



**BROWARD COUNTY LOCAL RULES OF COURT
DIVISION “09” (PERLMAN)
(ALL-IN-ONE)**

{LAST UPDATED: 10/1/2022}

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BROWARD COUNTY RULES OF COURT

DIVISION 09

JUDGE JEFFREY R. LEVENSON

LAST UPDATE 10/1/2022



LOCAL RULE 00 | BASIC INFO

Jeffrey R. Levenson
Circuit Court Judge
Seventeenth Judicial Circuit
of Florida



Broward County
Courthouse
201 S.E. 6th Street,
Room **16-150**/Courtroom
16-135
Fort Lauderdale, FL
33301
(954) 831-6362
Alissa Quintero
Div09@17th.FLCourts.org

UPDATED PROCEDURES

1. HEARINGS (UMC, CMCs, CALENDAR CALLS) WILL BE CONDUCTED VIA ZOOM CONFERENCE. THE INVITATION IS BELOW. FAILURE TO ATTEND THE ZOOM CONFERENCE MAY RESULT IN CANCELLATION OF HEARING OR OTHER SANCTIONS. PLEASE ENSURE NOTICES OF HEARINGS INCLUDE THE ZOOM INFORMATION.

ALL SPECIAL SETS, EVIDENTIARY HEARINGS, HEARINGS OVER 30 MINUTES, AND JURY TRIALS WILL BE CONDUCTED IN PERSON.

COURTROOM 16-160.

2. ALL MOTIONS/ RESPONSES/ REPLIES/ ETC. MUST UPLOADED TO SUPPORTING DOCUMENTS ONLY. PLEASE DO NOT EMAIL PLEADINGS. THEY WILL NOT BE READ OR RECEIVED. **DO NOT UPLOAD CASE LAW TO SUPPORTING DOCUMENTS**. THE COURT HAS ACCESS TO WESTLAW. CASE LAW SHALL BE CITED IN MOTIONS ONLY. FAILURE TO UPLOAD MATERIAL TO SUPPORTING DOCUMENTS MAY RESULT IN COURT CANCELLATION.
3. ALL ORDERS (AGREED OR PROPOSED) MUST BE SUBMITTED THROUGH THE WORKBENCH. DO NOT SUBMIT COMPETING ORDERS. IF PARTIES DO NOT AGREE ON LANGUAGE, YOU MUST ORDER THE TRANSCRIPT OF THE HEARING.

JUDGE JEFFREY LEVENSON is inviting you to a scheduled Zoom meeting.

Topic: Judge Levenson Docket

Join Zoom Meeting

<https://17thFLCourts.zoom.us/j/109129436>

Meeting ID: 109 129 436



One tap mobile

+1 312 626 6799, 109 129 436# US (Chicago)

+1 646 876 9923, 109 129 436# US (New York)

Dial by your location or Toll Free Below

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US

(888) 475-4499 US Toll-free,

(833) 548-0276 US Toll-free,

(833) 548-0282 US Toll-free,

(877) 853-5257 US Toll-free

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 109 129 436

Find your local number: <https://17thFLCourts.zoom.us/j/adcK0luwtS>

**EVIDENTIARY HEARINGS, HEARINGS OVER 30 MINUTES, SPECIAL SETS, &
TRIALS ARE HELD IN**

COURTROOM 16-160

ONLINE SCHEDULING IS REQUIRED FOR MOTION CALENDAR, SPECIAL SET HEARINGS, SCHEDULING CASES FOR TRIAL (CALENDAR CALL) AND UPLOADING E-ORDERS

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LOCAL RULE 01 | MOTIONS - LIMITATIONS

(a) In a motion or other application for an order, the movant shall include a concise statement of the relief requested, a statement of the basis for the request and citation to legal authority in support of the request.

(b) Each party opposing a motion or application may file a response that includes citation to legal authority in opposition to the request. Responses **MUST** be uploaded to CMS within 5 business days of the hearing.

(c) Please do not submit correspondence to the Judge's chambers. Any request **MUST** be filed as a motion and set for hearing.

(d) For more information, please review [Local Rule 10A](#).



LOCAL RULE 02 | MOTIONS - GENERALLY

(a) **Motions for Rehearing/Reconsideration.** Please see Adm. Order No. AO 2022-5-GEN

Motions may NOT be set for hearing unless authorized by the Court. The clerk's office does not serve a copy of the motion to the judge or judge's chambers. An electronic copy of the motion with a cover letter and proposed order, must be submitted to be considered. In many cases, a response may be required.

(b) **Motions to Continue Trial.** Pursuant to the Uniform Pretrial Order, continuances will only be considered for good cause on motion **prior to calendar call. Any requests for continuances (including agreed motions) must be placed on UMC at least seven (7) days prior to calendar call. Client consent must also be filed in advance of the scheduled hearing.** Also, please comply with Fla. R. Civ. P. 1.460 and Fla. R. Jud. Adm. 2.545 (e) regarding party consent. If the case is continued the parties will be notified of the new calendar call date. If the case was previously mediated and neither party wishes to return to mediation please so indicate in your cover letter to the court enclosing the new Uniform Trial Order. If a case is settled prior to the trial date, the scheduling party **MUST** immediately notify our office.

(c) **Motions to Withdraw.** Even with consent, the client must be present on Zoom for the motion to withdraw regardless if it's a individual or a corporation. In the body of the proposed order granting withdrawal please include the client's address, email address and phone number.

If the client is not an individual please include a statement that the entity must be represented by counsel who **MUST** file an appearance within 20 days from the date of this order or a default may be entered. [Click here for Template Motion.](#)

(d) **Motions to Dismiss.** A copy of the complaint **MUST** be attached to the motion to dismiss. **Please schedule on CMS as UMC. (There may be exceptions for complex cases.)**

(e) **Motions for Approval of Minor Settlement.** The motion **MUST** be set for a special set hearing before being ruled upon. The Court reviews all motions/responses. Any responses must be uploaded to supporting documents before the hearing.



(f) **Ex parte Motions.** Please submit "proposed" orders online through the CMS workbench. A copy of the ex parte motion must be attached for the judge to review.

(g) **Summary Judgment.** Pursuant to the recently amended Florida Rule of Civil Procedure 1.510(a)- A party moving for Summary Judgment shall identify each claim or defense-or part of each claim or defense- on which summary judgment is sought.

The moving party shall file a statement of material facts at the time of filing a motion for summary judgment as a **separate filing**.

Rule 1.510(c)(1) - A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, ESI, affidavits, stipulations, admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

Rule 1.510(c)(5) - The supporting materials must be served with the motion and with the response.

By way of example:

Movant's Statement of Facts:

1. Green Acres is a vacant property located at 123 Main Street. (Exhibit 1)
2. John Smith owns Green Acres. (Exhibit 2)

Respondent's Opposing Statement of Material Facts:

1. Green Acres is a vacant property located at 123 Main Street. (Exhibit 1)

Admitted that Green Acres is located at 123 Main Street. (Exhibit Denied that the property is vacant. (Exhibit 5)

2. John Smith owns Green Acres. (Exhibit 2)

Denied as phrased. Admitted that the last recorded deed to Green Acres names John Smith. (Exhibit 2)



Rule 1.510(d)- requires an Affidavit or Declaration stating specific reasons when facts are unavailable to the nonmovant party.

Remember, Rule 1.510(b), requires the motion be served at least 40 days before the time fixed for the hearing, and Rule 1.510(5) requires nonmovant to serve a response at least 20 days before the time fixed for the hearing.



LOCAL RULE 03 | HEARINGS - GENERALLY

(a) All hearings should be coordinated with opposing counsel. For UMC and Special Sets, please upload to "supporting documents" on CMS. Even if you have not set the case, you are able to attach supporting documents by going to Calendar ---> Show Events by Case.

Chambers does not get involved with scheduling hearings, and does not allow cases to be set unilaterally. Cases set unilaterally are subject to cancellation at Court's discretion.

(b) **Uniform Motion Calendar (UMC)** 8:45 A.M. - 9:30 A.M. Monday through Thursday by Zoom. Please see Local Rule 10A with regard to required good faith certifications.

(i) Please use [CMS](#) to schedule a UMC hearing. Hearings are limited to 5 minutes. Since the number of hearings are limited, *PLEASE timely cancel your hearing online before the hearing if the matter is resolved.* If you have any difficulty with Online Scheduling please email calendar@17th.FLCourts.org.

(ii) Motion calendar matters will be heard on a "first come, first served" basis. If opposing counsel is not present, please call them.

(iii) If a hearing is canceled by the Court, the Online Scheduling system will generate an email notice to the setting party and the setting party shall notify all parties of the cancellation and reset the matter.

(iv) A maximum of three (3) motions will be heard on UMC per case. If more than three motions are requested, please set the case on the special set docket. All motions must be added at the time the hearing is set. Parties are unable to edit the motions after a hearing is scheduled. In order for parties to request additional motions after a hearing is scheduled, please contact chambers. The add on motion must already have been e-filed and parties must be noticed to all parties.

Additionally, notices of hearing, motion, and any supplemental exhibits must be uploaded to the "Supporting Documents" tab on CMS at least five (5) days before scheduled hearing. DO NOT UPLOAD CASE LAW. Even if you have not set the case, you are able to attach supporting documents by going to Calendar ---> Show Events by Case. [Training Video](#)



Hard copies are no longer required to be sent to Chambers for UMC. Upload all material to supporting documents in CMS only. Failure to comply with uploading documents may result in cancellation of hearing.

(c) **Special Set Hearings - 15 and 30 minutes.** Special Set Hearings may be scheduled on line for up to 30 minutes. **They are conducted in person.** All pleadings must be uploaded to "Supporting Documents" using CMS. **If a response is filed, a copy must be uploaded to CMS at least ten (10) business days prior to the hearing. A reply must be uploaded to CMS five (5) business days before the hearing. Failure to comply with this may result in cancellation of hearing or sanctions.**

A motion and a proposed order to appear by Zoom for a special set hearing must be submitted at least five (5) days prior to the hearing. If granted, the attorney must use Judge Levenson's direct Zoom link.

All motions must be added at the time the hearing is set. Parties are unable to edit the motions after a hearing is scheduled. In order for parties to request additional motions after a hearing is scheduled, please contact chambers. Additional motions may be added by chambers with at least five days notice and notice given to opposing counsel.

Please do not contact chambers to set a hearing requiring 30 minutes or less.

(d) **Special Set Hearings - Over 30 minutes/Evidentiary Hearings.** Hearings over 30 minutes must be coordinated through the office and conducted in-person. **They are conducted in person.** **Please submit a copy of your motion (with all attachments) to Ms. Quintero with a cover letter indicating how much time is requested for both sides and indicating whether it is an evidentiary hearing. If a response is filed, a courtesy copy must be received by chambers at least ten (10) business days prior to the hearing.** Once approved by the Court, parties will be contacted with potential dates and times for the hearing. Once a date has been agreed to by all parties, please call Ms. Quintero and a hearing will be set internally. Then please serve and file a notice of hearing for the appropriate date. Failure to strictly comply with this procedure may result in the inability to schedule future special set hearings.

No evidentiary hearings are permitted on regular special set dockets. All evidentiary hearings must be coordinated and set by Chambers and conducted in-person.

DO NOT SCHEDULE MOTIONS IN LIMINE UNLESS GRANTED PERMISSION. Motions in Limine will be heard by the trial court prior to trial beginning.

For hearings over 30 minutes, all pleadings and supplemental material must be delivered to Chambers 10 days prior to the hearing.

(e) **Cancellation of a Special Set Hearing.** Pursuant to Local Rule 10A special set hearings may only be canceled by parties if an agreement on the merits has been reached and the parties have entered into a written stipulation, or with court approval. An agreed order must be submitted electronically. If the parties cancel the hearing without court approval, the parties may NOT reset the matter on the special set docket; the hearing must be rescheduled on the Court's Uniform Motion Calendar. If a hearing is canceled by the Court, the Online Scheduling system will generate an email notice to the setting party and the setting party shall notify all parties of the cancellation and reset the matter.

(f) **Attorney Fees and Costs Hearings.** No evidentiary hearing will be scheduled until the Court's scheduling order has been complied with. The court will issue a scheduling Order upon receipt of the motion for attorney fees or costs. Entitlement to fees must be set on UMC prior to a scheduling order being issued.

An evidentiary hearing will not be scheduled until all pending appeals are completed.

(g) **Emergency Hearings.** In order to obtain an "Emergency Hearing", please provide to chambers an electronic copy of your motion, supporting documentation, and a cover letter advising how much time both sides will require. Also, please review and comply with Administrative Order # [2014-32-CIV](#). The court will determine if an "emergency" setting is appropriate and you will be advised accordingly. If appropriate, Ms. Quintero will provide you with potential hearing dates.

(h) **Case Management Hearings.** The Court welcomes case management hearings and encourages the use of agreed case management orders. Please set CMCs on UMC.

LOCAL RULE 04 | SCHEDULING A CASE FOR TRIAL

To schedule a case for trial please follow the procedure set forth in Administrative Order [#2016-28-Civ](#). No unilateral trial settings are permitted. Any disputes regarding a trial date are to be set on the Court's uniform motion calendar. Please note that trials are to be scheduled using CMS.

The order of the trial docket will be determined at calendar call. **Attendance by the attorney of record at calendar call is mandatory. Parties must appear by Zoom. Calendar call commences at 9:00 A.M. on your scheduled date.** If your case settles prior to calendar call please call the office so that your attendance may be excused. No motions will be heard at calendar call. Failure to attend a calendar call may result in dismissal or other sanctions.

