

# CIRCUIT CIVIL PROCEEDINGS

**Note:** These Circuit Civil SRS instructions replace the 2002 Other Circuit Civil instructions. Circuit Civil is comprised of three (3) separate reporting requirements: **1) Circuit Civil Filings and Dispositions, 2) Complex Civil, 3) ICCSVP – Involuntary Civil Commitment of Sexually Violent Predators. These 2010 instructions incorporate and supersede technical memorandum 09-01 Construction Liens.**

This section provides guidance on procedures to be used when completing the 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 ✓ or ✗ 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 4-17) provides case type and category definitions. The SRS reporting form for the Circuit Civil division is located in the tabbed section entitled SRS Reporting Forms (page 12-5). (An updated Circuit Civil SRS Reporting Form is also attached for replacement.)**

## 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**.
- ✓ Report in the appropriate case type, the number of complaints or petitions filed during the reporting period.
- ✓ Report cases transferred to the reporting court from another court **prior to disposition**.
- ✓ Report each parcel as a separate filing for eminent domain cases.
- ✓ Report civil cases which arise out of or occur in conjunction with criminal cases.
- ✓ Report civil cases which arise out of or occur in conjunction with probate cases or other civil suits.
- ✓ 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.

## FILINGS

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- ✓ 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.**

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

- ✗ **DO NOT** report cases which were previously reported as disposed but are resubmitted to the court. (See Number of Reopened Cases).
- ✗ **DO NOT** report confirmations for arbitrations as new filings. These are filed with the clerk's office for administrative tracking purposes. The arbitration matter has already been disposed by another court or jurisdiction.
- ✗ **DO NOT** report foreign judgments that are registered with the clerk's office for administrative tracking purposes (See Number of Reopened Cases).

### 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.

- ✓ Report in the appropriate case type and disposition category, the number of cases disposed during the reporting period.
- ✓ Reporting of the disposition case type and the filing case type can be different. Report the correct disposition case type by following the case type designated by within the final judgment or court order.
- ✓ 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:
  - Cases that are consolidated into a primary case. A primary case remains open until final judicial decision is entered.
  - Cases transferred to another court or jurisdiction.

## DISPOSITIONS

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- Cases in which an order approving the stipulation or conditional judgment is entered by the court.
- ✓ Report each disposition in the appropriate case type and disposition category in situations where separate petitions/complaints are disposed under the same case number.
- ✓ 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, After Hearing;
    - a) Dismissed Pursuant to Settlement
    - b) Dismissed Pursuant to Mediated Settlement
    - c) Other After Hearing
  - 5) Disposed by Default;
  - 6) Dismissed, Before Hearing;
    - a) Dismissed Pursuant to Settlement
    - b) Dismissed Pursuant to Mediated Settlement
    - c) Other Before Hearing
  - 7) Disposed by Other.
- ✓ **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, use the above listed scheme.

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.

- ✓ **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.

## DISPOSITIONS

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- ✓ Report mortgage foreclosure cases as disposed when the final judgment is rendered. The disposition case type and the filing case type can be different. For Mortgage Foreclosure cases, if a case is disposed in a different value category than originally filed, report the disposition under the new value category (See Case Type Determinations).
- ✓ As an alternative to the New 2010 SRS Circuit Civil Court Reporting forms, the **Pre-2010 Final Disposition Form for Circuit Civil Court Cases** may be used for cases filed **PRIOR** to January 1, 2010. This optional form may be used if your office has difficulty identifying case categories for cases previously filed based on the new 2010 case types. This optional form may only be used January 1, 2010 through December 31, 2012 {Three (3) calendar years}. This form **does** include the reporting of Reopens filed prior to January 2010 for Circuit Civil Court Cases.

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

- ✗ **DO NOT** report applications for voluntary binding arbitration for SRS. However, the law requires the clerk of court to keep separate records of the applications.
- ✗ **DO NOT** report cases as dismissed when an order for “*Leave to file an amended complaint*” is issued. **Report these cases disposed when the final disposition occurs.**
- ✗ **DO NOT** report cases disposed when an order is issued to stay the proceedings. An order to stay only postpones the action; it does not terminate or dispose the action. Oftentimes the word abatement is loosely used for the word stay. This is not correct. **Report these cases disposed once a final judgment or order is entered by the court.**
- ✗ **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.**
- ✗ **DO NOT** report cases disposed when referred to mediation or arbitration. **Report these cases disposed once the final judgment or an order of dismissal is entered by the court pursuant to the settlement or mediated settlement, before or after hearing.** These cases should be reported under the *Before* or *After Hearing* Dismissal Pursuant to Mediated Settlement disposition categories. (See **Dismissed Before and After Hearing** dispositions). *These cases are not reported as disposed in the Disposed by Other disposition category unless Disposed by Other is the actual disposition.*
- ✗ **DO NOT** report the dispositions of reopened cases.

## **DISPOSITIONS**

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### ***DISPOSITION CATEGORIES***

#### ***Dismissed Before Hearing***

- ✓ Report in the appropriate case type, the number of cases dismissed before a hearing is held.
- ✓ Report cases dismissed due to **lack of prosecution** before a dismissal hearing is held.
- ✓ Report voluntary dismissals entered prior to a hearing, including those involving a settlement or mediated settlement.
- ✓ Report cases disposed that are settled prior to a hearing by using the most relevant subcategory.
- ✓ Report cases disposed upon entry of an order of dismissal by the court, pursuant to a stipulation/conditional judgment, settlement or mediated settlement prior to a hearing.

#### ***Subcategories of Dismissed Before Hearing***

- a) **Dismissal Pursuant to Settlement**: the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation;
- b) **Dismissal Pursuant to Mediated Settlement**: the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation; and
- c) **Other Before Hearing**: the case is dismissed before hearing in an action that does not fall into one of the other disposition categories listed on this form.

#### ***Dismissed After Hearing***

- ✓ Report in the appropriate case type, the number of cases dismissed after a hearing is held.
- ✓ Report cases dismissed due to **lack of prosecution** after a dismissal hearing is held.
- ✓ Report cases dismissed by the judge after a hearing is held.
- ✓ Report voluntary dismissals entered after a hearing is held, including those involving a settlement or mediated settlement.

## DISPOSITIONS

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- ✓ Report cases disposed that are settled after a hearing is held by using the most relevant subcategory.
- ✓ Report cases disposed upon entry of an order of dismissal by the court, pursuant to a stipulation/conditional judgment, settlement or mediated settlement after a hearing is held.

### *Subcategories of Dismissed After Hearing*

- a) **Dismissal Pursuant to Settlement**: the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation;
- b) **Dismissal Pursuant to Mediated Settlement**: the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation; and
- c) **Other After Hearing**: the case is dismissed after a hearing in an action that does not fall into one of the other disposition categories listed on this form.

### *Disposed By Default*

- ✓ Report in the appropriate case type, the number of cases disposed after a defendant fails to contest the plaintiff's allegation and a judgment or order against the defendant is entered by the court.

