

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

ADMINISTRATIVE ORDER 3.110

IN RE: ADOPTION AND IMPLEMENTATION OF  
CIVIL DIFFERENTIATED CASE MANAGEMENT

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*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.

*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. Summary Proceedings under section 51.011, Florida Statutes;
- b. Actions involving an extraordinary writ or remedy under Rule 1.630;
- c. A petition for habeas corpus or any other proceeding to challenge a criminal conviction or sentence;
- d. An action brought without an attorney by a person in the custody of the United States, a state, or a state subdivision;
- e. Cases Designated Complex under Rule 2.201 (See 4.a.);
- f. Claims requiring expedited or priority resolution under an applicable statute or rule;
- g. Actions proceeding under section 45.075, Florida Statutes;

- h. 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;
- i. Actions for review of an administrative proceeding;
- j. Forfeiture actions in rem arising from a state statute;
- k. Actions to enforce or quash an administrative summons or subpoena;
- l. Actions or proceedings initiated under chapter 731-736, 738, and 744, Florida Statutes;
- m. Eminent domain actions under article X, section 6 of the Florida Constitution or chapter 73, Florida Statutes. Eminent domain actions proceeding under chapter 74, Florida Statutes, are excluded until 20 days after the order granting quick take;
- n. Proceedings ancillary to a proceeding in another court;
- o. All proceedings under chapter 56, Florida Statutes;
- p. A civil action pending in a special division of the court established by local administrative order or local rule that enters case management orders;
- q. All proceedings under chapter 415, Florida Statutes and sections 393.12 and 825.1035, Florida Statutes;
- r. Actions to enforce an arbitration award;
- s. Actions to confirm or enforce foreign judgments; and
- t. Post-judgment proceedings

The parties are expected to work with the Division 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 (“DCMO”) as described in Part 2(b) shall be automatically generated by the Court, entered, 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, the parties shall submit an agreed order vacating the DCMO.

- b. **Case Differentiation and Scheduling Order:** Each DCMO will initially assign the case to one of three tracks 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 Trial Calendar Call and/or Case Management Conference. If not provided by the presiding judge, Trial Calendar Call and/or Case Management Conference dates will be automatically generated.

**General Track:** Circuit Civil Jury cases will be assigned to a General Track and scheduled for disposition within 18 Months from filing.

**Streamlined Track:** Circuit Civil Non-Jury and County Civil Jury cases will be assigned to a Streamlined Track and scheduled for disposition within 12 Months from filing.

**Expedited Track:** County Civil Non-Jury and Foreclosure cases will be assigned to an Expedited Track and scheduled for disposition within 8 Months from filing.

**c. Complex Track.** Cases re-assigned to a Complex Track shall be scheduled for disposition within 24 months of filing. The complex case 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 case 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 a Trial Calendar Call and/or Case Management Conference, and a trial period. The parties shall be trial ready at the time of the Calendar Call/ Case Management Conference. The DCMO shall set deadlines for the case, including for:

- a. Service of parties.
- b. Adding parties and amending pleadings.
- c. Resolution of pretrial motions.
- d. Discovery cutoff for fact witnesses.
- e. Discovery cutoff for expert witnesses.
- f. Completion of mediation.
- g. Having the case trial ready (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 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 at a DCM Conference as set forth

in Part 6. 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. The DCMO shall establish a track assignment, a pretrial schedule and a trial period as set forth in Part 2. If service has not been effected at the time of the entry of the DCMO by the Court, 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**

Individualized circumstances may provide good cause for more or less time to prepare the case for trial and, thus, entry of an Amended DCMO. To that end, the parties must meet and confer early in the process. In deciding a motion for an Amended DCMO, the Court will consider the totality of the circumstances, including the number of parties involved, the complexity of the issues presented, anticipated amount of pretrial motions, need for discovery, anticipated number of witnesses, amount of documentary evidence, anticipated length of trial, diligence of the parties in complying with deadlines and other relevant factors.

Motions for an Amended DCMO must be resolved early in the case and, absent unforeseen circumstances, no later than 30 days after the last defendant is served or dropped. Motions to Amend a DCMO must be submitted as soon as circumstances giving rise to the need for the amendment become known.

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

**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), it 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 8 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. Certain cases, because of the volume or nature of discovery and other complexities, may warrant being designated Complex. That designation is, however, reserved for those cases that meet the strictures of the Rule.

