

ADMINISTRATIVE ORDER
NO. 2018-08

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

ADMINISTRATIVE ORDER REGARDING BUSINESS COURT

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 the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, the Ninth Judicial Circuit started the first business court in the State of Florida in 2003; and

WHEREAS, the volume of complex business litigation cases filed in the Circuit Civil Division of this Court warranted the creation of a second subdivision designed to handle complex business litigation cases in 2005; and

WHEREAS, the Thirteenth Judicial Circuit, the Eleventh Judicial Circuit and the Seventeenth Judicial Circuit, following the lead of the Ninth Judicial Circuit, established trial divisions that handled complex commercial litigation emulating the model created by the Ninth Judicial Circuit; and

WHEREAS, complex commercial litigation trial divisions, often referred to as Business Courts, have grown in popularity throughout the United States including the

creation of the American College of Business Court judges as well as a proposal to create constitutional business courts in Georgia; and

WHEREAS, this specialty subdivision handles a reduced caseload due to the complexity of the cases and the specialized knowledge and training required to preside over such a subdivision; and

WHEREAS, the Ninth Judicial Circuit has the longest continuous operating business court subdivision in the State of Florida; and

WHEREAS, the Ninth Judicial Circuit Court has objectively qualified for an expansion of its judicial resources whether in circuit or county court for the past twelve years under the Florida Supreme Court's judicial certification opinion which is based upon a complex calculation of caseloads; and

WHEREAS, in the 2016-2017 certification opinion from the Florida Supreme Court to the Florida Legislature, the Ninth Judicial Circuit qualified for three of four needed additional circuit court positions but received no new positions; and

WHEREAS, in the 2017-2018 certification opinion from the Florida Supreme Court to the Florida Legislature, the Ninth Judicial Circuit qualified for two new circuit court positions, the only circuit in the State of Florida to qualify for circuit court expansion but received no new judges; and

WHEREAS, the workload for family court, probate court and circuit civil judges has grown in number and in complexity, as a result, important pretrial issues and trials of these matters are delayed for weeks or months beyond a reasonable time for resolution. Often children, families, the elderly and the injured must wait extended periods of time to resolve their cases; and

WHEREAS, an urgent need exists to allocate scarce judicial resources to best address the needs of all court participants; and

WHEREAS, no additional judges have been added to the state court's judicial workforce since 2006; and

WHEREAS, the Court has to allocate its limited resources to best meet the needs of all citizens; and

WHEREAS, the operation of a specialty subdivision with a reduced caseload is difficult to maintain when caseload demands increase but no additional judicial resources are provided despite the Court qualifying for those resources;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. Subdivision 43-2 (Business Court) shall be **de-activated effective July 2, 2018**.
2. Notwithstanding the designation on the civil cover sheet that a case qualifies for assignment to the Business Court, on the effective the date of this Order the Clerk of Court shall discontinue assigning cases to subdivision 43-2 and shall instead randomly assign the case to the following six general civil subdivisions: 33-2, 34-2, 35-2, 37-2, 39-2, and 40-2.
3. On July 2, 2018, the existing Subdivision 43-2 caseload shall be equally and randomly transferred to the following six general civil subdivisions: 33-2, 34-2, 35-2, 37-2, 39-2, and 40-2.

4. Current trial and pretrial dates scheduled after July 2, 2018 are cancelled. New trial and pretrial dates will be set by the subdivision judge to which the case is assigned. All discovery and disclosure deadlines in existing business court case management orders will remain as set.

5. If the case has not already been designated as complex litigation pursuant to Florida Rule of Civil Procedure 1.201, and the case qualifies, a party may move to designate the case as complex litigation pursuant to the rule.

6. Once all cases assigned to Subdivision 43-2 (Business Court) are reassigned to a general circuit civil subdivision, Administrative Order Nos. 2005-13 and 2003-17-07 are vacated and set aside except to the extent that each has been incorporated and/or amended herein. Administrative Order 2004-03-03 shall remain in effect for those cases ordered by the assigned judge to abide by said procedure. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 1st day of May, 2018.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
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