



**INTERNAL OPERATING PROCEDURES
FIRST DISTRICT COURT OF APPEALS, FLORIDA
SECTION III: COURT PERSONNEL**

{AS OF: 4/1/2021}

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INTERNAL OPERATING PROCEDURES | 1DCA (FL)

SECTION: III

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RULES: 3.1 through 3.4



IOP 3.1 | JUDGES AND JUDICIAL STAFF

The court is composed of fifteen judges. Each judge has up to three personal staff. Additionally the court has a central staff of attorneys who work pursuant to policies adopted by the court under the direction of the chief judge. The staff is composed of three units. One unit processes and makes recommendations on original petitions and motions filed with the court. The second unit of the central staff primarily provides jurisdictional screening of cases and prepares substantive summaries on certain criminal and collateral criminal merits cases as directed by the chief judge pursuant to policies adopted by the court. The third unit is a legislatively authorized unit that specializes in preparing summaries and recommendations in workers' compensation cases.



IOP 3.2 | THE CHIEF JUDGE

3.2.1 Duties and Responsibilities

The chief judge serves as the administrative officer of the court and has authority to manage the caseload and the business of the court in accordance with the provisions of rule 2.210(a)(2) of the Florida Rules of Judicial Administration.

All matters of court policy are to be decided by the active judges on the court. The chief judge shall ensure that the various policies adopted by the judges of the court are given full force and effect. The court may decide court policy on any issue of interest to the court including policies on the selection, retention, employment, promotion, and compensation of employees; court budget; court facilities; or any other matter not governed by the Rules of Judicial Administration or these Internal Operating Procedures.

3.2.2 Term of Office

The term of the chief judge shall be for two years beginning on July 1 of each odd-numbered year. In the event of a vacancy, a successor shall be chosen promptly to serve the balance of the unexpired term.

3.2.3 Selection

The chief judge shall be selected by the judges of the court on the basis of managerial, administrative, and leadership abilities. Beginning in 2021, nominations for a chief judge designate shall be open on May 1 of each even numbered year and shall close ten days prior to the election which will be held in June of that year. The election shall be by majority vote and the votes shall be cast by secret ballot. Voting by absentee ballot is permitted by notifying the chief judge of the intention to vote absentee and by providing the clerk, prior to the counting of the ballots, a sealed ballot on the uniform ballot form provided by the clerk for that election. The votes will be immediately counted by the clerk, with the assistance of the marshal, and the winner will be immediately announced to the court. The winner will be the judge receiving at least 51% of the votes cast and shall be the chief judge designate until assuming office as the chief judge on July 1st of the following odd numbered year. The number of votes cast for each candidate will not be disclosed.



If no one receives a majority of votes, a run-off election will be conducted between the two judges receiving the most votes on the previous ballot. The absentee ballot will be counted in any runoff election as being cast for the same judge as in the original election if that judge is still a candidate in the runoff election. In the event that no candidate receives a majority vote of all the sitting judges in the run-off election and there are any absentee ballots being cast, then the run-off election will be postponed until such time as the judge(s) casting the absentee ballot(s) have an opportunity to participate.

3.2.4 Assigning Cases to the Chief Judge

In consideration of the administrative responsibilities connected with the office, the chief judge may assign responsibility for the chief judge's desk to any active judge on the court, whether on a rotating or ad hoc basis. In addition, the chief judge may elect up to two of the following reductions to his or her caseload by directing the clerk by written memorandum to:

1. Excuse the chief judge from a writs and motions panel for the period designated;
2. Reduce the chief judge's merits panel assignments as primary judge by up to two cases per case assignment month for months identified.

The chief judge's law clerks shall prepare the summary for any case reassigned to another judge as a result of the chief judge electing this option, unless the judge receiving the reassigned case requests that his or her law clerk prepare the summary;

3. Reduce or eliminate the chief judge's merits panel assignments for cases prepared by central staff, including post-conviction cases or the three cases prepared by the writs and motions staff attorneys; or,
4. Assign up to ten of the chief judge's merits panel cases to a senior or an associate judge for one or two merits panel sessions during the calendar year.

IOP 3.3 | THE CLERK

3.3.1 Appointment

The court shall appoint a clerk who shall hold office at the pleasure of the court and perform such duties as the court directs. Florida Rule of Judicial Administration 2.210(b) and section 35.22, Florida Statutes, provide details concerning the appointment and general duties of the clerk. The clerk's office shall be at the headquarters of the court. The clerk shall devote full time to the duties of the office and shall not engage in the practice of law or any other business while occupying the office of clerk.

3.3.2 Court Files and Records

The clerk of the court shall keep an official electronic file on each case invoking the court's jurisdiction and the file shall contain the motions, records, briefs, and other documents filed with the court. In accordance with the requirements of rule 2.210(b)(2), the official files shall remain in the custody of the clerk and any physical files shall not be removed from the court except electronically through iDCA or eDCA, to conduct oral argument at other designated locations, or by a judge or the clerk of the court pursuant to court policy and rules or by order of the court.

In addition to the official file, the clerk shall maintain an electronic correspondence file as part of each case. Letters and other documents submitted to the court or any of the judges or their staff from an organization or person outside the court shall be available for inspection by the public except those exempted by statute, rule or court order. The electronic correspondence file shall also contain documents produced from within the court including the work papers, summaries, opinions not yet released, and all of the other materials that are the work product of the court. These materials shall not be available for inspection, except that the official opinion or order of the court shall be available for inspection when it has been filed in the official court file and sent to the parties.



3.3.3 Internal Operating Procedures

The clerk maintains a copy of the Internal Operating Procedures Manual as a court record. This record is available in the clerk's office for inspection by any interested person during business hours, or on the court's website at any time. The clerk reviews these procedures annually to ensure their accuracy and informs the court when there is a need to change these procedures to conform to any policy or practice.

3.3.4 Orders

The clerk shall issue unpublished orders of the Court under his or her signature unless otherwise directed by the judge or judges who approved the order.

IOP 3.4 | THE MARSHAL

The marshal holds office at the pleasure of the court and shall perform the duties and responsibilities identified in rule 2.210(c) of the Florida Rules of Judicial Administration and section 35.26, Florida Statutes, and other duties of the office as the court may direct.



APPENDIX



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