

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER 3.110-12/24*

IN RE: ADOPTION AND IMPLEMENTATION OF
CIVIL DIFFERENTIATED CASE MANAGEMENT

Whereas, the Florida Supreme Court created Differentiated Case Management (DCM) requirements for the improved resolution of civil cases, mandating use of Differentiated Case Management Orders (DCMO) that impose strict trial schedules to ensure timely resolution of cases in accordance with standards specified in Rule 2.250(a)(1)(B), Fla. R. Gen. Prac. & Jud. Admin.

Whereas, the Rules of Court direct judges to conclude litigation as soon as reasonably and justly possible, to take charge at an early stage and to control the progress of cases. Rule 2.245, Fla. R. Gen. Prac. & Jud. Admin. The Rule places responsibility upon judges and attorneys to actively manage each case.

Whereas, the Supreme Court further directed the Chief Judges throughout the state to issue Administrative Orders requiring judges presiding over civil cases to issue Differentiated Case Management Orders containing firm deadlines for pretrial matters and trial readiness. *See In re Amends. to Fla. R. Civ. P., Case No. SC2023-0962 (Fla. May 23, 2024 and December 5, 2024).*

Whereas, the plain purpose of modern case management is to serve the citizenry by developing innovative ways to improve fair, predictable, efficient and timely disposition of civil cases. To those ends, the procedures established by this Administrative Order will provide greater uniformity and predictability to the management of civil cases pending in this Circuit.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is **ORDERED** as follows:

1. **Scope**

This Administrative Order governs all civil cases proceeding in the Circuit or County Courts under the Florida Rules of Civil Procedure. The Differentiated Case Management requirements set forth in this Administrative Order apply to all types of actions except those listed below:

- a. **Actions required to proceed under section 51.011, Florida Statutes;**
- b. **Actions proceeding under section 45.075, Florida Statutes;**
- c. **Actions subject to the Florida Small Claims Rules, unless the court, under rule 7.020(c), has ordered the action 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) no longer applies;**
- d. **An action or proceeding initiated under chapters 731-736, 738, and 744, Florida Statutes;**
- e. **An action for review of an administrative proceeding;**

- f. **Eminent domain actions under article X, section 6 of the Florida Constitution or chapters 73 and 74, Florida Statutes;**
- g. **A forfeiture action in rem arising from a state statute;**
- h. **A petition for habeas corpus or any other proceeding to challenge a criminal conviction or sentence;**
- i. **An action brought without an attorney by a person in the custody of the United States, a state, or a state subdivision;**
- j. **An action to enforce or quash an administrative summons or subpoena;**
- k. **A proceeding ancillary to a proceeding in another court;**
- l. **An action to enforce an arbitration award;**
- m. **An action involving an extraordinary writ or remedy under rule 1.630;**
- n. **Actions to confirm or enforce foreign judgments;**
- o. **All proceedings under chapter 56, Florida Statutes;**
- p. **A civil action pending in a special division of the court established by administrative order issued by the chief judge of the circuit or local rule (e.g., a complex business division or a complex civil division) that enters case management orders;**
- q. **All proceedings under chapter 415, Florida Statutes, and sections 393.12 and 825.1035, Florida Statutes; and**
- r. **A claim requiring expedited or priority resolution under an applicable statute or rule.**

The parties are expected to work with the **presiding Division Judge** to actively manage the matters.

2. **Assigning Tracks, Pre-Trial Schedules and Calendar Call Through Automated Differentiated Case Management Orders (DCMO)**

- a. **Entry and Service:** Immediately upon the filing of a new civil case that is subject to Differentiated Case Management, a Uniform Differentiated Case Management Order **and Order Setting Trial** (“DCMO”) as described in Part 2(b) shall be automatically generated by the Court, **filed**, and served through the e-portal upon the party initiating the action.

Unless exempted from DCM in Part 1, or by order of the Court, the DCMO shall be served by the party initiating the action upon each defendant/respondent in the same manner and at the same time as the summons and complaint/petition.

