

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

Administrative Order 2023-9-Civ

CIRCUIT CIVIL FIRST PARTY PROPERTY LOSS CASES

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) Florida Rule of Civil Procedure 1.200(c) requires a uniform order for pretrial conferences for the Circuit. The Circuit Civil division judges determined it is appropriate to utilize a uniform pretrial order specific to first party property loss cases (i.e., storm, hurricane, water loss, and plumbing cases).
- (d) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

- (1) All Circuit Civil cases involving first party property loss claims will use the attached “Uniform Trial Order for Circuit Civil First Party Property Loss Cases” attached to this Administrative Order as Attachment “A”. The Uniform Trial Order shall be posted on the website for the Seventeenth Judicial Circuit. The Uniform Trial Order may be amended from time to time without further amendment of this Administrative Order.
- (2) To delineate these first party property loss claims from other circuit civil claims, the Clerk of Court shall designate these case types using the prefix “CAPL.”
- (3) Nothing in this Administrative Order shall preclude any Circuit Civil judge from utilizing the attached Uniform Trial Order, or any other uniform trial order utilized by the Circuit Civil Division.

This Administrative Order supersedes and vacates Administrative Order 2023-7-Civ.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida on this 22nd day of February, 2023.

/s/ Jack Tuter
Jack Tuter, Chief Judge

Attachment "A"

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

CASE NO.: _____ DIVISION: _____ JUDGE: _____

**UNIFORM TRIAL ORDER
Seventeenth Judicial Circuit**

**ORDER FOR MANDATORY
CALENDAR CALL**

Plaintiff(s) / Petitioner(s),

v.

Defendant(s) / Respondent (s).

_____ /

**UNIFORM TRIAL ORDER FOR CIRCUIT CIVIL FIRST PARTY
PROPERTY LOSS CASES**
(i.e.: Storm, Hurricane, Water Loss, and Plumbing Cases)

THE UNIFORM TRIAL DATE LISTED HEREIN IS A FIRM TRIAL DATE AND DEADLINES WILL BE STRICTLY ENFORCED BY THE COURT. STRICT COMPLIANCE MEANS NO CONTINUANCES OR EXTENSIONS WILL BE GRANTED WITHOUT COURT ORDER UPON WRITTEN MOTION SETTING FORTH GOOD CAUSE, PURSUANT TO AOSC20-23, AMENDMENT 13 (May 6, 2021), AND FLA. R. GEN. PRAC. & JUD. ADMIN. 2.545(e).

FAILURE TO PARTICIPATE IN CALENDAR CALL MAY RESULT IN EITHER THIS CASE BEING DISMISSED OR A DEFAULT BEING ENTERED.

TRIAL PERIOD COMMENCING: _____. This is a (____) week calendar.

CALENDAR CALL: _____.

_____ DAYS _____ WEEKS _____ JURY _____ NON-JURY

I. ORDER OF TRIALS:

The order of trials set during this Trial Period will be determined the day after Calendar Call. Parties are subject to being called to commence trial during any portion of the above noted Trial Period.

II. TRIAL DATE:

The Court has determined this case is ready for trial pursuant to Florida Rule of Civil Procedure 1.440. This case is set for trial before the undersigned Judge in Courtroom _____, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida, 33301, as stated above. The trial date is a firm trial date pursuant to AOSC20-23, Amendment 13 (May 6, 2021).

III. CIVIL TRIAL POOL:

Parties are advised that this case may be placed into the Seventeenth Judicial Circuit Court’s “Civil Trial Pool” and is subject to being called for trial before any judge. If placed in the Civil Trial Pool, **parties must be prepared to proceed to trial if called**. Only the Division Judge or the Administrative Judge of the Seventeenth Judicial Circuit Court’s Civil Division may grant a continuance of any case placed in the Civil Trial Pool.

