

OTHER CIRCUIT CIVIL PROCEEDINGS

This section provides guidance on procedures to be used when completing the Other Circuit Civil portion of the monthly SRS forms. For ease of following the SRS forms, this section is divided into the major sections indicated on the form. Each **U** or **Y** indicates guidelines and directions that should be followed when completing specific sections of the SRS form.

Note: The section entitled Case Type Determinations (pages 4-12 through 4-14) provides case type and category definitions. The SRS reporting form for the Other Circuit Civil division is located in the tabbed section entitled SRS Reporting Forms (page 12-5).

FILINGS

Number of Filings

Please refer to section "A" of the SRS form which reports information associated with the number of cases filed during the specified reporting period. Report these cases filed as of the clerk's document **stamp date**.

- U** Report in the appropriate case type, the number of complaints or petitions filed during the reporting period.
- U** Report cases transferred to the reporting court from another court **prior to disposition**.
- U** Report each parcel as a separate filing for eminent domain cases (See Frequently Asked Questions, page 4-17).
- U** Report civil cases which arise out of or occur in conjunction with criminal cases.
- U** Report civil cases which arise out of or occur in conjunction with probate cases or other civil suits.
- U** If several counts with separate case types are included on a petition or complaint, report the case under the case type that involves the greatest monetary issue.
- U** Report each filing in situations where separate petitions/complaints are filed under the same case number. For example, if a petition for a breach of contract is combined under the same case number with a petition for injunctive relief, **report each filing under the appropriate case type** (See Frequently Asked Questions, page 4-17).

FILINGS

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include the reporting errors.

- Y **DO NOT** report cases which were previously reported as disposed but are resubmitted to the court (See Number of Reopened Cases, page 4-9).
- Y **DO NOT** report foreign judgments that are registered with the clerk's office for administrative tracking purposes (See Number of Reopened Cases, page 4-9).

NOTES

Number of Dispositions

Please refer to section "B" of the SRS form which reports information associated with the number of cases disposed during the specified reporting period. Report these cases disposed as of the clerk's document **stamp date** on the final disposition paperwork.

- U Report in the appropriate case type and disposition category, the number of cases disposed during the reporting period.
- U Report cases as disposed after the final judicial decision which terminates a civil proceeding by a final judgment or order entered by the court. For purposes of SRS reporting, include the following:
 - C Cases that are consolidated into a primary case. A primary case remains open until final judicial decision is entered.
 - C Cases transferred to another court or jurisdiction.
 - C Cases in which an order approving the stipulation or conditional judgment is entered by the court.
- U Report each disposition in the appropriate case type and disposition category in situations where separate petitions/complaints are disposed under the same case number.
- U Report each disposition in the category that involves the greatest amount of judicial time using the following scheme which ranks disposition types in descending order from greatest judicial time to least judicial time:
 1. Disposed by Jury Trial;
 2. Disposed by Non-Jury Trial;
 3. Disposed by Judge;
 4. Dismissed, Settled, or Disposed After Hearing;
 5. Disposed by Default;

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6. Dismissed, Settled, or Disposed Before Hearing; and
7. Disposed by Other.

U In cases involving multiple defendants, report the disposition of the case only when the last defendant's action is disposed. If the defendants have different dispositions, report the disposition in the appropriate case type and disposition category that involves the greatest amount of judicial time, using the following scheme which ranks disposition types in descending order from greatest judicial time to least judicial time:

1. Disposed by Jury Trial;
2. Disposed by Non-Jury Trial;
3. Disposed by Judge;
4. Dismissed, Settled, or Disposed After Hearing;
5. Disposed by Default;
6. Dismissed, Settled, or Disposed Before Hearing; and
7. Disposed by Other.

For example, in a circuit civil claim involving multiple defendants, if the claim against Defendant A is dismissed, settled, or disposed after a hearing, and the claim against Defendant B is disposed by the judge, the case would be reported in the **Disposed by Judge** disposition category in the time period of the last defendant's action.

U Report one disposition for each parcel for eminent domain cases. Report the disposition of each parcel in the time period of the last defendant's action as to that parcel. If parcels are disposed in different months, report the parcel as disposed in each month the disposition occurs.