If a DCMO is automatically issued for a case not subject to DCM, **any party may submit a proposed** order vacating the DCMO **with notice to all parties.**

- b. **Case Differentiation and Scheduling Order:** Each DCMO will initially assign the case to one of three tracks, **set a date for Calendar Call**, and establish a pre-trial schedule and trial period that ensures disposition within the presumptively reasonable time periods for completing civil cases set forth in Rule 2.250(a)(1)(B), Fla. R. Gen. Prac. & Jud. Admin. All judges serving in a civil division shall consistently provide dates for the setting of the Calendar Call **and trial docket**

period. If not provided by the presiding **Division** judge, Calendar Call dates will be automatically generated.

General Track:

Circuit Civil Jury cases will be assigned to a General Track **with deadlines established to ensure that cases are disposed of within 18 months after service on the last defendant or 120 days after commencement of the action, whichever occurs first.**

Streamlined Track:

Circuit Civil Non-Jury cases will be assigned to a Streamlined Track **with deadlines established to ensure that cases are disposed of within 12 months after service on the last defendant or 120 days after commencement of the action, whichever occurs first.**

County Civil Jury cases will be assigned to a Streamlined Track with deadlines established to ensure that cases are disposed of within 12 months after service on the last defendant or 120 days after commencement of the action, whichever occurs first.

Expedited Track:

Circuit Civil Foreclosure cases will be assigned to an Expedited Track and scheduled for disposition within **12 Months from the date of filing.**

County Civil Non-Jury cases will be assigned to an Expedited Track and scheduled for disposition within 9 Months from the date of filing.

- c. **Complex Track.** Cases re-assigned to a Complex Track shall be scheduled for disposition 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 Florida Rule of Civil Procedure 1.050, whichever occurs first).** The **Complex Track** involves those cases with extraordinary complexity as to require or benefit from early intervention and individual judicial management. Complex cases are defined by Florida Rule of Civil Procedure 1.201. Cases may only be assigned to the **Complex Track** in one of two ways:
1. Motion or stipulation by the parties with court approval. Fla. R. Civ. P. 1.201(a); **or**
 2. Designation by the Court on its own Motion following a case review. Fla. R. Civ. P. 1.201.
- d. **Deadlines.** Each DCMO will contain firm deadlines for the completion of all pre-trial matters, a date for Calendar Call and **trial readiness deadline**, and a trial period. The parties shall be trial ready at the time of the Calendar Call. The DCMO shall set deadlines for the case, including for:
1. Service of parties.
 2. Service under extensions

3. Adding parties and amending pleadings.
4. Filing and resolution of all objections to pleadings.
5. Filing and resolution of all pretrial motions.
6. Filing and service of motions for summary judgment.
7. Fact discovery completion.
8. Expert discovery completion.
9. Completion of mediation.
10. Trial Ready Date (Trial Period/Calendar Call).

Deadlines and pre-trial requirements set by a DCMO shall be strictly enforced and only extended for good cause and in accordance with **Rule 1.200 and** this Administrative Order. The process for extensions of time are set forth in Part 4.b.

3. Cases Pending Prior to Effective Date

All cases pending prior to the effective date of this Administrative Order, except exempt cases under Part 1, shall be subject to the requirements of Differentiated Case Management as follows:

- a. Any pending case with a DCMO, or trial order, previously issued by the Court shall strictly comply with the deadlines set by the Court in that order. Any requests for modifications of an existing schedule shall be made **in compliance with Part 4**. The trial court may enter a new DCMO for any case not compliant with a previously issued DCMO.
- b. For all pending cases without a DCMO or trial order, the Court shall enter a DCMO as set forth in Part 2. If service has not been effected at the time of the entry of the DCMO, the DCMO shall be served in accordance with Part 2. The Court shall not be required to conduct a case management conference prior to the entry of the DCMO.
- c. Parties shall have an affirmative obligation to notify the Court if a DCMO is not entered in a pending case within 90 days of the effective date of this Administrative Order. If a DCMO is not entered within 90 days, the parties shall schedule a DCM Conference as set forth in Part 6.

4. Amending Differentiated Case Management Orders

- a. **Track Re-Designation:** Cases will be re-assigned tracks under limited circumstances. Re-designation is not for merely modifying deadlines or obtaining continuances, which are governed by Parts 4(b) **and 5**.

