

**THE ELEVENTH JUDICIAL
CIRCUIT MIAMI-DADE COUNTY,
FLORIDA**

**CASE NO. 21-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 21-09**

**IN RE: ESTABLISHMENT OF
PROCEDURES FOR ACTIVE CASE
MANAGEMENT IN THE CIRCUIT
CIVIL DIVISION PURSUANT TO
AOSC 20-23A12**

WHEREAS, *In re: Comprehensive COVID-19 Emergency Measures for Florida Trial Courts*, Fla. S. Ct. Admin. Order No. AOSC20-23A12 (April 13, 2021) requires chief judges to issue an administrative order requiring the presiding judge for each civil case (as defined in footnote 13 of AOSC20-23A12) to actively manage civil cases as specified therein;

WHEREAS, this Administrative Order is issued in accordance with AOSC20-23A12;

WHEREAS, this Administrative Order contemplates that the Florida Rules of Civil Procedure will be enforced on a consistent and just basis, that access to hearing time will be consistently and reasonably available, that counsel will utilize access to the Court wisely and appropriately, and that to the fullest extent possible, the Court, counsel, and the parties will work to consistently move cases to timely resolution;

WHEREAS, pursuant to AOSC20-23A12, section III(G)(2), all judges within this circuit are directed "to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown"; and

WHEREAS, the purpose of a case management order issued pursuant to this Administrative Order shall be to set a plan for consistent progress towards the timely resolution of each case and to set reasonable expectations for the client, the attorneys, and the Court in every case;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.215, Florida Rules of General Practice and Judicial Administration, it is hereby **ORDERED**:

The following requirements apply to cases in the Civil Division of the Circuit Court.

I. CASES REQUIRING CASE MANAGEMENT ORDERS

- A. NEW CASES:** case management orders must be entered in every new case filed on or after April 30, 2021, within 30 days after the last defendant being served but no later than 120 days after the filing of the action.

- B. EXISTING CASES:** The Court shall ascertain the status of existing cases by receipt of a Case Management Report summarizing the current status and needs of the case and shall thereafter enter a case management order in each civil case as required. The reports shall be due and orders entered pursuant to the schedule at section V.A.2. below, subject to the following exceptions:
 - 1.** For all **cases with existing case management orders** under which parties are proceeding, no additional case management order need be entered.

 - 2.** For all **cases currently set for trial in the future**, no additional case management order need be entered. The current trial order shall serve as the case management order, provided that the parties comply with the deadlines contained therein. If the case is not reached for trial, continued, or rolled, a case management order setting forth all deadlines for case activities which have not been completed and a new, firm trial date shall be entered no later than the end of the original trial period.

 - 3.** For all **cases currently placed on inactive status by court order**, no additional case management order need be entered. However, within 45 days after the termination of the event or status supporting inactive status, the parties shall comply with the provisions of subsection 4 immediately below.

 - 4.** For all **cases subject to current moratoria**, no additional case management order need be entered. If the case is subject to a statutory stay or a moratorium that prevents prosecution of the case, then a case management report shall be due, as follows:
 - a. for 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 date is later); or

- b. for cases filed before April 30, 2021: By December 3, 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 date is later).
5. For all **cases subject to section 51.011**, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies, no additional case management order need be entered.
6. For all **cases subject to dismissal for lack of prosecution** pursuant to Florida Rule of Civil Procedure 1.420(e), no additional case management order need be entered.
 - a. If a party wishes to show good cause as to why a case shall remain pending, the good cause showing shall include a case management report proposing a schedule for the case and deliver same to the Court at the time of the hearing. If the case remains pending after the lack of prosecution hearing, a case management order must be issued within 30 days after the Court determines that the case should remain pending.
7. If a **case is uncontested**, the Plaintiff may proceed to final judgment in lieu of engaging in the case management report process, provided that the Plaintiff files all necessary motions for default, motions for final default judgment, motions for summary judgment, and any other motions necessary to dispose of the case before the deadline set forth in section V.A.1. of this Administrative Order for the filing of the case management report. If the Plaintiff does not proceed to final judgment, it must comply with the report requirements and explain specifically why it is not progressing an uncontested case.