### *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.
- ✓ Report in the appropriate case type, the number of cases disposed after a judgment or decision has been rendered by a judge.
- ✓ Report cases disposed as a result of a judge granting a motion for judgment on the pleadings.
- ✓ Report cases disposed as a result of a summary judgment after hearing by the judge.

## DISPOSITIONS

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### *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.
- ✓ 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.

- ✗ **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.**
- ✗ **DO NOT** report cases disposed as the result of the granting of a motion for a summary judgment (See **Disposed by Judge** dispositions, page 4-6).

### *Disposed By Jury Trial*

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

- ✓ Report in the appropriate case type, the number of cases disposed after a judgment or decision is reached, after a jury trial begins.
- ✓ 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 the SRS report **does not** include these reporting errors.

- ✗ **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.**
- ✗ **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.**

## DISPOSITIONS

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### *Disposed By Other*

- ✓ Report in the appropriate case type, the number of cases that do not meet the requirements of the previously described disposition categories.
- ✓ Report cases disposed which are consolidated into a primary case. A primary case remains open until the final judicial decision is entered.
- ✓ Report cases disposed that are transferred to another court or have a change of venue.
- ✓ 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.** 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 4-2).
- ✓ Report bond estreature cases where a hearing is not held.

**Quick Tip:** Foreign Judgments which are registered with the clerk's office for administrative tracking 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**

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### **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**.

- ✓ Report in the appropriate case type, the number of cases previously reported as disposed which are reactivated or resubmitted to the court for action.
- ✓ Report **re-hearings** and all motions and petitions filed in cases previously reported as disposed where **judicial action may be involved**.
- ✓ Report the enforcement and modification of previous judgments or decisions. Examples include but are not limited to:
  - Motion for writ of garnishment (chapter 77, except sections 77.13 and 77.14, Florida Statutes);
  - Motion for writ of attachment (chapter 76, Florida Statutes);
  - Modifications of final judgments;
  - Enforcement due to non-payment;
  - Motion for writ of possession;
  - Motion to show cause;
  - Motion to vacate final judgment;
  - Motion for new trial; and
  - Motion for contempt.
- ✓ Report settlements, stipulations/conditional judgments that are not successfully completed and are reactivated requiring judicial action.
- ✓ Report cases that resulted in a default judgment that are later reactivated.
- ✓ Report cases dismissed without prejudice which are later reactivated.
- ✓ 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.

## **REOPENED CASES**

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- ✓ 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.

- ✗ **DO NOT** report the dispositions of reopened cases.
- ✗ **DO NOT** report the execution of judgments.

## **APPEALS FILED**

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### **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.

- ✓ 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.

- ✘ **DO NOT** report appeals from the circuit court to the District Courts of Appeal or from the circuit court to the Supreme Court. Please dispose these appeal cases under the “*Other*” disposition category.

## **CASE TYPE DETERMINATIONS**

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### **Case Type Determinations**

The following list includes the types of proceedings that are included for each SRS case type. Each ● indicates the definition for a specific 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. In the court division where a cover sheet is required or mandated, use the completed cover sheet to determine the proper case type for filing. When a cover sheet is not mandated or not available then use the petition or complaint to determine the proper case type.
- 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.
- 4) There are a number of cases that come into the Clerk's office that do not require judicial workload and therefore should not be counted for SRS purposes. Some examples of these types of cases included but are not limited to:
  - Foreign Judgments
  - Liens to Security
  - Surety Bonds
  - Registration of Confirmation of Arbitration Awards

### ***Professional Malpractice***

- All professional malpractice lawsuits.

### ***Subcategories of Professional Malpractice***

- (A) **Malpractice - Business** - all matters relating to a business's or business person's failure to exercise the degree of care and skill that someone in the same line of work would use under similar circumstances.
- (B) **Malpractice - Medical** - all matters relating to a doctor's failure to exercise the degree of care and skill that a physician or surgeon of the same medical specialty would use under similar circumstances.
- (C) **Malpractice - Other professional** - all matters relating to negligence of those other than medical or business professionals.

## CASE TYPE DETERMINATIONS

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### *Products Liability*

- All matters involving injury to a person or property allegedly resulting from the manufacture or sale of a defective product or from a failure to warn.

### *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:
  - Automobiles;
  - Trucks;
  - Buses; and
  - Motorcycles.

**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."

### *Condominium*

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

### *Contract and Indebtedness*

- All contract actions and all actions relating to promissory notes and other debts, including those arising from the sale of goods, but excluding contract disputes involving condominium associations. Some forms of this case type include, but are not limited to the following:
  - Uniform commercial code litigation;
  - Open account;
  - Money lent;
  - Breach of contract;
  - Breach of lease agreement;
  - Breach of insurance contract; and
  - Evictions

**DO NOT** include construction liens (formerly mechanics liens) These actions should be reported under **Real property/Mortgage foreclosure**. (see page 4-15).

## **CASE TYPE DETERMINATIONS**

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### ***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 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 that are not including in other main categories.

#### ***Subcategories of Other Negligence:***

- (A) **Business governance** - all matters relating to the management, administration, or control of a company.
- (B) **Business torts** - all matters relating to liability for economic loss allegedly caused by interference with economic or business relationships.
- (C) **Environmental/Toxic tort** - all matters relating to claims that violations of environmental regulatory provisions or exposure to a chemical caused injury or disease.
- (D) **Third party indemnification** - all matters relating to liability transferred to a third party in a financial relationship.
- (E) **Construction defect** - all civil lawsuits in which damage or injury was allegedly caused by defects in the construction of a structure.
- (F) **Mass tort** - all matters relating to a civil action involving numerous plaintiffs against one or more defendants.
- (G) **Negligent security** - all matters involving injury to a person or property allegedly resulting from insufficient security.
- (H) **Nursing home negligence** - all matters involving injury to a nursing home resident resulting from negligence of nursing home staff or facilities.
- (I) **Premises liability - commercial** - all matters involving injury to a person or property allegedly resulting from a defect on the premises of a commercial property.
- (J) **Premises liability - residential** - all matters involving injury to a person or property allegedly resulting from a defect on the premises of a residential property.
- (K) **Other** - all matters and other negligence case types not falling within subcategories A-J.

**DO NOT** include auto negligence, professional malpractice, or products liability lawsuits under the Other Negligence case type.

## **CASE TYPE DETERMINATIONS**

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### ***Real Property/Mortgage Foreclosure***

- All matters relating to the possession, title or boundaries of real property. All matters involving foreclosures or sales of real property, including foreclosures associated with condominium associations or condominium units. This case type also includes the following:
  - Purchase;
  - Partition;
  - Quieting title and removing encumbrances;
  - Seals reformation;
  - Rescissions and cancellation;
  - Construction Liens (formerly known as mechanic liens). Construction liens and all liens related to real property and /or the foreclosure of such liens should be reported in this case type.
  - Ejectment actions; and
  - All matters relating to the involvement of legal and equitable liens against real property including foreclosures and sales, and foreclosures associated with condominiums.
  
