

IN THE TENTH JUDICIAL CIRCUIT COURT OF FLORIDA
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES FLORIDA

ADMISTRATIVE ORDER NO. 3-42.1

**IN RE: CIVIL CASE MANAGEMENT AND IMPLEMENTATION
OF CIVIL DIFFERENTIATED CASE MANAGEMENT**

WHEREAS, the Florida Supreme Court issued *In Re: Amendments to Florida Rules of Civil Procedure*, No. SC2023-0962 (May 23, 2024), to “create a framework for the active case management of civil cases with a focus on adhering to deadlines established early based on the complexity of the case, while providing room for customization by judicial circuit[s] give[n] the varying levels of volume, resources, and available automation.”

WHEREAS, rule 2.250, Florida Rules of General Practice and Judicial Administration, establishes reasonable time standards for the completion of cases in the trial courts.

WHEREAS, the procedures provided herein will improve the Court’s ability as required by rule 2.545, Florida Rules of General Practice and Judicial Administration, to provide effective, early, and continuous control of case processing to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case.

WHEREAS, the procedures provided herein are intended to assist the participants to proactively manage time and resources during the litigation process, reduce the need for hearing time, avoid the unnecessary stress that arises during final trial preparations, and reduce the number of trial cases continued by identifying known deadlines and expectations.

WHEREAS, pursuant to SC2023-0962, “[u]nder rewritten rule 1.200, [Florida Rules of Civil Procedure,] the chief judge of each circuit is required to enter an administrative order addressing certain case management requirements.”

WHEREAS, in accordance with the authority vested in the chief judge pursuant to Article V, section 2(d) of the Florida Constitution, sections 40.001 and 43.26, Florida Statutes, and rule 2.215, Florida Rules of General Practice and Judicial Administration, it is hereby

ORDERED as follows:

1. **Applicability:** Pursuant to rule 1.200(a), Florida Rules of Civil Procedure, this Administrative Order applies to all civil cases filed in both the circuit and county courts, with the following exceptions:
 - a. actions subject to § 51.011, Florida Statutes;
 - b. actions subject to § 45.075, Florida Statutes;
 - c. actions subject to the Small Claims Rules, unless the action has been ordered to proceed under one or more of the Florida Rules of Civil Procedure and the deadline for the trial date specified in rule 7.090(d), Florida Small Claims Rules, is no longer

- applicable;
- d. actions initiated under chapters 731-736, 738, and 744, Florida Statutes;
 - e. actions for review of administrative proceedings;
 - f. eminent domain actions under article X, section 6 of Florida Constitution or chapters 73 and 74, Florida Statutes;
 - g. forfeiture actions in rem arising from a state statute;
 - h. habeas corpus petitions or any other proceeding challenging a criminal conviction or sentence;
 - i. actions brought by pro se persons in the custody of the United States, a state, or a state subdivision;
 - j. actions to enforce or quash an administrative summons or subpoena;
 - k. a proceeding ancillary to a proceeding in another court;
 - l. actions to enforce an arbitration award;
 - m. extraordinary writ actions under rule 1.630, Florida Rules of Civil Procedure;
 - n. actions to confirm or enforce foreign judgments;
 - o. actions under chapter 56, Florida Statutes;
 - p. civil actions pending in a specialty division of the Court that was established by a circuit court administrative order or local rule and that enters case management orders;
 - q. proceedings under chapter 415, Florida Statutes, and sections 393.12 and 825.1035, Florida Statutes; and
 - r. claims requiring expedited or priority resolution under applicable statute or rule.
2. Case Management Track Determination: Plaintiff shall, at the onset and based on the definitions outlined below, determine the appropriate case management track for the case: streamlined, general, or complex. The Court preapproves by this Administrative Order the attached Civil Case Management Plan (Attachment A). Plaintiff shall file the **completed** preapproved Civil Case Management Plan in the case at the same time as the civil cover sheet, complaint, and summons(es) to be served upon all defendants. A separate order approving the Civil Case Management Plan is not necessary because the plan in Attachment A is preapproved by this Administrative Order.
- a. *Streamlined Cases*: will be circuit civil non-jury cases (if agreed to), all foreclosure cases, county civil jury and non-jury cases, small claims cases where the Florida

