

COUNTY CIVIL PROCEEDINGS

This section provides guidance on procedures to be used when completing the County Civil portion of the monthly SRS forms. For ease of following the SRS form, 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 9-10 and 9-11) provides case type and category definitions. The SRS reporting form for the County Civil division is located in the tabbed section entitled SRS Reporting Forms (page 12-10).

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 civil cases which arise out of or occur in conjunction with criminal cases.
- U** Report each filing in situations where separate petitions/complaints are filed under the same case number (See Frequently Asked Questions, page 9-14).

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 9-8).

- Y** **DO NOT** report Foreign Judgments that are registered with the clerks office for administrative tracking purposes (See Number of Reopened Cases, page 9-8).

DISPOSITIONS

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 paper work.

- U Report in the appropriate case type and disposition category, the number of cases disposed during the reporting period.

- U Report cases 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 a final judicial decision is entered;
 - C Cases transferred to another court or jurisdiction; and
 - 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;
 6. Dismissed, Settled, or Disposed Before Hearing; and
 7. Disposed by Other.

DISPOSITIONS

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 county 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 eviction cases disposed for SRS, when the judgment is rendered regarding possession. Any subsequent issues brought back to the court (such as rent owed) should be reported in the **Reopened Cases** SRS category, under the **Evictions** case type (See Number of Reopened Cases, page 9-8).

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 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 the final judgment or order is 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.**

DISPOSITIONS

- 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 **Other** disposition category unless **Other** is the actual disposition (See **Disposed by Other** dispositions, page 9-7).
- 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.

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.

DISPOSITIONS

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, and a judgment or order against the defendant is entered by the court (See Frequently Asked Questions, page 9-13).

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 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.
- 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.

DISPOSITIONS

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 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 9-6).

Disposed By Jury Trial

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

- 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 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

DISPOSITIONS

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 as 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, page 9-12).

NOTES

DISPOSITIONS

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 Motion and order to show cause;
 - C Motion for new trial;
 - C Motion to vacate final judgment; and
 - C Petition to modify final judgment.
- 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 contempt proceedings brought against the defendant or plaintiff held subsequent to the close of the case.
- 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 eviction cases previously reported as disposed upon judgment for possession, that are subsequently brought back to court to address other issues (such as rent owed).

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

REOPENED CASES

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

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

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 please 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 County Civil SRS form.

Small Claims

? All matters involving claims up to and including \$5,000 in damages, exclusive of interest, costs and attorney fees. This includes, but is not limited, to the following:

- C Complaints for interpleader; and
- C Matters involving claims up to \$5,000.

DO NOT include replevins.

Civil (\$5,001 TO \$15,000)

? All matters involving claims ranging from \$5,001 through \$15,000 in damages, exclusive of interest, costs and attorney fees. This includes, but is not limited, to the following:

- C Mortgage foreclosures (less than \$15,000);
- C Complaint for interpleader;
- C Equity matters (monetary); and
- C Matters involving claims ranging from \$5,001 through \$15,000.

CASE TYPE DETERMINATIONS

DO NOT include replevins.

Replevins

- ? All lawsuits pursuant to chapter 78, Florida Statutes, involving claims up to \$15,000.

Evictions

- ? All matters involving the dispossession of land or rental property by process of law.

Other Civil (Non-Monetary)

- ? All other non-monetary civil matters not included in the previously described categories, but is not limited to county civil lawsuits involving:
 - C Equity matters (non-monetary);
 - C Control of animals;
 - C Interred bodies;
 - C Injunctive relief; and
 - C Declaratory judgments.

Quick Tip: Although county court has jurisdiction to hear dissolution matters and may issue a final order for dissolution in cases where the matter is uncontested, **these cases should be reported on the Domestic Relations SRS form under the appropriate categories.**

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

CASE TYPE DETERMINATIONS

County 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 a case is correctly filed and reported as a small claims case and is subsequently increased to a civil claim, would the disposition be counted as a county civil case and vice versa?

(A) If the above scenario occurs, the previously submitted monthly SRS report should be amended to reflect the case as a civil claim rather than small claims filing. The disposition would then be reported under the county civil case type in the correct monthly reporting period. Additionally, audit trails should be generated to reflect the SRS changes. Do not report an additional case filing and disposition as this will result in an inflation of SRS case data.

3. (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 Trial?”

FREQUENTLY ASKED QUESTIONS

(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 “Disposed by Non-Jury Trial” category. Typically, a non-jury trial is scheduled by a “Notice of Non-Jury Trial” to all parties.

3. (Q) When should a case be reported as “Disposed by Default?”

(A) When a default is entered by the clerk 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.

3. (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 closed under the "Dismissed After Hearing" disposition category. Essentially, a number of events could happen to render the SRS disposition category and almost any disposition category may be reported depending on the proceedings that transpire.

3. (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

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.

FRI

"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.

7. (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 clerk's document stamp date. For example, in a scenario where the clerk's office date stamps the disposition paperwork on 3/12/01, with the judge having signed the order on 3/12/01 with a nunc pro tunc dating the order to 1/10/01, the document should be reported disposed for SRS on 3/12/01. Thus, it should not be reported as disposed for SRS until such time.

8. (Q) How should multiple petitions filed per case be reported for SRS if a case management system only allows for one filing/disposition data field entry per case?

(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

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FREQUENTLY ASKED QUESTIONS

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 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.