

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2021-060  
(Supersedes Administrative Order S-2021-023)**

**CIRCUIT CIVIL DIFFERENTIATED  
CASE MANAGEMENT PLAN**

The Florida Supreme Court has issued several administrative orders implementing temporary measures essential to safely administer justice during the COVID-19 pandemic. In Administrative Order AOSC21-17, Amendment 1 (*COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts*) (July 29, 2021) (AOSC21-17), the state supreme court directed chief judges throughout the state to issue administrative orders requiring presiding judges in most civil cases to issue case management orders containing deadlines for completing certain pretrial matters and setting trial dates 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.

Administrative Order S-2021-023 was entered to implement a case management plan for cases filed on and after April 30, 2021 at 11:59 p.m. This administrative order is entered to also provide a plan for cases filed prior to April 30, 2021 at 11:59 p.m.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; Florida Rule of General Practice and Judicial Administration 2.215(b); and Florida Supreme Court Administrative Order AOSC21-17, Amendment 1 (July 29, 2021), it is ORDERED:

**1. Case Type Designation**

Upon filing a civil case<sup>1</sup> in the Circuit Civil Division on or after

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<sup>1</sup> The civil cases to which these new provisions apply are defined – in footnote 27 on page 19 of Amendment 1 to AOSC21-17 – as actions to which the Florida Rules of Civil Procedure apply but does

the effective date of this administrative order, the Clerk of the Circuit Court (“clerk”) will immediately designate the matter a *streamlined* case, a *general* case, or an *extended* case based on the civil cover sheet case type when filing the action through the Florida Courts E-Filing Portal (“Portal”) as reflected in the following table:

<b>CASE TYPE INDICATED BY PLAINTIFF AT THE E-FILING PORTAL</b>	<b>INITIAL DESIGNATION OF CASE</b>
Accounts	Streamlined
Accounting	Streamlined
Arbitration	Streamlined
Asbestos	Extended
Attachments	Streamlined
Auto Negligence	General
Bond Validation	General
Breach of Contract	General
Business Torts	General
Business Transactions	General
Cancel Judgment	Streamlined
Civil Action for Damages	General
Commercial Mortgage Foreclosure - \$50,000 or Less	Streamlined
Commercial Mortgage Foreclosure - \$50,001 to \$249,999	Streamlined
Commercial Mortgage Foreclosure - \$250,000 or More	Streamlined
Conversion	General
Condominium	Streamlined
Constitutional Challenge – Proposed Amendment	General
Constitutional Challenge – Statute/Ordinance	General

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not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, or writs to which Florida Rule of Civil Procedure 1.630 applies.

<b>CASE TYPE INDICATED BY PLAINTIFF AT THE E-FILING PORTAL</b>	<b>INITIAL DESIGNATION OF CASE</b>
Construction Defect	Extended
Contraband Forfeiture	Streamlined
Contract & Indebtedness	General
Declaratory Judgment	General
Delinquent Taxpayer	Streamlined
Delinquent Tenant	Streamlined
Discrimination	General
Dissolution of Corporation	General
Dissolution of Partnership	General
Distress for Rent	Streamlined
Ejectment	Streamlined
Eminent Domain	General
All Homestead Mortgage Foreclosures	Streamlined
Injunction	General
Insurance Claims	General
Interpleader	General
Libel/Slander	General
Mass Tort	General
Modification of Final Judgment	General
Negligent Security	General
All Non-Homestead Mortgage Foreclosures	Streamlined
Nursing Home Negligence	Extended
Other	General
Other Negligence	General
Partition - \$50,000 or Less	Streamlined
Partition - \$50,001 to \$249,999	Streamlined
Partition - \$250,000 or More	Streamlined
Perpetuate Testimony	Streamlined
Premises Liability – Commercial	General
Premises Liability – Residential	General
Product Liability	General
Professional Malpractice – Business	Extended

