

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

Administrative Order 2020-38-CO

**AMENDED SMALL CLAIMS PRETRIAL CONFERENCE
SUMMONS/NOTICE TO APPEAR**

(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) The Florida Supreme Court has approved forms for use in small claims cases, and pursuant to Florida Small Claims Rule 7.300 such forms may be used with such modifications as may be necessary to meet the facts of each particular action so long as the substance thereof is expressed without prolixity.

(c) The Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting that the best way to prevent illness is to avoid exposure to the virus.

(d) Because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, Broward County declared a Local State of Emergency on March 10, 2020, and the World Health Organization declared a global pandemic on March 11, 2020.

(e) Since March 17, 2020, the Florida Supreme Court has issued various emergency administrative orders, which may be found at <https://www.floridasupremecourt.org/Emergency>.

(f) On May 4, 2020, Chief Justice Charles Canady issued “Amendment 1” to Administrative Order No. AOSC20-23, *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts* (hereinafter “Amendment 1”), extending state court COVID-19 emergency procedures through the month of May and further suspending all jury trials and jury selection and grand jury proceedings through July 2, 2020.

(g) Amendment 1 also delineates certain court proceedings that are amenable to being conducted remotely and requires that such proceedings be conducted using telephonic or other electronic means. This includes status, case management, and pretrial conferences in all cases.

(h) In order to continue to resolve small claims cases using web-based videoconferencing during the current pandemic and thereafter, it is necessary to make modifications to the small claims pretrial conference summons and notice to appear (Small Claims Form 7.322).

(i) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, Florida Rule of Judicial Administration 2.215, and to promote public safety amidst the current public health emergency, it is hereby **ORDERED**:

(1) The attached form for small claims cases is adopted for the Broward County Court. Until such time as in-person hearings are permitted or as otherwise directed by memorandum from the Chief Judge or Administrative Judge of the County Court, the attached form shall be used by the parties and processed by the Clerk of Court when scheduling small claims pretrial conference dockets.

(2) Without the need to amend this Administrative Order, the Zoom link information on the attached form may be amended from time to time as the need arises by written memorandum from the Administrative Judge of the County Court to the Clerk. A copy of the form with current Zoom link information shall be available on the Circuit's website (www.17th.flcourts.org).

(3) For cases in which the sole defendant is an insurance company, and which are governed by Administrative Order 2020-33-CO, plaintiffs may continue to use the current small claims form provided by Small Claims Form 7.322.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 22nd day of May, 2020 *nunc pro tunc* to May 18, 2020.

/s/ Jack Tuter

Jack Tuter, Chief Judge

Attachment "A"

SUMMONS/NOTICE TO APPEAR

PRETRIAL CONFERENCE [REMOTE APPEARANCE]

STATE OF FLORIDA – NOTICE TO PLAINTIFF(S) AND DEFENDANT(S)

[Plaintiff's Name(s) and Address(es)]

[Defendant's Name(s) and Address(es)]

YOU ARE HEREBY NOTIFIED that you or your attorney are required to appear VIA ZOOM VIDEOCONFERENCE on _____ at _____ for a PRETRIAL CONFERENCE before the Court.

IMPORTANT – READ CAREFULLY – THE CASE WILL NOT BE TRIED AT THAT TIME. DO NOT BRING WITNESSES – APPEAR IN PERSON OR BY ATTORNEY.

THESE ARE THE THINGS YOU MUST DO:

STEP ONE. Promptly contact Court Mediation Services at smallclaims@17th.flcourts.org to schedule your FREE mediation before the Court's neutral mediators in an attempt to resolve your case and/or arrange for a payment plan. [Please provide your name and case number in your email.] If you resolve your case, you will not need to attend the pretrial conference.

STEP TWO. If your case does not resolve before the pretrial conference date above, locate the Zoom Videoconference information for your assigned division on the attached Zoom link information page or as noted above. You can also locate the Zoom link at <http://www.17th.flcourts.org/judiciary-list-and-category>. (NOTE: Your Division Number is indicated at the very top of this page.) If you do not have an attorney, you may appear by telephone if you do not have access to video appearance through your computer or telephone. The telephone number is also available for each Division at <http://www.17th.flcourts.org/judiciary-list-and-category>.

STEP THREE. Attend the pretrial conference by Zoom videoconference. The defendant(s) must appear on the date specified above at the assigned time to avoid a default judgment. The plaintiff(s) must appear to avoid having the case dismissed. A written MOTION or ANSWER to the court by the plaintiff(s) or the defendant(s) shall not excuse the personal appearance of a party or its attorney at the PRETRIAL CONFERENCE. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.

ADDITIONAL INFORMATION. Any business entity recognized under Florida law may be represented at any stage of the trial court proceedings by any principal of the business entity who has legal authority to bind the business entity or any employee authorized in writing by a principal or a business entity. A principal is defined as being an officer, member, managing member, or partner in the business entity. Written authorization must be filed with the Court prior to the pretrial conference.

The purpose of the pretrial conference is to note your appearance, to determine if you admit all or part of the claim, to enable the court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pretrial conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of the witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long the trial will take.

Mediation may take place at the pretrial conference. Whoever appears for a party must have full authority to settle. Failure to have full authority to settle at this pretrial conference may result in the imposition of costs and attorneys' fees incurred by the opposing party.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and withhold judgment or execution or levy.

RIGHT TO VENUE: The law gives the person or company who has sued you the right to file the lawsuit in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the defendant(s), have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following: (1) where the contract was entered into; (2) if the suit is on an unsecured promissory note, where the note was signed or where the maker resides; (3) if the suit is to recover property or to foreclose a lien, where the property is located; (4) where the event giving rise to the suit occurred; (5) where any 1 or more of the defendants sued reside; (6) any location agreed to in the contract; (7) in an action for money due, if there is no agreement as to where suit may be filed, where the payment is to be made.

If you, as the defendant(s), believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, or you must file a WRITTEN request for transfer in affidavit form (sworn to under oath) with the court at least 7 days prior to your first court date and send a copy to the plaintiff(s) or plaintiff's(s) attorney, if any.

A copy of the statement of claim shall be served with this summons /notice to appear.

Issued on _____.

Filed by: _____

Address: _____

BRENDA D. FORMAN

AS CLERK OF THE COURT

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 20140, 201

S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.