTED ELECTRONICALLY. IF LOCAL RULE 11 IS TRIGGERED, PLEASE USE THE STANDARD FORM ATTACHED HERETO. DO NOT ADD ANY ADDITIONAL LANGUAGE (e.g. waiver of privilege, etc.)

All Motion Calendar and Special Set Hearings for fifteen (15) or thirty (30) minutes must be scheduled using the Online Scheduling system. See footnote below for registration information.[1]

Motions for Default/Final Default Judgments

A non military affidavit must be filed and a copy submitted with proposed orders.
www.servicemembercivilreliefact.com

SPECIAL SET HEARINGS PROCEDURES- CHAMBERS 920B

**ON-LINE SCHEDULING IS REQUIRED FOR SPECIAL SET HEARINGS Please see
“Online Scheduling” at www.17th.flcourts.org**

All parties must confer prior to scheduling the hearing and in good faith attempt to reach a resolution of the issues. No more than two (2) total cases may be noticed by any law firm, including all attorneys affiliated with the firm, on any given day except by leave of the Court. This is to avoid one law firm from scheduling an entire days worth of hearings and leaving no available hearing spots for other matters. You are permitted to notice more than one (1) motion for each of the two (2) cases so long as these motions can be heard in the allotted time reserved. **If more than 2 cases are scheduled on the docket in violation of this procedure, the hearing may be cancelled by the Judicial Assistant.**

Counsel may not “squeeze” a hearing into a time slot that does not provide adequate time to resolve. No “add-ons” will be permitted without approval of the Court. If a matter cannot be resolved within allotted time, the parties will have to seek additional hearing time.

All special set hearings greater than thirty (30) minutes must be set through Judge Barner’s Judicial Assistant. No “add-on’s” will be permitted without approval of the Court and opposing counsel. If the matter settles, **please notify the judge’s office immediately, and cancel the hearing on-line.**

If you need a hearing, but no dates are available on the on-line scheduling, please contact the Judicial Assistant, who will provide additional dates that are not available to the public on the on-line scheduling calendar.

Hearings that have been scheduled on the Special Set Docket **MAY ONLY BE CANCELLED WITH COURT APPROVAL** (Local Rule 11). **A NOTICE OF CANCELLATION DOES NOT CANCEL THE HEARING. FAILURE TO APPEAR MAY RESULT IN SANCTIONS. YOU MUST GET COURT APPROVAL.**

Please send a copy of the notice, and a copy the motion - **15 pages max including footnotes and endnotes** (along with any accompanying memoranda, cases or other supporting authorities - maximum of 8 in any binder) to the Judge’s Chambers, no later than five **(5)** business days prior to the scheduled hearing date. Failure to do so may cause your hearing to be reset. All parties must confer prior to scheduling the hearing and in good faith attempt to reach a resolution of the issues.

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 Court’s Judicial Assistant in order to schedule the hearing. **Additionally, if you are continuously having trouble with either party being unavailable for dates you offer, you may unilaterally schedule a Motion to Compel Date Certain on the motion calendar and the Judge will give you a date for the matter you are trying to have heard.**

The courts are overburdened with increased caseloads, if you do not cancel specially set hearings, it causes a waste of judicial time, as other litigants would likely be unable to utilize the time set aside for your hearing.

NOTICE FOR TRIAL

When filing a “Notice for Trial”, you **MUST** file the original with the Clerk of Court and mail a copy to the JA, with stamped self-addressed envelopes for all parties, including a blank stamped one for the mediator that will be appointed.

Upon receipt of your Notice for Trial the case will be ordered to Mediation or Arbitration. If the matter is also set for trial, you will receive a Pre-Trial Conference and Calendar Call Order. **PLEASE READ THE ORDER THOROUGHLY, AS IT CONTAINS IMPORTANT**

INFORMATION.

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. Again, we are not alerted of a case resolving just because something has been e-filed.

MOTION FOR CONTINUANCE

First, you must contact the opposing party to see if they have any objection. The Motion for Continuance must be filed with a proposed order, sufficient copies to conform and self-addressed, stamped envelopes. If the continuance is **AGREED** to by all parties, please submit an **agreed** order electronically. The Judge will review it and determine whether or not it is approved. If the other side objects to the continuance, it will be necessary to set a hearing on the Motion. Florida Rule of Judicial Administration 2.545(e).

