

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND ST. LUCIE COUNTIES
STATE OF FLORIDA

ADMINISTRATIVE ORDER 2021-06

RE: COURT ATTENDANCE OF THE ST. LUCIE COUNTY CLERK OF COURT

WHEREAS pursuant to Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, the chief judge of each judicial circuit exercises administrative supervision over all the trial courts within the judicial circuit and over the judges and other officers of such courts; and

WHEREAS pursuant to these legal authorities, the chief judge of the circuit has the power to regulate the use of courtrooms and require the attendance of state attorneys, public defenders, clerks, bailiffs, and all other officers of the court; and

WHEREAS the Clerk of Court is to manage the performance of court-related functions in a method or manner that is consistent with statute, rule, or administrative order; and

WHEREAS the Clerk of Court provides court-related functions which are essential to the orderly operation of the judicial branch; and

WHEREAS the chief judge of each circuit, after consultation with the Clerk of Court, determines the priority of services provided by the Clerk of Court to the trial court; and

WHEREAS the Clerks of Court in the Nineteenth Judicial Circuit have faced administrative challenges regarding employment of staff, and, to date, the Chief Judge, all judges, magistrates and hearing officer have consulted with the Clerks of Court to assist them in meeting their obligations to the court in the face of budget constraints; and

WHEREAS on April 29, 2021, the Clerk of Court for St. Lucie County gave formal notice (Attachment A) to the undersigned Chief Judge of the Clerk's unilateral decision to cease performing court-related functions in the majority of court proceedings conducted in the Circuit and County Courts of St. Lucie County in contravention of the duty and authority of the chief judge of this Circuit and the efficient operation of the courts; and

WHEREAS the chief judge is charged with the responsibility and authority to do everything necessary to promote the prompt and efficient administration of justice in the courts over which he or she is chief judge; it is hereby

ORDERED as follows:

This Administrative Order applies only to the Clerk of Court for St. Lucie County at this time.

In St. Lucie County there shall be a clerk in personal attendance at any and all court proceedings in which a judge, magistrate, or hearing officer presides. The only exception to this requirement will be the written consent of the presiding judicial officer to non-attendance of the clerk in the particular court proceeding, which consent may be granted only upon prior written request made by the Clerk of Court to the presiding judicial officer.

As to recurring court hearings for which there is constant judicial rotation, such as weekend first appearances, exceptions to the personal attendance requirement may be granted in writing by the Chief Judge.

Pursuant to section, 43.26(4), Florida Statutes, failure of the St. Lucie County Clerk of Court to comply with the directives of the Chief Judge in this Administrative Order shall constitute neglect of duty for which the Clerk may be suspended from office as provided by law.

This Administrative Order shall become effective May 17, 2021.

DONE AND ORDERED this 30th day of April, 2021 at Stuart in Martin County, Florida.



LAWRENCE MIRMAN
CHIEF JUDGE

ATTACHMENT A



MICHELLE R. MILLER
CLERK & COMPTROLLER
ST. LUCIE COUNTY, FLORIDA

April 28, 2021

The Honorable Chief Judge Mirman,

Greetings Judge Mirman,

Due to budget cuts over recent years we have endured reduced staffing levels within our office. Because of those budget constraints we will only be able to fulfill the statutory duties of the Clerk's Office. Please let this letter serve as a written notice of the intention to discontinue a function performed in support of the trial courts in reference to FS 28.44(1)(b). Pursuant to FS 28.44(1)(b), the St. Lucie Clerk of Court and Comptroller is giving notice that we are discontinuing providing court clerks for Circuit Civil, County Civil, Small Claims, Domestic Relations, and Probate court type hearings effective May 1, 2022. If you have any questions, please contact me.

Sincerely,

Michelle R. Miller,

St. Lucie County Clerk of the Circuit Court and Comptroller

CC Patty Harris Court Administration