- All matters relating to the Real Property/Mortgage Foreclosure case type must be properly reported in one of the following nine (9) subcategories based on the estimated dollar amount in controversy and the case distinction of ***commercial, residential and other real property actions***.

### ***Subcategories of Real Property/Mortgage Foreclosure***

**(A) Commercial foreclosure** - all matters relating to the termination of a business owner's interest in commercial property by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property.

This subcategory is based on the estimate of the dollar amount in controversy of the claim (section 28.241, Florida Statutes).

- a) \$0 - \$50,000 (Circuit Civil cases only)
- b) \$50,001 - \$249,999
- c) \$250,000 or more

**(B) Homestead Residential foreclosure** - all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has been granted a homestead exemption.

This subcategory is based on the estimate of the dollar amount in controversy of the claim (section 28.241, Florida Statutes).

- a) \$0 - \$50,000 (Circuit Civil cases only)
- b) \$50,001 - \$249,999
- c) \$250,000 or more

## **CASE TYPE DETERMINATIONS**

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**(C) Non-Homestead Residential foreclosure** - all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has not been granted a homestead exemption.

This subcategory is based on the estimate of the dollar amount in controversy of the claim (section 28.241, Florida Statutes).

- a) \$0 - \$50,000 (Circuit Civil cases only)
- b) \$50,001 - \$249,999
- c) \$250,000 or more

**(D) Other real property actions** - all matters relating to land, land improvements, or property rights not involving commercial or residential foreclosure.

This subcategory is based on the estimate of the dollar amount in controversy of the claim (section 28.241, Florida Statutes).

- a) \$0 - \$50,000 (Circuit Civil cases only)
- b) \$50,001 - \$249,999
- c) \$250,000 or more

<p><b>NOTE:</b> For Mortgage Foreclosure cases, if a case is disposed in a different value category than originally filed, report the disposition under the new value category. The disposition case type and the filing case type can be different. This is true for all case types.</p>
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### ***Other Civil***

- All civil matters not included in the previously described categories.

#### ***Subcategories of Other Civil***

**(A) Antitrust/Trade regulation**- all matters relating to unfair methods of competition or unfair or deceptive business acts or practices.

**(B) Business transactions** - all matters relating to actions that affect financial or economic interests.

**(C) Constitutional challenge**—statute or ordinance – a challenge to a statute or ordinance, citing a violation of the Florida Constitution.

**(D) Constitutional challenge**—proposed amendment – a challenge to a legislatively initiated proposed constitutional amendment, but excluding challenges to a citizen-initiated proposed constitutional amendment because the Florida Supreme Court has direct jurisdiction of such challenges.

**(E) Corporate trusts** - all matters relating to the business activities of financial services companies or banks acting in a fiduciary capacity for investors.

**(F) Discrimination** - employment or other - all matters relating to discrimination, including employment, sex, race, age, handicap, harassment, retaliation, or wages

**(G) Insurance claims** - all matters relating to claims filed with an insurance company.

**(H) Intellectual property** - all matters relating to intangible rights protecting commercially valuable products of the human intellect.

## **CASE TYPE DETERMINATIONS**

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- (I) **Libel/Slander** - all matters relating to written, visual, oral, or aural defamation of character.
- (J) **Shareholder derivative action** - all matters relating to actions by a corporation's shareholders to protect and benefit all shareholders against corporate management for improper management.
- (K) **Securities litigation** - all matters relating to the financial interest or instruments of a company or corporation.
- (L) **Trade secrets** - all matters relating to a formula, process, device, or other business information that is kept confidential to maintain an advantage over competitors.
- (M) **Trust litigation** – all civil matters involving guardianships, estates, or trusts and not appropriately filed in probate proceedings.
- (N) **Other** – all matters and other civil case types not falling within subcategories A-M. Some examples of this subcategory are:
- Declaratory judgments;
  - Injunctions;
  - Administrative agency appeals;
  - Bond estreatures;
  - Replevins;
  - Habeas corpus proceedings;
  - Forfeitures; and
  - Interpleader.

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

# CIRCUIT CIVIL PROCEEDINGS

## Part 2

### Circuit Civil Complex Case Report

**Note:** These Circuit Civil SRS instructions replace the 2002 Other Circuit Civil instructions. Circuit Civil is comprised of three (3) separate reporting requirements: **1)** Circuit Civil Filings and Dispositions, **2)** Complex Civil, **3)** ICCSVP – Involuntary Civil Commitment of Sexually Violent Predators. **These 2010 instructions incorporate and supersede technical memorandum 09-01 Construction Liens.**

This section provides guidance on procedures to be used when completing the Circuit Civil Complex Case Report portion of the monthly SRS forms. For ease of following the SRS forms, this section is divided into two (2) major sections: Instructions and Definitions. Each ✓ or ✗ indicates guidelines and directions that should be followed when completing specific sections of the SRS form.

## INSTRUCTIONS

These instructions establish the reporting standards to be followed when completing the Circuit Civil Complex Case Report. Report only those cases that have been designated as complex as a result of a completed Form 1.999, Order Designating a Case Complex. This report provides the Supreme Court with information on the volume, age, and type of cases that are open with a Circuit Civil Complex Case designation affixed to them. The report is to be submitted on a quarterly basis ensuring that the Office of the State Courts Administrator receives this report by the 15<sup>th</sup> day of the month following the quarters ending March 31, June 30, September 30, and December 31. This report is a snapshot of all open and reopened cases as of the quarter ending date.

Following are the procedures to use when submitting a Circuit Civil Complex Case Report:

- ✓ Submit the report, via e-mail, to [complexcasereport@flcourts.org](mailto:complexcasereport@flcourts.org). When submitted, the e-mail subject line must contain the following words: complex case report.
- ✓ The report can be submitted in Excel or XML format. Navigate to [http://www.flcourts.org/gen\\_public/pubs/srsmanual.shtml](http://www.flcourts.org/gen_public/pubs/srsmanual.shtml) to obtain the complex case report form. The file name must be your county number, then underscore date, underscore followed by ComplexCaseReport.XLS. An example file name is 01\_20091231\_ComplexCaseReport.XLS or 67\_20091231\_ComplexCaseReport.XML.
  - To submit a file in Excel, the template provided by the Office of the State Courts Administrator must be used for the data submission.
  - To submit via XML, please utilize the XML schema from our website for your submission. If you have any questions regarding the schema or XML submission, please contact Court Services at (850) 922-5094.

