

**IN THE SUPREME COURT OF FLORIDA**

|                                   |                 |
|-----------------------------------|-----------------|
| <b>IN RE: AMENDMENTS TO THE )</b> | <b>CASE NO.</b> |
| <b>FLORIDA SMALL )</b>            |                 |
| <b>CLAIMS RULES )</b>             |                 |

**REGULAR-CYCLE REPORT OF THE  
SMALL CLAIMS RULES COMMITTEE**

Judge Robert W. Lee, Chair of the Small Claims Rules Committee of The Florida Bar, and John F. Harkness, Jr., Executive Director of The Florida Bar, file this regular-cycle report of proposed changes to the Florida Small Claims Rules, pursuant to *Fla. R. Jud. Admin.* 2.140(b).

The Committee proposes amendment to the rules and forms as shown on the attached table of contents (Appendix A). The voting record of the Committee for the change is shown on the table of contents. As required by *Fla. R. Jud. Admin.* 2.130(c)(2), the Committee’s report was submitted to the Florida Bar Board of Governors. The board’s vote on each amendment is also shown on the table of contents.

The rules and forms that the Committee recommends amending are as follows:

**RULE 7.050**

A sentence is added to subdivision (a)(1) to ensure that all documents served with initial process are filed with the clerk so that the court can be aware of and have access to these documents. The Committee was concerned that serving documents with initial process other than the statement of claim (especially proposed stipulations) can give an “air of authority” to those other documents, which the pro se litigant might not understand. This concern has been expressed by trial court judges in several published decisions from Duval County. *See, e.g., Capital One Bank v. Mullin*, 15 Fla. L. Weekly Supp. 262 (Duval Cty. Ct. 2007); *North Star Capital Acquisitions, LLC v. Krig*, 14 Fla. L. Weekly Supp. 166 (Duval Cty. Ct. 2006); *Capital One Bank v. Livingston*, 13 Fla. L. Weekly Supp. 1203 (Duval Cty. Ct. 2006).

To obtain a wider view from the state’s County Court judiciary, this issue was also presented to the Small Claims Rules Committee of the Conference of

County Judges, the consensus of which was to approve the proposed change.

Rather than an outright prohibition on the serving of additional documents with the statement of claim, the Committee believed that the filing of the additional documents with the court would provide the court a mechanism of review to monitor possible abuse.

#### RULE 7.090

The proposed changes to rule 7.090 were suggested by a committee member. The intent of the changes to subdivisions (a) and (b) is to add statewide uniformity to the small claims pretrial conference procedure by clarifying the judiciary's role in the small claims process and to bring the rule clearly into alignment with existing form 7.322.

Currently, rule 7.090(b) sets forth six matters that "shall be considered" at the small claims pretrial conference: (1) the simplification of issues; (2) the necessity or desirability of amendments to the pleadings; (3) the possibility of obtaining admissions of fact and of documents that avoid unnecessary proof; (4) the limitations on the number of witnesses; (5) the possibilities of settlement; and (6) such other matters as the court in its discretion deems necessary. Additionally, under rule 7.135, the court is required to summarily enter a disposition at the pretrial conference "if there is no triable issue." Notwithstanding the clear requirements of these rules, the Committee has determined that in several counties, parties in small claims cases simply do not see a judge at a pretrial conference.

At present, pretrial conference procedures differ from county to county, with varying degrees of judicial involvement. While the great majority of Florida counties provide for judges to preside over pretrial conferences, including the largest counties (Miami-Dade, Broward, Palm Beach, and Duval), a significant minority do not. Of those few counties that do not use judges, some use deputy clerks, while others use hearing officers appointed by administrative order. However, form 7.322 (a mandatory form) informs the parties in a small claims proceeding that they are to appear on the specified date and time "for a PRETRIAL CONFERENCE *before a judge* of this court" (emphasis added). While rule 7.090 is silent on the precise extent of judicial involvement at the pretrial conference, the Committee believes the clear intention behind the enumerated items (1–6) in subdivision (b) is for active judicial involvement at the pretrial conference. A quick perusal of the mandatory matters to be addressed at a pretrial conference demonstrates the necessity of judicial decision-making, not merely performance of

clerical functions. Moreover, a review of additional matters that may be addressed at a pretrial conference — such as summary disposition — demonstrates the need for exercise of judicial discretion. The Committee strongly feels that a judge must do these matters, not a clerk or hearing officer.