U Report mortgage foreclosure cases as disposed when the final judgment is rendered.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

Y **DO NOT** report applications for voluntary binding arbitration for SRS. However, the

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law requires the clerk of court to keep separate records of the applications.

- Y **DO NOT** report cases as dismissed when a leave to file an amended complaint is issued. **Report these cases disposed when the final disposition occurs.**
- Y **DO NOT** report cases disposed when an abatement is issued to stay the proceedings. **Report these cases disposed once a final judgment or order has been entered by the court.**
- Y **DO NOT** report cases disposed when a summary jury trial is held. **Report these cases disposed once the final judgment or order is entered by the court.**

- Y **DO NOT** report cases disposed when referred to mediation or arbitration. **Report these cases disposed once the final judgment or order is entered by the court.** These cases are **not** reported as disposed in the **Disposed by Other** disposition category unless **Disposed by Other** is the actual disposition (See **Disposed by Other** dispositions, page 4-8).
- Y **DO NOT** report the dispositions of reopened cases.

NOTES

DISPOSITION CATEGORIES

Dismissed, Settled, or Disposed Before Hearing

- U Report in the appropriate case type, the number of cases dismissed before a hearing is held.
- U Report cases dismissed due to **lack of prosecution** before a dismissal hearing is held.
- U Report voluntary dismissals entered prior to a hearing.
- U Report cases disposed that are settled prior to a hearing.
- U Report cases disposed upon entry of an order of dismissal by the court, pursuant to a stipulation and agreement prior to a hearing.

DISPOSITIONS

Dismissed, Settled, or Disposed After Hearing

- U Report in the appropriate case type, the number of cases dismissed after a hearing is held.
- U Report cases dismissed due to **lack of prosecution** after a dismissal hearing is held.
- U Report cases dismissed by the judge after a hearing is held.
- U Report voluntary dismissals entered after a hearing is held.
- U Report cases disposed that are settled after a hearing is held.
- U Report cases disposed upon entry of an order of dismissal by the court pursuant to a stipulation and agreement after a hearing is held.

Disposed By Default

- U Report in the appropriate case type, the number of cases disposed after a defendant fails to contest the plaintiff's allegation(s), and a judgment or order against the defendant is entered by the court (See Frequently Asked Questions, page 4-15).

Disposed By Judge

For SRS reporting purposes, consider a disposed by judge disposition as a judgment or disposition reached by the judge in a case which is **not dismissed** and in which **no trial** is held.

- U Report in the appropriate case type, the number of cases disposed after a judgment or decision has been rendered by a judge.
- U Report stipulations/conditional judgments as disposed when the order approving the stipulation or conditional judgment is entered by the court.
- U Report cases disposed as a result of a judge granting a motion for judgment on the pleadings.
- U Report cases disposed as a result of a summary judgment after hearing by the judge.

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- U Report cases disposed **upon a decision or judgment entered by the court** pursuant to mediation/arbitration.

Disposed By Non-Jury Trial (Bench or Judge Trial)

For SRS reporting purposes, consider the beginning of a non-jury trial to be when the first evidence is introduced or an opening statement is made.

- U Report in the appropriate case type, the number of cases disposed as a result of a contested trial in which there is no jury and a judge determines both the issues of fact and law in a case.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include the reporting errors.

- Y **DO NOT** report cases disposed which result in a mistrial. **Report these cases in the appropriate disposition category when the case has a final disposition.**
- Y **DO NOT** report cases disposed as the result of the granting of a motion for a summary judgment (See **Disposed by Judge** dispositions, page 4-7).

Disposed By Jury Trial

For SRS reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are **sworn**.

- U Report in the appropriate case type, the number of cases disposed after a judgment or decision is reached, after a jury trial begins.
- U Report cases disposed that settle after the jurors and alternates are sworn, **even if the jury did not reach a verdict.**

The following items identify common reporting errors. Please check these items to ensure that

DISPOSITIONS

the SRS report **does not** include these reporting errors.