## **CIRCUIT CIVIL COMPLEX CASE REPORT**

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- ✓ Once a report has been submitted by the 15<sup>th</sup> day following the reporting quarter, an error check process will be performed by OSCA. If reporting errors are identified, the county will be notified and errors must be corrected by the 1<sup>st</sup> day of the month following the submission due date.
  - For example, a report for the quarter ending December 31<sup>st</sup> is received by January 15<sup>th</sup>. A reporting error is identified by OSCA and the reporting county is contacted. The county must correct the reporting error by February 1<sup>st</sup>.
- ✓ There will be no amended reports. Any reporting corrections are to be made on the subsequent quarterly report.
- ✓ Even if you have no events to report, you must submit a report with zero events.
- ✓ Use the attached definitions when completing the report.
- ✓ The quarterly reports should include cases that have previously been reported that remain open.
- ✓ Reporting is intended to correspond with the Summary Reporting System. Please do not include cases that were disposed, and not reopened, within the reporting period.
- ✓ For cases that have previously been disposed and are now reopened, select the *Yes* option in the Case Reopened field of the report.
- ✓ Report cases reopened in the reporting quarter like any other case. Please ensure the reopened flag for a reopened case is set on this report.

# **CIRCUIT CIVIL COMPLEX CASE REPORT**

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## **DEFINITIONS**

- 1) County – Select the county name from the drop-down box.
- 2) Quarter Ending Date – Enter the last day of the reporting period (yyyy-mm-dd).
- 3) Division – Enter the division name.
- 4) Uniform Case Number – Enter the 20 character uniform case number.
- 5) Case Type – Select one of the appropriate SRS case types from the drop-down box. The case types are defined by the SRS Manual and any technical memorandums.
- 6) Plaintiff Name – Enter the plaintiff’s name (last name, first name, middle initial).
- 7) Defendant Name – Enter the defendant’s name (last name, first name, middle initial).
- 8) Judge – Enter the judge’s name (last name, first name, middle initial).
- 9) Date of Filing – Enter the clerk’s document date stamp on the petition or complaint.
- 10) Date Designated Complex – Enter the clerk’s document date stamp on **Form 1.999, Order Designating A Case Complex Case**. Please follow the directions to Form 1.999 as defined by Rule 1.201, Florida Rules of Civil Procedure.
- 11) Initial Case Management Conference Scheduled Date – Enter, only once, the date the initial case management report and conference is scheduled to be held (yyyy-mm-dd).
- 12) Initial Case Management Conference Held Date – Enter the date the initial case management report and conference is held (yyyy-mm-dd).
- 13) Final Case Management Conference Scheduled Date – Enter the date the final case management conference is scheduled to be held (yyyy-mm-dd).
- 14) Final Case Management Conference Held Date – Enter the date the final case management conference is held (yyyy-mm-dd).
- 15) Trial Scheduled Date – Enter the date the trial is scheduled to be held (yyyy-mm-dd).
- 16) Trial Held Date – Enter the date the trial is held (yyyy-mm-dd).
- 17) Date of Last Action – Enter the date of the clerk’s document stamp date on the paperwork received last (yyyy-mm-dd).
- 18) Last Action Type – Select the last action received as a motion, petition, order, hearing, conference, initial conference, final conference, trial, or other from the drop-down box.
- 19) Reopen – A case that has previously been reported as disposed which is reactivated or resubmitted to the court for action. Select *Yes* if the case being reported is a reopen.



# CIRCUIT CIVIL COMPLEX CASE REPORT

---

## Example XML Report

```
<?xml version="1.0" encoding="UTF-8" ?>
- <!--
  This is an example Complex Case Report
-->
= <ComplexCaseReport xsi:schemaLocation="http://www.flcourts.org/srs/complexcivil
  complexcasertpt.xsd" xmlns="http://www.flcourts.org/srs/complexcivil"
  xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance">
= <rptHeader>
  <hdrCountyName>Pasco</hdrCountyName>
  <hdrCountyCode>51</hdrCountyCode>
  <hdrQuarterEndDate>2010-03-31</hdrQuarterEndDate>
  </rptHeader>
= <rptRecord recnum="000001">
= <caseCaption>
  <captionCountyDivision>Part 03a</captionCountyDivision>
  <captionUCN>522009CA123456XXXXXX</captionUCN>
  <captionCaseType>Real property/Mortgage foreclosure (Commercial foreclosure
    $50,001 - $249,999)</captionCaseType>
  <captionPartyAPrimaryName>John C. Doe</captionPartyAPrimaryName>
  <captionPartyBPrimaryName>Tom Elligan et. al.</captionPartyBPrimaryName>
  <captionJudgeName>Robert Sawyer</captionJudgeName>
  </caseCaption>
= <caseDesignationDates>
  <desigFilingDate>2009-10-31</desigFilingDate>
  <desigComplexDate>2009-12-23</desigComplexDate>
  </caseDesignationDates>
= <caseMgmtDates>
  <mgtInitialConferenceScheduled>2010-03-24</mgtInitialConferenceScheduled>
  <mgtInitialConferenceHeld>2010-03-24</mgtInitialConferenceHeld>
  <mgtFinalConferenceScheduled>2010-06-10</mgtFinalConferenceScheduled>
  <mgtTrialScheduled>2011-01-15</mgtTrialScheduled>
  </caseMgmtDates>
= <caseAction>
  <actLastActionDate>2010-04-23</actLastActionDate>
  <actLastActionType>order</actLastActionType>
  <actReopen>No</actReopen>
  </caseAction>
  </rptRecord>
= <rptRecord recnum="000002">
= <caseCaption>
  <captionCountyDivision>Part 03a</captionCountyDivision>
  <captionUCN>522009CA123457XXXXXX</captionUCN>
```

