

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 11-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 11-06**

**IN RE: ESTABLISHMENT OF
MOTION CALENDAR AND
REFERRAL TO THE GENERAL
MAGISTRATE FOR SECTION 50**

WHEREAS, in an effort to effectively manage the volume of foreclosure litigation pending in the Eleventh Judicial Circuit, it is necessary to implement a motion calendar in Section 50, the aged foreclosure case section of the Circuit Civil Division; and

WHEREAS, to ensure that judicial resources are efficiently allocated, the Eleventh Judicial Circuit will be referring all five (5) minute, short motions to the General Magistrate for the Foreclosure and Economic Recovery Program ("Foreclosure Magistrate"); and

WHEREAS, such motions shall be set on the open calendar pursuant to the procedures set forth on the Court's website accessible at: www.jud11.flcourts.org;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215 of the Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. All five (5) minute, short motions, **excluding summary judgments**, shall be set for hearing before the Foreclosure Magistrate on the motion calendar. This Administrative Order shall operate as a referral order on short motions in all cases pending in Section 50, pursuant to Rule 1.490(a) of the Florida Rules of Civil Procedure and current administrative orders of the Court. Matters which are not five minute motion calendar matters may be special set for hearing before the Foreclosure Magistrate upon agreement of the parties.
2. The movant shall set the motion on the calendar pursuant to open calendar procedures set forth on the website listed above. Notice shall be given to each of the parties by the setting party. A motion for continuance of a hearing which is set before the Foreclosure Magistrate pursuant to this order shall be heard by the Foreclosure Magistrate.
3. Referral to the Foreclosure Magistrate requires the consent of all parties. However, parties are entitled to have this matter heard by a Judge. If a party does not want to have its motion heard by the Foreclosure Magistrate, the party must file a written objection to the referral within ten (10) days of notice. If the

time set for the hearing is less than ten (10) days from notice, the objection must be made at the hearing. Failure to object within the applicable time period is deemed to constitute consent to the referral.

If either party timely objects, this matter shall be immediately taken to an available Circuit Court Judge. Therefore, the parties are advised that the matter will be heard on the date set.

4. At the time of the hearing, the attorneys shall prepare a proposed order, to be attached to the Foreclosure Magistrate's report.
5. Review of the Report and Recommendations made by the Foreclosure Magistrate shall be by exceptions as provided in Rule 1.490(h), Florida Rules of Civil Procedure. Exceptions must specify: (1) error of law, (2) due process, or (3) error of fact. If a party seeks review of the Report and Recommendation made by the Foreclosure Magistrate, said party will be required to provide the Court with a record. Failure to provide a record which includes a written transcript of the hearing proceedings will result in the denial of exceptions. The party seeking review must have the transcript prepared for the Court's review. Said party must provide and pay for a court reporter as no court reporter is provided by the court. A copy of exceptions filed shall be submitted to the Foreclosure Magistrate at: Room 1017, Miami Dade County Courthouse, 73 West Flagler Street, Miami, Fla. 33130. Exceptions will be heard at case management conferences set by Section 50.

If no exceptions are filed, the report will be reviewed by the presiding judge and appropriate orders issued.

6. As to discovery matters, the parties are encouraged to use Ex-Parte Motions to Compel if there has been no response. This procedure is authorized by Administrative Order 06-09 and eliminates the need for a hearing. This Administrative Order may be found on the Court's website listed above.

This Administrative Order shall take on March 14, 2011, nunc pro tunc, and shall remain in full force and effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 31st day of March, 2011.

JOEL H. BROWN, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA