20210030371 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 5581 PG: 42, 04/30/2021 at 02:39 PM, GWEN MARSHALL, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2021-04

IN RE: ACTIVE, DIFFERENTIAL CIVIL CASE MANAGEMENT

WHEREAS, Florida Supreme Court Administrative Order AOSC20-23, Amendment 12, directs the trial courts to maximize the resolution of cases; and

WHEREAS, Florida Supreme Court Administrative Order AOSC20-23, Amendment 12, directs the chief judges to issue an administrative order applicable to each county within the judicial circuit that requires the presiding judge for each civil case to actively manage civil cases in a specified manner; and

WHEREAS, by the authority of Rule 2.215, Florida Rules of General Practice and Judicial Administration, Florida Supreme Court Administrative Order AOSC20-23, Amendment 12, and Florida Supreme Court Administrative Order AOSC20-32, Amendment 7, it is therefore

ORDERED that:

I. **All County and Circuit Court Civil Cases**

Each judge assigned to any civil case is hereby directed to actively manage each civil case and enter an initial Case Management Order as described below.

II. **County Civil Cases**

All County Court Civil Cases[1] are initially designated Streamlined Cases. Should any party assert that a County Court Civil Case should be treated other than as a Streamlined Case, such party shall file a written motion requesting such change and the motion shall be expeditiously resolved by the presiding Judge.

III. **Circuit Civil Cases**

Each civil case subject to the jurisdiction of the circuit court[2] is hereby differentially classified:

[1] Pursuant to AOSC20-23, Amendment 12, this order does not apply to small claims cases.
[2] Pursuant to AOSC20-23, Amendment 12, this order does not apply to post-judgment cases, writs of certiorari, habeas, mandamus, prohibition, or quo warranto. Additionally, the time deadlines in this order do not apply to receiverships and qui tam cases.

UNOFFICIAL DOCUMENT

A. Complex: As designated by the presiding judge on the judge's own initiative or upon motion of any party applying the criteria of Rule 1.201(a)(1&2) of the Florida Rules of Civil Procedure. UNLESS DESIGNATED COMPLEX BY THE PRESIDING JUDGE, ALL CIRCUIT CIVIL CASES ARE EITHER GENERAL OR STREAMLINED AS SET OUT BELOW.

B. General: All matters for which the **complaint demands trial by jury** and all matters so designated by the presiding judge on the judge's own initiative or upon motion of any party.

C. Streamlined: All matters for which the **complaint does not demand trial by jury** and all matters so designated by the presiding judge on the judge's own initiative or upon motion of any party.

IV. For each civil case filed on or after April 30, 2021, the **Plaintiff shall serve an initial Case Management Order** with the complaint and summons on each defendant. The form of the required Case Management Order is attached to this Administrative Order as Exhibit A, and shall contain deadlines as follows:

A. If the case is designated as a **COMPLEX CASE** the presiding judge and parties must strictly comply with the process and deadlines established by Rule 1.201 of the Florida Rules of Civil Procedure. The presiding judge shall issue a Case Management Order in compliance with Rule 1.201(c).

B. If the case is designated as a **GENERAL CASE**, above, the following deadlines shall apply and, by directive of the Florida Supreme Court, must be strictly enforced unless good cause is shown for an exception or as otherwise required by law:

1. 120 days after filing: Service of Complaints
2. 180 days after filing: Service Under any Extensions of Time
3. 210 days after filing: Adding New Parties
4. 270 days after filing: Resolution of Objections to Pleadings and Motions to Dismiss
5. 400 days after filing: Completion of Fact and Expert Discovery
6. 450 days after filing: Resolution of Pretrial Motions, including Motions for Summary Judgment
7. 540 days after filing: Projected Trial Date (as required by Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B)

C. If the case is designated as a **STREAMLINED CASE**, above, the following deadlines shall apply and, by directive of the Florida Supreme Court, must be strictly enforced unless good cause is shown for an exception or as otherwise required by law:

UNOFFICIAL DOCUMENT

1. 120 days after filing: Service of Complaints
2. 150 days after filing: Service Under any Extensions of Time
3. 180 days after filing: Adding New Parties
4. 210 days after filing: Resolution of Objections to Pleadings and Motions to Dismiss
5. 270 days after filing: Completion of Fact and Expert Discovery
6. 270 days after filing: Resolution of Pretrial Motions, including Motions for Summary Judgment
7. 360 days after filing: Projected Trial Date (as required by Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B)

V. Notice that Cause is at Issue and Firm Trial Date

A. The parties **must file a *Joint* Notice** that the Cause is at Issue **no later than 15 days after the pleadings are closed.** In the event of a dispute, either party may request a hearing to determine if the cause is at issue and the judge may set a hearing on the judge's own initiative to determine if the cause is at issue.

B. Upon joint notice or judicial determination that the cause is at issue, the presiding judge shall establish a Firm Trial Date by written order. Either party may request a case management conference to determine the Firm Trial Date, the presiding judge may set a case management conference or enter a written order upon stipulation of the parties to a Firm Trial Date cleared in advance on the judge's calendar and the calendar of all parties.

VI. Cases Subject to Stay or Moratorium

If a case is subject to a statutory stay or a moratorium that prevents prosecution of the case, then a case management order shall be issued as follows:

A. Cases filed on or after April 30, 2021: Within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants (whichever is later); or

B. Cases filed before April 30, 2021: By December 3, 2021, within 45 days after the stay or moratorium ends or within 30 days after service of the complaint on the last of all named defendants (whichever date is later).