- Y **DO NOT** report cases disposed which result in a mistrial. **Report these cases in the appropriate disposition category when the case has a final disposition.**
- Y **DO NOT** report cases disposed as a result of a summary jury trial. **Report these cases in the appropriate disposition category when the case has a final disposition.**

Disposed By Other

- U Report in the appropriate case type, the number of cases that do not meet the requirements of the previously described disposition categories.
- U Report cases disposed which are consolidated into a primary case. A primary case remains open until the final judicial decision is entered.
- U Report cases disposed that are transferred to another court or have a change of venue.
- U Report cases disposed when a suggestion of bankruptcy is filed. **Cases involving multiple defendants should not be reported disposed at this juncture if disposition is still pending as to remaining defendants** (See Frequently Asked Questions, pages 4-15 and 4-17). The case is to be reported in the SRS disposition category that results in the greatest amount of judicial activity (See Number of Dispositions, page 4-3).
- U Report bond estreature cases where a hearing is not held.

purposes should not be reported for SRS as filings. However, if the case is brought before the court for enforcement, modification, or a contested action, it should be reported as a reopened case under the appropriate SRS case type that initiated the foreign judgment petition.

REOPENED CASES

Number of Reopened Cases

Please refer to section “C” of the SRS form which reports information associated with the number of reopened cases during the specified reporting period. For motions and petitions filed with the court, report these cases reopened as of the clerk’s document **stamp date**.

- U Report in the appropriate case type, the number of cases previously reported as disposed which are reactivated or resubmitted to the court for action.
- U Report **rehearings** and all motions and petitions filed in cases previously reported as disposed where **judicial action may be involved**.
- U Report the enforcement and modification of previous judgments or decisions. Examples include but are not limited to:
 - C Motion for writ of garnishment (chapter 77, except sections 77.13 and 77.14, Florida Statutes);
 - C Motion for writ of attachment (chapter 76, Florida Statutes);
 - C Modifications of final judgments;
 - C Enforcement due to non-payment;
 - C Motion for writ of possession;
 - C Motion to show cause;
 - C Motion to vacate final judgment;
 - C Motion for new trial; and
 - C Motion for contempt.
- U Report stipulations/conditional judgments that are not successfully completed and are reactivated requiring judicial action.
- U Report cases that resulted in a default judgment that are later reactivated.
- U Report cases dismissed without prejudice which are later reactivated.
- U Report separate motions/petitions filed subsequent to the close of the case, but on the same day as only one reopening. However, if separate motions/petitions are filed subsequent to the close of the case on different days, report each occurrence.
- U Report contempt proceedings brought against the defendant or plaintiff held subsequent to the close of the case.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- Y **DO NOT** report the dispositions of reopened cases.

REOPENED CASES

Y **DO NOT** report the execution of judgments.

NOTES

REOPENED CASES

Number of Appeals Filed

Please refer to section “D” of the SRS form which reports information associated with the number of appeals filed during the specified reporting period.

- U** Report the number of appeals from **county civil** court filed during the reporting period. Report only those appeals which will go before a circuit court judge, or a panel of circuit court judges.

The following item is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

- Y** **DO NOT** report appeals from the circuit court to the District Courts of Appeal or the Supreme Court.

NOTES

Case Type Determinations

The following list includes the types of proceedings that are included for each SRS case type. To select the correct SRS case type you should follow these procedures:

1. Review each petition or complaint and determine the primary issue involved;
2. Select the appropriate SRS case type for the issue indicated within the petition or complaint; and
3. Report the petition or complaint under the correct SRS case type on the Other Circuit Civil SRS form.

Professional Malpractice

- ? All medical, legal, or other professional malpractice lawsuits.

CASE TYPE DETERMINATIONS

Products Liability

- ? All matters involving the alleged responsibility of the manufacturer or seller of an article for an injury caused to persons or property by a defect in, or condition of, the article sold, or an alleged breach of duty to provide suitable instructions to prevent injury.

Auto Negligence

- ? All matters resulting from personal injury, property damage, or wrongful death arising out of a party's alleged negligent operation of a motor vehicle, as defined in section 316.003, Florida Statutes. That is, any self-propelled vehicle not operated upon rails or guide way, but not including bicycles or mopeds. This includes, but is not limited to the following:

- C Automobiles;
- C Trucks;
- C Buses; and
- C Motorcycles.
- C

Quick tip: DO NOT include lawsuits where an insurance company is trying to recover damages from the defendant for monies paid out. These actions should be reported under the “Contract and Indebtedness,” or “Other Civil” section.

Other Negligence

- ? All matters relating to liability lawsuits involving negligence related death, injury, or damage to property or property interests, including claims for statutory relief on account of death or injury, and including but not limited to the following:

- C Water craft; and
- C Asbestos-related diseases.

DO NOT include auto negligence, professional malpractice, or products liability lawsuits.

Condominium

- ? All civil lawsuits pursuant to chapter 718, Florida Statutes. A condominium **association (not condominium unit)** must be a party in the lawsuit.

CASE TYPE DETERMINATIONS

Contract and Indebtedness

? All contract actions and all actions relating to promissory notes and other debts, including those arising from the sale of goods, and including, but not limited to the following:

- C Uniform commercial code litigation;
- C Open account;
- C Money lent;
- C Breach of contract;
- C Breach of lease agreement;
- C Breach of insurance contract;
- C Construction liens (formerly mechanics liens); and
- C Evictions.

DO NOT include contract disputes involving condominium associations. These actions should be reported under the **Condominium** category.

Real Property/Mortgage Foreclosure

All matters relating to the possession, title and boundaries of real property including:

- C Purchase;
- C Partition;
- C Quieting title and removing encumbrances;
- C Seals reformation;
- C Rescissions and cancellation;
- C Ejectment actions; and
- C All matters relating to the involvement of legal and equitable liens against real property including foreclosures and sales, and foreclosures associated with condominiums.

DO NOT include construction liens (formerly mechanics liens) (See **Contract and Indebtedness**, page 4-13).

CASE TYPE DETERMINATIONS

Eminent Domain

- ? All matters relating to the taking of private property for public use including inverse condemnation by state agencies, political subdivisions, and public service corporations.

Other Civil

- ? All civil matters not included in the previously described categories. This includes, but is not limited to the following:
- C Declaratory judgments;
 - C Injunctions;
 - C Administrative agency appeals;
 - C Bond estreatures;
 - C Replevins;
 - C Habeas corpus proceedings;
 - C Forfeitures; and
 - C Interpleader.

If you are unable to determine the correct SRS case type, contact Court Services staff at (850) 922-5094 or Suncom 292-5094.

Other Circuit Civil Frequently Asked Questions

1. (Q) Should a suggestion of bankruptcy filed subsequent to the disposition, be reported as a reopening for SRS?

(A) When a case is disposed of by final judgment or some other manner of disposition, and one party files a suggestion of bankruptcy after the case is disposed of for SRS, the case should not be reported as reopened until a motion or petition is filed (or rehearing occurs) that requires judicial action. A suggestion of bankruptcy is not considered a "reopened action." The purpose of documenting reopened cases is to provide information on judicial workload. A suggestion of bankruptcy does not require additional attention by the circuit court judge (i.e., the actual bankruptcy proceeding is held in federal court). As such, the suggestion of bankruptcy serves as a notice to all parties involved that further action will be required at the federal level.
2. (Q) If parties fail to reach a settlement after a pretrial conference and they subsequently appear before the judge, should the disposition be reported as "Disposed by Non-Jury

FREQUENTLY ASKED QUESTIONS

Trial?"

(A) These cases should be reported in the "Disposed by Judge" category, not the "Disposed by Non-Jury trial. If evidence is introduced and/or an opening statement is made, then the disposition should be reported in the "Non-Jury Trial" category. Typically, a non-jury trial is scheduled by a notice of "Non-Jury Trial" to all parties.

2. (Q) When should a case be reported as "Disposed by Default?"

(A) When a default is entered by the clerk's office and a judgment is subsequently entered for the plaintiff, based upon the default, the appropriate manner of disposition for SRS purposes is "Disposed by Default." Often, the final judgment will not specifically reference the default in its title, (e.g., Default Final Judgment). As a result, these dispositions are often incorrectly reported as "Disposed by Judge." As such, it is sometimes necessary to read the judgment or check the docket entries to determine the correct disposition category for SRS.

2. (Q) How should the disposition be reported in cases in which a Special Master conducts a hearing and enters a recommendation for the court's consideration?