Rules of Civil Procedure have been invoked, and uncontested cases. Streamlined cases will be on track for disposition 12 months from the date of service of initial process on the last defendant or 120 days after the commencement of the action, whichever occurs first. Pursuant to rule 1.200(b)(2), Florida Rules of Civil Procedure, “[s]treamlined’ cases are actions that reflect some mutual knowledge about the underlying facts, have limited needs for discovery, well-established legal issues related to liability and damages, few anticipated dispositive pretrial motions, minimal documentary evidence, and an anticipated trial length of no more than 3 days.”

- b. *General Cases*: will be Circuit Civil Jury cases, Circuit Civil Non-Jury cases and will be on track for disposition 18 months from the date of service of initial process on the last defendant or 120 days after the commencement of the action, whichever occurs first. Pursuant to rule 1.200(b)(3), Florida Rules of Civil Procedure, “[g]eneral’ cases are all other actions that do not meet the criteria for streamlined or complex.”
 - c. *Complex Cases*: Parties seeking to have a case designated as complex must initially file and serve the General Track Case Management Plan and Order and thereafter comply with rule 1.201, Florida Rules of Civil Procedure, by filing an appropriate motion to declare the case complex.
3. Filings: Initial pleadings that do not include the preapproved Civil Case Management Plan will not be accepted by the Clerk of the Circuit Court. The Clerk of the Circuit Court will notify the filer that the initial pleading is not being accepted for filing until the preapproved Civil Case Management Plan has been filed.
4. Deadlines:
- a. The following minimum deadlines are included in the Civil Case Management Plan for streamlined and general cases:
 - i. Deadline for service of complaints;
 - ii. Deadline for service under extensions;
 - iii. Deadline for adding new parties;
 - iv. Deadline for completion of fact discovery;
 - v. Deadline for completion of expert discovery;
 - vi. Deadline for filing and service of motions for summary judgment;
 - vii. Deadline for filing and resolution of all objections to the pleadings;
 - viii. Deadline for filing and resolution of all pretrial motions; and

- ix. Deadline for completion of alternative dispute resolution.
 - b. The above minimum deadlines, plus the additional deadlines provided for in rule 1.201(c), Florida Rules of Civil Procedure, will be included in an amended civil case management plan for complex cases following completion of the initial case management conference.
5. Extensions and Modifications of Deadlines:
- a. If all parties agree to an extension of an individual deadline and the extension will not affect compliance with the remaining deadline(s), the parties may submit a motion and stipulated order granting extension of the deadline. If extending the individual deadline will or may affect compliance with a remaining deadline(s), then the parties must move to amend the preapproved Case Management Plan.
 - b. To change an actual trial period that has been set, the parties must comply with rule 1.460, Florida Rules of Civil Procedure. If the trial period is still a projection, the parties may move to change the projected trial period as provided below in section 5.c.
 - c. Extensions and amendments to a preapproved Case Management Plan or projected trial period will be ruled on by the assigned judge upon either party filing a proper motion. Pursuant to rule 1.200(e)(3), Florida Rules of Civil Procedure, the motion must include the following:
 - i. the reason the extension is needed, including when the reason became known to the movant;
 - ii. if the motion is opposed;
 - iii. the specific date to which the movant is requesting the deadline or projected trial period be extended, and whether that date is agreed by all parties; and
 - iv. the action and specific date(s) for the action that will enable the movant to meet the proposed new deadline or projected trial period, including, but not limited to, confirming the specific date any required participants such as a third-party witnesses or experts are available.
6. Trial Order: A Trial Order setting the actual trial period will be issued no later than 45 days prior to the projected trial date. The Trial Order will provide:
- a. The trial period;
 - b. The pre-trial date and time;
 - c. The timeframe for the parties to meet and exchange of exhibits;
 - d. The pre-trial statement requirements and required filing date;