The Committee has reviewed procedures existing throughout the State. Under the current rule, some counties send small claims cases directly to mediation without any judicial involvement in the case. In some of these counties, no judge is available at the time of the pretrial conference, even upon a party's request. In these counties, upon the entry of an impasse at mediation, these cases are immediately set for trial, obviating items 1–6 in rule 7.090(b), eliminating the court's ability to exercise its summary disposition powers under rule 7.135, and frustrating the ability of a party to request a summary disposition under rule 7.135. The effect is that cases are sent to trial even when a plaintiff has clearly failed to establish a viable claim or a defendant admits that the plaintiff is entitled to the relief sought but is financially unable to offer payment.

Amending rule 7.090 as proposed will further the intent and purpose of the Small Claims Rules by bringing consistency to the rule and the notice to appear, by clarifying the necessity for judicial involvement at the pretrial conference, and by creating the mindset for the parties that their small claims case is a formal, legitimate legal proceeding.

Judge Debra Roberts, the immediate past chair of the Committee, has offered a dissenting opinion.<sup>1</sup> She believes the proposed amendment to rule 7.090 should not be adopted because it represents a retreat from efficient case management. In this time of limited resources, she believes case management is a vital tool in the court system, particularly because of the volume of these cases. The proposed changes to rule 7.090 would eliminate the use of small claims hearing officers to manage the pretrial conference and would require that only a county judge preside over these proceedings. This same proposal was last considered by the court more than 20 years ago in 1988, and was rejected. See *In re The Florida Bar Small Claims Rules*, 537 So. 2d 81 (Fla. 1988). In counties using them, small claims hearing officers provide a valuable service and their work

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<sup>1</sup> The Committee notes that Judge Roberts' dissenting view was supplied after the vote was taken to approve the amendment, in that Judge Roberts was absent from the meeting at which the final vote was taken. Hence, there is no contradiction with the Committee's representation to this Court that the amendment was approved unanimously.

is essential to the functioning of county court. They function as case managers who identify issues, manage on-site mediation, and prepare cases for trial in accordance with the rule. Unlike some counties where hearing officers are used, in Pinellas County motions are heard by a county judge who is on duty and available for such purposes at the time of the pretrial conference. Contrary to the position of the Committee, Judge Roberts believes this division of labor is consistent with the rules and is efficient. In this time of limited resources and focus on using the least expensive personnel for the job, Judge Roberts believes the proposed rule represents a retreat from prudent management of the court's resources and should be rejected.

The Committee responds that the dissenting view overlooks that neither the rules nor state law provides legal authority for the use of hearing officers and clerks to preside over pretrial conferences. To the contrary, the law appears to be that nonjudicial parties performing judicial duties must have a specific mechanism to affirmatively authorize them to do so. Such a provision is absent from the Small Claims Rules. See *Lackner v. Central Florida Investments, Inc.*, 14 So. 3d 1050, 1052–1054 (Fla. 5th DCA 2009). See also rule 1.490(h), Fla. R. Civ. P. (allowing a party to opt out of a general magistrate proceeding); Rule 6.630(n), Fla. Traf. Ct. R. (allowing a party to opt out of traffic hearing officer proceeding).<sup>2</sup> Moreover, the Committee unanimously approved the change after receiving documented complaints that the counties using clerks and hearing officers were simply not performing the tasks required at a pretrial conference, and that parties requesting to see a judge did so at their “own peril.” Finally, the Committee notes that the great majority of Florida counties are able to use judges at pretrial conferences, while at the same time maintaining effective case management and wise use of judicial resources.

The Committee acknowledges this Court's prior decision in *In re Florida Bar Small Claims Rules*, as pointed out by Judge Roberts. The Committee notes, however, that the concern of this Court at that time appeared to be that the use of mediators not be discouraged, and that the proposed change was suggested by the

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<sup>2</sup> Small Claims Rule 7.020(c) permits a County Court Judge to invoke one or more Rules of Civil Procedure. Arguably then, the County Court Judge could invoke rule 1.490(b) to have a special magistrate preside over pretrial conferences. Such a reference, however, would require the consent of both parties under rule 1.490(c) and would further require the special magistrate to file a written report for each conference under rule 1.490(h), allowing the parties to serve written exceptions to the report.

Florida Bar Board of Governors rather than the Small Claims Rules Committee. 537 So. 2d at 81, 89. With the experience of the 20 ensuing years, the Committee now believes the position of The Florida Bar Board of Governors to have been the correct one. Moreover, the Committee believes, as detailed above, that the circumstances in the ensuing two decades since this Court rejected the prior proposal have supported Justice Barkett’s dissenting view to adopt the change. *See id.* at 89. Nothing in the current proposal eliminates or discourages the use of mediators as part of the pretrial conference proceeding. Finally, to obtain a wider view from the state’s County Court judiciary, this issue and the proposed amendment were also presented to the Small Claims Rules Committee of the Conference of County Judges, and the Conference Committee similarly approved the proposed change unanimously.