II. CASE MANAGEMENT ORDER REQUIREMENTS

This administrative order is intended to implement the requirements of Florida Rule of General Practice and Judicial Administration 2.545¹ and Florida Rules of Civil Procedure 1.010² to honor the requirement to progress cases to resolution.³ Counsel are required

¹ "Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case."

² The Rules of Civil Procedure "shall be construed to secure the just, speedy, and inexpensive determination of every action.)

³ AOSC20-23A12, section III(G)(3)d indicates that: "lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon

to submit the Case Management Report and to follow the Case Management Order entered in their case. Failure to file the report or follow the scheduling deadlines of the order will result in sanctions by the presiding judge in the case. The presiding judge may sanction counsel, sanction clients, dismiss the action, strike pleadings, limit proof by excluding witnesses or exhibits, or take any other appropriate action as provided by Florida Rule of Civil Procedure 1.200(c).

- A. The case management order shall specify the projected date of trial; indicate that the deadlines established in the order will be strictly enforced by the court; indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440. The maximum deadlines specified pursuant to this subsection, as well as the projected date of trial, shall be consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

- B. The Case Management Order shall include the following deadlines:

Case Management Order Deadlines
Deadlines for service of complaints, service under extensions, and adding new parties
Deadline for Pleadings
Deadline for Propounding Requests for Production, Requests to Admit and Interrogatories
Deadline for Initial Scheduling and Setting Depositions
Deadline for Witness and Exhibit List
Deadline for Expert Disclosure
Deadline for Inspections/Examinations
Deadline for Discovery Completion (Including Depositions)
Deadline for Dispositive Motions
Deadline for Pretrial Motions
Deadline for Jury Instructions
Deadline for ADR/Mediation
Trial Ready Deadline

III. PROCEDURE FOR IMPLEMENTATION OF CASE MANAGEMENT ORDERS: THE CASE MANAGEMENT PROCEDURES BELOW APPLY TO ALL CASES IN WHICH THE FLORIDA RULES OF CIVIL PROCEDURE APPLY.

Track Determination: Each civil division shall cause each civil case to which it is assigned to be reviewed to determine whether it is complex, streamlined, or general.

as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer’s failure to prepare a case for trial or otherwise actively manage a case.”

Categorization is based on the amount of time and effort required to conduct discovery and prepare the case for resolution, and is not an indicator of the value of the case. The Court has established presumptive track assignments set forth in the current track assignment attached as Exhibit A. A current version of the operative schedule shall be available on the 11th Circuit Webpage at: <https://www.jud11.flcourts.org/docs/CASE%20MANAGEMENT%20TRACK%20ASSIGNMENTS.docx> . This schedule may be amended as appropriate without the necessity of amending this AO, so parties are urged to check the link for the most up to date information.

The track assignment affects the case management schedule. Where the facts of the case support a track change, parties may request a track change by motion, supported by a proposed case management plan demonstrating, with specificity, a sufficient factual basis to support a different assignment. Track assignments are not based on the monetary value of the case, but rather on complexity and discovery needs.

Throughout this process counsel have an obligation to meet and confer to deliver the reports, engage in necessary scheduling, and otherwise progress the case in compliance with any case management order entered under this Administrative Order.