If your case is not selected as the first case for trial at the calendar call, it is very likely that your case will be placed in the Civil Trial Pool, where other judges with time available will be assigned your case for trial. Please see Administrative Order [#2008-41-Civ](#). Do not assume your case will not be reached. Your case may be called for trial during any day of the docket. Please do not call chambers to find out the status of your trial.

All parties must be available during the complete trial period. If a party is unavailable during a portion of the trial period, a notice of unavailability must be filed and motion for continuance must be set at least 7 days prior to calendar call.

If your case is not reached on the trial docket, the court will generally issue an order specifying a new trial docket. If you have not received such an order within 10 days of the end of the trial period, call the office to inquire when your case will be reset.

Please [click here](#) for instructions on evidence presentation in the courtroom. Please note: exhibits must be published electronically (PDF) through the courtroom AV system. Exhibits must be pre-marked with numbers; all exhibits shall be downloaded for display (PDF) by counsel's computer through the courtroom video system. Hard copies of the exhibits go with the jury during deliberations. A flash drive with all exhibits should be provided to the in-court clerk.

All Uniform Trial Order deadlines must be complied with including the submission of joint jury instructions and a joint pretrial stipulation at least 10 days prior to calendar call.



Please see [Sample Jury Instructions](#) used by Division 09 during jury trial.



LOCAL RULE 05 | SPECIAL SET DOCKET 2023

ALL SPECIAL SETS ARE CONDUCTED IN PERSON.

IN COURTROOM 16-150.

March 27 - 30, 2023

April 24 - 27, 2023

MORE DATES FORTHCOMING.

Use CMS to schedule online.

Please do not call or email chambers to schedule.

Longer special set hearings are typically reserved for Fridays.

Please follow division procedures to request a hearing longer
than 30 minutes.

LOCAL RULE 06 | CALENDAR CALL 2023

(Friday 9am)

CC	January 20, 2023	January 30 - February 23, 2023
CC	February 24, 2023	March 6 - 23, 2023
CC	March 24, 2023	April 3 - 21, 2023
CC	April 21, 2023	May 2 - 26, 2023
CC	May 26, 2023	June 5 - 23, 2023
CC	June 23, 2023	July 10 - 21, 2023
CC	July 21, 2023	August 7 - 25, 2023
CC	August 25, 2023	September 5 - 22, 2023
CC	September 22, 2023	October 3 - 20, 2023
CC	October 20, 2023	October 30 - November 17, 2023
CC	November 17, 2023	November 27 - December 15, 2023
CC	December 15, 2023	January 3 - 26, 2024 (scheduled internally only)
CC	January 26, 2024	February 5 - 23, 2024 (scheduled internally only)



LOCAL RULE 07 | COURT HOLIDAYS 2023

<https://www.17th.FLCourts.org/wp-content/uploads/2022/06/2023-Court-Holidays.docx.pdf>



LOCAL RULE 08 | ELECTRONIC AGREED ORDERS/JUDGMENTS

All Agreed Orders must be submitted electronically and should be processed within two business days.

(a) Generally. Registered users of the Online Scheduling System may submit, electronically, agreed orders and certain other orders:

The signature line must be on the last page of the submission. Please verify that all email addresses are accurate.

Do not electronically transmit any correspondence or motion with the Agreed Order. HOWEVER, motions must be served and filed prior to submission of the order. See Fla. R. Civ .P 1.100 (b).

(b) Agreed Orders. The sender MUST certify the submitted order is agreed by selecting a specific category. The categories include:

- Agreed order (N/A to continue a hearing or trial)
- Final Order of Dismissal of the Case as to all Parties
- Final Order of Dismissal as to One or More Parties but not a Final Order of Dismissal of the Case
- Agreed Final Judgment
- Agreed Case Management Order
- Agreed Stipulation for Substitution of Counsel

(c) Orders After Hearing. The order must reflect the court's ruling at a previous hearing and the language is agreed to by all parties. The order must contain the date of hearing and type of motion.

(d) Local Rule 10A Discovery Orders. See Local Rule 10A. If there has been a request for an extension of time, an ex parte motion may not be utilized.

For help using the system re e-orders please go to:

<http://www.17th.FLCourts.org/index.php/self-help/eorders>

If you have technical questions or need assistance with the Court Management System (CMS) and/or the submission of e-orders, please email the JIS Department at: calendar@17th.FLCourts.org

(Revised November 7, 2022)



APPENDIX



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CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

Congratulations! You're now **booked up** on Division 09's Local Rules of Court (Broward County, FL) which are pertinent to civil rights litigation!

