ADMINISTRATIVE ORDER
NO. 2013-28

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

ORDER GOVERNING CASE REPORTING REQUIREMENTS FOR REAL PROPERTY MORTGAGE FORECLOSURE CASES

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, pursuant to the Supreme Court of Florida Administrative Order No. AOSC13-51, entered October 16, 2013, each chief judge of every circuit court is required to issue an administrative order establishing a mechanism that enables judges and magistrates to provide explicit direction to each clerk of court's office with regard to designating a change in the status of a mortgage foreclosure case; and

WHEREAS, the purpose of this Order is to implement an effective communications mechanism by which the courts and clerks are notified of case status changes in a timely manner; and

WHEREAS, this mechanism will facilitate the communication of cases known to the circuit to change status from ACTIVE to INACTIVE or INACTIVE to ACTIVE to the clerk of courts who can report that status to the Office of State Courts Administrator as indicated in this Order and to the circuit judges who can act on this information; and

WHEREAS, in many instances, the events initiating a change in the status of a case may become known to either the judge and magistrate or the clerk's office, but not always both; and

WHEREAS, it is necessary for the clerk of court's office to notify the judge or magistrate when events occur that change the status of a foreclosure case; and

WHEREAS, status change reason codes are an integral part of case age reporting as envisioned by Florida Rule of Judicial Administration 2.225(a)(2); and

WHEREAS, the timely and accurate submission of meaningful case status data is considered an essential component of the Foreclosure Initiative;

NOW, THEREFORE, I, Belvin Perry, Jr., 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, do hereby order as follows, **effective immediately**, and to continue until further order:

I. DEFINITIONS

Filing event: A filing event occurs when an action is brought before the court as the result of a petition, pleading, complaint or any other recordable action (those happenings relating to court activity that would appear on a court docket or otherwise require the making of an historical record by the clerk of courts in their official capacity) sufficient to begin a case. This definition includes the filing of any document or action recorded with the court authorized to initiate a case. The initiation of a case by whatever means is referred to as a filing event.

Open case: A case that has one or more issues outstanding that require active resolution by the court.

Disposition event: A disposition event has occurred when a case is closed for court activity as a result of judicial decision, order or other recordable action that provides resolution, by the court, on the issues raised by and subsequent to the filing event.

Closed case: A case that has had all issues raised by and subsequent to the filing event resolved and no further action of the court is required. This definition of closure does not indicate that the clerk of courts or other agencies have completed all of their required activity with regards to the case, only that the court has rendered judgment on the matters of the case and will take no further action (excluding planned review or scheduled future action).

Reopen event: A reopen event occurs when a motion, pleading or other recordable action occurs on a case that requires additional court activity after a disposition event has closed the

case for court activity. Note that a reopen event involves at least one action and that additional post-judgment actions may occur before the case is reclosed.

Reclosure event: A reclosure event occurs when the last (or only) post-judgment action has been resolved by judicial decision, order or other recordable action, thereby completing court proceedings on the issues raised by and since the reopen event occurred.

II. SIX STATUSES IN WHICH A CASE CAN BE PLACED AS THE CASE MOVES FROM INITIATION TO RESOLUTION

Active - A case is considered in an active status when the court is engaged in activity directly related to the resolution of the specific matters and issues associated with the case.

Inactive - A case is considered in an inactive status when court activity on that case is suspended pending resolution of an issue external to the court or that does not directly involve the court in resolving that issue; for example, awaiting the results of an appeal or the disposition of a related case. A case placed in an inactive status is not closed and does not need to be reopened when the case returns to active status, regardless of the length of time involved.

Closed - A case is considered to be closed, or disposed, (that is, in a closed status) for court activity on the date of the judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court as a consequence of the filing event that initiated the case. The court, then, has no further action to take on the case.

Reopened Active - A case will be considered to be in a reopened status (either active or inactive), from the date that the first post-judgment motion/pleading is filed or other action occurs that reopens a case for court activity (i.e. the reopen event) until the date of the last judicial decision/order resolving all overlapping court proceedings (i.e. the reopen closure event). Each period in which a case is reported as in a reopened status may involve one or more overlapping post-judgment actions. A case is considered to be in a reopened active status when one or more post-judgment actions are pending and the court is actively engaged in their resolution.

Reopened Inactive - A case is considered to be in a reopened inactive status if the activity on all outstanding post-judgment actions is held in abeyance pending resolution of some issue external to the court or that does not directly involve the court in resolving that issue. In this circumstance, the court is not actively working to resolve the matter(s).

