

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

**CASE NO. 25-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 25-01
(Rescinding AO No. 17-11, and as
amended)**

**IN RE: REESTABLISHMENT OF THE
PROCEDURES FOR COMPLEX
BUSINESS LITIGATION IN THE
CIRCUIT CIVIL DIVISION OF THE
ELEVENTH JUDICIAL CIRCUIT OF
FLORIDA**

WHEREAS, Sections 43 and 44 were created and dedicated as the Complex Business Litigation Sections (“CBL”) within the Circuit Civil Division of this Circuit; and

WHEREAS, since its creation, the Court has continued to study and consider the nature and volume of complex business litigation cases filed in the Complex Business Litigation Section; and

WHEREAS, the Florida Supreme Court recently revised Florida Rule of Civil Procedure 1.201, which relates to Complex Litigation, to be effective as of January 1, 2025;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.215, Florida Rules of General Practice and Judicial Administration, it is hereby **ORDERED** that the creation of complex business litigation sections (“CBL”) is reaffirmed and will continue within the Circuit Civil Division of this Court (“Division”).

It is further **ORDERED** that effective January 1, 2025, the following procedures shall be followed with respect to CBL:

Section 1. CBL Caseload Distribution.

- A. New CBL cases filed on and after the effective date of this Administrative Order shall continue to be distributed amongst the two CBL Sections by utilizing the current blind-filing system or variation thereof.
- B. The Administrative Judge, in consultation with the CBL Judges, is hereby authorized to temporarily suspend the transfer of any complex business litigation case to the CBL Sections based on the number and complexity of the cases in the CBL Sections. The Administrative Judge shall notify the Associate Administrative

Judge and other section Judges in the Division whenever a temporary suspension of transfers is imposed and lifted.

- C. Caseload Coverage During Trial. Each CBL Judge will be expected to try his/her own cases, regardless of its anticipated duration. However, if a particular trial is protracted, thereby potentially delaying the timely disposition of other CBL cases, the other CBL Judge may provide caseload coverage for the subject judge during the duration of the trial.
- D. Time Period of Assignment for Judges in CBL. Judges shall be assigned to the Complex Business Litigation Division for a period of five (5) years from the effective date of said assignment.

Section 2. General Information.

A. Definition of Complex Business Litigation. Rule 1.201(a), Florida Rules of Civil Procedure, provides the definition of complex litigation. In furtherance thereto, for purposes of the CBL Sections, a “complex business case” is defined as one involving complex legal and case management issues requiring extensive judicial management in order to expedite the case, to promote effective decision making by the Court, counsel, and parties, and to keep costs reasonable.

B. CBL Designations. The Clerk shall assign to the CBL Sections all newly filed cases that have been identified as subject to mandatory filing to CBL as hereinafter designated. Recognizing that cases may be subject to multiple action codes, but only one action code will be accepted by the Clerk/Portal, Counsel are advised to carefully and thoughtfully prepare their civil cover sheets to identify action codes that are appropriate for assignment to CBL.

C. Final CBL Determination. The Administrative Judge (or designee) shall ultimately determine whether an action meets a substantial number of the criteria in order to qualify for assignment to the CBL or will otherwise place an undue burden on a regular Circuit Civil section due to the complexity and extended time management issues involved. Within 120 days after an action commences, those cases which meet the definition of complex business litigation or qualify in the interests of judicial economy and the overall administration of justice, will be assigned to the CBL.

Section 3. Cases Subject to Mandatory Assignment to the Complex Business Litigation Sections Pursuant to Action Code.

