

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

Administrative Order No. 2019-29-Crim

**ADMINISTRATIVE ORDER ESTABLISHING ASSIGNMENT AND
DISTRIBUTION OF CIRCUIT CRIMINAL CASES**

(a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) In accordance with the authority vested in the chief judge pursuant to Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective May 1, 2019:**

(1) Individuals arrested on felony charges shall be randomly assigned to a circuit criminal division within twenty-four (24) hours of the defendant’s first appearance hearing, except on weekends and court holidays, in which case, the case shall be assigned to a circuit criminal division the next court business day. If an individual is arrested who has a pending felony case or cases, the Clerk of the Court shall assign such case to the circuit criminal division with the lowest case number. Violations of probation or community control in cases in which the sentencing judge is no longer assigned to the circuit criminal division shall remain with that circuit criminal division caseload and any judge assigned thereto. Defendants in such cases who are charged with subsequent felonies shall likewise be assigned to the circuit criminal division with jurisdiction over the violation of probation or community control. In no case shall the judge automatically continue to have jurisdiction over a defendant when the probationary or community control period has expired.

(2) Except as provided herein, Division FO shall only be assigned cases involving defendants who have been charged with third degree felonies. Until such time as the Clerk of the Court is advised by the Administrative Judge of the Circuit Criminal

Division by memorandum, Division FO shall receive two cases for every one case assigned to the other circuit criminal division.

(1) If a defendant who is charged with a third degree felony and whose case is assigned to Division FO is subsequently charged with a second or third degree felony or any misdemeanor, such additional case shall be assigned to Division FO. If a defendant charged with a third degree felony and whose case is assigned to Division FO is subsequently arrested for and charged with a first degree or capital felony, a transfer order shall be issued directing the cases to be randomly assigned to another circuit criminal division.

(2) In cases in which the information or indictment is filed prior to the arrest of the defendant, both the case number and the division shall be assigned when the case is filed.

(3) When a judge is transferred from the circuit criminal division, he or she shall retain those cases in which he or she presided over trial or accepted a guilty plea for the purposes of sentencing only.

(4) The Clerk of the Court shall provide to defendants who bond out of jail or are otherwise released prior to arraignment the notice of arraignment date, location, and judge.

(5) Arraignments for persons who bond out shall be set ten (10) days from the date of case filing, excluding Saturdays, Sundays, and court holidays. Arraignments for in-custody defendants shall be scheduled within three (3) days following case filing, excluding Saturdays, Sundays, and court holidays.

(6) Judges assigned to a circuit criminal division shall hold arraignment hearings at least three (3) times each week. If the assigned judge is not available, such arraignments shall be conducted by one of the assigned judge's alternates.

(7) This Administrative Order supersedes and vacates Administrative Order III-88-A-1 as of May 1, 2019.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 29th day of April, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge