

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 11.105-01/18\*

RE: JUDICIAL ROTATION POLICY

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Rule 2.215 of the Rules of Judicial Administration mandates that the Chief Judge shall develop an administrative plan for the efficient and proper administration of the courts within the circuit. The Judges of this circuit should have an opportunity to serve in divisions of their choice and should also share in the responsibility of serving in those divisions which are less sought after assignments. This administrative order has been agreed to by the majority of the Circuit and County Court Judges of this circuit.

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

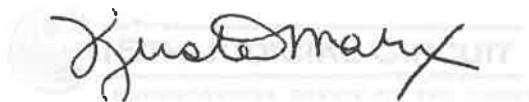
The following shall be the policy in the Fifteenth Judicial Circuit governing rotation between divisions of the circuit and county court, including assignments to and from the north, south, Belle Glade and Gun Club satellite facilities:

1. Except for good cause and in the best interests of the court, assignments shall be for a minimum of two years and a maximum of five years, unless circumstances dictate otherwise, commencing the day after the July 4th holiday in July of each year. Should a mid-term assignment be made, the term shall be deemed to commence on the day after the next July 4th holiday. The Chief Judge, upon leaving office, shall be allowed to choose his or her first divisional assignment.
2. In making assignments to and from divisions, the Chief Judge in keeping with the tenor of this order, shall consider the following factors, assigning each the weight the Chief Judge deems appropriate on a case by case basis:
  - a. Public interest

- b. Judge's preference and previous assignments
  - c. Length of time in present assignment vis-a-vis other judges in the same division
  - d. Length of time to anticipated retirement
  - e. Length of time to judge's next election date
  - f. Geographical proximity of judge's residence and assignment location
  - g. Judge's expertise relative to present and contemplated assignment
  - h. Seniority
  - i. Any additional pertinent considerations
3. If a division utilizes e-service, on-line scheduling, or has implemented a fileless or paperless system ("technological practices"), any judge rotating into the division must continue to use the technological practices unless excused by the Chief Judge. The incoming judge and judicial assistant shall meet with the current assigned judge and judicial assistant to discuss the divisional operation in effect. Court Technology shall ensure that the email accounts are installed onto the incoming judge's computer and iPad and that the incoming judge has access to these email accounts.
4. **When a judge rotates out of a division ("outgoing judge"), the judge will review his or her caseload to determine whether the judge should retain any case based upon court rule, statute, or for purposes of judicial economy.**
- a. **If the outgoing judge determines that a case should be retained, the outgoing judge will consult with the judge rotating in to the division ("incoming judge"). The incoming judge will have the final determination as to whether the case should be retained by the outgoing judge.**
  - b. **If outgoing judge retains the case, the outgoing judge will enter an order notifying the parties and the clerk's office.**
    - 1) **When the outgoing judge is rotating within the same division of the court (i.e. one civil division to another civil division), the case will be transferred to the outgoing judge's new division.**
    - 2) **When the outgoing judge is rotating to a different division of the court (i.e. a civil division to a family division), the case will remain assigned to the original division but will be handled by the outgoing judge.**
  - c. **If the outgoing judge is transferring to a division that requires court proceedings to be recorded by the Court Reporting Office, the judicial assistant will ensure that any hearings on the retained case will occur in a courtroom equipped for digital court recording.**

5. Following a rotation(s), issues may arise as to whether the original trial judge or the current divisional judge should hear a matter. To avoid confusion the following applies:
- a. Any case returned to a division following an appeal will be heard by the judge **currently** assigned to that division unless court rule, statute or judicial economy provides otherwise. **Examples of judicial economy would include but not be limited to requiring the division judge to expend an unreasonable amount of time to familiarize himself/herself with the case compared to the original trial judge who is still a member of the judiciary; determination of prevailing party in complex litigation; direction by appellate court requiring written findings or rulings.** If it is the opinion of the division judge that the case should be handled by the original trial judge, then the division judge shall confer with the original trial judge. **If the judges cannot agree, the divisional judge will hear the matter.**
  - b. **Cases returned for resentencing will be heard by the sentencing judge if the sentencing judge is still a member of the judiciary.**
  - c. **Statement of the Evidence.** The **original** trial judge who has since rotated out of the division, if available, shall be responsible for settling and approving a Statement of the Evidence as required by Florida Rule of Appellate Procedure 9.200(b)(4).

**DONE AND SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 18 day of January, 2018.

A handwritten signature in cursive script, appearing to read "Krista Marx", is written over a faint, circular official seal of the Palm Beach County Clerk of Court.

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Krista Marx, Chief Judge

\*supersedes administrative order 11.105-10/17