MOTION FOR ATTORNEY'S FEES AND TAX COSTS:

Attorneys must send to the Judge's chambers their Motion to Tax Costs and Award Attorney's Fees, along with self-addressed stamped envelopes for all parties. Once received, the Judge will enter an order Preliminary to hearing on Motion to Tax Costs and Award Attorney's Fees. Once the attorneys have complied with the Preliminary Order and are ready for a special set hearing, the moving attorney must contact the Judicial Assistant to obtain 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.

REQUEST TO INVOKE THE RULES AND WAIVE APPEARANCE IN SMALL CLAIMS CASES (PRE-TRIAL CONFERENCES)

Judge Barner requires a uniform order for this purpose submitted via the e-order system no later than two (2) business days before the Pre-Trial Conference. Proposed orders not in compliance will be rejected. The required form is attached to these instructions. Please remember that the invocation of rules is discretionary with the Court. Do not assume that the Rules have been invoked unless you have a signed order from Judge Barner. Also, please remember that submission of a motion to invoke the rules does not excuse appearance at the Pretrial Conference unless the Court has actually entered the Order.

EMERGENCY HEARINGS PROCEDURE

The Judge's 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” please refer to Amended Administrative Order Number 2014-032-CO for procedures on obtaining an Emergency Hearing. If it is determined your motion meets the criteria, the Judicial Assistant will contact you regarding a hearing date and time.

TELEPHONE CALLS TO CHAMBERS

Please before calling, refer to the procedures for answers to many of your questions. The office is closed between 12:00 noon and 1:30 pm. daily.

EX-PARTE COMMUNICATIONS

The Court staff will not have *ex-parte* communications with anyone and is not permitted to relay ex-parte information to the Judge. Please do not ask this Court’s Judicial Assistant or other court personnel to communicate any message to the judge.

TELEPHONE APPEARANCES

Telephonic appearances are permitted on a case by case basis. Please submit a Motion to Appear Telephonically and a Proposed Order with self-addressed, stamped envelopes with enough copies to conform and be mailed back. DO NOT SUBMIT AN AGREED ORDER, as the Judge will review the motion and determine if it is Granted or Denied. Please put the telephone number where you wished to be called, as we will call you. IF YOUR ORDER IS APPROVED, you must have delivered all relevant pleadings, case law or statutes relied upon to the Judge PRIOR to commencement of the hearing. Telephonic appearances are not permitted for Pre-Trial Conference.

MAIL-IN PROPOSED ORDERS

Any and all proposed Orders submitted to the Judge must be accompanied by the motion, copies to be conformed, and self-addressed, stamped envelopes for ALL parties. Please do not send in proposed Orders saying the Motion has been e-filed.

PLEASE NOTE: Please do not call to inquire whether the judge has signed a particular order or has received any document or pleading. We are unable to answer such questions at the present time due to the enormous volume of phone calls and mail received daily. We appreciate your cooperation and patience.

MOTIONS TO WITHDRAW AS ATTORNEY FOR RECORD

When filing a Motion to Withdraw as Attorney of Record, you are required to include the client's contact information, including address and email address (if any) within the text of the motion. You are also required to serve on your client a copy of the Motion to Withdraw as Attorney of Record and a Notice of Hearing. You must include your client's name and contact information in the certificate of service for both the Motion to Withdraw as Attorney of Record and Notice of Hearing.

If your client or client(s) consent to your withdrawal, you do not need to set your Motion to Withdraw as Attorney of Record for a hearing. Instead, please e-file a Consent to Withdrawal (signed by all clients you wish to withdraw from), and send to the Judicial Assistant a copy of the Motion to Withdraw as Attorney of Record, the Consent to Withdrawal and adequate copies of a proposed order, and address stamped envelopes for all parties including your client(s). **Your proposed order must contain the below language:**

FOR INDIVIDUALS:

"ALL FUTURE PLEADINGS FOR THE ___[PARTY BEING WITHDRAWN FROM]___, SHALL BE SERVED UPON ___[INSERT NAME AND ADDRESS OF FORMER CLIENT]___." IF THE PARTY IS AN INDIVIDUAL, YOU MAY APPEAR ON YOUR OWN BEHALF AS A "PRO-SE".

FOR CORPORATIONS, LLC'S, ETC.

"IF THE PARTY IS A CORPORATION, FLORIDA LAW REQUIRES THAT A CORPORATION BE REPRESENTED BY AN ATTORNEY. FAILURE TO TIMELY RETAIN NEW COUNSEL WHO FILES AN APPEARANCE ON BEHALF OF THE CORPORATION WITHIN 20 DAYS FROM THE DATE OF THIS ORDER MAY RESULT IN THE ENTRY OF A DEFAULT OR THE STRIKING OF PLEADINGS."