(A) If the Special Master enters a report/recommendation and all issues have been resolved to the satisfaction of the parties, and the court enters an order approving the recommendation, the case should be reported closed for SRS under the "Disposed by Judge" disposition category. However, if the parties reach an impasse, the manner of disposition could change depending on the subsequent proceedings. For example, the case could go on to become a non-jury trial. Alternately, the parties could reach a settlement and file a voluntary dismissal which would qualify the case to be reported as closed under the "Dismissed After Hearing" disposition category. Essentially, a number of events could occur which may impact the SRS disposition category. Further, almost any disposition category may be reported depending on the proceedings that transpire.

FREQUENTLY ASKED QUESTIONS

2. (Q) Should the clerk dispose of a case based on a court order that conflicts with the provisions of the SRS Manual? Additionally, should the disposition be reported as “Disposed by Judge?”

(A) Any court orders or directions which effectively dispose of a case at the local level but are in direct conflict with the provisions of the SRS manual should be addressed to the OSCA. Administrative orders entered at the local level may require internal documentation but should not supercede SRS instructions. Secondly, the “Disposed by Judge” category should not be used as a catch all category. Rather, case activity should always be evaluated in its entirety so as to capture the greatest amount of judicial time.

2. (Q) How should you report the date of disposition when the final order is filed over a month after the actual disposition date, with a nunc pro tunc instruction accompanying the judge's signature?

(A) The date of disposition for SRS should always be reported as of the document stamp date. For example, in a scenario where the clerk's office receives the disposition paperwork and clocks it in on 3/12/01, with the judge having signed the order on 3/12/01 and nunc pro tunc the date of the order to 1/10/01, the document was not officially received in the clerk's office until 3/12/01. Thus, it should not be reported as disposed for SRS until such time.

Quick Tip Black’s Law Dictionary defines *nunc pro tunc* as, “A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, *i.e.*, with the same effect as if regularly done. Nunc pro tunc entry is an entry made now of something actually previously done to have effect of former date;”. For instance, a nunc pro tunc order may reflect an effective date which is earlier than the signature date.

2. (Q) How should Notice of Intent actions under section 766.106, Florida Statutes, be reported for SRS?

(A) A Notice of Intent action is required before a medical malpractice complaint is filed. These notices should not be reported as filings for SRS. When the

FREQUENTLY ASKED QUESTIONS

petition/complaint for medical malpractice is filed, the case should be reported for SRS under the “Professional Malpractice” case type.

2. (Q) At what juncture should a complaint for mortgage foreclosure be reported as disposed for SRS?

(A) A typical complaint requests judgment for (1) mortgage foreclosure and (2) additional monies owed. Clerk's staff advise that often the plaintiff does not pursue the monetary issue once a judgment for foreclosure is entered. Given the aforementioned, the case should be reported as disposed for SRS when the final judicial decision is rendered as to foreclosure. If the monetary issue is subsequently brought before the court at some later date via a motion, petition, or rehearing, the case should be reported as reopened for SRS.

9. (Q) How should multiple petitions/parcels filed per case be reported for SRS if a case manage

(A) If case filing/disposition activity is recorded in a single data field that is date driven, subsequent entries of said case data would necessitate a manual overwrite of any prior entered data for that record. Consequently, when the monthly SRS reports are generated to sum the filing/disposition case activity reporting totals, only the latest entry would get extracted and counted for SRS reporting purposes. Systems which preclude the capture and reporting of more than one filing/disposition per case should be evaluated to determine if program parameters can be expanded to allow for the capture and reporting of same. If this cannot be accomplished through automation (or is not feasible), an alternative reporting mechanism should be used to ensure that multiple filings/dispositions per case, (e.g., a Complaint for Breach of Contract filed under the same case number as a Complaint for Injunctive Relief) are reported to the OSCA. In addition, case specific information should be documented on monthly audit trails to ensure reconciliation between case file information, audit trail data, and summary reporting totals.

10. (Q) Should a case involving multiple defendants be reported disposed for SRS if one defendant filed a suggestion of bankruptcy?

(A) The case should only be reported closed for SRS when the last defendant's action is disposed. For example, in a case involving three defendants, if Defendant A is dismissed, Defendant B files a suggestion of bankruptcy, and disposition is pending regarding Defendant C, the case should not be reported disposed for SRS until the case is closed as to Defendant C.