

2025 AMENDMENTS TO THE RULES OF CIVIL PROCEDURE



EXEMPTIONS

- CHAPTER 51.011 PROCEEDINGS (SUMMARY PROCEDURES)
- CHAPTER 45.075 PROCEEDINGS (EXPEDITED TRIALS)
- SMALL CLAIMS CASES
- CHAPTER 731 ACTIONS (PROBATE CASES)
- CHAPTER 415 CASES (ADULT PROTECTIVE CASES)
- ADMINISTRATIVE PROCEEDINGS
- EMINENT DOMAIN ACTIONS

- IN REM FORFEITURES
- HABEAS CORPUS PETITIONS
- PRO SE PERSONS IN CUSTODY
- ARBITRATION ENFORCEMENT
- EXTRAORDINARY WRITS
- ENFORCEMENT OF FOREIGN JUDGMENTS
- ADMINISTRATIVE SUMMONS OR SUBPOENAS

- ACTIONS CONFIRMING FOREIGN JUDGMENTS
- CHAPTER 56 (EXECUTIONS ON JUDGMENTS)
- CASES IN A SPECIAL DIVISION BY AO (COMPLEX BUSINESS AND TORT)
- CHAPTER 415 (ADULT PROTECTIVE SERVICES)
- EXPEDITED PROCEEDINGS

(1) “*Complex*” cases are actions designated by court order as complex under rule 1.201(a). Complex cases must proceed as provided in rule 1.201.

Case Management Orders

- (1) Complex Cases. As provided in rule 1.201.
- (2) 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 administrative orders entered by the chief judge of the circuit. The order must also 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:**

CMO Deadlines Strictly Enforced

(3) The case management order must indicate that the deadlines established in the order will be strictly enforced by the court.

EXTENSIONS OF DEADLINES

- **Deadlines are Strictly Enforced.** Deadlines in a CMO must be strictly enforced unless changed by court order. 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 the CMO. If extending an individual case management deadline may affect a subsequent deadline in the CMO, parties **must** seek an amendment of the case management order, rather than submitting a motion for extension of an individual deadline.

PREPARATION REQUIRED

- Attorneys and self-represented litigants who appear at a CM conference must be prepared on the pending matters in the case, be prepared to make decisions about future progress and conduct of the case, and have authority to make representations to the court and enter into binding agreements concerning motions, issues, and scheduling. If a party is represented by more than 1 attorney, the attorney(s) present at a case management conference must be prepared with all attorneys' availability for future events.

FAILURE TO APPEAR

- On failure of a party to attend a CM conference, the court may dismiss the action, strike the pleadings, limit proof or witnesses, or take any other appropriate action against a party failing to attend.

INITIAL DISCOVERY DISCLOSURES

- (1) In General... a party must, without awaiting a discovery request, provide to the other parties the following initial discovery disclosures unless privileged or protected from disclosure:
- the name and, if known, the address, telephone number, and e-mail address of each individual likely to have discoverable information along with the subjects of that information that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

- (B) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control (or, if not in the disclosing party's possession, custody, or control, a description by category **and location of such information**) and may use to **support its claims or defenses**, unless the use would be solely for impeachment;

PRODUCE INSURANCE POLICIES

- Produce a copy of any insurance policy or agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

MONEY DAMAGES CASES

- (c) **a computation** for each category of damages claimed by the disclosing party and a copy of the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; **provided that a party is not required to provide computations as to noneconomic damages**, but the party must identify categories of damages claimed and provide supporting documents ...

TRIALS NOT REACHED DURING TRIAL PERIOD

- If a trial is not reached during the trial period set by court order, the court must enter an order setting a new trial period that is as soon as practicable, given the needs of the case and resources of the court. The order resetting the trial period must reflect what further activity will or will not be permitted.

TIME FOR DISCLOSURE

- (3) Time for Initial Discovery Disclosures. A party must make the initial discovery disclosures required by this rule within **60 days after the service of the complaint or joinder**, unless a different time is set by court order.

WHINING NOT AN EXCUSE

- Basis for Initial Discovery Disclosure; Unacceptable Excuses; Objections.
- A party must make its initial discovery disclosures based on the information **then reasonably available to it**. A party is not excused from making its initial discovery disclosures because it has **not fully investigated the case** or because it **challenges the sufficiency of another party's initial discovery disclosures** or because **another party has not made its initial discovery disclosures**. A party who formally objects to providing certain information is not excused from making all other initial discovery disclosures required by this rule in a timely manner.

SUPPLEMENTING DISCOVERY

- **OLD RULE:** Supplementing of Responses. A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement the response to include information thereafter acquired.
- **NEW RULE:** A party who has made a disclosure under this rule or who has responded to an interrogatory, a request for production, or a request for admission must supplement or correct its disclosure or response:

- (1) in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing; or
- (2) as ordered by the court.

SETTING CASES FOR TRIAL

- **OLD RULE:** When at Issue Setting Trial. An action is at issue after any motions directed to the last pleading served have been disposed of or, if no such motions are served, 20 days after service of the last pleading.....

- **NEW RULE:** The failure of the pleadings to be closed will **not** preclude the court from setting a case for trial.

MOTIONS TO CONTINUE TRIALS

- Motions to continue trials are disfavored and should rarely be granted and then only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence in preparing for trial is not grounds to continue the case.

- (b) Motion; Requirements. A motion to continue trial must be in writing unless made at a trial and, except for good cause shown, must be signed by the **named party requesting the continuance**.
- (c) Motion; Timing of Filing. A motion to continue trial must be filed promptly after the appearance of good cause to support such motion. Failure to promptly request a continuance may be a basis for denying the motion to continue.

All motions for continuance, even if agreed, must state with specificity:

- (1) the basis of the need for the continuance, including when the basis became known to the movant; (2) whether the motion is opposed; (3) the proposed date by which the case will be ready for trial and whether that date is agreed by all parties.

- Order on Motion for Continuance. When ruling on a motion to continue, the **court must state, either on the record or in a written order, the factual basis for the ruling.** An order granting a motion to continue must either set a new trial period or set a case management conference. If the trial is continued, the new trial must be set for the earliest date practicable, given the needs of the case and resources of the court. **The order must reflect what further activity will or will not be permitted.**

**THESE ARE ONLY HIGHLIGHTS OF
SOME OF THE PROPOSED CHANGES**

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

Administrative Order 2023-8-Civ 1

**ESTABLISHMENT & IMPLEMENTATION OF CIVIL CASE
MANAGEMENT PLAN**

Circuit Civil Pending

•2019	=	32,776
•2020	=	32,464
•2021	=	28,457
•2022	=	22,837
•2023	=	22,993
•2024 Current	=	18,904