

**IN THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER: A-2024-59**

**ORDER ESTABLISHING AND IMPLEMENTING  
DIFFERENTIATED ACTIVE CIVIL CASE  
MANAGEMENT SYSTEM (“DACMS”)**

**AND**

**RESCINDING, SUPERSEDING, AND REPLACING  
ADMINISTRATIVE ORDER A-2021-13**

**WHEREAS**, the Florida Supreme Court issued SC2023-0962, IN RE: AMENDMENTS TO FLORIDA RULES OF CIVIL PROCEDURE on May 23, 2024, and issued further amendments December 5, 2024, creating “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,” and;

**WHEREAS**, SC2023-0962, *inter alia*, amends Florida Rules of Civil Procedure 1.200 (Case Management; Pretrial Procedure), 1.201 (Complex Litigation), 1.280 (General Provisions Governing Discovery), “[t]o codify active case management in the Florida Rules of Civil Procedure,” and;

**WHEREAS**, amended Florida Rules of Civil Procedure 1.200 requires the chief judge of each judicial circuit to enter an administrative order addressing certain case management requirements, and;

**WHEREAS**, the Florida Supreme Court has determined that Differentiated Active Civil Case Management (“DACMS”) is needed to maximize the resolution of civil cases and have mandated same upon the presiding judges of the Circuit and County Courts of the State of Florida, and;

**WHEREAS**, it is in the best interest of the citizens of the Fifth Judicial Circuit for the Court to develop innovative means to further improve the fair, predictable, efficient, and timely disposition of civil cases in the civil divisions of the Circuit and County Courts, and;

**WHEREAS**, the implementation of a Differentiated Active Civil Case Management System is an innovative means to improve the disposition of cases in the civil divisions of Courts of the Fifth Judicial Circuit, and;

**WHEREAS**, in accordance with the requirements of SC-2023-0962, and pursuant to the authority prescribed by Florida Rules of General Practice and Judicial Administration, Rule 2.215; for the purpose of promoting the efficient administration of justice within the Fifth Judicial Circuit; and in required compliance with administrative orders of the Florida Supreme Court,

**IT IS THEREFORE**, pursuant to the authority vested in the Chief Judge by article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and 2.215(b), Florida Rules of General Practice and Judicial Administration;

**ADMINISTRATIVELY ORDERED** as follows:

1. There is hereby established within the Fifth Judicial Circuit a required **Differentiated Active Civil Case Management System (“DACMS”)** applicable to all civil cases.
2. *Unless otherwise authorized by the assigned presiding judge, and also in compliance herewith and with the requirements of Florida Law*, civil cases requiring case management will proceed using a uniform case management system otherwise known as **Differentiated Active Civil Case Management (“DACMS”)**.
3. Each presiding judge for each civil case is required to actively manage civil cases in accordance with the Florida Rules of Civil Procedure, SC2023-0962, this Order and the Attachment(s) hereto. The term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of

Civil Procedure 1.010, except those actions identified in paragraph 4. immediately below.

4. The following civil actions are exempt from the applicability of this Order:
  - 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
- r. A claim requiring expedited or priority resolution under an applicable statute or rule.

5. It is intended that the **Differentiated Active Civil Case Management System (“DACMS”)** be implemented uniformly within the Fifth Judicial Circuit to the extent referenced herein. Continued use of existing case management order forms is allowed as may be necessary if modified to comply with the requirements herein.
6. Individual judges assigned to civil dockets within the Fifth Judicial Circuit, while still complying with the requirements of Florida Supreme Court Order SC-2023-0962, may build upon this Administrative Order to meet the needs of their individualized courtroom policies by making and publishing their own DACMS orders on their webpage. Individualized judicial DACMS orders must supplement this Administrative Order. *All parties to any civil action within the Fifth Judicial Circuit must check their presiding judge’s website to ensure no additional supplemental DACMS orders are in place.*
7. **CASE TRACK ASSIGNMENT:** Not later than **120 days after an action commences** as provided in rule 1.050, each presiding judge must issue an **initial case management order** assigning each civil case according to type—either **complex, streamlined,** or **general**. Assignment is not based on the financial value of the case but rather the amount of judicial attention required for resolution. **The following criteria shall be used in determining which case type a case shall be assigned to:**
  - A. **Complex:** Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201(a). Upon such designation, the

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action shall proceed as provided in rule 1.201. Presumptive Complex cases are as follows:

- Class Action Cases
- Environmental/Toxic Tort/Mass Tort Litigation
- Anti-Trust/Securities Litigation
- Medical Malpractice and/or Wrongful Death
- Nursing home negligence
- Other complex cases with an extraordinary number of parties, witnesses, experts, and extensive or voluminous pretrial discovery issues
- Others as may be identified by the parties and/or identified and determined by presiding judge.

