

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

**CASE NO. 21-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 21-10**

**IN RE: INVOKING THE FLORIDA
RULES OF CIVIL PROCEDURE
FOR INSURANCE CASES**

WHEREAS, 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”;

WHEREAS, there are a large number of cases in Miami-Dade County in which all defendants are insurance companies, and 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; and

WHEREAS, the invocation of the Florida Rules of Civil Procedure uniformly throughout Miami-Dade County in small claims cases in which all defendants are insurance companies will promote judicial economy and efficiency;

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**:

INSURANCE CASES

The following provisions apply to all insurance cases where all defendants are insurance companies. This includes, but is not limited to, the following: personal injury protection benefits cases, bodily injury cases, automobile windshield cases, and property insurance cases including assignment of benefits.

A. CASES WHERE A SUMMONS HAS NOT BEEN ISSUED

1. Florida Rules of Civil Procedure

In accordance with Florida Small Claims Rule 7.020(c), all rules of the Florida Rules of Civil Procedures shall apply.

2. Summons

The Clerk of Court shall not set a pretrial conference date under the Florida Small Claims Rule. Instead, the clerk will issue a summons in accordance with Form 1.902 of the Florida Rules of Civil Procedure.

3. Pretrial Conference

The Clerk shall cancel any pending pretrial conference date.

B. OPEN, PENDING CASES WHERE A SUMMONS HAS ALREADY BEEN ISSUED BUT SERVICE HAS NOT BEEN EFFECTUATED

1. Florida Rules of Civil Procedure

In accordance with Florida Small Claims Rule 7.020(c), all rules of the Florida Rules of Civil Procedures shall apply.

2. Service

Service shall be achieved pursuant to Florida Rule of Civil Procedure 1.070. A party need not have the Clerk issue a new summons.

3. Pretrial Conference

The Clerk shall cancel any pending pretrial conference date.

4. Response to the Statement of Claim / Complaint

Defendant must file its response within 20 days of the date of service of Plaintiff's Complaint.

5. Discovery Served with the Statement of Claim / Complaint

If a written discovery request is served upon a Defendant contemporaneously with Plaintiff's complaint, Defendant must serve its responses to the discovery within 45 days of the date of service of Plaintiff's Complaint.

C. OPEN, PENDING CASES WHERE SERVICE HAS BEEN EFFECTUATED

1. Florida Rules of Civil Procedure

In accordance with Florida Small Claims Rule 7.020(c), all rules of the Florida Rules of Civil Procedures shall apply.

2. Pretrial Conference

The Clerk shall cancel any pending pretrial conference date.

3. Response to the Statement of Claim / Complaint

Defendant must file its response no later than 20 days from the date of this Order.

4. Discovery Served with the Statement of Claim / Complaint

If any written discovery request was served upon a Defendant contemporaneously with Plaintiff's complaint, Defendant must serve its responses to the discovery within 45 days of the date of this Order.

D. OBJECTIONS

Objections to applying the Florida Rules of Civil Procedure to any particular insurance case governed by this Administrative Order may be filed within 10 days after service of the summons. The objecting party's motion shall (1) show good cause why the insurance case should not proceed under the Florida Rules of Civil Procedure, and (2) be immediately scheduled for hearing by the objecting party.

This Administrative Order shall become effective immediately upon signing. To the extent that any portion of this Administrative Order may be construed as conflicting with any law, statute, or rule, the law, statute, or rule shall prevail.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 10th day of May 2021.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**