

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2015-26-Civ

ADMINISTRATIVE ORDER
ESTABLISHING CIRCUIT CIVIL CASE DISTRIBUTION

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “develop an administrative plan for the efficient and proper administration of all courts within that circuit.”

(b) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) The Clerk of Court shall assign circuit civil cases at the time of filing effective July 1, 2015 to the designated circuit civil divisions, not including circuit civil complex litigation divisions or Division 11 or Division 01, in as equal a distribution as possible.

(2) The Clerk of Court shall assign all Chinese Drywall cases to Division 01. The Clerk of Court shall transfer to Division 01 all open and pending circuit Chinese Drywall cases from Division 12. The Clerk of Court shall assign any re-opened Chinese Drywall cases to Division 01.

(3) The Clerk of Court shall assign all circuit residential mortgage foreclosure cases to Division 11. Effective July 1, 2015, the Clerk of Court shall transfer all circuit residential foreclosure cases filed on or before December 31, 2010 to Division 28. Effective July 1, 2015, the Clerk of Court shall assign any re-opened residential foreclosure cases filed on or before December 31, 2010 to Division 28.

(4) If a residential mortgage foreclosure case is assigned to a division other than 11 or 28, upon notice to the Clerk of Court, the case shall be reassigned to Division 11 or 28 dependent on the date of the filing of the action. If a condominium association lien, homeowners association lien, or mechanics lien case is assigned to Division 11, it shall be reassigned randomly to Division 02, 03, 04, 05, 08, 09, 12, 13, 14, 18, 21, 25, or 28 upon order of the Circuit Civil Administrative Judge. If a commercial foreclosure is assigned to Division 11, it shall be reassigned upon order of the Circuit Civil Administrative Judge.

(5) Upon the filing of a pleading or paper for a case in a closed division or Division 11, the Clerk of Court shall randomly reassign the case to a circuit civil division, not including a circuit civil complex litigation division, Division 01, or Division 11 except as set forth herein.

(6) If cases are filed and assigned to different civil divisions which concern the same subject matter or common issues the cases may be consolidated as follows:

(a) The plaintiff or defendant shall file a notice in each case setting forth the parties and case number of the similar case(s).

- (b) The party seeking the consolidation shall file a motion and set a hearing in the division with the lowest/earliest case number.
 - (c) If an order granting the consolidation is entered it shall indicate if it is consolidated for discovery, trial, or discovery and trial. Consolidated cases remain separate cases for the filing of pleadings and papers and only the case number for the case in which the pleading or paper is filed shall be stated with no reference to the companion case number.
 - (d) The Clerk of Court shall reflect on his case maintenance system the consolidation of cases and the division hearing the consolidated cases.
- (7) A case may be reassigned between circuit divisions as follows:
- (a) Upon the entry of an order of disqualification or recusal by the division judge the Clerk of Court shall randomly assign the case to a circuit civil division excluding complex litigation divisions, Division 01, and Division 11. Upon entry of an order of disqualification or recusal by a judge or senior judge assigned to Division 11, the case shall remain in Division 11 but shall be heard by a non disqualified judge hearing cases for the division as directed by the Chief Judge or Circuit Civil Administrative Judge.
 - (b) Upon the entry of an order of disqualification or recusal by a complex litigation division judge the Clerk of Court shall assign the case to a complex division as directed by the Circuit Civil Administrative Judge; however if all division judges assigned to complex litigation are disqualified or recused the Clerk of Court shall randomly assign the case to a circuit civil division except for Division 01 and Division 11.
 - (c) Upon the entry of an order determining the case is complex the Clerk of Court shall assign the case to a circuit civil complex division as directed by the Circuit Civil Administrative Judge.
 - (e) Upon entry of any order reassigning a case from a circuit civil to circuit probate division the Clerk of Court shall randomly assign the case to a circuit probate division. The party seeking the transfer shall file a motion and set a hearing in the division with the lowest/earliest case number.
- (8) This Administrative Order vacates and supersedes Administrative Order 2011-32-Civ on July 1, 2015.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on July 7, 2015 *nunc pro tunc* to July 1, 2015.

/s/ Peter M. Weinstein
Peter M. Weinstein, Chief Judge