IV. DEFINITIONS OF CASE TRACK ASSIGNMENTS

Complex, streamlined, and general are defined as:

- A. **Complex Civil Cases** - actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201 and those action types that have historically required significant discovery and typically involve more than 20 witnesses excluding records custodians. These are cases involving expert knowledge or expertise about the subject of the controversy. Upon such designation, the action shall proceed as provided in the rule, with an anticipated resolution/trial date no later than 24 months after designated as complex. Generally, it is expected that the case will be identified as complex no later than 120 days after filing.
- B. **Streamlined Civil Cases** –streamlined civil cases are cases in which parties all have some knowledge of the event in controversy at the time it occurs and the discovery required to establish contested facts involves less than 10 witnesses (excluding records custodians), and includes all uncontested cases.
- C. **General Civil Cases** - all other civil cases, which are cases in which one party has more knowledge of the subject of the controversy than the other, but which will generally require fewer than 20 depositions, excluding records custodians.

V. CASE MANAGEMENT REPORTS

A. For All Existing Cases:

1. For cases filed before April 30, 2021, a Case Management Report in the form attached as Exhibit B to this Administrative Order and located at this link [https://www.jud11.flcourts.org/docs/JOINT%20CASE%20MANAGEMENT%20REPORT%20\(CIRCUIT%20CIVIL\).docx](https://www.jud11.flcourts.org/docs/JOINT%20CASE%20MANAGEMENT%20REPORT%20(CIRCUIT%20CIVIL).docx) shall be submitted to the Court. The form of this report may be amended by the circuit from time to time so parties are urged to check the 11th Circuit Webpage. Amendment will not require an amendment to this Administrative Order.

2. Each case’s required report shall be filed in the Court file and delivered to the presiding judge via CourtMAP with a proposed order on the plan, Exhibit C located at <https://www.jud11.flcourts.org/docs/CASE%20MANAGEMENT%20ORDER.docx>. The form of this order may be amended by the circuit from time to time so parties are urged to check the 11th Circuit Webpage. Amendment will not require an amendment to this Administrative Order The report shall be submitted pursuant to the following deadlines:

Filed Date	Deadline for Plan Submission to Court	Trial Ready Deadline	
2015 or earlier:	June 15, 2021	Streamlined	September 15, 2021
		Standard	October 15, 2021
		Complex	December 15, 2021
2016 - 2018:	July 15, 2021	Streamlined	September 15, 2021
		Standard	November 15, 2021
		Complex	January 15, 2022
2019 - April 30, 2021:	August 15, 2021	Streamlined	October 31, 2021
		Standard	April 15, 2022
		Complex	TBD at Case Management Conference

3. The case management report shall serve as a comprehensive inventory of the current status of the case. It shall identify with specificity all the completed tasks in the case and those tasks remaining to be finished to bring the case to resolution, and shall utilize the format propounded by the 11th Judicial Circuit

- a. The case management report should be prepared collaboratively among counsel. If counsel cannot work together to submit a report, then the ability of the Court to address individual scheduling and case specific issues will be limited and the parties will be subject to the availability and unilateral choices of the Court.
 - i. Reasonable disagreements should be reflected on the joint case management report as opposed to filing separate reports. Both parties are responsible for the submission of the report. Plaintiffs shall have the burden of initiating the report drafting process, and Defendants must promptly respond. Failure of either party to engage in the process to the other's satisfaction does not excuse any party from filing the report. Both parties' disagreements should be encapsulated in a single report so that the report may be submitted to the Court by the deadline established within this Order.
 - ii. The parties are expected to diligently move their case forward during the preparation of the case management report. The deadlines for submission are designed to afford busy attorneys the opportunity to prepare these reports across their caseload, not to delay day-to-day events in the case pending the entry of the Case Management Order. Parties shall proceed with all scheduled events and shall continue to progress the case while the report is drafted.
- b. The Case Management Report shall be filed in the court file by the deadline and submitted to the presiding judge in CourtMAP.
- c. The case management report proposed by counsel must schedule case events so as to complete the case by the deadlines set forth in section V.A.2. above.
- d. These orders set the deadlines by which events must be completed. Where possible and appropriate in the case, counsel can and should take whatever actions they deem appropriate as early as possible in the case and need not wait for deadlines to engage in any action to progress the case. These deadlines are a floor, not a ceiling; and do not act as a prohibition of earlier completion.
- e. The Court will consider the Case Management Report submitted by counsel and accept it, reject it in whole or in part, and give it the weight the Court believes it deserves. The Court may amend the case plan in the case management order for purposes of scheduling, docket control, and case momentum. The Court is not bound by the parties' proposed plan, particularly where the plan fails to comply with the Florida Rules of Judicial Administration or the parties' obligation to promptly bring litigation to an end.

B. For All New Cases Filed On Or After April 30, 2021:

1. The Court will assign a case management track upon filing pursuant to the track assignment attached as Exhibit A.
2. A Case Management Order shall be entered by the Court within 30 days of service on the last defendant, but not later than 120 days from the filing of the Complaint.
3. Plaintiffs must serve their actions promptly. Service issues must be addressed promptly and with diligence.
4. No extensions pursuant to Florida Rule of Civil Procedure 1.070 shall be granted without specific proof of diligent effort to effect service and a written explanation of what efforts the Plaintiff intends to pursue to effect service successfully, with proposed deadlines.
5. Parties may seek an amended case management order within 30 days of receipt of the Court's Case Management Order. Parties should make an effort to comply with the case management schedule before objecting. If parties seek an amended case management order, the motion must set forth specific facts as to why the schedule set forth is not appropriate for the case and must propose an alternative schedule consistent with the Florida Rules of Judicial Administration and the Florida Rules of Civil Procedure. General objections having to do with attorney workload, staffing, and scheduling conflicts should be discussed with clients directly before being brought to the Court; and shall be given limited weight.

This Administrative Order shall become effective immediately upon signing. To the extent that any portion of this Administrative Order may be construed as conflicting with any law, statute, or rule, the law, statute, or rule shall prevail.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 30th day of April 2021.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

EXHIBIT A

CASE MANAGEMENT TRACK ASSIGNMENTS

	Case Track Assignment
ANTITRUST/TRADE REGULATION	Complex
AUTO NEGLIGENCE (GREATER THAN \$30,000)	Standard
BOND ESTREATURE	Streamlined
BUSINESS MALPRACTICE	Complex
BUSINESS TORT	Complex
BUSINESS TRANSACTIONS	Complex
CHALLENGE -STATUTE OR ORDINANCE	Complex
CIVIL FORFEITURE	Streamlined
COMM PREMISES LIABILITY	General
CONDOMINIUM (GREATER THAN \$30,000)	Streamlined
CONSTRUCTION DEFECT	Complex
CONSTRUCTION LIEN	Streamlined
CONTRACT & INDEBTEDNESS (GREATER THAN \$30,000)	Streamlined
DECLATORY JUDGMENT (GREATER THAN \$30,000)	Streamlined
DISCRIMINATION -EMPLOYMENT OR OTHER	General
EMINENT DOMAIN	Complex
EQUITABLE RELIEF (GREATER THAN \$30,000)	Streamlined
INJUNCTIVE RELIEF (GREATER THAN \$30,000)	Streamlined
INSURANCE CLAIM	Streamlined
INTELLECTUAL PROPERTY	Complex
LEGACY CIRCUIT MORTGAGE FORECLOSURE	Streamlined
LIBEL/SLANDER	General
MEDICAL MALPRACTICE	Complex
NEGLIGENT SECURITY	General
NURSING HOME NEGLIGENCE	Complex
OTHER CIVIL COMPLAINT (NON-MONETARY)	Varies
OTHER NEGLIGENCE	Streamlined
OTHER PROFESSIONAL MALPRACTICE	Complex
PERSONAL INJURY PROTECTION	Streamlined
PRODUCT LIABILITY	Complex
REPLEVIN	Streamlined
RESID. PREM LIABILITY	Streamlined
RPMF -COM \$0-\$50,000	Streamlined
RPMF -COM \$250,000 OR MORE	Streamlined
RPMF -COM \$50,001-\$249,999	Streamlined
RPMF -HOMESTEAD \$0-\$50,000	Streamlined
RPMF -HOMESTEAD \$250,000 OR MORE	Streamlined
RPMF -HOMESTEAD \$50,001-\$249,999	Streamlined
RPMF -NON-HOMESTEAD \$0-\$50,000	Streamlined
RPMF -NON-HOMESTEAD \$250,000 OR MORE	Streamlined
RPMF -NON-HOMESTEAD \$50,001-\$249,999	Streamlined
RPMF -OTHER ACTION \$0-\$50,000	Streamlined
RPMF -OTHER ACTION \$250,000 OR MORE	Streamlined
RPMF -OTHER ACTION \$50,001-\$249,999	Streamlined
SHAREHOLDER DERIVATIVE	Complex

