

**IN THE SECOND JUDICIAL CIRCUIT OF
FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2013 – 03

SECOND 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 ... ".



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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 1 is amended in its entirety to read as follows:

1. The dispositions of foreclosure cases filed or re-opened before January 1, 2014, are hereby declared a priority of the 2nd Judicial Circuit and shall be handled by the Backlogged Foreclosure Case Department. Cases filed or re-opened before January 1, 2014, currently set on the assigned judges hearing calendar shall remain set with the assigned judge.

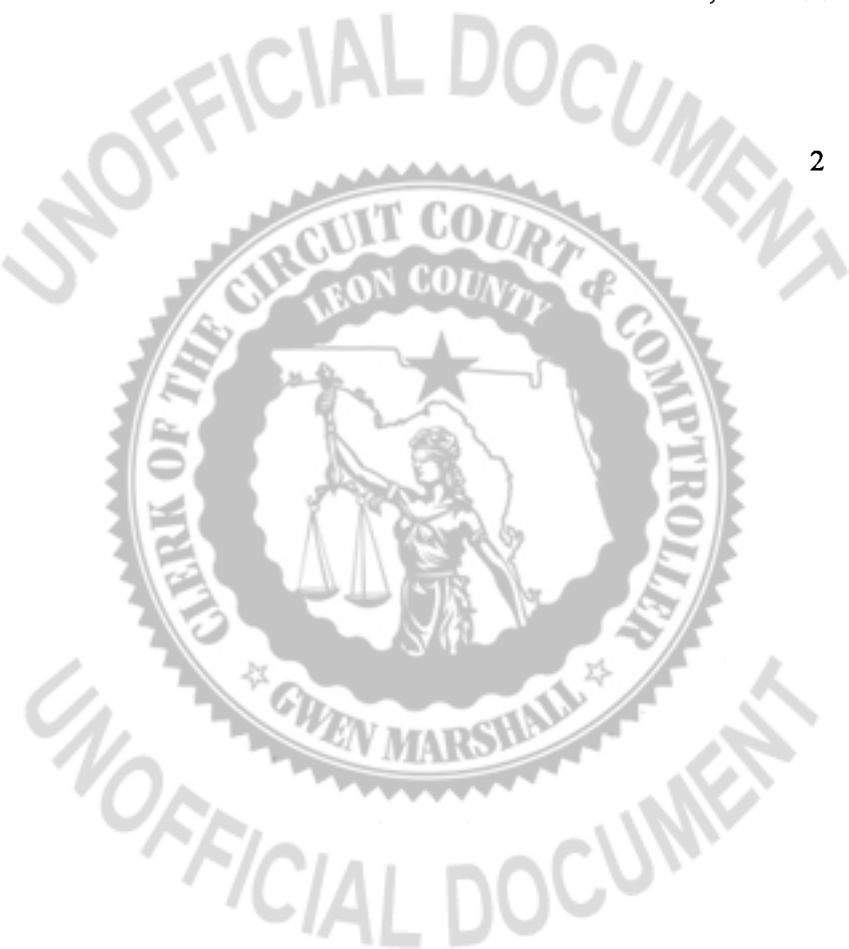
B. Paragraph 8 is amended in its entirety to read as follows:

8. The scheduling of all foreclosure hearings by parties, as opposed to those scheduled by court order, in all of the counties of the circuit shall be done directly with the judicial assistants of the assigned circuit judges.

C. Paragraph 10 is amended in its entirety to read as follows:

10. No hearing may be scheduled or time reserved for summary judgment, until such time as the motion for summary judgment or motion for final judgment, and all supporting evidence, including, but not limited to the original note, mortgage, and assignment of mortgage where applicable, and all supporting affidavits are properly filed and docketed. A summary judgment or final hearing package shall be transmitted to the judicial assistant of the assigned judge of the case except in the case of those cases scheduled on Judge William L. Gary's backlogged foreclosure case dockets, not less than ten (10) days prior to the hearing. In the case of backlogged foreclosure case dockets, the package should be sent to:

Backlogged Foreclosure Case Department
Attention: Selena Lane
Leon County Courthouse
301 South Monroe Street, Room 301H
Tallahassee, FL 32301



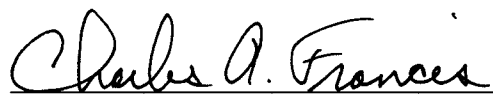
A summary judgment or final judgment packages shall include, but not be limited to:

- I. A copy of the filed motion.
- II. A copy of the filed Notice of Hearing or order scheduling hearing.
- III. A copy of the filed original note, mortgage, assignment(s) of mortgage.
- IV. A copy of the filed Affidavit in Support of Summary Judgment or Affidavit of Indebtedness.
- V. A copy of the filed Affidavit(s) in Support of Attorney's Fees.
- VI. A copy of the Affidavit(s) of Costs.
- VII. A proposed Final Judgment or Final Summary Judgment in the form prescribed by Form 1.996(a), Fla. R. Civ. P. No additional language shall be added to the form judgment.
- VIII. If applicable, a copy of an Affidavit of Diligent Search and Inquiry in the form prescribed by Form 1.924, Fla. R. Civ. P.
- IX. An original Notice of Sale.
- X. An original Final Disposition Form.
- XI. Sufficient copies and envelopes with sufficient postage attached and addressed to all necessary individuals to be served copies of original orders and notices when entered or issued.
- XII. Copies of any other timely filed evidence necessary to support the motion.

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

E. This order shall be effective immediately.

DONE and ORDERED in Tallahassee, Leon County, Florida, September 3, 2014.



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

