

**IN THE SECOND JUDICIAL CIRCUIT OF
FLORIDA**

OFFICE OF THE CHIEF JUDGE

**ADMINISTRATIVE ORDER 2013 – 03
FIRST AMENDMENT**

IN RE: FORECLOSURE CASE PROCEDURES

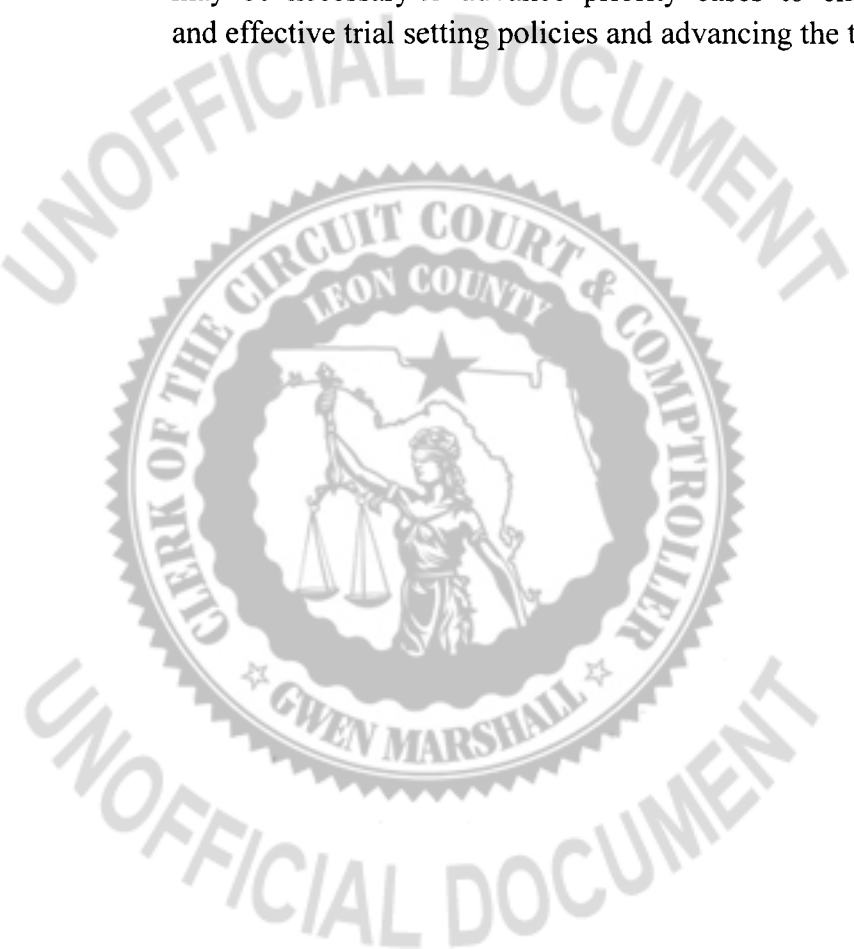
WHEREAS, the Supreme Court of Florida, on June 21, 2013, issued Administrative Order In Re: Final Report and Recommendations of the Foreclosure Initiative Workgroup (AOSC 13-28) in which "each chief judge is hereby directed to establish a case management plan that is consistent with rules 2.215 and 2.545, Florida Rules of Judicial Administration, and that optimizes the respective circuit's utilization of existing and additional resources in the resolution of foreclosure cases"; and

WHEREAS, pursuant to said directive, Administrative Order 2013-03 was issued to establish certain Foreclosure Case Procedures; and

WHEREAS, it is necessary to amend said order in part to address and clarify certain issues; and

WHEREAS, 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 power to do everything necessary to promote the prompt and efficient administration of justice, and rule 2.215(b)(3), Florida Rules of Judicial Administration, mandates the chief judge to "develop an administrative plan for the efficient and proper administration of all courts within the circuit;" and

WHEREAS, rule 2.545, Florida Rules of Judicial Administration, requires that the trial courts ". . . take charge of all cases at an early stage in the litigation and . . . control the progress of the case thereafter until the case is determined . . .", which includes ". . . assuming early and continuous control of the court calendar; . . . identifying priority cases;" ". . . implement such docket control policies as may be necessary to advance priority cases to ensure prompt resolution;" ". . . develop rational and effective trial setting policies and advancing the trial setting of priority cases, older cases . . .";



THEREFORE, pursuant to the directive of the Supreme Court of Florida and the authority vested in me as Chief Judge, it is

ORDERED:

A. Paragraph 9 is amended in its entirety to read as follows:

9. All pleadings in real property foreclosure actions are required to be electronically filed in accordance with and except as otherwise provided by Rule 2.525, Florida Rules of Judicial Administration or administrative orders of the Supreme Court of Florida. Motions and proposed orders shall not be sent to the court without first confirming that pleadings have been successfully e-filed. Failure to comply with the e-filing requirements may result in the return of the pleadings. Original documents, such as notes and mortgages shall be delivered to the clerk of court, accompanied by a Notice of Filing. Copies of original documents shall be included in the e-filing submission. In the event that there is a lost note, a bond in the face amount of the requested final judgment amount conditioned upon indemnification of the maker(s) of the note for any costs, expenses or damages incurred as the result of the enforcement of the note by any party, and issued by a Florida licensed surety, shall be delivered to the clerk within such time and accompanied by a Notice of Filing. In the case of motions for summary judgment, the originals must be filed before a hearing may be scheduled. In the case of a final evidentiary hearing/non-jury trial, the originals shall be filed at least ten (10) days prior to the scheduled hearing/trial date.

B. Paragraph 12 is amended in its entirety to read as follows:

12. Hearings scheduled by order for the backlog foreclosure case dockets may be cancelled or continued only upon the filing of a motion showing good cause, such as actual settlement or resolution of the case, and order of the court. All such motions shall be filed not less than seven (7) days prior to the hearing, except in the event of a bona fide emergency as the same is defined by case law. Any such motions shall be directed to Senior Judge William L. Gary in the Backlog Foreclosure Case Department, and filed with the clerk of the circuit court. A courtesy copy of all motions to cancel or continue shall be submitted to Selena Lane at LaneS@leoncountyfl.gov. No notice of hearing shall be filed or served by any party as to a hearing scheduled by court order.



- C. Except as expressly modified herein, all remaining provisions of Administrative Order 2013-03 shall remain in full force and effect.
- D. This order shall be effective immediately.

DONE and ORDERED in Tallahassee, Leon County, Florida, October 22, 2013.



CHARLES A. FRANCIS
Chief Judge

Copies furnished to:

All Circuit and County Judges, Second Judicial Circuit
All Clerks of the Circuit Court, Second Judicial Circuit
All Members, Council of Bar Presidents
Second Judicial Circuit of Florida Website

