

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER NO 2.025

IN RE:

FILING IN THE CIRCUIT
AND COUNTY COURTS

_____:

WHEREAS, the Chief Judge is charged by Rule 2.050, Fla.R.Jud.Admin., with the responsibility for assuring that dockets are kept current through efficient and proper administration of the courts within the circuit; and

WHEREAS, it is recognized that procedures relating to the filing of cases are necessarily within the scope of this requirement; it is therefore

ORDERED that:

A. Accusatory instruments in the circuit and county courts, including informations, indictments, complaint affidavits, notices to appear, and uniform traffic citations, and all subsequent case instruments, shall be filed in the courthouse or branch courthouse serving the geographic area of Monroe County where the offense was alleged to have occurred. Accusatory instruments charging the commission of a felony and those charging the commission of a misdemeanor and/or criminal traffic offense which arose out of the same circumstances as a felony which is also charged, shall be consolidated and filed with the Clerk of the Circuit Court Criminal Division at the appropriate location. No instrument charging the violation of a civil traffic infraction, as defined in Rule 6.040, Fl.Tr.Ct.Rls., shall be filed in circuit court although it may have arisen out of the same circumstances as a felony. For purposes of this section, Monroe County is divided geographically as follows:

1. Lower Keys, including the City of Key West to the west end of Spanish Harbor Bridge, which are served by the Monroe County Courthouse at Key West.
2. Middle Keys, beginning at the west end of Spanish Harbor Bridge to the east end of Channel Five (5) Bridge, which are served by the Branch Courthouse at Marathon, Florida.
3. Upper Keys, beginning at the east end of Channel Five (5) Bridge to and including Key Largo and that portion of Monroe County situated upon the mainland of Florida, which

are served by the Branch Courthouse at Plantation Key, Florida.

- B. Actions at law in circuit and county courts shall be filed in the courthouse or branch courthouse serving the geographic area where the defendant resides, the cause of action accrued, or where the property in litigation is located. The filing location in actions brought by or against Monroe County shall be in geographic area where the cause of action accrued or where the property in litigation is located. For purposes of this section, Monroe County is divided geographically in the same manner as provided in Secs. A1, A2, and A3 above.
- C. Circuit court juvenile and probate cases which arise in the Upper Keys division shall be filed in the Branch Courthouse at Plantation Key, Florida. Circuit court juvenile and probate cases which originate in the Middle Keys, shall be filed at the Branch Courthouse in Marathon, Florida. Circuit court juvenile and probate cases which arise in the Lower Keys shall be filed in the Monroe County Courthouse at Key West, Florida.
- D. Each case instrument must identify in its caption, the circuit and county court division in which it is filed. The Clerk is requested to maintain dockets at each courthouse location at which instruments are accepted for filing. No instrument filed for record or required to be recorded shall be made a matter of record until filed in the county seat according to law.
- E. Four months after the filing of a nolle prosequi, decline, or dismissal, or four months after expiration of the time for filing an appeal, the Clerk may petition the presiding judge to have case files transmitted from a branch courthouse to the county courthouse for storage or destruction consistent with applicable records retention schedules.
- F. Motions filed pursuant to Rule 3.850 FRCrP, shall be filed in the courthouse location at which the court file reposes. Post-conviction hearings shall be heard by the trial judge.

J. Jefferson Overby
Chief Judge