**B. Streamlined:** Streamlined cases are civil 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. Uncontested cases should generally be presumed to be streamlined cases. Presumptive streamlined cases are as follows:

- Residential and Commercial Foreclosure
- Simple, two-party Collection/Indebtedness
- Non-Jury cases
- Uncontested cases
- Others as may be identified by the parties and/or identified and determined by presiding judge.

**C. General:** Any case not designated complex or streamlined, i.e., all other civil cases.

**D. Changes in Track Assignment:**

(1) Changes to track assignments made by a party must be made by motion, filed promptly, and supported by good cause

(2) Changes to track assignments directed by the Court may be made by the Court on its own motion.

## **8. CASE MANAGEMENT GENERAL PROVISIONS.**

**A. Complex Cases.** Case management orders in complex cases must issue as provided in rule 1.201, Florida Rules of Civil Procedure. Complex Cases have an expected timeline for completion of 24 to 30 months.

**B. Streamlined and General Cases.** In streamlined and general cases, the court must issue a case management order that specifies the projected or actual trial period based on the case track assignment, consistent with the Order. The case management order must set deadlines that are differentiated based on whether the case is streamlined or general and must be 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. The order must specify no less than the following deadlines:

1. service of complaints;
2. service under extensions;
3. adding new parties;
4. completion of fact discovery;
5. completion of expert discovery;
6. filing and service of motions for summary judgment;
7. filing and resolution of all objections to pleadings;
8. filing and resolution of all pretrial motions; and
9. completion of alternative dispute resolution

**C. Strict Enforcement of Deadlines.** The case management order must indicate that the deadlines established in the order will be strictly enforced by the court unless changed by court order.

**D. Issuance of CMOs/Time for Filing:** In streamlined or general cases, the court must issue the case management order **no later than 120 days** after commencement of the action as

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provided in rule 1.050. No case management conference is required to be set by the court before issuance.

1) If the streamlined or general civil case is:

a. Subject to dismissal for a **lack of prosecution** pursuant to Florida Rule of Civil Procedure 1.420(e), a case management order is required only if the court determines that the action should remain pending and shall be issued within 30 days after such determination.

b. Subject to a statutory **stay or a moratorium** preventing the prosecution of the case, the Case Management Order shall be issued in a case filed:

- The CMO must issue within 45 days after the stay or moratorium ends.
- The Case Management Order shall address each required deadline and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

**E. Agreed Orders.** The parties may stipulate and agree to a CMO in compliance with the requirements of this Order which must be submitted for final approval by the presiding judge for subsequent entry of a stipulated Case Management Order.

## 9. **DACMS CASE MANAGEMENT ORDER (“CMO”)**

**A. Identification of Differentiated Case Type:** The Case Management Order will designate the differentiated case type either Complex, Streamlined, or General. A determination of complex case type requires a CMO as provided by 1.201, Florida Rules of Civil Procedure with an expected timeline for resolution of 24 to 30 months.

**B.** The presiding judge shall issue a Case Management Order (“CMO”) for each streamlined and general civil case that is *substantially similar in form* to the Case Management Order(s) attached hereto OR in such form in compliance with the requirements herein as may be otherwise provided for below related to already in use forms that must comply with the requirements of this order, or modified and amended to comply with this order, that *at a minimum* specifies deadlines for the following.