SUBSTITUTION OF COUNSEL

Stipulations for Substitution of Counsel or Motions for Substitution of Counsel shall be signed by both the former attorney and the new attorney taking the case over. Stipulations for Substitution of Counsel or Motions to Substitute Counsel must be e-filed and a proposed Order of Substitution of Counsel may be uploaded electronically through E-order.

MOTIONS FOR RE-HEARING

SEE ADMINISTRATIVE ORDER 2010-47-GEN)

"...UPON THE FILING OF A MOTION FOR REHEARING AND/OR RECONSIDERATION WITH THE CLERK OF COURT, THE FILING PARTY SHALL PROVIDE A COURTESY COPY TO THE DIVISION JUDGE ALONG WITH STAMPED ENVELOPES ADDRESSED TO ALL PARTIES....A MEMORANDUM OF LAW SHALL BE INCORPORATED INTO THE MOTION FOR REHEARING AND/OR RECONSIDERATION WITH THE LEGAL

BASIS FOR THE COURT TO GRANT THE RELIEF REQUESTED. THE DIVISION JUDGE UPON REVIEW ... MAY GRANT THE MOTION OR SET THE MOTION FOR HEARING OR DENY THE MOTION.”

MOTIONS FOR NEW TRIAL

(see F.R Civ. P.: Rule 1.530, Fla. R. Civ. P., entitled “Motions for New Trial and Rehearing”, subsection (b)). All motions must be served not later than ten (10) days after the return of the verdict in an jury action or the date of filing of the judgment in a non-jury action.

PROCEDURE FOR AGREED ORDERS/COMPEL ORDERS/ ORDERS INVOKING RULES OF CIVIL PROCEDURE.

Judge Barner participates in **e-orders**. This means that if you are submitting an AGREED ORDER, EX-PARTE ORDER COMPELLING DISCOVERY, or an ORDER INVOKING THE RULES OF CIVIL PROCEDURE, you MUST submit these through the online e-order system. Please follow the link below to determine how this is done: <http://www.17th.flcourts.org/index.php/self-help/eorders>. **Any hard copies of Orders dropped off or mailed to the Court will NOT be entered.**

2017 COURT HOLIDAYS:

Memorial Day	Monday, May 29, 2017
Discretionary Holiday	Monday, July 3, 2017
Independence Day	Tuesday, July 4, 2017
Labor Day	Monday, September 4, 2017
Rosh Hashanah	Thursday, September 21, 2017
Veteran’s Day	Friday, November 10, 2017
Thanksgiving Day	Thursday, November 23, 2017
Friday after Thanksgiving	Friday, November 24, 2017
Christmas Day	Monday, December 25, 2017

Division (54)

**THANK YOU FOR YOUR COOPERATION
JUDGE FLORENCE TAYLOR BARNER**

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

Plaintiff,

CASE NO.:

v.

DIVISION: 54

Defendant.

JUDGE: FLORENCE TAYLOR BARNER

_____ /

The parties hereby agree to invoke the RULES OF CIVIL PROCEDURE and agree to waive procedures under the SMALL CLAIMS RULES, and further agree to waive their appearance at the pretrial hearing, which is scheduled for _____.

Attorney for Plaintiff

Attorney for Defendant

Address

Address

Signature: Attorney for Plaintiff

Signature: Attorney for Defendant

ORDER INVOKING RULES OF CIVIL PROCEDURE

This cause came to be considered on the Plaintiff and Defendant's agreement to invoke the Rules of Civil Procedure, it is therefore

ORDERED AND ADJUDGED THAT:

1. The Florida Rules of Civil Procedure are hereby invoked, however pursuant to rule 7.020(c), rule 1.440 is not invoked and rules 7.135 and 7.150 are reserved and prevail over rule 1.430.
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 without further hearing.
3. The Defendant DOES [] DOES NOT [] object to venue

DONE and ORDERED in Chambers at the Broward County Courthouse, Fort Lauderdale, Florida on _____.

Florence Taylor Barner
County Judge

Copies furnished to:
Plaintiff, Defendant

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

CASE NO.:

Plaintiff,

DIVISION: 54

v.

JUDGE: FLORENCE TAYLOR BARNER

Defendant.

_____/

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

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this ____ day of _____, 20____.

Florence Taylor Barner
County Judge

Copies furnished to:
Attorney for Plaintiff
Attorney for Defendant