

**IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA**

**IN RE:       MITIGATING MEASURES IN  
              RESPONSE TO COVID-19-  
              STANDING ORDER IN  
              SMALL CLAIMS PIP CASES FOR  
              LEE AND COLLIER COUNTIES.**

**ADMINISTRATIVE  
ORDER  
NO. 1.20**

**WHEREAS**, 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; and

**WHEREAS**, 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) pandemic, and specifically noting that the best way to prevent illness is to avoid exposure to the virus; and

**WHEREAS**, because of the COVID-19 pandemic, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, and the World Health Organization declared a global pandemic on March 11, 2020; and

**WHEREAS**, since March 17, 2020, the Florida Supreme Court has issued various administrative orders directing that certain court proceedings be held remotely so as to minimize potential exposure to COVID-19, and authorizing local courts to implement procedures to minimize potential exposure while still ensuring due process and access to the courts; and

**WHEREAS**, as a result of the COVID-19 pandemic, pretrial conferences in small claims cases are necessarily being conducted remotely, including small claims pretrial mediation, which has proven to be a challenge; and

**WHEREAS**, remote pretrial conferences and mediation in small claims cases has tended to result in a lack of meaningful mediation specifically as it relates to Personal Injury Protection (PIP) cases, which, in turn, is causing an inefficient and wasteful use of limited judicial and clerical resources in conducting remote small claims pretrial conferences and is monopolizing limited time that could otherwise be devoted to non-PIP small claims cases; and

**WHEREAS**, 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," and

**WHEREAS**, it is common in small claims PIP cases, with an insurance company as the sole defendant, for county court Judges to invoke the Florida Rules of Civil Procedure and to waive the small claims pretrial conference in individual cases, making the scheduled pretrial

I certify this document to be a true and correct copy of the record on file in my office.  
Linda Doggett, Clerk Circuit  
County Court, Lee County, FL

**Filed Lee County Clerk of Courts 12/18/2020**

By:

Deputy Clerk



conference a nullity; and

**WHEREAS**, entry of a Standing Order that would automatically invoke the Florida Rules of Civil Procedure and waive the small claims pretrial conference in PIP cases, but allow the opportunity to opt back into the small claims pretrial conference, would serve to promote judicial economy and efficiency;

**NOW, THEREFORE**, 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 Judicial Administration 2.215, and to promote public safety amidst the current public health emergency, it is hereby **ORDERED**:

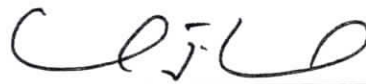
- (1) This Administrative Order applies to small claims PIP cases filed in Lee County and Collier County, only. At this time, it does not apply to the other three counties within the Twentieth Judicial Circuit, namely, Charlotte, Hendry, and Glades counties. This Administrative Order may later be amended to include Charlotte, Hendry, and/or Glades counties.
- (2) Included as part of this Administrative Order, as "Attachment A," is a form entitled "Standing Order Invoking the Rules of Civil Procedure and Waiving the Pre-trial Conference in All Small Claims PIP Cases," which the Plaintiff shall, in all small claims PIP cases filed on or after Monday, December 21, 2020, serve with each summons issued in the case. The Plaintiff shall be responsible for paying the Clerk the appropriate statutory fee for copies of each Standing Order issued.
- (3) For pending Small Claims PIP cases filed prior to Monday, December 21, 2020 and which are currently scheduled for pretrial conference, the Court will issue the "Standing Order Invoking the Rules of Civil Procedure and Waiving the Pre-trial Conference in all Small Claims PIP Cases" and will serve copies on all parties.
- (4) It shall be noted that the form included as part of this Administrative Order, "Attachment A," is intended as a model, and any subsequent updates or modifications shall be posted and available for viewing on the Court's website at [www.ca.cjis20.org](http://www.ca.cjis20.org). It shall be the responsibility of all parties to check the website for the most recent forms to be used in conjunction with this Administrative Order.
- (5) The procedures set forth herein are intended to facilitate the timely, fair, and effective resolution of small claims PIP cases while ensuring the efficient use of court resources. The procedures do not supplant any existing rule, statute, or law. This Administrative Order shall not be construed as granting any rights not already provided for by rule, statute, or law.
- (6) To the extent that any provision of this Administrative Order may be construed as being in conflict with any rule, statute, or law, the rule, statute, or law shall prevail.



(7) This Administrative Order shall be effective immediately and shall remain in effect until superseded by further order of this Court or the Florida Supreme Court.

**DONE AND ORDERED** in chambers in Fort Myers, Lee County, Florida, this 18<sup>th</sup>

day of Dec., 2020.



Michael T. McHugh  
Chief Judge

History. – New.



- ATTACHMENT A -

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
COUNTY, FLORIDA SMALL CLAIMS DIVISION

Plaintiff  
v. Case No. \_\_\_\_\_  
Defendant. \_\_\_\_\_/

**STANDING ORDER INVOKING THE RULES OF CIVIL PROCEDURE AND  
WAIVING THE PRE-TRIAL CONFERENCE IN ALL SMALL CLAIMS PIP CASES**

This order is entered **PURSUANT TO FLORIDA SMALL CLAIMS RULE 7.020 (c) and Twentieth Judicial Circuit Administrative Order 1.20**. Generally, by stipulation of the parties, Small Claims Pretrial Conferences are waived and the Florida Rules of Civil Procedure are invoked in the majority of small claims PIP causes of action. Further, in light of the on-going COVID-19 pandemic, the Florida Supreme Court Administrative Orders requiring that civil dockets be conducted remotely, when possible, and the growing backlog of civil cases, the Court hereby:

**ORDERS AND ADJUDGES** as follows:

1. The Florida Rules of Civil Procedure are invoked.
2. Appearance at the Pre-Trial Conference is waived and CANCELLED, if already inadvertently set.
3. Defendant shall have 20 days from the date of this Order to respond to Plaintiff's Complaint.
4. Defendant shall have 30 days from the date of this Order to respond to any outstanding discovery.
5. The parties shall mediate prior to trial at their own expense.
6. The parties shall notice the matter for trial.
7. Any party who objects to this order shall file a written objection within five (5) days of service of this Standing Order. Upon notifying the Court of the written objection, the case will be put back on the Pretrial Conference docket.

**DONE AND ORDERED** in Lee County, Florida on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Administrative County Judge

[Certificate of Service]