1. service of complaints;
2. service under extensions;
3. adding new parties;
4. completion of fact discovery;
5. completion of expert discovery;
6. filing and service of motions for summary judgment;
7. filing and resolution of all objections to pleadings;
8. filing and resolution of all pretrial motions; and
9. completion of alternative dispute resolution

**C.** The CMO shall also specify the projected or actual date of trial and indicate that deadlines established by the CMO shall be strictly enforced by the Court, unless changed by court order. Failure to comply with deadlines may subject the parties to sanctions, including but not limited to, striking discovery, witnesses, evidence, pleadings, imposition of attorney fees, and/or dismissal. The CMO shall also further indicate that a firm trial date will be ordered or include an actual trial date by the presiding judge when the case has been filed pursuant to Florida Rule of Civil Procedure 1.440 and Florida Supreme Court SC2023-0962.

**D. Completion Periods:** The Case Management Order shall include maximum periods within which all case events must be completed. The below maximum periods are based on whether the civil case is **streamlined, general, or small claims (rules invoked)** and are 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. See Table on next page.

<b>Events</b>	<b>Streamlined Case Completion Periods:</b>	<b>General Case Completion Periods</b>
Service of Complaints	Within 120 days of filing of the complaint	Within 120 days of filing of the complaint
Service under Extensions	If extension for service granted, then within 240 days from the date of filing of complaint	If extension for service granted, then within 240 days from the date of filing of complaint
Addition of new parties	If extension for service granted, then within 240 days from the date of filing complaint	If extension for service granted, then within 240 days from the date of filing complaint
Completion of Fact and Expert Discovery	Within 270 days after the complaint is filed	Within 450 days after the complaint is filed
Objection to Case Differentiation	Within 30 days	Within 30 days
Filing and Resolution of Objections to pleadings	Within 45 days of filing	Within 45 days of filing
Filing and Resolution of all pre-trial motions	Prior to pre-trial conference	Prior to pre-trial conference
Completion of Alternative Dispute Resolution	Within 270 days after the complaint is filed	Within 450 days after the complaint is filed
Trial	12 Months	18 months
*Small Claims	180 days from filing to trial and final disposition	180 days from filing to trial and final disposition

**10. Existing in-use Civil Case Management Orders.** The undersigned is aware that presiding judges on civil dockets may already have in use various forms for CMOs, Pre-Trial Orders, and the like which address deadlines and other requirements. Such orders may be used in the discretion of the presiding judge as long as the deadlines and requirements specified herein and as set forth in and required by SC-2023-0962, and the Florida Rules of Civil Procedure and Florida Rules of General Practice and Judicial Administration are complied with in any such existing form orders. Such existing in use form orders may also be modified to conform with the requirements herein and with the requirements of SC-2023-0962. The presiding judge may wish to address additional issues in their individual CMOs, other than those required by this order, and the presiding judge shall be free to do so in their discretion.

**11.** It shall be noted that the forms attached hereto are intended as models. Any updates or modifications shall be posted and available for viewing on the Court's website at <http://www.circuit5.org>. It shall be the responsibility of all parties to civil cases to check the website for the most recent forms to be used in conjunction with the Differentiated Active Civil Case Management System and procedures.

**12.** This administrative order and time standards set forth or as may be additionally set forth or modified and approved by the Chief Judge are intended to facilitate the timely, fair and effective resolution of civil cases while ensuring the efficient use of court resources. The procedures and time standards do not supplant any existing rule, statute, or law. Nothing herein shall be construed as granting any rights not already provided for by rule, statute, or law.

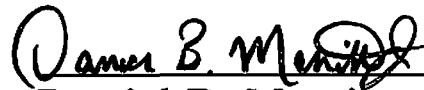
**13.** This Order shall become effective January 1, 2025, and applies to all civil cases identified herein and within the Fifth Circuit. To the extent that any provision of this Administrative Order

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may be construed as being in conflict with any rule, statute, or law, the rule, statute, or law shall prevail.

14. This Order may be subject to amendment, modification, revision, or rescission as the circumstances may require.
15. This Administrative Order shall become a "Standing Order" in all civil cases within the Fifth Circuit in a manner as may be determined reasonable and appropriate by the Court. All attorneys and parties to civil cases within the Fifth Circuit shall comply herewith.
16. Administrative Order A-2021-13 is hereby rescinded, superseded, and replaced. Amendment, rescission, vacation, supersession, or replacement of this Order shall in no way act to revive A-2021-13.

**DONE AND ORDERED** in chambers in Brooksville, Hernando County, Florida, this 30<sup>th</sup> day of December 2024.



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Daniel B. Merritt, Jr  
Chief Judge  
Fifth Judicial Circuit

IN THE \_\_\_\_\_ COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY

PLAINTIFF,  
Plaintiff,

vs.

Case Number:

DEFENDANT,  
Defendant(s).

\_\_\_\_\_ /

**DIFFERENTIATED CIVIL CASE MANAGEMENT ORDER**

**THIS MATTER** having come before the Court for review of the above styled civil case by the presiding judge, and the Court being otherwise being more fully informed,

**IT IS THEREFORE,**

**ORDERED and ADJUDGED** as follows:

1. The above styled action is designated as a Complex/General/Streamlined case type. (circle one).
2. The following deadlines shall be observed:

<b>Events</b>	<b>Case Completion Periods:</b>
Service of Complaints	days
Service under extensions	days
Addition of new parties	days
Completion of Fact Discovery	days
Completion of Expert Discovery	days
Filing and service of motions for summary judgment	days

Filing and resolution of all objections to pleadings	days
Filing and resolution of all pretrial motions	days
Completion of alternative dispute resolution	days
Trial	12 Months for Streamlined; 18 Months for General; and 24 to 30 months for complex cases

3. The deadlines established in this Case Management Order, including actual and projected trial periods, shall be strictly enforced by the court *unless changed by court order* pursuant to Florida Rules of Civil Procedure 1.200(e)
4. Parties may submit an agreed order to extend a deadline if the extension does not affect the ability to comply with the remaining dates in this Case Management Order. If extending an individual case management deadline may affect a subsequent deadline in this Order, parties must seek an amendment of the Order, rather than submitting a motion for extension of an individual deadline. Procrastination in completing discovery or the unavailability of counsel will not constitute good cause for a change to these deadlines. Failure to comply with deadlines may subject the parties to sanctions, including but not limited to, striking of discovery, witnesses, evidence, pleadings, imposition of attorney fees, and/or dismissal.
5. Warning as to Generative Artificial Intelligence:
  - a. An attorney may ethically utilize Generative Artificial Intelligence technologies but only to the extent that the lawyer can reasonably guarantee compliance with the lawyer's ethical obligations. *See Florida Bar Ethics Opinion 24-1 (Jan. 19, 2024).*
    - Attorneys must comply with the Rules Regulating the Florida Bar, including but not limited to: Rule 4-1.1 Competency, Rule 4-1.6 Confidentiality, Rule 4-5.1 Supervision, and Rule 4-5.3 Supervision of non-lawyers.
    - Attorneys remain responsible for all their work product.
    - **IF ANY GENERATIVE ARTIFICIAL INTELLIGENCE TECHNOLOGY IS USED IN PRODUCING A PLEADING OR MOTION IT MUST BE NOTED ON THE FACE OF THE PLEADING OR MOTION.**
  - b. Pro-Se Litigants (self-represented parties): If you choose to use programs that rely on Generative Artificial Intelligence (AI) to prepare any document that is submitted to the Court, it should be checked carefully before filing with the Clerk. Generative AI based

programs are not a substitute for competent legal counsel. While they may be useful, there is a risk that they may produce inaccurate arguments, false citations, or bad advice. A self-represented litigant has the duty to check the accuracy of anything they submit to the Court.

**DONE and ORDERED** in chambers in \_\_\_\_\_, \_\_\_\_\_ County, Florida this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

CIVIL ACTION

Plaintiff,

Plaintiff(s)

vs.

Case No:  
Case Type:  
Judge:

Defendant,

Defendant(s)

\_\_\_\_\_ /

**STIPULATED CIVIL CASE MANAGEMENT PLAN  
AND CASE MANAGEMENT ORDER**

The parties hereby submit the following Stipulated Civil Case Management Plan to the Court for approval:

**CASE TYPE ASSIGNMENT:**

\_\_\_\_\_ **Streamlined Case Type** (Case resolved within 12 months);

It is recommended that discovery and an alternative dispute resolution be completed within 270 days after the complaint is filed and a final disposition entered within 365 days after the complaint is filed

\_\_\_\_\_ **General Case Type** (Case is resolved within 18 months);

It is recommended that discovery and an alternative dispute resolution be completed within 450 days after the complaint is filed and a final disposition entered within 540 days after the complaint is filed

\_\_\_\_\_ **Complex Case Type** (Case resolved within 2 years).