Regarding the proposed changes to subdivision (f) and the Court Commentary, this Court adopted changes to the rule on its own on June 19, 2008 (*In re: Amendments to Florida Small Claims Rule 1.090*, 985 So. 2d 1083). The Committee suggests corrections to correct style guide inconsistencies and grammatical errors.

#### RULE 7.335

The word “/pawnbroker” is added after “defendant” in the first line of the statement of claim, to be consistent with the caption and the intent of the initial adoption of this form, and the title of the form is also amended to reflect this change. Also, a punctuation error in the caption is corrected (the comma before COUNTY in the caption is deleted, and a comma is added after COUNTY).

#### RULE 7.342

The word “information” is inserted between “fact sheet” in two places, for consistency with the related form and to clarify for the pro se litigant what sheet the pro se litigant must complete.

#### RULE 7.343

The language “MAIL OR DELIVER THIS FORM TO THE CLERK OF THE COURT, AND” is deleted because the optional enforcement paragraph in form 7.340, which refers to form 7.343, instructs the defendant to return the sheet to the plaintiff’s attorney (or plaintiff if unrepresented), not the court clerk. Also, the formatting of the request for documents in (b) is conformed to that in (a).

“JUDGMENT” is added in front of “CREDITOR’S ATTORNEY” at the end of forms (a) and (b), for clarity.

The notary block in (b) is not the proper one for a business entity. The proposed change follows the statute (§ 117.05(13)(c), Fla. Stat.) (see Appendix D). A few other changes are made to conform forms (a) and (b) to each other.

The rest of the changes (*e.g.*, the list of a–d is changed to 1–4 in form (a)) are editing changes, for style and consistency corrections.

**Comments received (see Appendix E for full text of comments) and committee action taken based on the comments:**

Comments opposing the proposed changes to rule 7.090 were received from Judges Vince Murphy, Eugene Turner, Janeice Martin, Paul Alessandroni, and J. Thomas McGrady, all judges from counties currently using nonjudicial personnel to preside over small claims pretrial conferences. In sum, the comments express a preference that courts be given the flexibility to use the practice they find most efficient. Many circuits have court personnel or hearing officers managing the pretrial conference docket, and the judges in those circuits feel that the process saves time for the judge so they can attend to other matters that cannot be taken care of by other court personnel. As noted above, there was a dissenting opinion on the Committee, opposing the change to require the presence of a judge at pretrial conference. However, the Committee had fully considered all the advantages and disadvantages of the proposed change, and for the reasons set forth fully above in the Committee’s Report, the Committee continues to strongly be of the view that the rule should be amended.

The Committee respectfully requests that this Court adopt these proposed amendments to the Florida Small Claims Rules.

Respectfully submitted \_\_\_\_\_, 2010.

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### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing was furnished by United States mail to the Honorable Vince Murphy, Collier County Courthouse, 3301 Tamiami Trail E., Naples, FL 34112-4961; the Honorable Eugene Turner, Collier County Courthouse, 3301 Tamiami Trail E., Naples, FL 34112-4961; the Honorable Janeice Martin, Collier County Courthouse, 3301 Tamiami Trail E., Naples, FL 34112-4961; the Honorable Paul Alessandrone, 350 E. Marion Ave., Punta Gorda, FL 33950-3727; and the Honorable J. Thomas McGrady, 545 First Ave. N., Suite 312, St. Petersburg, FL 33701-3705, this \_\_\_\_ day of \_\_\_\_\_, 2010.

### **CERTIFICATE OF COMPLIANCE**

I certify that this report was prepared in accordance with the font requirements of Fla. R. App. P. 9.210(a)(2).

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## APPENDIX B

Proposed Changes to Rules and Forms in Legislative Format

## **RULE 7.050. COMMENCEMENT OF ACTION; STATEMENT OF CLAIM**

### **(a) Commencement.**

**(1) Statement of Claim.** Actions are commenced by the filing of a statement of claim in concise form, which shall inform the defendant of the basis and the amount of the claim. If the claim is based on a written document, a copy or the material part thereof shall be attached to the statement of claim. All documents served upon the defendant with initial process shall be filed with the court.

**(2) Party Not Represented by Attorney to Sign.** A party, individual, or corporation who or which has no attorney handling such cause shall sign that party's statement of claim or other paper and state that party's address and telephone number, including area code. However, if the trial court in its discretion determines that the plaintiff is engaged in the business of collecting claims and holds such claim being sued upon by purchase, assignment, or management arrangement in the operation of such business, the court may require that corporation to provide counsel in the prosecution of the cause. A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation.

