

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

Administrative Order 2019-59-Crim

**ADMINISTRATIVE ORDER PERTAINING TO MOTIONS FILED
PURSUANT TO SECTION 98.0751, FLORIDA STATUTES**

(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 the 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) Senate Bill 7066, signed into law by Governor Ron DeSantis on June 28, 2019, and effective July 1, 2019, includes, *inter alia*, statutory provisions implementing a voter approved amendment to Article VI, section 4 of the Florida Constitution permitting certain convicted felons to have their right to vote restored upon the completion of all terms of their criminal sentence.

(d) To ensure expediency and uniformity in the processing of requests pursuant to section 98.0751, Florida Statutes, it is necessary to establish certain procedures and guidelines for the filing of such motions.

(e) 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 immediately:**

(1) Any person convicted of any offense, other than murder or a felony sexual offense,¹ in Broward County, Florida, may file a written motion in their case(s) pursuant to section 98.0751, Florida Statutes. The motion shall be titled “Motion to Modify Sentence and/or Request to Determine All Terms of Sentence Complete

¹ As defined in section 98.0751(2)(b), Florida Statutes.

Pursuant to Section 98.0751, Florida Statutes.” The Clerk of the Court shall docket such motion in the appropriate criminal case number(s).

(2) The motion may be sworn or verified and shall include the following information:

- (a) The felony case number(s) for their conviction(s);
- (b) The county in which the conviction(s) was (were) entered;
- (c) The date of such conviction(s);
- (d) Whether restitution was imposed as a term of the sentence and, if so, whether any or all of such restitution was paid.
- (e) Whether a fine and/or fee was imposed as a term of the sentence and, if so, whether any or all of it was paid. If unpaid, the movant shall also advise whether he or she is on a payment plan with the Clerk of the Court. If not on a payment plan and otherwise unable to pay the financial obligation, the movant shall attach to his or her motion a sworn affidavit summarizing their assets and liabilities, explain why they did not satisfy all financial obligations, and advising of their present ability to pay the financial obligation(s).
- (f) As an attachment to the motion, any documentation detailing the terms of the individual’s sentence.

(3) Upon filing, the motion shall be served on the State Attorney in accordance with applicable law and rule requirements. The State Attorney may file a response within ten (10) days of service. The movant may file a reply within ten (10) days of service of any response.

(4) A hearing shall be held as soon as practicable, but in no event later than forty-five (45) days from the date the motion is filed. All motions filed pursuant to section 98.0751, Florida Statutes will be heard by the judge assigned to Division (07) or other judicial officer as designated by the Chief Judge. The judge assigned to determine the motion will advise as to the date and time for the hearing.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 23rd day of August, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge