

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

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

**ADMINISTRATIVE ORDER
NO. 21-08**

**IN RE: ESTABLISHMENT OF
PROCEDURES FOR ACTIVE CASE
MANAGEMENT IN THE COUNTY
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 County 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, pursuant to Section IV.B. below.

B. **EXISTING CASES**: case management orders must be entered in every existing case pursuant to Section IV.A. 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 with an existing trial order with a date 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, an order setting a new, firm trial date shall be entered no later than 30 days following 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 order shall be issued, 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.

7. 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 to follow the Case Management Order entered in their case. Failure to follow the scheduling deadlines of the order may 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).

C. For each streamlined and general civil case, the case management order shall at a minimum specify the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery shall be completed; all objections to pleadings and pretrial motions shall be resolved; and mediation shall have occurred. The case management order shall also 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.

**II. 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 county civil division shall cause each county civil case to which it is assigned to be reviewed to determine whether it is streamlined or general. Categorization is based on the amount of time and effort required to conduct discovery and prepare the case for resolution. Track assignments are not based on the monetary value of the case. The Court has established presumptive track assignments set forth in the schedule attached as Exhibit

A. Throughout the case management process, at all turns, counsel have an obligation to meet and confer to engage in necessary scheduling and otherwise progress the

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 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.”

case in compliance with any case management order entered under this Administrative Order.

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 demonstrating, with specificity, a sufficient factual basis to support a different assignment.

III. DEFINITIONS OF CASE TRACK ASSIGNMENTS

Presumptive track assignments for cases are set forth in Exhibit A pursuant to the following criteria:

- A. **Streamlined County Civil Cases** – cases in which there are few parties; non-complex issues related to liability and damages; few anticipated pretrial motions; limited need for discovery; few witnesses; minimal documentary evidence; and an anticipated trial length of less than two days.
- B. **General County Civil Cases** - all other county civil cases.

IV. CASE MANAGEMENT ORDERS:

A. For All Existing Cases:

1. For cases filed before April 30, 2021, a case management order shall be entered by the Court by December 3, 2021, with the following deadlines:

Cases Filed:	Jury and Non-Jury Trial Ready Deadline⁴
2014 or earlier	June 1, 2022
2015	July 1, 2022
2016	August 1, 2022
2017	September 1, 2022
2018	October 1, 2022
2019	November 1, 2022
2020 - April 30, 2021	December 1, 2022

⁴ This is the deadline by which all pretrial tasks, including, but not limited to, pleading closure, discovery, examinations, dispositive and pretrial motions, mediation, and jury instruction submission, must be completed by the parties. After review of a case, the Court may set a deadline sooner than the deadline date specified.

2. The case management order shall serve as an inventory of the 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. The case management order shall specify the projected date of trial; indicate that the deadlines set forth in the case management order will be strictly enforced by the Court; and that a firm trial date will be ordered by the Court when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440. The case management order shall comply with the Florida Rules of General Practice and Judicial Administration for the prompt resolution of civil cases.

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

1. The Court will assign a presumptive case management track upon filing pursuant to the schedule attached as Exhibit A.
2. A case management order shall be entered by the Court within 30 days of service on the last defendant in accordance with Exhibit A.
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 with specificity 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 AND DEADLINES FOR CASES
FILED ON OR AFTER APRIL 30, 2021**

Presumptive Assignments	
Pathway	Case Type
Streamlined Pathway	Replevin Declaratory Judgment Auto Negligence Equitable Relief Foreclosure Injunctive Relief Petition for Adverse Preliminary Hearing Civil Forfeiture
General Pathway	Personal Injury Protection Insurance Claim Contract & Indebtedness Other Negligence Other Civil Complaint

Streamlined Pathway Deadlines	
service of complaints and extensions	120 days from date of filing of the complaint unless the Court grants an extension which shall not exceed 210 days from the date of filing of the complaint
adding new parties	150 days from date of filing of the complaint
fact and expert discovery	335 days from date of filing of the complaint
all objections to pleadings and pretrial motions	335 days from date of filing of the complaint
deadline for Mediation	335 days from date of filing of the complaint
projected date of trial	365 days from date of filing of the complaint

General Pathway Deadlines	
service of complaints and extensions	120 days from date of filing of the complaint unless the Court grants an extension which shall not exceed 210 days from the date of the filing of the complaint
adding new parties	180 days from date of filing of the complaint
fact and expert discovery	510 days from date of filing of the complaint
all objections to pleadings and pretrial motions	510 days from date of filing of the complaint
deadline for Mediation	510 days from date of filing of the complaint
projected date of trial	540 days from date of filing of the complaint