**(b) Parties.** The names, addresses, and telephone numbers, including area code, of all parties or their attorneys, if any, must be stated on the statement of claim. Additionally, attorneys shall include their Florida Bar number on all papers filed with the court.

**(c) Clerk's Duties.** The clerk shall assist in the preparation of a statement of claim and other papers to be filed in the action at the request of any litigant. The clerk shall not be required to prepare papers on constructive service, substituted service, proceedings supplementary to execution, or discovery procedures.

**(d) Memorandum on Hearing Date.** The court shall furnish all parties with a memorandum of the day and hour set for the hearing.

**(e) Replevin.** In those replevin cases to which these rules are applicable, the clerk of the county court shall set the hearing required by section 78.065(2)(a), Florida Statutes (prejudgment replevin order to show cause hearings) and rule 7.050(d) (pretrial conferences) at the same time.

### **Committee Notes**

**1988 Amendment.** Subdivision (a)(2): To clarify who may appear and represent a corporation in a small claims case.

Subdivision (b): First sentence is to conform Florida Small Claims Rules with Florida Rules of Judicial Administration 2.060(d) and 2.060(e). Second sentence is to conform to proposed amendment to rules of judicial administration.

Subdivision (e): Require that the order to show cause hearing required in small claims replevin cases and the pretrial conference required by the small claims rules be held at the same time to save time and avoid confusion.

**2008 Amendment.** A sentence is added to subdivision (a)(1) to ensure that the courts have access to all documents served with initial process.

### **Court Commentary**

**1972 Amendment.** The statement of claim need not be verified.

Subdivision (c) is amended so as to provide that the clerk shall not be required to prepare papers on substituted service.

**RULE 7.090. APPEARANCE; DEFENSIVE PLEADINGS; TRIAL DATE**

(a) **Appearance.** On the date and time appointed in the notice to appear, the plaintiff and defendant shall appear personally or by counsel before a judge.

(b) **Notice to Appear; Pretrial Conference.** The summons/notice to appear shall specify that the initial appearance shall be for a pretrial conference. The initial pretrial conference shall be set by the clerk not more than 50 days from the date of the filing of the action. At the pretrial conference, all of the following matters shall be considered by a judge:

- (1) The simplification of issues.
- (2) The necessity or desirability of amendments to the pleadings.
- (3) The possibility of obtaining admissions of fact and of documents that avoid unnecessary proof.
- (4) The limitations on the number of witnesses.
- (5) The possibilities of settlement.
- (6) Such other matters as the court in its discretion deems necessary.

Form 7.322 shall and form 7.323 may be used in conjunction with this rule.

(c) **Defensive Pleadings.** Unless required by order of court, written pretrial motions and defensive pleadings are not necessary. If filed, copies of such pleadings shall be served on all other parties to the action at or prior to the pretrial conference or within such time as the court may designate. The filing of a motion or a defensive pleading shall not excuse the personal appearance of a party or attorney on the initial appearance date (pretrial conference).

(d) **Trial Date.** The court shall set the case for trial not more than 60 days from the date of the pretrial conference. At least 10 days' notice of the time of trial shall be given. The parties may stipulate to a shorter or longer time for setting trial with the approval of the court. This rule does not apply to actions to which chapter 51, Florida Statutes, applies.

(e) **Waiver of Appearance at Pretrial Conference.** Where all parties are represented by an attorney, counsel may agree to waive personal appearance at the initial pretrial conference, if a written agreement of waiver signed by all attorneys is presented to the court prior to or at the pretrial conference. The agreement shall contain a short statement of the disputed issues of fact and law, the number of witnesses expected to testify, an estimate of the time needed to try the case, and any stipulations of fact. The court shall forthwith set the case for trial within the time prescribed by these rules.

(f) **Appearance at Mediation; Sanctions.** In small claims actions, an attorney may appear on behalf of a party at mediation if the attorney has full authority to settle without further consultation. Unless otherwise ordered by the court, a nonlawyer representative may appear on behalf of a party to a small claims mediation if the representative has the party's signed written authority to appear and has full authority to settle without further consultation. In either event, the party need not appear in person. Mediation may take place at the pretrial conference. Whoever appears for a party must have full authority to settle. Failure to comply with this subdivision may result in the imposition of costs and attorneys' fees incurred by the opposing party.

(g) **Agreement.** Any agreements reached as a result of small claims mediation shall be written in the form of a stipulation. The stipulation may be entered as an order of the court.

