

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

Administrative Order 2021-21-Crim

REPEAT OFFENDER DESIGNATION DIVISIONS

(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) The Legislature has concluded that priority should be given to the prosecution of career criminals, and supports increased efforts by the State to investigate and prosecute career criminals, section 775.0841, Florida Statutes (2019).

(c) The Legislature has empowered agencies within the criminal justice system to employ enhanced management efforts and resources for the prosecution of career criminals, section 775.0843, Florida Statutes (2019).

(d) Local Rules, under the umbrella of Article V, Section 20 (c) (10) of the Florida Constitution, create divisions or subdivisions within the circuit courts. This Administrative Order, pursuant to Florida Rules of General Practice and Judicial Administration 2.215, and consistent with prior rulings of the Florida Supreme Court, has the express and exclusive objective of facilitating and advancing the efficient administration of justice in the Broward Circuit Criminal Courts; and

(e) Consistent with Florida Supreme Court holdings, this Order creates divisions of the circuit court's criminal division pursuant to Florida Statute section 775.084.

In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

Divisions FX and FW shall hear cases with qualifying defendants under Florida Statute section 775.084, “Violent career criminals; habitual felony offenders and habitual violent felony offenders; three-time violent felony offenders; definitions; procedure; enhanced penalties or mandatory minimum prison terms.”

(1) Divisions FX and FW shall hear cases where the defendant qualifies as:

- i. **HABITUAL VIOLENT FELONY OFFENDER**
Qualifying offenses enumerated in Florida Statute section 775.084(1)(b)(1) and otherwise meets the statutory criteria.
- ii. **VIOLENT CAREER CRIMINAL**
Qualifying offenses enumerated in Florida Statute section 775.084(1)(d)1 and otherwise meets the statutory criteria.

(2) **CAPITAL MURDER**

The Clerk of the Court will randomly assign capital cases to a circuit criminal division. If the Judge in the assigned division is not “death penalty qualified,” the case shall be reassigned to a Judge who is “death penalty qualified.”

(3) **HABITUAL FELONY OFFENDER**

Defendants who qualify as Habitual Felony Offenders may have their cases transferred to Divisions FW or FX at the discretion of the FW or FX Division Judge when feasible.

(4) **TRANSFER OF CASES**

- a. **Multiple Cases.** If a defendant in a case assigned to Division FW or FX has one or more felony cases pending in another division, the pending case(s) shall be transferred to Division FW or FX without the necessity of any Motion or Order.
- b. **Violation of Probation.** If a defendant in a case assigned to Division FW or FX has one or more violations of probation or community control cases pending in another division, the pending case(s) shall be transferred to Division FW or FX without the necessity of any Motion or Order.

This Administrative Order supersedes and vacates Administrative Order III-07-I-1, effective immediately.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 5th day of May, 2021.

/s/ Jack Tuter
Jack Tuter, Chief Judge