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

Administrative Order *2021-50-Civ*
2021-51-CO
2021-52-PRC

CIRCUIT AND COUNTY CIVIL AND PROBATE EMERGENCY MATTERS

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

(b) Pleadings and motions filed as emergencies disrupt court procedures and interrupt work on cases that are currently pending. Consequently, an attorney or party who seeks "emergency" review loses credibility when the court determines there is no true emergency. *See USAA Cas. Ins. Co. v. Pembroke Pines MRI, Inc.*, 24 So. 3d 588 (Fla. 4th DCA 2009).

(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 General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

(1) If a party in a civil or probate case has an emergency matter it shall be presented to the assigned division judge. If the assigned division judge is absent or otherwise unavailable, the matter shall be taken to the Office of the Trial Court Administrator, who shall attempt to locate an alternate judge presiding in the same division as where the emergency was filed for assignment prior to the matter being presented to the duty or relief judge. If a party seeking emergency relief is represented by an attorney, the attorney must accompany the client or appear in person at the Office of the Trial Court Administrator for the matter to be reassigned. The circuit judges shall have all the power and jurisdiction of a county judge if he or she is assigned an emergency county court matter; and county judges shall have all the power and jurisdiction of a circuit judge if he or she is assigned an emergency circuit court matter.

(2) Any party requesting emergency relief for any motion, appeal or petition shall file a separate notice of "Request for Emergency Relief." The "Request for Emergency Relief" shall be filed simultaneously with the motion, appeal or petition for which emergency relief is sought. The required form is attached as Exhibit "A" to this order.

(3) Attorneys shall file the motion and Request for Emergency Relief with the E-Filing Portal and bring the receipt of the filing to the Clerk of the Court. Attorneys shall also ensure that they select the emergency option to indicate the filing is in compliance with this Administrative Order. The Clerk of the Court shall locate the motion and Request for Emergency Relief in the pending queue and if appropriate, immediately accept the document or advise the filing attorney of deficiencies to be corrected for acceptance. The filing attorney shall only proceed to the division judge or the Office of the Trial Court Administrator upon the Clerk of the Court's acceptance and docketing of the Request for Emergency Relief.

(4) Self-represented parties may register with the E-Filing Portal and file the motion and Request for Emergency Relief with the E-Filing Portal and bring the receipt of the filing to the Clerk of the Court. The form is located on the website for the 17th Judicial Circuit at www.17th.flcourts.org. The Clerk of the Court shall locate the motion and Request for Emergency Relief in the pending queue and if appropriate, immediately accept the document or advise the filing party of deficiencies to be corrected for acceptance. The filing party shall only proceed to the Division Judge or the Office of the Trial Court Administrator upon the Clerk of the Court's acceptance and docketing of the Motion for Emergency Relief.

(5) If a self-represented party does not file the motion and Request for Emergency Relief with the E-Filing Portal, then the party shall bring the original motion and request to the Clerk of Court for filing.

(6) No emergency motion shall be afforded emergency relief until the court determines whether an emergency exists. An emergency is defined as a matter that will result in irreparable harm, death or result in a manifest injury if immediate relief is not afforded. Matters which do not meet this definition shall not be submitted to the court as an "emergency." If the reviewing judge is not the assigned division and he or she determines the matter does not constitute an emergency, the matter shall then be referred to the assigned division judge for further proceedings.

(7) Any party or attorney who violates this Administrative Order by requesting emergency relief without an objectively reasonable basis is subject to sanctions, pursuant to section 57.105, Florida Statutes, or any other sanction authorized by law.

This Administrative Order vacates and supersedes Administrative Orders 2014-32-Civ and 2014-32-CO.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on 13th September, 2021.

/s/ Jack Tuter
Jack Tuter, Chief Judge

Exhibit "A"

IN THE CIRCUIT/COUNTY COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Case No.:_____
Judge/Division: _____

_____/

REQUEST FOR EMERGENCY RELIEF

The attached motion, appeal or petition meets criteria for consideration for emergency relief pursuant to Administrative Order 2021-50-Civ, 2021-51-CO, or 2021-52-PRC:

1. The nature of the emergency:
_____
_____
_____
_____
_____

2. If an Order is at issue, the name of the Judge and date of the Order:
_____
_____

3. A Judge has not previously denied this request for emergency relief.

I hereby certify there exists a reasonably objective basis to request emergency relief as set forth in the attached motion.

Name: _____

Address:
_____
_____

Email: _____ Phone: _____

Signature of Counsel/Self-Represented Party: _____

CERTIFICATE OF SERVICE TO ALL COUNSEL/PARTIES