EXHIBIT B

JOINT CASE MANAGEMENT REPORT

The form of this report may be amended by the circuit from time to time so parties are urged to check the 11th Circuit Webpage at:

[https://www.iud11.flcourts.org/docs/JOINT%20CASE%20MANAGEMENT%20REPORT%20\(CIRCUIT%20CIVIL\).docx](https://www.iud11.flcourts.org/docs/JOINT%20CASE%20MANAGEMENT%20REPORT%20(CIRCUIT%20CIVIL).docx)

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NUMBER:
SECTION:

Plaintiff,

v.

Defendant.

_____ /

JOINT CASE MANAGEMENT REPORT

This Joint Case Management Report ("Joint Report") shall form the basis for a case-specific case management order that will be used to set deadlines for the remainder of this case. All information provided should be as detailed, specific as possible, and fully accurate based on all of the current information available to both parties. The Court recognizes that, as additional information is exchanged, the information provided herein may change. The purpose of this report is to generally assess the case based on current knowledge in order to plan for, and anticipate, specific case needs.

Your answers to these questions should clearly indicate the areas of disagreement, if any, between the parties. Parties should add additional rows to charts where needed.

1. Brief Factual Description of Case:

- a. Indicate type of case. (Ex. Negligence, Breach of Contract, Medical Malpractice, etc.):
- b. What is the track assignment based on case type (Ex. Streamlined, General, Complex)

- c. What is the relevant accrual date? (Ex. date of accident, loss, breach, etc.): [\[Click here to enter text.\]](#)
- d. What type(s) of damages sought? [\[Click here to enter text.\]](#)
- e. Provide a summary of pertinent facts: [\[Click here to enter text.\]](#)
- 2. Legal Issue(s) of Case: [\[Click here to enter text.\]](#)
- 3. List Current Pleadings Filed and Status: [\[Click here to enter text.\]](#)
- 4. Is the case at issue?
- 5. Do you anticipate the filing of:
 - a. Counter-claim(s) [\[Click here to enter text.\]](#)
 - b. Cross-claim(s) [\[Click here to enter text.\]](#)
 - c. Third party claim(s) [\[Click here to enter text.\]](#)
- 6. List Current Motion(s) Pending: [\[Click here to enter text.\]](#)

Name of Motion & Filer & Portal Index Number	Filed Date	Response & Portal Index Number	Reply & Portal Index Number	Meet and Confer	Outstanding Issues	Hearing Time Required	Deadline for Completion (Date)

- 7. List and describe key documents and/or evidence known as this time (Ex. Medical records, contract documents, pictures, video surveillance, etc.): [\[Click here to enter text.\]](#)
- 8. Please indicate the type of written discovery propounded in this case:
- 9. [\[Click here to enter text.\]](#)

Type	Date Propounded	Response	Objection/ Privilege	Privilege Log	Meet and Confer	Outstanding Issues	Deadline for Completion (Date)
Interrogatories							
Expert Interrogatories							
Update Interrogatories							
Requests for Production							
Requests for Admission							
Non-Party Subpoenas							