<b>CASE TYPE INDICATED BY PLAINTIFF AT THE E-FILING PORTAL</b>	<b>INITIAL DESIGNATION OF CASE</b>
Professional Malpractice – Medical	Extended
Professional Malpractice – Other	Extended
Real Property - \$50,000 or Less	Streamlined
Real Property - \$50,001 to \$249,999	Streamlined
Real Property - \$250,000 or More	Streamlined
Reentered Civil Action	General
Replevin	Streamlined
Rule to Show Cause	General
Specific Performance	Streamlined
Tax Litigation	General
Taxpayer Denial of Refund	General
Third Party Indemnification	General
Tobacco Litigation	Extended
Trust Litigation	General

## **2. Complex Cases**

The clerk's initial designation above does not prevent the case from being separately classified as complex in accordance with Florida Rule of Civil Procedure 1.201 and does not prevent the case from proceeding forward as provided in Rule 1.201.

## **3. Business Court Exception**

If the filed civil cover sheet triggers initial assignment to Circuit Civil Division "L" (Business Court) in accordance with Administrative Order S-2013-021 or its successor, then the clerk will not designate the case as a streamlined, general, or extended case but instead will file the case in Division "L" and the case will proceed in accordance with Local Rule 3 (*Business Court Procedure*).

## **4. Differentiated Case Management Order**

### **A. Three Distinct Differentiated Case Management Orders**

A uniform Differentiated Case Management Order ("DCM Order") will be automatically generated by the clerk based on the

initial designation made by plaintiff when filing the initial complaint or petition. *Streamlined* cases, *general* cases, and *extended* cases will each have its own individualized DCM Order. Each DCM Order will be electronically signed by the presiding judge in each new case, contain deadlines for completing certain pretrial matters, and specify a projected month and year of the anticipated trial.

B. Streamlined Cases

The deadlines for *streamlined* cases will be consistent with the time standards provided in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) that establish 12 months from filing to final disposition as a presumptively reasonable time for the completion of a non-jury civil case.

C. General Cases

The deadlines for *general* cases will be consistent with the time standards provided in Rule 2.250(a)(1)(B) that establish 18 months from filing to final disposition as a presumptively reasonable time for the completion of a jury civil case.

D. Extended Cases

Rule 2.250 recognizes that despite the presumptively reasonable time standards for completion of a civil case, there are cases that, because of their complexity, present problems that cause reasonable delays. The consensus of the judges assigned to the Circuit Civil Division is that as a general proposition the deadlines for certain categories of cases, because of the volume or nature of discovery and use of expert witnesses, need to be “extended” beyond the deadlines for general cases. These types of cases are designated as *extended* cases.

E. Setting of Case Management Conference in General and Extended Cases

The DCM Orders for general and extended cases will also set a case management conference in each case and will serve as a notice of the date and time of the case management conference.

## **5. Service of DCM Order**

Because DCM Orders will be automatically generated concurrently with the issuance of summonses, plaintiffs must serve the DCM Order on the defendant(s) along with the summons and complaint. The service of the DCM Order must be made in the same manner and at the same time as the complaint itself is served.

## **6. Modification of Deadlines**

### **A. Stipulated Amended DCM Order**

Counsel and self-represented parties may believe that the unique circumstances presented in their cases support the entry of a case management order specifically tailored to their case. Therefore, the parties are encouraged to consult and confer in an effort to draft a stipulated Amended Differentiated Case Management Order (“Amended DCM Order”). Any stipulated Amended DCM Order must contain agreed upon deadlines for all deadline categories established in the DCM Order and all final disposition deadlines must comply with the respective established time frames for streamlined, general, or extended cases.

### **B. Unstipulated Motion to Modify DCM Order**

If counsel and any self-represented party cannot mutually agree to deadlines for all categories established in the DCM Order, a party may seek to modify a particular deadline or deadlines in the DCM Order by filing a motion and setting it for hearing. Before the moving party files the motion, the party or counsel should confer with the opposing party or opposing counsel in a good faith effort to resolve the issue(s) raised by the motion. The motion should include a statement certifying that the moving party or moving party’s counsel has conferred with the opposing party or opposing party’s counsel – either in person, by telephone, or by video conferencing device – and stating whether the party or counsel agree on the resolution of the motion. A certification to the effect that opposing party or opposing party’s counsel was unavailable for a conference before filing a motion should describe, with particularity, all of the efforts undertaken to accomplish dialogue with the opposing party or opposing party’s counsel prior to filing the motion. The motion

should also indicate what, if any, impact modification of the particular deadline(s) will have on all of the remaining deadlines established by the DCM Order.