Cases which are filed under the following action codes are subject to mandatory assignment to the CBL Sections, subject to confirmation of amount in controversy is in the amount of or greater than Seven Hundred Fifty Thousand Dollars (\$750,000.00), exclusive of interest, costs and attorney’s fee:

- A. 003-Breach of Contracts and indebtedness. If parties are filing a breach of contract action, they must file a complaint which sets forth the required amount in controversy as opposed to simply pleading “in excess of Fifty Thousand Dollars (\$50,000.00).”
- B. Negligence-Other
 - i. 097-Business Governance
 - ii. 098-Business Torts
- C. 101-Construction Defect Professional Malpractice
 - i. 094-Malpractice-Business
 - ii. 096-Malpractice-Other Professional
- D. Other
 - i. 121-Business Transactions
 - ii. 124-Corporate Trust
 - iii. 129-Shareholder Derivative Action
 - iv. 130-Securities Litigation
 - v. 131-Trade Secrets
- E. Assignment for the Benefit of Creditors: All “ABC” cases shall be assigned to CBL irrespective of amount in controversy. ABC cases are not required to meet the \$750,000.00 in controversy standard.

Section 4. Discretionary Case Assignment to the Complex Business Litigation Sections

The considerations set forth in Florida Rule of Civil Procedure 1.201(a)(2) shall guide the parties and the Court in the assignment and reassignment of cases to the CBL Sections, if such cases meet the minimum amount in controversy of Seven Hundred Fifty Thousand Dollars (\$750,000.00) and may result in:

- A. Numerous pre-trial motions raising difficult or novel legal issues, or legal issues inextricably intertwined and time consuming;
- B. Management of large numbers of separately represented parties on main actions, cross claims, counterclaims, third party claims;
- C. Management of large amounts of documents, both paper and electronic, during the pendency of the matter and at trial;
- D. Protracted trial;
- E. Management of large numbers of expert witnesses;
- F. Multiple claims resulting in consolidation of numerous individual actions;
- G. Potential of significant impact on the parties’ business, whether from a monetary or corporate governance standpoint;

- H. A high degree of case management, including the handling of discovery disputes and motion practice;
- I. Due to the complexity of the case, the services of a Special or General Magistrate would be beneficial.

Section 5. Assignment of Cases into and out of CBL Sections

- A. Parties who wish to be assigned to CBL must either identify their case upon filing as a mandatory case or file a Motion to Transfer to CBL at time of filing if their case is subject to discretionary review for assignment. Defendants who wish to seek assignment to CBL must file a Motion to Transfer within fifteen (15) days of their first filing in the case. If good cause appears to support a transfer to or from CBL, a motion to transfer must be filed promptly after the appearance of such good cause.
- B. Additional details concerning transfers are set forth in the Complex Business Division Rules and Procedures which can be found on the Court's website.
- C. The Administrative Judge (or designee) shall resolve any controversy which may arise concerning the assignment/transfer of any case to or from a CBL Section. The Administrative Judge may also transfer a case in or out of CBL on its own motion.

Section 6. Cases not subject to CBL Sections.

The following types of matters shall not be assigned to the Complex Business Litigation Section absent special circumstances:

- A. A matter involving occupational health or safety;
- B. An environmental claim which does not involve the sale or disposition of a business or insurance coverage dispute;
- C. A matter in eminent domain;
- D. An administrative agency, tax, zoning, or other appeal;
- E. A matter required by statute or other law to be heard in some other Court or Court Division;
- F. A case that is appropriately transferred out of a CBL Section;
- G. Tobacco litigation;
- H. Business foreclosures; and
- I. Chinese Drywall related cases.

Section 7. Complex Business Litigation Section Procedures.

- A. For every CBL case, the assigned CBL section judge must hold an initial case management conference within sixty (60) days from the date of the order declaring the action complex. The CBL section judges and litigants must also otherwise comply with Rule 1.201 of the Florida Rules of Civil Procedure.
- B. Additionally, in furtherance of Rules 1.200 and 1.201 of the Florida Rules of Civil Procedure and this Administrative Order, the Complex Business Litigation Rules and Procedures for the Eleventh Judicial Circuit will be revised and published on the Circuit's website and available for review on each CBL Section web page.

Administrative Order No. 17-11, and as amended, is hereby rescinded in its entirety and held for naught.

This Order shall take effect on January 1, 2025, *nunc pro tunc*, and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 3rd day of January 2025.

**NUSHIN G. SAYFIE, CHIEF JUDGE ELEVENTH
JUDICIAL CIRCUIT OF FLORIDA**