## CIRCUIT CIVIL COMPLEX CASE REPORT

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```
<captionCaseType>Other</captionCaseType>
<captionPartyAPrimaryName>John C. Doe, Deceased</captionPartyAPrimaryName>
<captionPartyBPrimaryName />
<captionJudgeName>Robert Sawyer</captionJudgeName>
</caseCaption>
= <caseDesignationDates>
<desigFilingDate>2009-10-31</desigFilingDate>
<desigComplexDate>2009-12-23</desigComplexDate>
</caseDesignationDates>
<caseMgmtDates />
= <caseAction>
<actLastActionDate>2009-12-30</actLastActionDate>
<actLastActionType>motion</actLastActionType>
<actReopen>Yes</actReopen>
</caseAction>
</rptRecord>
</ComplexCaseReport >
```

**MIRIAM JUGGER**  
**SENIOR COURT ANALYST I**  
**OFFICE OF THE STATE COURTS ADMINISTRATOR**  
**PHONE (850) 410-1888 FAX (850) 414-1342**  
**E-MAIL: JUGGERM@FLCOURTS.ORG**

**Summary Reporting System (SRS) Technical Memorandum 09-02**

**To:** Clerks of Circuit Court

**From:** Miriam Jigger, Senior Court Analyst I  
Office of the State Courts Administrator, Court Services

**Date:** November 2, 2009

**Subject:** Incorporation of the Involuntary Civil Commitment of Sexually Violent Predators (ICCSVP) Data Reporting into the Summary Reporting System.

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This memorandum serves as definition and direction on the new submission of Involuntary Civil Commitment of Sexually Violent Predators (ICCSVP) (formerly referred to and reported as the Jimmy Ryce Act) data into the Summary Reporting System under the SRS guidelines for the Other Circuit Civil division. This memorandum also serves as a replacement of Administrative Order AOSC01-42.

**Background:** As you know, the reporting of cases involving the Involuntary Civil Commitment for Sexually Violent Predators Treatment and Care Act, also known as the Jimmy Ryce Act, became effective January 1, 1999. This reporting requirement was created to determine if the workload generated by these events was significant enough to require permanent data collection. The 2007 Judicial Resource Study determined the significance of this case type for judicial workload. Therefore, the reporting requirements for these cases are now incorporated into the SRS guidelines for monthly data collection and reporting.

**Reporting Process:** Updates to ICCSVP reporting include a switch from quarterly submissions to monthly submissions. In order to stay consistent with SRS reporting, ICCSVP reporting will switch from quarterly submissions to monthly submissions effective January 2010. All counties should continue to report quarterly for the remainder of calendar year 2009.

**Reporting Form:** This ICCSVP reporting form is now under SRS and has been updated. The reporting form comparisons are evident and easy to recognize by reviewing the attached old and new forms.

Please incorporate this technical memorandum, the new form and SRS form instructions into the Circuit Civil portion of your 2002 SRS Manuals as pages Circuit Civil 28 to Circuit Civil 34 and

SRS Reporting Forms 12-5e to 12-5g to reflect this change which becomes effective January 1, 2010. **Also, please note that it is not necessary to amend current or prior ICCSVP / Jimmy Ryce reports filed prior to January 1, 2010.**

Please ensure that all staff involved in the reporting of SRS civil data is aware of these revisions to the filing and disposition reporting requirements of ICCSVP. It is recommended that copies of this memorandum be distributed to those staff for inclusion in their 2002 SRS Manuals.

OSCA will be providing training sessions on ICCSVP reporting requirements. OSCA will be in contact with your staff to schedule training dates and times. Also, if you have questions or concerns regarding this or any OSCA, OBTS and SRS related issues, please contact me at (850) 410-1888 or via e-mail at [juggerm@flcourts.org](mailto:juggerm@flcourts.org).

Thank you for your attention to this matter.

xc: Gregory Youchock, Chief of Court Services, OSCA  
Kristine Slayden, Senior Court Statistics Consultant, OSCA  
PJ Stockdale, Senior Court Statistics Consultant, OSCA  
Bradley Rich, Senior Court Analyst I, OSCA

Attachments

# INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP)

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## CIRCUIT CIVIL PROCEEDINGS

### Part 3

## INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP)

**Note:** These Circuit Civil SRS instructions replace the 2002 Other Circuit Civil instructions. Circuit Civil is comprised of three (3) separate reporting requirements: **1) Circuit Civil Filings and Dispositions, 2) Complex Civil, 3) ICCSVP – Involuntary Civil Commitment of Sexually Violent Predators. These 2010 instructions incorporate and supersede technical memorandum 09-01 Construction Liens.**

This section provides guidance on procedures to be used when completing the ICCSVP 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 ✓ or ✗ indicates guidelines and directions that should be followed when completing specific sections of the SRS form.

Background: The Involuntary Civil Commitment for Sexually Violent Predators (ICCSVP) was formerly referred to and reported as the Jimmy Ryce Act. Definitions of terms used in this report may be found in section 394.912 F.S.

**Note:** An updated ICCSVP Form is attached for use.

### FILINGS

#### Number of Filings

- ✓ Please refer to section “A” of the SRS form which reports information associated with the number of **Total Sexually Violent Predator Petitions Filed** during the specified reporting period. Report these petitions filed as of the clerk’s document **stamp date**.
- ✓ Report the appropriate number of petitions filed during the reporting period as described in section 394.914 F.S.

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

- ✗ **DO NOT** report cases which were previously reported as disposed when the State has re-filed the petition (See Number of Retrials, section D).

# INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP)

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## HEARINGS

### Number of Probable Cause Hearings

- ✓ Please refer to section “**B**” of the SRS form which reports information associated with the number of **Total Probable Cause Hearings** held during the specified reporting period. Report these hearings as of the date of hearing. **The numeric value reported in box “B” should be the sum of B-1 and B-2.**
- ✓ Report in the appropriate number of hearings held during the reporting period as **Non-Adversarial Probable Cause Determinations** described per section 394.915 (1) F.S.
- ✓ Report in the appropriate number of hearings held during the reporting period as **Adversarial Probable Cause Hearings** described per section 394.915 (2) F.S.

## DISPOSITIONS

### Number of Dispositions

- ✓ Please refer to section “**C**” of the SRS form which reports information associated with the number of **Total Sexually Violent Petitions Disposed** during the specified reporting period. Report these cases disposed as of the clerk’s document **stamp date** on the final disposition paperwork. **The numeric value reported in box “C” should be the sum of C-1 through C-6.**
- ✓ Report the appropriate number of disposed petitions during the reporting period as described in section 394.917 F.S.
- ✓ Report the appropriate number of disposed petitions during the reporting period as described in section 394.917 F.S., the **Total Dismissed by the State Attorney, (reporting section C-1).**
- ✓ Report the appropriate number of disposed petitions during the reporting period as described in section 394.917 F.S., the **Total Dismissed by Judge, (reporting section C-2).**

## INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP)

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- ✓ Report the appropriate number of disposed petitions during the reporting period as described in section 394.917 F.S., the **Total Disposed by Judge/Non-Jury Trial, (reporting section C-3a through C-3d):**