IV. WITNESS LISTS:

A. NO LATER THAN ONE HUNDRED & TWENTY (120) DAYS PRIOR TO CALENDAR CALL:

Fact Witnesses: Parties must file and serve a list of names and addresses of all fact witnesses who are expected to testify at trial. Each party’s fact witness list must include a brief description of the substance and scope of the testimony to be elicited from such witness. Both sides must cooperate in the scheduling of such witness depositions.

B. NO LATER THAN NINETY (90) DAYS PRIOR TO CALENDAR CALL:

Expert Witnesses:

- i. At the time of disclosure of all expert witnesses, the parties shall file and serve the names and addresses of all expert witnesses to be called at trial, including their complete and updated curriculum vitae, and all information regarding expert testimony that is required by Fla. R. Civ. P. 1.28(b)(5). Parties shall furnish opposing counsel with two (2) alternative dates of availability of all expert witnesses for the purpose of taking their deposition. Both parties shall cooperate in the scheduling of expert depositions.
- ii. The parties shall also provide answers to standard form expert interrogatories pursuant to Fla.R.Civ.P. 1.280(b)(5). All reports or other data compiled by each disclosed expert which is intended to be used by the expert and/or referred to during his/her deposition testimony shall be provided electronically to the opposing party at least 72 hours prior to the date of the scheduled deposition.

C. NO LATER THAN SIXTY (60) DAYS PRIOR TO CALENDAR CALL:

Rebuttal Witnesses: Parties must file and serve a list of names and addresses of any rebuttal witnesses within sixty (60) days.

V. DISCOVERY DEADLINES:

A. The depositions shall be scheduled as follows:

1. Plaintiff shall be set and completed within seventy-five (75) days of filing the answer.
2. The Field Adjuster shall be set and completed within ninety (90) days of filing the answer.
3. The Corporate Representative shall be set and completed within one hundred-twenty (120) days of filing the answer.

B. The depositions shall be taken in the order stated in section (A) above, unless the parties agree to a different scheduling order. However, the depositions shall be completed within the above deadlines.

C. Requests for Entry Upon Land shall be completed within Ninety (90) days of filing an answer.

D. NO LATER THAN SIXTY-FIVE (65) DAYS PRIOR TO CALENDAR CALL:

All final discovery must have been initiated at least sixty-five (65) days prior to Calendar Call.

E. NO LATER THAN THIRTY (30) DAYS PRIOR TO CALENDAR CALL:

Parties must complete all discovery, including expert discovery in accordance with Florida Rule of Civil Procedure 1.280(b)(5), at least thirty (30) days prior to Calendar Call.

Discovery conducted after this time period is strongly disfavored and will only be permitted by order of the Court under exceptional circumstances.

F. ELECTRONICALLY STORED INFORMATION (ESI) DISCOVERY: ESI discovery procedures are governed by Seventeenth Judicial Circuit Administrative Order 2021-20-Gen, a copy of which is available on the Circuit's webpage (www.17th.flcourts.org).

VI. MOTIONS:

A. NO LATER THAN SEVENTY-FIVE (75) DAYS PRIOR TO CALENDAR CALL:

1. Motions to add a party or parties or to amend pleadings shall be filed and set for hearing no later than seventy-five (75) days before Calendar Call absent good cause shown. The deadline shall not conflict with Florida Rule of Civil Procedure 1.190(e), and the motion may be denied if there has been undue delay, bad faith, prejudice to the opposing side, dilatory motive on the part of the moving party or when the amendment would be futile
2. Dispositive Motions, including Motions for Summary Judgment, must be filed and heard no later than seventy-five (75) days before Calendar Call.

B. NO LATER THAN FORTY-FIVE (45) DAYS PRIOR TO CALENDAR CALL:

1. Deposition Objections: objections raised in depositions expected to be introduced at trial must be filed and heard no later than forty-five (45) days before Calendar Call.
2. Expert Challenges: motions challenging an expert witness ("Expert Challenges"), must be filed and heard no later than forty-five (45) days before Calendar Call.

