

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND ST. LUCIE COUNTIES
STATE OF FLORIDA

ADMINISTRATIVE ORDER 2021-05

RE: CIVIL CASE MANAGEMENT AND RESOLUTION

WHEREAS the Florida Supreme Court, in AOSC20-23, Amendment 12, has directed chief judges to maximize the resolution of cases; and

WHEREAS the chief judge must issue an administrative order applicable to each county within the Nineteenth Judicial Circuit that takes effect on April 30, 2021; and

WHEREAS the administrative order must require the presiding judge for each civil case to actively manage civil cases as specified by the Florida Supreme Court in AOSC20-23, Amendment 12;

THEREFORE, pursuant to the direction of the Florida Supreme Court and the authority of the chief judge under section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby

ORDERED as follows:

I. Direction to Maximize the Resolution of Cases

- A. In accord with Section III.G. of AOSC20-23, Amendment 12, all judges of the Nineteenth Judicial Circuit are hereby 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.
- B. Additionally, all attorneys practicing within the Nineteenth Judicial Circuit are directed to 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.

II. Applicability

For purposes of the Administrative Order and in accord with AOSC20-23, Amendment 12, "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies.

III. Review and Determination of Case: Complex, Streamlined, or General

The presiding judge shall actively manage all civil cases and cause the cases to be identified and designated as complex, streamlined or general.

- A. Complex cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action shall proceed as provided in the rule.
- B. Unless otherwise determined by the presiding judge, streamlined civil cases are uncontested cases, cases not entitled to jury trial, or cases where a jury trial is not demanded. However, all civil cases within the County Court jurisdiction shall be designated as streamlined cases unless otherwise determined by the presiding judge.
- C. General cases are all other civil cases.

IV. The Case Management Order in Streamlined and General Cases

- A. For each streamlined or general civil case, the Circuit and County Courts shall utilize a case management plan and order which shall include, at a minimum:
 - 1. Deadlines for service of complaints, service under extensions, and adding new parties;
 - 2. Deadlines to complete fact and expert discovery;
 - 3. Deadlines for all objections to pleadings and pretrial motions to be resolved;

4. Deadline for mediation to have occurred;
5. Projected date of trial;
6. Indicate that deadlines will be strictly enforced by the court; and
7. 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, Setting Action for Trial.

For cases filed before April 30, 2021, the case management order must include the projected trial date and the deadlines listed above if the event has not already occurred or has not already been specified by a separate court order.

B. Issuance of Case Management Order

1. The party initiating the civil action shall serve a case management plan and order¹ with the summons and complaint. Template case management plans and orders for service on defendants and other forms shall be made available on the Clerks of Court websites and the webpages of individual judges. The case management plan and order must be submitted to the judge by the plaintiff for final approval no later than thirty days after the last defendant is served with the complaint.
2. If the case is subject to dismissal for 1) lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e) or 2) failure to appear at a case management conference pursuant to Florida Rule of Civil Procedure 1.200(a)&(c), then a case management order must be issued within 30 days after the Court determining that the case should remain pending.
3. 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:
 - 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 date is later); or

¹ A sample case management plan is attached to this Administrative Order as Attachment A. Each judge may adopt it or use it to create their own individualized order.

- b. 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).
- 4. If the case is not subject to a statutory stay or a moratorium, then a case management order shall be issued:
 - a. Cases filed on or after April 30, 2021: Within 30 days after service of complaint on the last of all named defendants; or
 - b. Cases filed before April 30, 2021: By December 3, 2021.

C. Maximum Deadline Periods for Streamlined Cases

Unless otherwise ordered upon good cause having been shown, the following deadline periods apply to streamlined cases:

- 1. Deadlines for service of complaints, service under extensions, and adding new parties: Service within 120 days of filing of the complaint unless an extension is granted, which extension shall not exceed 240 days from the date of filing of the complaint;
- 2. Deadlines to complete fact and expert discovery: Within 270 days after the complaint is filed;
- 3. Deadlines for all objections to pleadings and pretrial motions to be resolved: Within 45 days after filing and prior to the pretrial conference;
- 4. Deadline for mediation to have occurred: Within 270 days after the complaint is filed; and
- 5. Projected date of trial: Within 12 months of filing of complaint.

D. Maximum Deadline Periods for General Cases

Unless otherwise ordered upon good cause having been shown, the following deadline periods apply to general cases:

- 1. Deadlines for service of complaints, service under extensions, and adding new parties: Service within 120 days of filing of the complaint unless an

extension is granted, which extension shall not exceed 240 days from the date of filing of the complaint;

2. Deadlines to complete fact and expert discovery: Within 450 days after the complaint is filed;
3. Deadlines for all objections to pleadings and pretrial motions to be resolved: Within 45 days after filing and prior to the pretrial conference;
4. Deadline for mediation to have occurred: Within 450 days after the complaint is filed; and
6. Projected date of trial: Within 18 months of filing of the complaint.

V. Effective Date

This Administrative Order shall be effective April 30, 2021.

DONE AND ORDERED this 23th day of April 2021 at Stuart in Martin County, Florida.



LAWRENCE MIRMAN
CHIEF JUDGE

ATTACHMENT A

IN THE COUNTY COURT IN AND FOR _____ COUNTY, FLORIDA

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

CASE NUMBER:

(Name)
Plaintiff,

v.

(Name)
Defendant.

_____ /

CIVIL CASE MANAGEMENT PLAN AND ORDER

**TO BE SUBMITTED TO THE COURT FOR APPROVAL WITHIN 30 DAYS AFTER
DATE OF SERVICE ON THE LAST NAMED DEFENDANT**

Pursuant to Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) and Florida Rule of Civil Procedure 1.440, the parties hereby submit the following Case Management Plan to the Court for approval.

I. Case Track Assignment (check one): Case disposition times for all case tracks have been established in accordance with the Florida Rules of General Practice and Judicial Administration 2.250(a)(1)(B).

- Streamlined Track (Case resolved within 12 months without a jury trial or within jurisdiction of County Court.)
- General Track (Case resolved within 18 months with or without a jury trial.)
- Complex Track (Case resolved pursuant to Florida Rule of Civil Procedure 1.201, with or without a jury trial).

II. Case Events and Deadlines

Event	Maximum Deadline		Agreed Dates
	Streamlined	General	
Service of complaints; under extensions; adding parties	Service within 120 days of filing of the complaint unless an extension is granted, which extension shall not exceed 240 days from the date of filing of the complaint	Service within 120 days of filing of the complaint unless an extension is granted, which extension shall not exceed 240 days from the date of filing of the complaint	
Fact and expert discovery complete	Within 270 days after complaint is filed	Within 450 days after complaint is filed	
Resolution of all objections to pleadings, pretrial motions	Within 45 days after filing and prior to the pretrial conference	Within 45 days after filing and prior to the pretrial conference	
Mediation occurred	within 270 days after the complaint is filed	within 450 days after the complaint is filed	
(Other events specified by judge)			
Projected Date of Trial (A firm trial date shall be ordered by the presiding judge when the case is at issue. Fla. R. Civ. P. 1.440.)			

III. Trial Information

Estimated Length of Trial (specify number of trial days)	
Identification of Jury or Non-Jury Trial	

The schedule of deadlines herein will be strictly adhered to by the parties unless change is otherwise agreed to by the parties and approved by the court. The court will consider a request to approve changes to these deadlines upon a showing of good cause by either party based on matters arising from an emergency nature or unavailability. However, once the Civil Case Management Plan has been approved by the court, procrastination in completing discovery or the unavailability of counsel will not constitute good cause for a change to these deadlines. **The failure to abide by these**

deadlines may result in sanctions by the court, including the award of attorney's fees, the striking of pleadings and/or a dismissal of the action.

IV. Signature of Counsel or Unrepresented Parties

Plaintiff's Counsel

Address

Phone

Defendant's Counsel

Address

Phone

Plaintiff (if unrepresented by counsel)

Address

Phone

Defendant (if unrepresented by counsel)

Address

Phone

ORDER APPROVING CASE MANAGEMENT PLAN

THE COURT having reviewed the preceding Case Management Plan and finding it to be satisfactory, it is hereby

ORDERED that the Case Management Plan is approved and all parties shall abide by the terms herein.

DONE AND ORDERED in _____ County, Florida on _____, 2021.

CIRCUIT/COUNTY JUDGE

(Any attachments such as E-docket call form)

Service list: Per Clerk of Court E-Portal Service List