

OTHER CIRCUIT CIVIL PROCEEDINGS

This section, Other Circuit Civil Proceedings, covers the reporting do's and don'ts that should be followed when completing the monthly Other Circuit Civil Proceedings SRS form. For ease of following the SRS form, this section is divided into the major sections indicated on the form. The Other Circuit Civil Proceedings SRS reporting form is located in the section entitled, SRS Forms. Each U and Y indicates guidelines and directions that should be followed when completing the specific section of the SRS form.

NOTE: The section entitled, Category Definitions, explains casetype and category definitions.

FILINGS

Number of Filings

Please refer to the section of the SRS form that reports information associated with the number of filings during the specified reporting period.

- U Report, in the appropriate casetype category, the number of complaints or petitions filed during the reporting period.
- U Report cases transferred to the reporting court from another court.
- U Report each parcel as a separate filing for eminent domain cases.
- U Report civil cases which arise out of or occur in conjunction with criminal cases.
- U Report civil cases which arise out of or occur in conjunction with probate cases or other civil suits.
- U If several counts with separate casetypes are included on a petition or complaint, report the case under the casetype that involves the greatest monetary issue.
- U Report each petition/complaint 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, then report each filing.

FILINGS

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

- Y **DO NOT** include cases which were previously reported as disposed but are resubmitted to the court. (See Reopened Cases, page __.)

DISPOSITIONS

Number of Dispositions

Please refer to the section of the SRS form that reports information associated with the number of dispositions during the specified reporting period.

- U Report in the appropriate casetype category and disposition category, the number of cases disposed during the reporting period.
- U Report cases as disposed after the final judicial decision which terminates a civil proceeding by a final judgment 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 pending until final judicial disposition is entered,
 - C cases transferred to another court or jurisdiction.
 - C cases which have a stipulation or conditional judgment signed by a judge.
- U Report each petition/complaint in situations where separate petitions/ complaints are disposed 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, then report each disposition.
- U Report each disposition in the category that involves the greatest amount of judicial time using the following scheme which ranks disposition types 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;
 5. disposed by default;
 6. dismissed before hearing; and
 7. 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 that involves the greatest amount of judicial time using the following scheme which ranks disposition types 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;
5. disposed by default;
6. dismissed before hearing; and
7. other.

For example, if a claim against Defendant A is dismissed after a hearing and the claim against Defendant B is disposed by the judge, then the case for SRS would be reported in the Disposed by Judge disposition category.

U Report one disposition for each parcel for eminent domain cases. Report the disposition of each parcel as they are disposed. If parcels are disposed in different months, report the parcel as disposed in each month the disposition occurs.

U Report cases referred to **mediation or arbitration** when the cases are finally disposed in the disposition category that reflects the most judicial time involved. These cases are **not** reported as disposed at the time the cases are referred to mediation or arbitration. These cases are **not** to be reported as disposed in the **other** disposition category unless "**other**" is the actual disposition.

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

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same 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 a case as dismissed when a leave to file an amended complaint is issued. **Report the case as disposed when the final disposition occurs.**

DISPOSITIONS

- Y **DO NOT** report a case as disposed when an abatement is issued to stay the proceedings. **Report the case as disposed once a final judgment has been entered by the court.**
- Y **DO NOT** report cases as disposed if a summary jury trial is held. **Report the case once the final judgment is entered.**
- Y **DO NOT** report cases referred to mediation or arbitration. **Report these cases once the final judicial disposition is entered.**
- Y **DO NOT** report the dispositions of reopened cases.

Dismissed, Settled, Or Disposed Before Hearing

- U Report, in the appropriate casetype category, 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 into prior to a hearing.
- U Report cases that are settled prior to a hearing before the judge.

Dismissed After Hearing

- U Report, in the appropriate casetype category, the number of cases dismissed after a hearing is held.
- U Report cases dismissed due to a **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 into after a hearing is held.
- U Report cases that are settled after a hearing is held.

DISPOSITIONS

Disposed By Default

- U Report, in the appropriate casetype category, the number of cases disposed after a defendant chooses not to or fails to contest the plaintiff's allegation and a judgment against the defendant is entered by the court.

Disposed By Judge

- U Report, in the appropriate casetype category, the number of cases disposed after a judgment or decision has been reached by a judge.
- U Report stipulations/conditional judgments only if a hearing is held before a judge. Report the case as disposed when the parties enter the stipulation.
- U Report cases disposed as the result of the granting of a motion for judgment on the pleadings.
- U Report cases disposed as the result of a motion for summary judgment by the judge.
- U Report cases referred to mediation/arbitration that resulted in a decision or judgment entered by the court.

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

For 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 casetype category, the number of cases disposed as a result of a contested trial in which there is no jury and in which a judge determines both the issues of fact and law in a case.

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

- Y **DO NOT** include cases which result in a mistrial. Report these cases in the appropriate disposition category when the case has a final disposition.

DISPOSITIONS

- Y **DO NOT** include cases disposed as the result of the granting of a motion for a summary judgment. (See Disposed by Judge dispositions, page ____.)

Disposed By Jury Trial

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

- U Report, in the appropriate casetype category, the number of cases disposed after a jury trial begins.
- U Report cases that settle after the jurors and alternates are selected and sworn, even if the jury did not render a judgment or decision.

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

- Y **DO NOT** include cases which result in a mistrial. Report these cases in the appropriate disposition category when the case has a final disposition.
- Y **DO NOT** include summary jury trials. Report these cases in the appropriate disposition category when the case has a final disposition.

Other

- U Report, in the appropriate casetype category, the number of cases that do not meet the requirements of the previously described disposition categories.
- U Report cases which are consolidated into a primary case. A primary case remains pending until the final judicial disposition is entered.
- U Report cases that are transferred to another court or have a change of venue.
- U Report cases as disposed when a suggestion of bankruptcy is filed.
- U Report bond estreature cases where a hearing is not held.

REOPENED CASES

Number of Reopened Cases

Please refer to the section of the SRS form that reports information associated with the number of reopened cases during the specified reporting period.

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

REOPENED CASES

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

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

- Y **DO NOT** include execution of judgments.

APPEALS FILED

Number of Appeals Filed

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

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

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

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