C. NO LATER THAN THIRTY (30) DAYS PRIOR TO CALENDAR CALL:

1. Motions in Limine: must be filed no later than thirty (30) days prior to Calendar Call.
2. All motions, other than motions in limine, not heard before Calendar Call will be deemed abandoned.

VII. JOINT PRETRIAL STIPULATION:

A. NO LATER THAN TEN (10) DAYS PRIOR TO CALENDAR CALL:

1. The Joint Pretrial Stipulation contemplates a single document that must be filed and served, **with a courtesy copy served on the undersigned judge**, no later than ten (10) days prior to Calendar Call.
2. The Joint Pretrial Stipulation requires that all agreed matters be fully identified and any disputed matters be specifically delineated with respect to each party.
3. At the time of the above noticed Calendar Call, all parties must be prepared to discuss all items set forth in Florida Rule of Civil Procedure 1.200(b).

B. The Joint Pretrial Stipulation must contain the following in separately numbered paragraphs:

1. Statement of the Facts: A concise, impartial statement of the facts of the case.
2. Stipulated Facts: A list of those facts that can be stipulated and require no proof at trial.
3. Statement of Disputed Law & Fact: A concise, impartial statement of those issues of law and fact that are to be tried.
4. Exhibit Lists: Each party must separately list all exhibits they intend to introduce into evidence. Each item must be listed by number and description on a separate schedule attached to the Joint Pretrial Stipulation. Each exhibit must be specifically described. **Generic descriptions of exhibits are subject to being stricken.** If any party objects to the introduction of any such exhibit, such objection **must be stated in the Joint Pretrial Stipulation**, setting forth the grounds with specificity. All exhibits must have been made available to all parties for examination. Parties must initial each other's exhibit lists and exhibits. **At trial, only those exhibits properly listed and initialed may be offered into evidence.**
5. Demonstrative Exhibits: all demonstrative exhibits (e.g., charts, graphs, enlargements of exhibits, etc.) intended to be used at a jury trial must be displayed to all parties at least ten (10) days before trial.
6. Witness Lists: Parties must furnish a written list containing the names and addresses of all witnesses intended to be called at trial in alphabetical order. Such list must designate the type of witness ("expert," "rebuttal," "impeachment," or otherwise) and must be attached to the Joint Pretrial Stipulation. All fact witness lists must include a brief description of **the substance and scope of the testimony** to be elicited from such witness. All expert witness lists must **designate the expert's specialties**. If any party objects to any witness, such objection must be stated in the Joint Pretrial Stipulation, setting forth the grounds with specificity. **At trial, only those witnesses properly and timely disclosed will be permitted to testify.**
7. Jury Instructions: If the trial is a jury trial, the parties must identify all agreed upon standard instructions and all special instructions. Copies of all agreed upon jury instructions and disputed jury instructions must be attached to the Joint Pretrial Stipulation identifying the party that proposed the instruction, along with copies of supporting statutory citations and/or case law.
8. Verdict Forms: If the trial is a jury trial, the jury verdict form must be designated as "agreed to" or "disputed" and must be attached to the Joint Pretrial Stipulation.

9. Peremptory Challenges: If the trial is a jury trial, the number of peremptory challenges for each party must be stated and attached to the Joint Pretrial Stipulation.
10. Pending Motions: Parties must set forth a list of all pending motions with copies attached to the Joint Pretrial Stipulation.
11. Trial Estimate: Each party must provide an estimate of the number of trial days required for presenting its side of the case.
12. Expert Challenges: All expert related issues involving any requests for hearings on related evidence must be noticed and heard—or agreed to by the parties—no later than forty-five (45) days prior to Calendar Call. **FAILURE TO DO SO MAY CONSTITUTE A WAIVER OF ANY EXPERT RELATED EVIDENCE ISSUE(S).** It is within the discretion of the Court to remove any case with pending expert issues.