Case likely to be declared complex per 1.201, Florida Rule of Civil Procedure.



**Case Deadlines and Events**

DEADLINE OR EVENT	AGREED DATE
Service of Complaints	
Service Under Extensions	
<p>Motions to Add Parties or to Amend Pleadings</p> <p style="text-align: right;">Plaintiff(s):</p> <p style="text-align: right;">Defendant(s):</p>	
<p>Objection to Case Differentiation</p> <p style="text-align: right;">Plaintiff(s):</p> <p style="text-align: right;">Defendant(s):</p>	
<p>Objections to Pleadings: (Maximum time is set by A-2024-59)</p> <p style="text-align: right;">Plaintiff(s):</p> <p style="text-align: right;">Defendant(s):</p>	
<p>Completion of Fact and Expert Discovery</p> <p style="text-align: right;">Plaintiff(s):</p> <p style="text-align: right;">Defendant(s):</p>	
<p>Resolution of all Pretrial Motions</p> <p style="text-align: right;">Plaintiff(s):</p> <p style="text-align: right;">Defendant(s):</p>	
<p><b>Completion of Alternative Dispute Resolution (ADR) Mediation or Non-Binding Arbitration</b></p> <p>Mediation is mandatory unless the parties agree to or the Court orders another form of ADR. If early mediation (prior to completion of discovery) is selected and it does not result in settlement or disposition</p>	<p>Notice of Mediation must be filed 2 months prior to deadline</p>

<p>of this entire action, the parties are required to schedule and attend another mediation at least 45 days prior to the Pre-Trial Conference. Discovery should be substantially complete prior to arbitration.</p> <p style="text-align: right;">Deadline</p> <p style="text-align: right;">Type of ADR</p>	
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**Trial Information:**

<p><b>Estimated Date the Case Will Be Prepared to Go to Trial</b></p> <p>(If counsel and unrepresented parties do not agree on the estimated date on which the case will be prepared to go to trial, the Court may on its own motion set the case for trial)</p>	
<p><b>Estimated Length of Trial (specify the number of trial days):</b></p>	
<p><b>Identification of Jury or Non-Jury Trial</b></p>	<p>Jury</p> <p>Non-Jury</p>

The above-referenced schedule of deadlines will be strictly adhered to by the parties unless changed by court order. Extensions of Time or Modification of Deadlines will only be made pursuant to, and in accordance with the requirements of, 1.200(e)-(h), Florida Rules of Civil Procedure. Failure to comply with deadlines may subject the parties to sanctions, including but not limited to, striking of discovery, witnesses, evidence, pleadings, imposition of attorney fees, and/or dismissal.

**THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE TECHNOLOGIES IN THE PRODUCTION OF PLEADINGS AND MOTIONS SUBMITTED TO THE COURT WILL BE NOTED ON THE FACE OF THE PLEADING OR MOTION.**

Date: \_\_/\_\_/202\_\_

Signature, address and telephone number of Counsel and Unrepresented Parties. Counsel must state FL Bar number:

_____	_____
_____	_____
_____	_____
_____	_____

**ORDER APPROVING STIPULATED CIVIL CASE MANAGEMENT PLAN**

**THE COURT** having reviewed the Stipulated Civil Case Management Plan submitted by the parties and finding it to be satisfactory, **IT IS THEREFORE,**

**ORDERED** and **ADJUDGED** that the Stipulated Civil Case Management Plan is hereby **APPROVED AND ALL PARTIES SHALL ABIDE BY THE TERMS HEREIN.**

**DONE AND ORDERED** in \_\_\_\_\_, \_\_\_\_\_ County, Florida on this \_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Hon.  
Circuit Judge

**CERTIFICATE OF SERVICE**

Pursuant to Rule 1.080 of the Florida Rules of Civil Procedure, conformed copies have been mailed this \_\_\_ day of \_\_\_\_\_ to the following:

**By: Judicial Assistant**