- e. Any other trial requirements set forth by the assigned judge.
7. Small Claims Cases: The party invoking the Florida Rules of Civil Procedure must submit a written order invoking the rules along with a case management plan.
 8. Change of Status of a Case: If the status of a case is changed from “active” to “inactive” due to rule, statute, or the request of a party, a new case management plan must be filed once the case status is changed back to “active.”
 9. Setting Action for Trial: If either party determines that the case is ready to be tried before the projected trial date, a motion for trial may be filed and the Court may enter an order setting an earlier trial period. The Court may also set an earlier trial period on its own initiative.
 10. Judges within the Tenth Judicial Circuit are directed to strictly comply with rules 2.545(a), (b), and (c), Florida Rules of General Practice and Judicial Administration, which respectively require judges to conclude litigation as soon as it is reasonable 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.
 11. Effective Date: This Administrative Order VACATES and SUPERCEDES Administrative Order Numbers 1-60.7 and 3-42.0 and is effective January 1, 2025.

DONE AND ORDERED on this 18th day of December, 2024.

s/JAMES A. YANCEY, Chief Judge

Original: Polk County Clerk of Court

Distribution:
All Circuit and County Judges
Trial Court Administrator
Hardee County Clerk of Court
Highlands County Clerk of Court
Polk County Clerk of Court
Case Managers
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ATTACHMENT A

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

Case No.: _____

Section No.: _____

Plaintiff,

v.

Defendant.

_____ /

CIVIL CASE MANAGEMENT PLAN

- I. Case Track Assignment** (track must be selected with a “check mark” or “X”): Case disposition times for all case tracks have been established in accordance with rule 2.250(a)(1)(B), Florida Rules of General Practice and Judicial Administration.

_____ Streamlined Track (Case to be resolved within 12 months date of service of initial process on the last defendant or 120 days after commencement of the action as provided in rule 1.050, Florida Rules of Civil Procedure, whichever occurs first, to final disposition).

_____ General Track (Case resolved within 18 months from date of service of initial process on the last defendant or 120 days after commencement of the action as provided in rule 1.050, whichever occurs first, to final disposition).

_____ Complex Track (Case resolved within 30 months from date of service of initial process on the last defendant or 120 days after commencement of the action as provided in rule 1.050, whichever occurs first, to final disposition).

II. Trial Information

- **Projected date for trial [MONTH AND YEAR]** (a fixed trial date will be ordered by the presiding judge pursuant to rule 1.440, Florida Rules of Civil Procedure)

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

Pursuant to rule 1.440, no later than 45 days prior to the projected trial date, the Court will enter an order setting the actual trial period. If either party determines that the

case is ready to be tried before the projected trial date, a motion for trial may be filed and the Court may enter an order setting an earlier trial period. The Court may also set an earlier trial period on its own initiative.

III. Case Deadlines and Events:

- 1. Deadlines for service of complaints, service under extensions, and adding new parties:**
 - All tracks: Within 120 days of the date the complaint was filed, unless the court grants an extension, which shall not exceed 240 days after the date the complaint was filed.
- 2. Deadlines to complete fact and expert discovery:**
 - Streamlined: Within 270 days of the date the complaint was filed
 - General: Within 450 days of the date the complaint was filed
- 3. Deadlines for resolution of all objections to pleadings and resolution to all pretrial motions:**
 - All tracks: Hearings on motions/objection are to be *scheduled* within 45 days of the date the objection or pretrial motion was filed but may take place after 45 days of the date the objection or pretrial motion was filed. No motions/objections will be heard after pretrial conference.
- 4. Deadline for alternative dispute resolution to have occurred**
 - Streamlined: Within 270 days of the date the complaint was filed.
 - General: Within 450 days of the date the complaint was filed.

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, upon the filing of the initial Civil Case Management Plan and any other Court-approved changes thereafter, 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.

SIGNATURE OF COUNSEL/UNREPRESENTED PARTIES IF SUBMITTED AS AGREED UPON PLAN

Plaintiff Counsel/Self Represented Litigant
Address:
Phone:
E-mail:
Fla Bar #:

Defense Counsel/Self Represented Litigant
Address:
Phone:
E-mail:
Fla Bar #: