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

Administrative Order 2020-85-CO (Amendment 1)

**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 General Practice and 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 General Practice and 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 Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED, effective June 15, 2021:**

(1) The Clerk of the Court shall no longer set for pretrial conference small claims cases in which the sole defendant is an insurance company.

(2) Upon the filing of a small claims case in which an insurance company is the sole defendant, 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.

(3) As part of the invocation of the Florida Rules of Civil Procedure, Form 1.902 summons shall be used for service of process.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida this 10th day of May, 2021.

/s/ Jack Tuter
Jack Tuter, Chief Judge