When a Jury Trial is Demanded After Designation: If a party invokes the right to a jury trial after the original filing and designation, the parties may move to have the case re-designated to the track it would have been assigned had the demand been made in the initial filing. The party seeking re-designation shall file a **motion** with the Court and upload a **proposed order** regarding the re-designation. Upon re-designation, a Court-generated Amended DCMO will establish the same deadlines and assign the case to the same trial docket as if the jury demand was made in the original filing.

Small Claims Cases Proceeding Under Rules of Civil Procedure: When the Rules of Civil Procedure are invoked in a small claims case (including Personal Injury Protection cases), **the case** becomes subject to DCM. The Court will enter a DCMO setting the case on the Expedited Track for non-jury trial or Streamlined for jury trial to resolve the case within **9** or **12** months, respectively, of its original filing.

Complex Case Designations: Under appropriate circumstances, the parties may seek an order designating a case Complex under Rule 1.201, **as governed by part 2(c).**

b. Modification of Pretrial Deadlines Other Than Calendar Call/Trial:

Motions to modify a DCMO deadline **that do not affect the Calendar Call date or trial period must strictly follow Rule 1.200(e).** Motions to continue trial are addressed in Part 5, below.

Extending Pretrial Deadlines: Motions to extend a deadline or for an Amended DCMO must be resolved early in the case and must be submitted as soon as circumstances giving rise to the amendment become known.

By agreement: If the parties agree, **and** the extension will not prevent the case from being trial ready by the **original Calendar Call date**, the parties may **file a motion and submit for the Court's consideration an agreed order or proposed Amended DCMO, as applicable under Rule 1.200(e)(1).** **The motion shall identify which deadlines are requested to be extended and the basis for the request. Each agreed order or Amended DCMO must contain agreed-upon dates for all remaining deadlines and confirm that the Calendar Call date remains as previously set. The Court will accept the amendment or direct the parties to set a DCM Conference. Agreements to extend the dates for the filing of Summary Judgment and Daubert motions, and for the completion of discovery, must be set for hearing, and the parties must be prepared to address how the proposed extension will not affect the Calendar Call date.**

Disputed motions: If the parties cannot mutually agree upon an extension of DCMO deadlines, the party seeking an extension shall move to **amend** the DCMO and set the motion for a DCM conference in accordance with Part 6. The motion must **comply with Rule 1.200(e)**, set forth specifically **which** deadlines would be extended **and the basis for the request**, and attach a proposed Amended DCMO.

Shortening Deadlines: Requests to shorten deadlines, including **the trial ready date**, if agreed, are to be made by submission of a stipulated Amended DCMO through **Online Scheduling (OLS)** with **a copy of the motion** explaining the reasons for amendment. Disputed motions shall be set for a DCM Conference in accordance with Part 6.

5. **Continuances of Trial**

The DCMO shall set an actual trial period. Accordingly, motions to continue trial (including Calendar Call) shall strictly follow and be governed by Rule 1.460. Such motions shall immediately be set for a DCM Conference in accordance with Part 6, and shall be filed promptly after the appearance of good cause to support such motion.

6. **DCM Conferences**

DCM conferences permitted or mandated by this Administrative Order shall be set through OLS on the Division's: 1) DCM - Case Management Conference docket; or 2) Uniform Motion Calendar, in accordance with Divisional Instructions. Each Division shall publish its DCM Conference schedule on Divisional Instructions and make such conference time available on a regular basis through OLS, or allow DCM Conferences on UMC.

7. **Non-Compliance**

Failure to comply with the DCMO and timely prosecute the case may, at the discretion of the trial judge, result in sanctions against the attorney and/or the party, including the imposition of attorney's fees and costs; monetary assessments; the striking of witnesses, motions or pleadings; and dismissal or default.

8. **Effective Date**

This Administrative Order will be effective at 12:01 a.m. on **January 1, 2025**.

DONE and SIGNED, in Chambers, at West Palm Beach, Palm Beach County, Florida, this 27th day of December, 2024.



GLENN D. KELLEY
Chief Judge

*supersedes admin. order 3.110