  - a) Number of persons adjudged as not sexually violent predators.
  - b) Number of persons adjudged as sexually violent predators that are committed without conditional release.
  - c) Number of persons adjudged as sexually violent predators that are released conditionally.
  - d) Number of persons adjudged as sexually violent predators that are released unconditionally.
  
- ✓ Report the appropriate number of disposed petitions during the reporting period as described in section 394.917 F.S., the **Total Disposed by Judge/Jury Trial, (reporting section C-4a through C-4d):**
  - a) Number of persons adjudged as not sexually violent predators.
  - b) Number of persons adjudged as sexually violent predators that are committed without conditional release.
  - c) Number of persons adjudged as sexually violent predators that are released conditionally.
  - d) Number of persons adjudged as sexually violent predators that are released unconditionally.
  
- ✓ Report the appropriate number of disposed petitions during the reporting period as described in section 394.917 F.S., the **Total Disposed by Other (exp: stipulation, admission, negotiation), (reporting section C-5).**
  
- ✓ Report the appropriate number of disposed petitions during the reporting period as described in section 394.917 F.S., the **Number of persons adjudged as sexually violent predators committed for failure to comply with conditions of release, (reporting section C-6).**

## RETRIALS

### Number of Retrials

- ✓ Please refer to section “D” of the SRS form which reports information associated with the number of **Retrials** during the specified reporting period.

## **INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP)**

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- ✓ Report the appropriate number of **Retrial Petitions filed** during the reporting period as described in section 394.917 (1) F.S.

### **EXAMINATIONS / REVIEWS, HEARINGS and TRIALS**

#### **Number of Examinations / Reviews, Hearings and Trials**

- ✓ Please refer to section “E” of the SRS form which reports information associated with the number of **Total Examinations / Reviews, Hearings and Trials held** during the specified reporting period. **The numeric value reported in box “E” should be the sum of E-1 through E-3.**

#### **Number of Examinations / Reviews**

- ✓ Report the appropriate number of **Examinations / Reviews held** during the reporting period as described in section 394.918 (1) F.S., **(reporting section E-1).**
- ✓ Report **Examinations / Reviews** as one event. Report this event based upon the date the Court Review is held, **(reporting section E-1).**

#### **Number of Probable Cause Hearings**

- ✓ Report the appropriate number of **Probable Cause Hearings held** during the reporting period as described in section 394.918 (3) F.S., **(reporting section E-2).**

#### **Number of Total Trials for Release Status Subsequent to Examination**

- ✓ Report the appropriate number of **Total Trials for Release Status Subsequent to Examination** that are held during the reporting period as described in section 394.918 (4) F.S., **(reporting section E-3a and E-3b):**
  - a) Number Granted.
  - b) Number Denied.

# **INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP)**

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## **TOTAL PETITIONS FOR RELEASE FILED**

### **Number of Total Petitions for Release Filed**

- ✓ Please refer to section “F” of the SRS form which reports information associated with the number of **Total Petitions for Release Filed** during the specified reporting period. **The numeric value reported in box “F” should be the sum of F-1 through F-3.**

### **Number of Total Petitions Filed with Authorization by Department of Children and Families**

- ✓ Report the appropriate number of **Total Petitions Filed with Authorization by Department of Children and Families** during the reporting period as described in section 394.919 F.S., **(reporting section F-1a and F-1b):**
  - a) Number Granted.
  - b) Number Denied.

### **Number of Total Petitions Filed without Authorization by Department of Children and Families**

- ✓ Report the appropriate number of **Total Petitions Filed without Authorization by Department of Children and Families** during the reporting period as described in section 394.920 F.S., **(reporting section F-2a and F-2b):**
  - a) Number Granted.
  - b) Number Denied.

### **Number of Total Petitions Filed Pursuant to a Right of Habeas Corpus**

- ✓ Report the appropriate number of **Total Petitions Filed Pursuant to a Right of Habeas Corpus** during the reporting period as described in section 394.9215 (1)(a) F.S., **(reporting section F-3a and F-3b):**
  - a) Number Granted.
  - b) Number Denied.

# CIRCUIT CIVIL PROCEEDINGS FREQUENTLY ASKED QUESTIONS

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## Frequently Asked Questions For Circuit Civil Court Proceedings

**Note:** The questions received from the various clerk staff that required a revision to the New SRS Circuit Civil instructions have not been incorporated in these Frequently Asked Questions (FAQ). Those questions and comments have been incorporated into the SRS Manual 2010 Circuit Civil Revisions.

1. (Q) Will Form 1.997, Revised Civil Cover Sheet, be required in County General Civil cases? If not, will a new county civil cover sheet be designed?

***Answer:*** *Form 1.997 is not required in County Civil Cases. Form 1.997 does not address any of the County Civil Case Types only the Circuit Civil and Complex Civil Case Types. At this time there is no information on a new or updated County Civil cover sheet to be designed, as defined by Florida Rules of Civil Procedure.*

2. (Q) Will Form 1.998, Revised Final Disposition Form, be required in County Civil cases?

***Answer:*** *The use and direction for these forms are governed by the Florida Rules of Civil Procedure. Please consult the Florida Rules of Civil Procedure and your legal staff.*

3. (Q) Mortgage foreclosure cases require both the final judgment and final disposition form to be filed to close the case. If the disposition form is not filed and the case is not disposed, can the Clerk still require a re-open fee (barring an exemption) when a motion is filed after the final judgment is filed?

***Answer:*** *SRS does not address the issue of when a fee is required. For SRS purposes cases are disposed when the final judgment is rendered. Form 1.998, Final Disposition Form is not required for SRS purposes to dispose of a case. This is true for all case types.*

4. (Q) We need clarification on the “separation” of the complex case report from the regular quarterly pending case load report. Is the intention that the complex cases should NOT appear on the regular quarterly pending case load report?

***Answer:*** *Complex Cases may indeed appear on the pending case report, but not all pending cases should appear on the Complex Case Report (CCR). Only cases that have been designated as complex should appear on Complex Case Report.*

***Please keep in mind that the Complex Case Report is just a snapshot of the Complex Civil Case events that occur within a particular quarter. The Complex Case Report is only used for the tracking of event data for cases designated complex by Form 1.999, Order to Designate a Case Complex.***

## CIRCUIT CIVIL PROCEEDINGS FREQUENTLY ASKED QUESTIONS

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*In addition, when reporting on the regular quarterly pending reports, please use the new case types for those cases filed on or after January 1, 2010. For those cases filed prior to January 1, 2010, the Pre-2010 SRS case types can be used on the pending reporting.*

5. (Q) It is confusing as to why the new Pre-2010 Optional disposition forms are called **optional**. Is this because at some point they won't be necessary? We are required to use these for reporting cases filed in 2009 and disposed in 2010, so that wouldn't be optional, right?

