

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

*Administrative Order 2020-82-CO*

**AUTOMATIC INVOCATION OF CERTAIN FLORIDA RULES OF CIVIL  
PROCEDURE IN SMALL CLAIMS CASES ASSIGNED TO COUNTY  
CIVIL DIVISION 47**

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- (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, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) Pursuant to Section C of Administrative Order 2020-34-CO, effective June 1, 2020, all small claims credit card and consumer debt cases filed under specified Clerk’s filing codes shall be assigned to County Civil Division 47.
- (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) Rule 7.090(b) of the Florida Small Claims Rules requires an initial pretrial conference to be held no later than 50 days after filing of the case. The Plaintiffs in the majority of these cases are failing to obtain service of process within this deadline, resulting in hundreds of reset pretrial conferences, substantially increasing the workload for both the Court and the Clerk.
- (f) The Florida Small Claims Rules do not have a specific deadline for service of process, although there is a deadline for an initial pretrial conference.
- (g) In non-small claims cases, however, Florida Rule of Civil Procedure 1.070(j) requires service of process to be effectuated within 120 days of the filing of the case,

failing which upon the court's own initiative the case may be dismissed without prejudice, subject to the Plaintiff's ability to show good cause or excusable neglect for failure to serve within this deadline.

(h) Florida Rules of Civil Procedure 1.200(b) and (c) provide that the trial court may set a pretrial conference upon at least 20 days' notice to the parties.

(i) The uniform invocation of Florida Rules of Civil Procedure 1.070(j) and 1.200(b) & (c) in Division 47 small claims cases conserves judicial resources and promotes judicial economy and efficiency.

(j) 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, Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective October 1, 2020:**

(1) Upon the filing of a small claims case in Division 47, Florida Rules of Civil Procedure 1.070(j) and 1.200(b) and (c) shall automatically be invoked without further order of the Court and shall prevail over Rule 7.090(b).

(2) Upon the filing of a small claims case in Division 47, the Clerk of the Court shall set the pretrial conference for a date no sooner than 125 days before and no later than 140 days after the filing of the case.

(3) If the plaintiff fails to file proof of service within 120 days of filing of the case, the presiding judge shall take appropriate action, including dismissing the case without prejudice at the pretrial conference, unless the Plaintiff no later than 5 days before the pretrial conference files a Motion to Extend Service Deadline setting forth with specificity the factual grounds establishing good cause or excusable neglect. If the Plaintiff timely files such a motion, then the trial court shall first consider and issue a ruling on the motion before deciding whether the case shall be dismissed without prejudice for lack of timely service.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Broward County, Florida, this 30th day of September, 2020.

/s/ Jack Tuter  
Jack Tuter, Chief Judge