- b. Modification of Pretrial Deadlines:** Motions to modify a DCMO deadline must be made as soon as circumstances warranting an amendment present themselves. Each motion shall include a proposed Amended DCMO reestablishing deadlines for each pretrial task that remains incomplete.

**Shortening Deadlines:** Requests to shorten deadlines, including when the case will be ready for trial, if agreed, are to be made by submission of a stipulated Amended DCMO or, if disputed, by motion. The parties shall upload the stipulated Amended DCMO through the online scheduling system with an attached transmittal letter explaining the reasons for amendment. Disputed motions to shorten time shall be set for a DCM Conference in accord with Part 6.

**Extending Pretrial Deadlines:** If the parties agree and the extension will not prevent the case from being trial ready by the Calendar Call/Case Management Conference established in the operative DCMO, the parties may submit a stipulated Amended DCMO. Each stipulated Amended DCMO must contain agreed-upon deadlines for all categories established in the original DCMO that remain applicable. It shall also confirm that the Calendar Call/Case Management Conference remains as previously set to comply with the originally anticipated time for disposition.

Stipulated Amended DCMO's shall be submitted through the online scheduling system with an attached transmittal letter that explains the need for the extension, what deadlines are extended, and confirms that the case will be trial ready by the Calendar Call. The Court will accept the amendment or set a DCM Conference.

If the parties cannot mutually agree upon an extension of DCMO deadlines, the party seeking an extension shall move to modify the DCMO and set the motion for a DCM conference in accordance with Part 6. The motion must set forth specifically what deadlines would be extended and attach a proposed Amended DCMO.

## 5. Continuances of Trial

If a case cannot be ready for trial by the Calendar Call/Case Management Conference set by the original DCMO despite all good faith efforts, a motion to continue trial shall be set for a DCM Conference in accordance with Part 6. The Motion shall be filed and DCM Conference set as soon as circumstances giving rise to the need for a continuance becomes known and only for good cause. Every motion for a continuance shall include a proposed Amended DCMO resetting each pretrial deadline that remains applicable and indicating the month the case can be ready for Calendar Call.

6. **DCM Conferences**

DCM conferences mandated by this Administrative Order shall be set through the Circuit’s Online Scheduling System under DCM- Case Management Conference Scheduling or Uniform Motion Calendar at times set aside by the Division to which the case is assigned. Each Division shall publish its DCM Conference schedule on the Divisional page of the Fifteenth Judicial Circuit Court’s website.

No less than ten (10) days in advance of the DCM Conference the parties must file with the Clerk a Joint Status Report that:

- (1) Concisely updates the Court on the status of the case,
- (2) Identifies pending motions and other matters the Court needs to address, and
- (3) If applicable, provides a proposed revised pretrial schedule.

A sample Joint Status Report is attached as Exhibit “A”. The Joint Status Report shall be made available to the Court at least 7 days in advance of the DCM Conference through the e-courtesy feature of the Circuit’s Online Scheduling System. The parties should be prepared at the DCM Conference to address the topics listed in Rule 1.200(a) and for the Court, at its discretion, to hear or set for hearing any pending motions.

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 12:01a.m. on September 1, 2023.

**DONE and SIGNED**, in Chambers, at West Palm Beach, Palm Beach County, Florida, this 3<sup>rd</sup> day of August 2023.



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GLENN KELLEY  
Chief Judge

# Exhibit “A”

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

**Plaintiff(s),**

**vs.**

**Case No.**

**Defendant(s).**

**JOINT STATUS REPORT**

The parties submit the following Joint Status Report:

**Statement of the Case:**

(Include brief description of claims and defenses)

**Identify any parties not served:**

**Status of the Pleadings and Motions Directed at Them:**

(State status of the pleadings and list any pending and anticipated motions directed at the pleadings with anticipated briefing and hearing schedule or that the motion can be resolved on the papers without hearing)

**Status of Outstanding Discovery**

(Is discovery complete? If not, when will it be? Identify pending discovery motions and unresolved objections)

**Dispositive and Evidentiary Motions:**

(List pending and anticipated dispositive and evidentiary motions and proposed briefing and hearing schedule or that the motion can be resolved on the papers without hearing)

**Mediation Efforts:**

(Is mediation completed? If not, when will it be?)

**Trial Readiness:**

Jury or Non-Jury?

Anticipated date case will be ready for trial:

\_\_\_\_\_  
/Plaintiff's Counsel

\_\_\_\_\_  
s/Defense Counsel