*Answer: As an alternative to the New 2010 SRS Circuit Civil and Circuit Family Court Reporting forms, the Pre-2010 Final Disposition Forms for Circuit Civil and Circuit Family Court Cases may be used for cases filed PRIOR to January 1, 2010. This optional form may be used if your office has difficulty identifying case type categories for cases previously filed based on the new 2010 case types. This optional form may only be used January 1, 2010 through December 31, 2012 (3 calendar years because the reporting on Pre-2010 cases should be minimal by December 31, 2012). This form does include the reporting of Reopens filed prior to January 2010 for Circuit Civil Court Cases. However, it does not include the reporting of Reopens filed prior to January 2010 for Circuit Family Court Cases.*

*For example: You have a Mortgage Foreclosure case which was filed September 2009 and the Circuit Civil filing case type is “Real Property / Mortgage Foreclosure.” The case disposes in March 2010. What is the proper case type to use for the disposition of this case? Is it a “Commercial Foreclosure,” Homestead Residential 50,001 – 249,999 or “Non –Homestead Residential 50,001 -249,999?” Your staff would have to determine which case type would be correct for disposition purposes. If they are able to do so, then use the January 2010 SRS Circuit Civil reporting forms, but if they are not then use the Optional Pre-2010 Final Disposition Form for Circuit Civil Court Cases.*

6. (Q) What is the intention or purpose for the information collected on the Revised Civil Cover Sheet, Form 1.997 in sections III, IV, V, VI? We currently have no fields to collect this data and I don't see a requirement to report it in SRS.

*Answer: Correct, the data is not required per SRS reporting standards. However, the information on the Revised Civil Cover Sheet, Form 1.997, is also used as a tool to help attorneys, pro-se litigants, judges and Clerk Staff to get case applicable information that may be used at the onset or later in a case.*

*Your SRS instructions are the required indicators for SRS reporting. The new forms and coversheets that resulted from Supreme Court Opinion SC08-1141 are all just tools to help better identify case, filing and disposition information for SRS purposes. The revised Civil Cover Sheet and New Family Court Cover Sheet does not drive or direct SRS reporting, but they do aid in*

## **CIRCUIT CIVIL PROCEEDINGS FREQUENTLY ASKED QUESTIONS**

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*properly determining case information. The new 2010 SRS instructions do incorporate some text from the cover sheets but these are two totally different matters. The cover sheets are for universal use, providing information to Attorneys, Judges, Court Agencies and Clerk Staff. The SRS instructions and forms are strictly for Clerk use only.*

7. (Q) A Homestead Residential Foreclosure is filed January 2010 and the value is \$248,500. The case is reported in January 2010 as a Homestead Residential Foreclosure \$50,001 – \$249,999. In June 2010 the court enters a Final Judgment on the same case for \$253,000 and the case is disposed.

Is the case reported as Disposed by Judge under:

- a) Homestead Residential Foreclosure \$50,001 - \$249,999 or
- b) Homestead Residential Foreclosure \$250,000 or more

***Answer: The disposition case type and the filing case type can be different. For Mortgage Foreclosure cases, if a case is disposed in a different value category than originally filed, report the disposition under the new value category.***

8. (Q) Though the Supreme Court Opinion SC08-1141 does not encompass County Civil Court, does SRS want County Civil Court cases to be closed in accordance with Circuit Civil instructions and guidelines?

***Answer: For SRS purposes please continue to disposed all County Civil and Small Claim Cases as you always have in the past and according to the 2002 SRS Manual County Civil Instructions. The Supreme Court Opinion SC08-1141 and the New 2010 SRS Circuit Civil instructions do not address, change or alter the current 2002 SRS County Civil instructions.***

9. (Q) Is the only quarterly report required to be run for October to December 2009 for January 15<sup>th</sup>, the report for Complex Circuit cases?

***Answer: For SRS purposes and according to the New 2010 SRS Circuit Civil instructions, you should run and report the Circuit Civil Complex Case Report for the final quarter ending December 31, 2009 and the report is due January 15, 2010. This does not remove the reporting requirements for the SRS and non SRS quarterly reports.***

10. (Q) If an attorney selects Professional Malpractice after January 1, 2010 and does not select a subcategory, then where does this case get reported when it is disposed?  
Same would be true for Negligence, Real Property, and Other.

***Answer: It is our hope that the Attorneys and pro-se litigants will complete the Civil and Family Cover Sheets correctly. If the attorneys do not fill out the cover sheets correctly, then the clerk***

## CIRCUIT CIVIL PROCEEDINGS FREQUENTLY ASKED QUESTIONS

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*intake staff will need to correctly determine the proper case type, which is the current process in place.*

*Your SRS instructions are the required indicators for SRS reporting. The new forms and coversheets that resulted from Supreme Court Opinion SC08-1141 are all just tools to help better identify case, filing and disposition information. The revised Civil Cover Sheet and New Family Court Cover Sheet do not drive or direct SRS reporting, but they do aid in properly determining case information.*

11. (Q) How do we report “petition to confirm arbitration award cases?” I know we don’t report it as a new filing.

*Answer: Petitions to confirm arbitration awards are not counted or reported for SRS purposes because there is no judicial workload required to make a decision or determine the award. The judicial workload was already handled by another court or magistrate. These cases are handled administratively by the clerk staff.*

12. (Q) The case type Other-other on the Circuit Civil Cover Sheet is not present on the example given on the Florida Bar web-site, but is included in the SRS instructions and reporting form. How do the Attorneys or pro-se litigants check Other? Do we need to add it to the Civil Cover Sheet?

*Answer: If the main category “Other” is checked on Form 1.997, the Revised Civil Cover Sheet and no other subcategory is selected, for SRS purposes, you should report the case in the Other-other category on the SRS Form. Although there is not an Other-other subcategory listed on Form 1.997, the Revised Civil Cover Sheet, there are other types of cases not listed on the cover sheet that need to be accounted for in SRS.*

13. (Q) Do all Civil and Family **Reopens** require a submission of a Cover Sheet 1.997 or 12.928?

*Answer:*

- a) Reopens filed under Circuit Civil Case Types do not require the submission of Form 1.997, the Revised Civil Cover Sheet.*  
*b) Reopens filed under Circuit Family Court Case Types do require the submission of Form 12.928, Cover Sheet for Family Court Cases.*

14. (Q) What event or form will the Clerk Staff use to designate or identify a Circuit Civil case as “Complex”?

*Answer: The Court / Judge will provide to Clerk staff a completed Form 1.999, Order Designating a Case Complex.*

# Supreme Court of Florida

Summary for the Month of \_\_\_\_\_, 20\_\_\_\_ Circuit \_\_\_\_\_ County  
Pursuant to the Requirements of F.S. 25.075

## Section III. Circuit Civil - Part 1.a.

	Professional Malpractice			Products Liability	Auto Negligence	Condo-minium	Contract And Indebtedness	Eminent Domain
	Business	Medical	Other Professional					
A. Number of Cases Filed								
B. Number of Cases Disposed								
1. Dismissed Before Hearing								
a. Pursuant to Settlement								
b. Pursuant to Mediated Settlement								
c. Other Before Hearing								