10. Are there issues pertaining to Electronically Stored Information? [Click here to enter text.](#)

11. List all known fact witnesses by name. If unknown, describe the witness (Ex. FHP Trooper): [Click here to enter text.](#)

12. As it pertains to depositions in this case,

Fact Witness	Date	Completed (Y/N)	Scheduled (Y/N)	Noticed By (Name of Party)	Outstanding Issues	Deadline for Completion (Date)

14. List all expert witnesses by name. If unknown, indicate the anticipated areas of expert witness testimony: [Click here to enter text.](#)

Expert Witness	Date	Completed (Y/N)	Scheduled (Y/N)	Noticed By (Name of Party)	Outstanding Issues	Area of Testimony	Deadline for Completion (Date)

15. Inspections requested/required? [Click here to enter text.](#)

Inspections	Date	Completed (Y/N)	Scheduled (Y/N)	Noticed By (Name of Party)	Outstanding Issues	Purpose of Inspection	Deadline for Completion (Date)

16. Comprehensive Medical Examinations requested/required? [Click here to enter text.](#)
 If so, how many?

Examinations	Date	Completed (Y/N)	Scheduled (Y/N)	Noticed By (Name of Party)	Outstanding Issues	Subject of Examination	Deadline for Completion (Date)

17. Mediation:

Mediator	Date of Mediation	Completed (Y/N)	Scheduled (Y/N)	Result	Outstanding Issues	Date of Mediation Order	Deadline for Completion (Date)

18. Trial readiness:

Estimated Length of Trial (specify the number of trial days):	
Identification of Jury or Non-Jury Trial:	
Requested Trial Date:	

List dates previously set for trial:

Previous Trial Dates	Date of Previous Trial Order	Status: Continued, Rolled Over, Reset	Name of Parking Seeking Continuance	Reason for Continuance	Outstanding Issues	Issues Resolved (Y/N)

19. Are you aware of any issues that may possibly delay the normal progression of this case? (Ex. Maternity leave, bankruptcy, upcoming surgeries, extended special set trial in another case, etc.) [Click here to enter text.](#)
 If so, please specify [Click here to enter text.](#)

20. Fill out the following contact information:

<u>Party</u>	<u>Attorney Name</u>	<u>Telephone #</u>	<u>Email Address</u>
[Choose an item.]	[Click here to enter text.]	[Click here to enter text.]	[Click here to enter text.]
[Choose an item.]	[Click here to enter text.]	[Click here to enter text.]	[Click here to enter text.]
[Choose an item.]	[Click here to enter text.]	[Click here to enter text.]	[Click here to enter text.]

Indicate which of the following applies:

This Joint Report was prepared pursuant to the information provided by the parties, following a full meet and confer.

This Joint Report was prepared pursuant to the information provided by the parties but there was no meet and confer.

This Joint Report was prepared solely based on the undersigned's information of the case. No information was provided by any other party and no meet and confer occurred due to: (state reason)

None of the above – explain: [Click here to enter text.]

Copies of this report have been furnished to:

[Click here to enter text.]

[Click here to enter text.]

Signature Bloc

EXHIBIT C

CASE MANAGEMENT ORDER

The form of this order may be amended by the circuit from time to time so parties are urged to check the 11th Circuit Webpage at:

<https://www.jud11.flcourts.org/docs/CASE%20MANAGEMENT%20ORDER.docx>

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

CIRCUIT CIVIL DIVISION [Div. #]

CASE NO: [Case Number]-CA-01

[Plaintiff]

Plaintiff(s),

vs.

[Defendant]

Defendant(s)

_____ /

CASE MANAGEMENT ORDER

THE COURT having reviewed the attached Case Management Plan, incorporated herein, and finding it to be satisfactory, it is therefore

ORDERED AND ADJUDGED that the Case Management Plan is hereby approved and adopted, and the parties shall abide by the terms set forth herein.

DONE AND ORDERED in _____, County, Florida on

_____.

, Circuit Judge

CC: All Counsel of Record