**7. Amended Differentiated Case Management Order**

A uniform Amended DCM Order is available on the court's website at [www.fljud13.org](http://www.fljud13.org). The Amended DCM Order for general and extended cases must include a date and time for a case management conference. Counsel must secure hearing time for the case management conference on the Judicial Automated Workflow System (JAWS) and should select hearing time on either the Uniform Motion Calendar docket or the 15-minute hearing docket. The amount of time scheduled for the case management conference must allow for a discussion of selecting a trial date. Self-represented parties may secure hearing time for a case management conference by e-mailing the respective judicial assistant at the court's divisional e-mail address accessed via the judicial directory posted on the court's webpage and copying all associated parties or their counsel on the e-mail.

**8. Case Management Conference**

For general and extended cases, all DCM Orders and any Amended DCM Orders that are issued will set a case management conference and will serve as a notice of the date and time of the case management conference. The case management conference will be scheduled prior to the close of fact discovery to allow the presiding judge to assess the progress of the case and set a firm trial date. Unless excused by the presiding judge or by section 10 of this administrative order, all lead trial counsel and all self-represented parties must attend the case management conference.

**9. Order Setting Case for Trial and Pretrial Conference**

Once a firm trial date is established, counsel will be directed to prepare and submit to the court through the Portal a newly-revised Uniform Order Setting Trial & Pretrial (April 30, 2021). The newly-revised Uniform Order Setting Trial & Pretrial (April 30, 2021) is available on the court's website at [www.fljud13.org](http://www.fljud13.org). The newly-

revised Uniform Order Setting Trial & Pretrial (April 30, 2021) requires that counsel calculate specified additional deadlines.

**10. Excusal from Case Management Conference**

A. Automatic Excusal if Order Setting Trial & Pretrial Already Submitted

Unless otherwise ordered by the presiding judge, counsel and self-represented parties will be automatically excused from attending a case management conference if a Uniform Order Setting Trial & Pretrial has been timely submitted for the court's signature. Any party seeking to invoke this automatic excusal provision should immediately notify the judicial assistant after the Uniform Order Setting Trial & Pretrial is submitted for consideration.

B. Discretionary Excusal Only if Good Cause Shown

Counsel and self-represented parties may seek an excusal from attending a case management conference by timely filing a motion demonstrating good cause why excusal is necessary. If the motion is stipulated to by all parties, the movant should also submit a proposed order. If the motion is not stipulated to by all parties, then a hearing should be scheduled by the moving party.

**11. Failure to Attend Case Management Conference**

Unless counsel and self-represented parties are excused from attending the case management conference under section 8 of this administrative order, failure to attend the case management conference may result in the case being set for a firm trial date without input of the absent counsel or self-represented party, or may result in another appropriate sanction.

**12. Case Management for Cases Filed on or Before April 30, 2021**

For cases filed prior to April 30, 2021 at 11:59 p.m., presiding judges may either issue (A) an order advising the parties that a DCM Order is anticipated to be entered unless the case is set for trial within a maximum of 30 days from the date of entry; or (B) a DCM Order. If a case is set for trial, then there is no requirement that a DCM Order be issued. If a case is not set for trial, then the



presiding judge must ensure that a DCM order is issued in accordance with the Florida Supreme Court directives.

**13. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-2021-023 (*Circuit Civil Differentiated Case Management Plan*).

**14. Effective Date**

This administrative order is effective immediately.

ENTERED on October 25, 2021.



Ronald N. Ficarrota, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court

Copy: All Circuit Civil Division Judges

Douglas R. Bakke, Chief Operating Officer, Court  
Operations, Clerk of the Circuit Court

Hillsborough County Bar Association

The Honorable Robert Morris, Chair, Florida Judicial  
Management Council's Workgroup on Improved  
Resolution of Civil Cases