

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

ADMINISTRATIVE ORDER 2.313-9/21\*

IN RE: ASSIGNMENT OF CRIMINAL AND  
CIVIL CONTEMPT CASES

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In order to facilitate the keeping of accurate court records, it is necessary to create separate case numbers whenever a defendant is adjudicated guilty of direct criminal contempt or charged with indirect criminal contempt. The creation of a county court misdemeanor case number is for record-keeping purposes only, and does not affect the status of the contempt for appellate purposes. *See Schaab v. State*, 33 So. 3d 763 (Fla. 4th DCA 2010) (holding that misdemeanor case number did not affect the status of the contempt as a Circuit Court matter because contempt arose from felony proceeding).

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

1. Cases involving criminal contempt shall be treated as follows:
  - a. **Direct Criminal Contempt**: In direct criminal contempt proceedings, the Clerk of the Circuit Court shall open a separate county court misdemeanor case number upon the filing of the judgment of guilt of contempt. *See Fla. R. Crim. P. 3.830*. The case shall be assigned to the same division as the case from which the direct criminal contempt proceeding arose.
  - b. **Indirect Criminal Contempt**: In indirect criminal contempt proceedings, the Clerk of the Circuit Court shall open a separate county court misdemeanor case number upon the filing of the Order to Show Cause. *See Fla. R. Crim. P. 3.840(a)*.
    - 1) Except for indirect criminal contempt proceedings initiated by a traffic hearing officer and those where the judge must be recused pursuant to Florida Rule of Criminal Procedure 3.840(e), the case shall be assigned to the same division as the case from which the indirect criminal contempt proceeding arose.

- 2) In indirect criminal contempt proceedings where the judge must be recused under Florida Rule of Criminal Procedure 3.840(e) due to the charge of contempt involving disrespect or criticism of a judge, **the recusing judge must contact the Chief Judge immediately. The Chief Judge will then seek the designation of another judge from the Chief Justice of the Florida Supreme Court as required by Rule 3.840(e). The Chief Judge will notify the Clerk of the Chief Justice's designation upon receipt.**
  - 3) In indirect criminal contempt proceedings initiated by a traffic hearing officer, the case will be randomly assigned to a county court criminal judge at the same courthouse.
2. For civil contempt proceedings, the Clerk of the Circuit Court shall not open a new case number.

**DONE and SIGNED**, in Chambers, at West Palm Beach, Palm Beach County, Florida, this 10<sup>th</sup> day of September, 2021.



Glenn. D. Kelley  
Chief Judge

\*supersedes admin. order 2.313-3/19