Reclosed - A case that has had one or more post-judgment actions will be considered closed, or disposed, (that is, in a reclosed status) for court activity on the date of the judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court since the reopen event occurred. The court, then, has no further action to take on the case.

III. PROCEDURE

1. A case transitions from INACTIVE to ACTIVE when any event occurs which enables

the court to take further action on the case. The filing of a motion or the scheduling of a hearing or case conference requesting the court to take further action would be examples of events that move a case from INACTIVE to ACTIVE status, regardless of the existence of the six (6) recognized reasons[1] which may move a case from ACTIVE to INACTIVE status, or conversely from INACTIVE to ACTIVE, *unless* that requested action must also be on hold until the reason for inactivity is resolved.

2. A status change will occur as of the document stamp date of the document directing the status change.

3. It is incumbent on each clerk of court to enter the status change of any case so that judges, magistrates, case managers, and judicial assistants are apprised of the proper status of each case within their purview.

4. For case age reporting purposes, a case on INACTIVE status should not be considered pending until it becomes ACTIVE by order of the presiding judge.

5. Both parties must notify the clerk of courts as soon as an event occurs that would change the status of a case, such as when a bankruptcy is filed or an agreement is reached.

6. The uniform form orders attached hereto shall be the only orders utilized to move a case from ACTIVE to INACTIVE status, or conversely from INACTIVE to ACTIVE status.

DONE AND ORDERED at Orlando, Florida, this 21st day of November, 2013.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

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[1] The six recognized reasons as of the effective date of this Order are: (1) A stay of bankruptcy; (2) Resolution of foreclosure case requires a resolution of a related case; (3) On-going settlement negotiations or agreement by both parties; (4) Foreclosure case is on hold pending appeal; (5) A hold is placed on case due to Department of Justice or Attorney General Review; (6) When directed by the presiding judge consistent with the definitions of an inactive case as defined herein.

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
http://www.ninthcircuit.org

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

_____

Plaintiff

CIRCUIT CIVIL DIVISION: _____

vs.

_____

Defendant

CASE NO.: _____

ORDER PLACING CASE ON INACTIVE STATUS DUE TO:

This case came before the Court, and the Court directs the Clerk to place the case on **INACTIVE** status due to:

☐ Bankruptcy stay, Case No._____ [**BKST**]

☐ Case pending resolution of another case, Case No._____[**CPRC**]

☐ Written agreement of the parties [**BWAP**]

☐ Appeal pending [**AP**]

☐ Motion to stay or abate due to Department of Justice/Attorney General settlement [**DOJ/AG**]

☐ Other (a reason must be provided in writing by the presiding judge or designee) **[OTH]**

_____

The Clerk of Court is therefore directed to remove this case from the **ACTIVE** status, and designate it as an **INACTIVE** case category based on the reason checked above. The parties must return the case to active status by motion, with notice to all parties, within 30 days of the termination of grounds for inactive status, and seeking an order of court returning it to active status.

      DONE and **ORDERED** in _____ County, Florida, this ___ day of _____20___.

_____

Presiding Judge

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing was furnished by U.S. mail this ___ day

of _____, _____, to the below parties.

_____
Judicial Assistant

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

_____

Plaintiff   **CIRCUIT CIVIL DIVISION:** _____

vs.

_____

Defendant   **CASE NO.:** _____

ORDER PLACING CASE ON ACTIVE STATUS DUE TO:

This case came before the Court, and the Court has been advised that the Plaintiff/Defendant have/has moved to place the case on **ACTIVE** status due to:

☐ Plaintiff/defendant stipulates that the bankruptcy stay has been lifted,
Case No._____ [**BKST LFT**]

☐ Plaintiff/defendant stipulates that related case has been disposed,
Case No._____[**CPRC DISP**]

☐   Written agreement of the parties [**BWAP**]

☐ Plaintiff/defendant stipulates that pending appeal has been disposed [**AP DISP**]

☐ Plaintiff/defendant stipulates that Department of Justice/Attorney General review is complete [**DOJ/AG DISP**]

☐   Other (a reason must be provided in writing by the presiding judge or designee)
[OTH DISP]
_____

The Clerk of Court is therefore directed to remove this case from the **INACTIVE** status, and designate it as an **ACTIVE** case category based on the reason checked above.

      DONE and **ORDERED** in _____ County, Florida, this ___day of _____20___.

_____
Presiding Judge

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing was furnished by U.S. mail this ___ day

of _____, _____, to the below parties.

_____
Judicial Assistant