

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2020-33-CO

**AUTOMATIC INVOCATION OF THE
FLORIDA RULES OF CIVIL PROCEDURE
IN CERTAIN SMALL CLAIMS CASES**

- (a) 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.
- (b) Florida Rule of Judicial Administration 2.215(b)(3) states the Chief Judge shall “develop an administrative plan” and “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) Florida Rule of Judicial Administration 2.215(b)(4) authorizes the Chief Judge to assign cases to a judge or judges and the undersigned has assigned twenty (20) county court judges to divisions handling small claims cases in Broward County.
- (d) Small claims cases are governed by the Florida Small Claims Rules. However, Florida Small Claims Rule 7.020(c) provides “[i]n any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court’s own motion.”
- (e) In 2019, more than 40,000 small claims cases were filed in Broward County Court with an insurance company as the sole defendant. The great majority of these cases result in the trial courts invoking the Florida Rules of Civil Procedure as permitted by Rule 7.020(c), resulting in the entry of individual orders in each case.
- (f) The invocation of the Florida Rules of Civil Procedure uniformly throughout Broward County in small claims cases in which an insurance company is the sole defendant promotes judicial economy and efficiency.

(g) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective immediately**:

- (1) The Clerk of the Courts shall continue to set all small claims cases for pretrial conference as designated by the Administrative Judge of the County Court.
- (2) Upon the Clerk's setting of a small claims pretrial conference for any case in which an insurance company is the sole defendant, in which a small claims pretrial conference date is set from June 1, 2020 through December 31, 2020, the Florida Rules of Civil Procedure shall automatically be invoked without further order of the court, except that Rule 1.440 shall not be invoked, and Rules 7.135 and 7.150 are reserved and prevail over Rule 1.430. The parties' appearance at the small claims pretrial conference shall accordingly be waived. As a result, any demand for jury trial must be in writing and filed by the date of the pretrial conference date noted on the summons.
- (3) Upon the docketing of a Return of Service in any case encompassed by this Administrative Order, the Clerk shall automatically cancel the small claims pretrial conference without further order of the court.
- (4) In each such case, the Defendant shall file a response to Plaintiff's Complaint or Statement of Claim within twenty (20) days from the date of the originally scheduled small claims pretrial conference date, or shall suffer default.
- (5) For those cases subject of this Administrative Order, the Plaintiff may not seek a Clerk's default, neither shall the Clerk enter such a default. If the Defendant fails to timely file a response to the Complaint or Statement of Claim, the Plaintiff may seek a Court default under Rule 1.500(b), Florida Rules of Civil Procedure, with notice to the Defendant.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida this 24th day of April, 2020.

/s/ Jack Tuter

Jack Tuter, Chief Judge