2. Dismissed After Hearing								
a. Pursuant to Settlement								
b. Pursuant to Mediated Settlement								
c. Other After Hearing								
3. Disposed by Default								
4. Disposed by Judge								
5. Disposed by Non-Jury Trial								
6. Disposed by Jury Trial								
7. Disposed by Other								
C. Reopened Cases								

D. Total Number of Appeals Filed From County Court	
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# Supreme Court of Florida

Summary for the Month of \_\_\_\_\_, 20\_\_\_\_ Circuit \_\_\_\_\_ County  
Pursuant to the Requirements of F.S. 25.075

## Section III. Circuit Civil - Part 1.b.

	Negligence - Other										
	Business Govern- ance	Business Tort	Environ- mental/ Toxic Tort	Third Party Indemnifi- cation	Construc- tion Defect	Mass Tort	Negligent Security	Nursing Home Negligenc e	Premises Liability Commer- cial	Premises Liability Residen- tial	Other
A. Number of Cases Filed											
B. Number of Cases Disposed											
1. Dismissed Before Hearing											
to a. Pursuant to Settlement											
to b. Pursuant to Mediated											
c. Other Before Hearing											
2. Dismissed After Hearing											
to a. Pursuant to Settlement											
to b. Pursuant to Mediated											
c. Other After Hearing											
3. Disposed By Default											
4. Disposed by Judge											
5. Disposed by Non-Jury Trial											
6. Disposed by Jury Trial											
7. Disposed by Other											
C. Reopened Cases											

# Supreme Court of Florida

Summary for the Month of \_\_\_\_\_, 20\_\_\_\_ Circuit \_\_\_\_\_ County  
Pursuant to the Requirements of F.S. 25.075

## Section III. Circuit Civil - Part 1.c.

	Real Property/Mortgage Foreclosure											
	Commercial Foreclosure			Homestead Residential Foreclosure			Non-homestead Residential Foreclosure			Other Real Property Actions		
	\$0 - \$50,000	\$50,001 - \$249,999	\$250,000 or More	\$0 - \$50,000	\$50,001 - \$249,999	\$250,000 or More	\$0 - \$50,000	\$50,001 - \$249,999	\$250,000 or More	\$0 - \$50,000	\$50,001 - \$249,999	\$250,000 or More
A. Number of Cases Filed												
B. Number of Cases Disposed												
1. Dismissed Before Hearing												
a. Pursuant to Settlement												
b. Pursuant to Mediated Settlement												
c. Other Before Hearing												
2. Dismissed After Hearing												
a. Pursuant to Settlement												
b. Pursuant to Mediated Settlement												
c. Other After Hearing												
3. Disposed by Default												
4. Disposed by Judge												
5. Disposed by Non-Jury Trial												
6. Disposed by Jury Trial												
7. Disposed by Other												
C. Reopened Cases												

# Supreme Court of Florida

Summary for the Month of \_\_\_\_\_, 20\_\_\_\_ Circuit \_\_\_\_\_ County  
Pursuant to the Requirements of F.S. 25.075

## Section III. Circuit Civil - Part 1.d.

	OTHER													
	Anti-trust/ Trade Regulation	Business Transaction	Constitutional Challenge Statute or Ordinance	Constitutional Challenge Proposed Amendment	Corporate Trust	Discrimination Employment or Other	Insurance Claim	Intellectual Property	Libel/ Slander	Shareholder derivative action	Securities Litigation	Trade Secret	Trust Litigation	Other
A. Number of Cases Filed														
B. Number of Cases Disposed														
1. Dismissed Before Hearing														
a. Pursuant to Settlement														
b. Pursuant to Mediated Settlement														
c. Other Before Hearing														
2. Dismissed After Hearing														
a. Pursuant to Settlement														
b. Pursuant to Mediated Settlement														
c. Other After Hearing														
3. Disposed by Default														
4. Disposed by Judge														
5. Disposed by Non-Jury Trial														
6. Disposed by Jury Trial														
7. Disposed by Other														
C. Reopened Cases														

# Supreme Court of Florida

Summary for the Month of \_\_\_\_\_, 20\_\_\_\_ Circuit \_\_\_\_\_ County  
Pursuant to the Requirements of F.S. 25.075

Section III. Circuit Civil - Part 1.

**Only for the Reporting of the Disposition of Cases filed PRIOR to January 1, 2010.**

**This Form is OPTIONAL and is only valid through December 31, 2012.**

	Professional Malpractice	Negligence Other	Real Property/Mortgage Foreclosure	Other
<b>B. Number of Cases Disposed</b>				
1. Dismissed Before Hearing				
a. Pursuant to Settlement				
b. Pursuant to Mediated Settlement				
c. Other Before Hearing				
2. Dismissed After Hearing				
a. Pursuant to Settlement				
b. Pursuant to Mediated Settlement				
c. Other After Hearing				
3. Disposed by Default				
4. Disposed by Judge				
5. Disposed by Non-Jury Trial				
6. Disposed by Jury Trial				
7. Disposed by Other				
<b>C. Reopened Cases</b>				

# Supreme Court of Florida

Summary for the Month of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ Circuit \_\_\_\_\_ County

## Section III. Circuit Civil Part 3. Involuntary Civil Commitment

<b>INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP) Page 1</b>	
A. Total Sexually Violent Predator Petitions Filed (section 394.914, F.S.)	
B. Total Probable Cause Hearings (section 394.915, F.S.) <b>(B-1 and B-2)</b>	
1. Non-Adversarial Determinations (section 394.915(1), F.S.)	
2. Adversarial Hearing (section 394.915(2), F.S.)	
C. Total Sexually Violent Predator Petitions Disposed (section 394.917, F.S.) <b>(C-1 through C-6)</b>	
1. Total Dismissed by the State Attorney	
2. Total Dismissed by Judge	
3. Total Disposed by Judge/Non-Jury Trial <b>(C-3a through C-3d)</b>	
a. Number of persons adjudged as <u>not</u> sexually violent predators	
b. Number of persons adjudged as sexually violent predators that are committed without conditional release	
c. Number of persons adjudged as sexually violent predators that are released conditionally	
d. Number of persons adjudged as sexually violent predators that are released unconditionally	

# Supreme Court of Florida

Summary for the Month of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ Circuit \_\_\_\_\_ County

## Section III. Circuit Civil Part 3. Involuntary Civil Commitment

<b>INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP) Page 2</b>	
4. Total Disposed by Jury Trial ( <b>C-4a through C-4d</b> )	
a. Number of persons adjudged as <u>not</u> sexually violent predators	
b. Number of persons adjudged as sexually violent predators committed without conditional release	
c. Number of persons adjudged as sexually violent predators that are released conditionally	
d. Number of persons adjudged as sexually violent predators that are released unconditionally	
5. Total Disposed by Other (stipulation, admission, negotiation, etc.)	
6. Number of persons adjudged as sexually violent predators committed for failure to comply with conditions of release	
D. Total Number of Retrials (section 394.917(1), F.S.)	
E. Total Examinations/Reviews, Hearings and Trials ( <b>E-1 through E-3</b> )	
1. Number of Examinations/Reviews (section 394.918 (1), F.S.)	
2. Number of Probable Cause Hearings (section 394.918(3), F.S.)	
3. Total Trials for Release Status Subsequent to Examination (section 394.918(4), F.S.) ( <b>E-3a and E-3b</b> )	
a. Number Granted	
b. Number Denied	

# Supreme Court of Florida

Summary for the Month of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ Circuit \_\_\_\_\_ County

## Section III. Circuit Civil Part 3. Involuntary Civil Commitment

<b>INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS (ICCSVP) Page 3</b>	
<b>F. Total Petitions for Release Filed (F-1 through F-3)</b>	
1. Total Petitions Filed with Authorization by Dept. of Children and Families (section 394.919, F.S.) (F-1a and F-1b)	
a. Number Granted	
b. Number Denied	
2. Total Petitions Filed without Authorization by Dept. of Children and Families (section 394.920, F.S.) (F-2a and F-2b)	
a. Number Granted	
b. Number Denied	
3. Total Petitions Filed Pursuant to a Right of Habeas Corpus (section 394.9215(1)(a)) (F-3a and F-3b)	
a. Number Granted	
b. Number Denied	