VIII. COURT POLICIES:

- A. Parties must do all things reasonable and necessary to assure the availability of witnesses for the entire Trial Period or to otherwise preserve witness testimony for trial as provided by the Florida Rules of Civil Procedure. *See* Fla. R. Civ. P. 1.300 & 1.460; *see also* Fla. R. Gen. Prac. & Jud. Admin. 2.545.
- B. The requirements of this Uniform Trial Order cannot be waived by stipulation **absent prior approval from the Court** pursuant to written agreement between the parties.
- C. This Uniform Trial Order may be tailored by the assigned Division Judge to conform to the particular requirements of the residential foreclosure and complex litigation divisions.
- D. At trial, there will only be one (1) official record transcribed by one (1) court reporter. Plaintiff is responsible for arranging for a court reporter unless otherwise agreed. If a conflict exists, the parties must resolve it among themselves prior to Calendar Call.

IX. CONTINUANCES:

No continuances will be granted without Court Order upon written motion setting forth good cause pursuant to AOSC20-23, Amendment 13 (May 6, 2021), and Fla. R. Gen. Prac. & Jud. Admin. 2.545(e). All motions seeking a continuance must comply with Fla. R. Civ. P. 1.460 and Fla. R. Gen. Prac. & Jud. Adm. 2.545. Continuances requested for reasons relating to failure to follow this Order will not be granted.

- A. CONTINUANCES will only be considered upon written motion filed with the Clerk of Court and served on the undersigned judge prior to the above noticed Calendar Call.
- B. NO CONTINUANCES will be granted for reasons that should have been readily apparent to the parties when this Uniform Trial Order was issued.
- C. NO CONTINUANCES will be granted if expert witnesses are unavailable because testimony may be preserved by deposition.
- D. NO CONTINUANCES will be granted for reasons relating to the failure to follow this Uniform Trial Order.

X. MANDATORY MEDIATION & NON-BINDING ARBITRATION:

Mediation must commence no later than sixty (60) days of issuance of this Uniform Trial Order. The parties must comply with Florida Rules of Civil Procedure 1.700, 1.710, 1.720, and 1.730 as to the conduct of mediation. Mediation may be conducted through the use of communication technology. Plaintiff's counsel is appointed lead counsel to facilitate and schedule the settlement conference with the mediator and all parties. The Court appoints:

as Mediator, unless, within twenty (20) days of this Uniform Trial Order, the parties choose a different Mediator, and file notice of that choice and the name of the substitute mediator with the Clerk of Court. Failure to attend mediation may result in sanctions. **If the case does not resolve at Mediation, Non-Binding Arbitration is to be completed forty-five (45) days prior to Calendar Call.**

XI. SANCTIONS:

- A. All parties should be familiar with Florida Rule of Civil Procedure 1.380 entitled “Failure to Make Discovery; Sanctions” and section 57.105, Florida Statutes, entitled “Attorney’s fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation.”
- B. FAILURE TO APPEAR, FAILURE TO FOLLOW TIME REQUIREMENTS, OR FAILURE TO FILE DOCUMENTS REQUIRED BY THIS COURT MAY RESULT IN THE DISMISSAL OF THE ACTION OR THE IMPOSITION OF SANCTIONS INCLUDING THE STRIKING OF PLEADINGS.

XII. SETTLEMENT NOTIFICATION:

Parties must immediately notify the Court in the event of settlement and submit a stipulation for an Order of Dismissal. Parties shall also cancel any and all pending hearings as a result of the settlement.

Pursuant to Florida Rule of General Practice and Judicial Administration 2.516(h)(1), counsel must file this Uniform Trial Order with the Clerk of Court, serve any self-represented parties with this Uniform Trial Order, and file a “Certificate of Service” with the Clerk of Court, in compliance with Florida Rule of General Practice and Judicial Administration 2.516(f), certifying the self-represented party was served with this Uniform Trial Order.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on _____.

Circuit Court Judge

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Room 20140, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you have a hearing or voice disability you can contact the court through the Florida Relay Service by calling 711.