VII. Mediation of Civil Cases

A. All cases are subject to mediation. On motion of the parties or the presiding judge's own initiative any case may be set for early mediation.

B. General cases shall be set for mediation to occur not later than **450 days** after filing of the initial complaint.

UNOFFICIAL DOCUMENT

C. Streamlined cases shall be set for mediation to occur not later than **270 days** after filing of the initial complaint.

VIII. Effective Date

This administrative order shall be effective upon recordation. This order rescinds all provisions of previous administrative orders that are inconsistent with these new provisions.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 30th day of April, 2021.

JONATHAN SJOSTROM
Chief Judge

Copies furnished to:
All Circuit and County Judges, 2d Circuit
State Attorney, 2d Circuit
Public Defender, 2d Circuit
All Clerks of the Circuit Court, 2d Circuit
All Sheriffs, 2d Circuit
Local Bar Associations
Office of Court Administration, 2d Circuit

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT

Exhibit A

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

PLAINTIFF(S) NAME,

Plaintiff,

vs. CASE NO.:

DEFENDANT(S) NAME,

Defendant.

_____/

UNIFORM ORDER FOR ACTIVE, DIFFERENTIAL CIVIL CASE MANAGEMENT

In compliance with Florida Supreme Court directives on active, differential civil case management established in Supreme Court Administrative Order AOSC20-23, Amendment 12, and Second Judicial Circuit Administrative Order 21 - 04, all parties in the above-styled cause are bound by this Case Management Order.

Plaintiff shall serve this order on all parties with service of the original complaint. Strict enforcement is required unless good cause is shown for an exception or as otherwise required by law.

I. PROJECTED TRIAL DATE

All **COUNTY COURT Civil cases** are designated **STREAMLINED CASES** with a projected trial date of **360 days** from the date of filing of the complaint.

All **CIRCUIT COURT Civil cases** for which the complaint **does not demand trial by jury** are designated **STREAMLINED CASES** with a projected trial date of **360 days** from the date of filing of the complaint.

All **CIRCUIT COURT Civil cases** for which the **complaint demands trial by jury** are **GENERAL CASES** with a projected trial date of **540 days** from the date of filing of the complaint.

A change in the above designations may be made by the presiding judge on the judge's own initiative or upon motion of any party. Should any party assert

UNOFFICIAL DOCUMENT

that a civil case should be treated other than designated above, such party shall file a written motion requesting such change and the motion shall be expeditiously resolved by the presiding Judge.

II. Notice that Cause is at Issue and Firm Trial Date

The parties **must file a *Joint* Notice** that the Cause is at Issue **no later than 15 days after the pleadings are closed**. In the event of a dispute, either party may file a motion and request a hearing to determine if the cause is at issue.

Upon joint notice or judicial determination that the cause is at issue, the Court will schedule a Firm Trial Date consistent with the Projected Trial Date above unless either party requests a different date in their Notice that the Cause is at Issue. Should either party request a Firm Trial Date different than the Projected Trial Date, the Plaintiff shall expeditiously set a case management conference to determine the Firm Trial Date.

III. Mandatory Deadlines for *Streamlined* Cases

If this case is designated as a STREAMLINED CASE, the following deadlines shall apply and, by directive of the Florida Supreme Court, must be strictly enforced unless good cause is shown for an exception or as otherwise required by law:

120 days after filing: Service of Complaints
150 days after filing: Service under any Extension of Time
180 days after filing: Adding New Parties
210 days after filing: Resolution of Objections to Pleadings and Motions to Dismiss
270 days after filing: Completion of Fact and Expert Discovery
270 days after filing: Resolution of Pretrial Motions, including Motions for Summary Judgment

IV. Mandatory Deadlines for *General* Cases

If this case is designated as a GENERAL CASE, the following deadlines shall apply and, by directive of the Florida Supreme Court, must be strictly enforced unless good cause is shown for an exception or as otherwise required by law:

120 days after filing: Service of Complaints
180 days after filing: Service under any Extension of Time
210 days after filing: Adding New Parties

UNOFFICIAL DOCUMENT

270 days after filing: Resolution of Objections to Pleadings and Motions to Dismiss
400 days after filing: Completion of Fact and Expert Discovery
450 days after filing: Resolution of Pretrial Motions, including Motions for Summary Judgment

V. Mediation

All parties must mediate unless excused by court order for good cause shown or as otherwise required by law and in compliance with Rules of Civil Procedure 1.700 - 1.730.

VI. Noncompliance

By Order of the Florida Supreme Court, strict, good faith compliance with this Uniform Order for Active, Differential Civil Case Management is required unless good cause is shown for an exception or as otherwise required by law. These procedures and time standards do not supplant any existing rule, statute, or law.

Failure to appear at the pretrial conference or failure to comply with the terms of this order may result in such sanctions as are just and lawful including: an immediate ex parte hearing and entry of final judgment of default or dismissal, limitation of witnesses or other evidence, striking of claims or defenses, or imposition of attorney fees or costs.

VII. Hearings by Audio-Video Technology

During the COVID-19 Public Health Emergency, all hearings other than jury selection and trial ***shall*** be conducted consistent with Florida Supreme Court and Second Circuit Administrative Order by audio-video technology. Each judge is responsible to establish the process for such audio-video technology hearings by notice of hearing including technology access.

After the conclusion of the COVID-19 Public Health Emergency all hearings other than jury selection and trial ***may*** be conducted by audio-video technology. Each judge is responsible to establish the process for such audio-video technology hearings by notice of hearing including technology access.

_____
NAME
Circuit Judge

UNOFFICIAL DOCUMENT