### **Committee Notes**

**1972 Amendment.** Rule 7.120 is incorporated in subdivision (c). It is slightly expanded to provide for a computation period from service by mail and to give the parties the right to stipulate to a shorter time for the trial.

**1984 Amendment.** This change requires the use of a pretrial procedure and requires both parties to attend the pretrial conference which can be used to resolve pretrial motions. The use of a pretrial previously varied from county to county.

**1988 Amendment.** (b) 1st sentence — Chair's clarification.

2nd sentence — Require the clerk to set the initial pretrial conference within a reasonable time after filing of the action taking into consideration the fact that the time standards guideline for small claims cases is 95 days.



3rd sentence — State within the small claims rules what matters shall be considered at the pretrial conference rather than by reference to Florida Rule of Civil Procedure 1.220(a), which has been amended several times and is generally not applicable to small claims cases.

4th sentence — Direct that new form 7.322 shall and that new form 7.323 may be used statewide.

(c) Clarifies that a personal appearance is required at the pretrial conference when a defense motion is filed.

(e) Adds a provision for waiving counsel's appearance at the pretrial conference where all parties are represented by counsel.

### **Court Commentary**

**2008 Amendment.** The requirement that an attorney attending mediation on behalf of the client have full authority to settle should not be equated to a requirement to settle where one or more parties wants to proceed to trial.

**FORM 7.335. STATEMENT OF CLAIM (FOR RETURN OF STOLEN PROPERTY FROM PAWNBROKER)**

IN THE COUNTY COURT, IN AND FOR \_\_\_\_\_, COUNTY, FLORIDA

CASE NO.: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant/Pawnbroker.

STATEMENT OF CLAIM FOR RETURN OF PROPERTY FROM PAWNBROKER

Plaintiff, \_\_\_\_\_, sues defendant/pawnbroker, \_\_\_\_\_, and says:

1. This is an action for the return of stolen or misappropriated property pursuant to section 539.001, Florida Statutes.

2. Plaintiff is the owner of the following described property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. The above-described property was stolen or otherwise misappropriated from plaintiff on or about the .... day of \_\_\_\_\_, 20..... A copy of the law enforcement report outlining the theft/misappropriation is attached hereto and incorporated into this statement of claim.

4. The above-described property is currently in the possession of defendant and is located at a pawnshop as defined in section 539.001, Florida Statutes, the address of which is \_\_\_\_\_.

5. Plaintiff has complied with the procedural requirements of section 539.001, Florida Statutes. Specifically, plaintiff notified the pawnbroker of plaintiff's claim to the property:

\_\_\_\_\_ by certified mail, return receipt requested, OR  
\_\_\_\_\_ in person evidenced by a signed receipt.

The notice contains a complete and accurate description of the purchased or pledged

goods and was accompanied by a legible copy of the aforementioned police report regarding the theft or misappropriation of the property. No resolution between plaintiff and defendant pawnbroker could be reached within 10 days after the delivery of the notice.

WHEREFORE, the plaintiff demands judgment for the return of the property. Plaintiff further asks this court to award plaintiff the costs of this action, including reasonable attorneys' fees.

\_\_\_\_\_  
Plaintiff (signature)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip code

\_\_\_\_\_  
Day telephone number

State of Florida  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me on ....(date)....., by ....., who is personally known to me or has produced ..... as identification and who ....did/did not..... take an oath.

WITNESS my hand and official seal, on ....(date).....

\_\_\_\_\_  
Notary Public  
State of Florida

Note to Clerk of Court and to Sheriff: Pursuant to Section 539.001(15), filing fees and service fees shall be waived. Waiver does not require the filing of an affidavit of insolvency.

**FORM 7.342. EX PARTE MOTION AND ORDER FOR HEARING IN AID OF EXECUTION**

(CAPTION)

EX PARTE MOTION FOR HEARING IN AID OF EXECUTION

The judgment creditor, ....., pursuant to Florida Small Claims Rule 7.221, moves for an order requiring the judgment debtor(s), ....., to appear at a hearing in aid of execution for the purpose of examining the judgment debtor(s) regarding his/her/their ability to satisfy the final judgment entered in this cause and requiring the judgment debtor(s) to complete a FACT INFORMATION SHEET and bring it to the hearing in aid of execution.

\_\_\_\_\_  
Judgment Creditor

ORDER FOR HEARING IN AID OF EXECUTION

IT IS ORDERED AND ADJUDGED that the judgment debtor(s), ....., Address: ....., shall:

1. appear before Judge ..... on .....(date)....., at ..... o'clock .....m., in Courtroom ....., located at: ....., ....., Florida, to be examined as to the judgment debtor('s)(s') ability to satisfy the final judgment entered in this cause; and
2. bring to the hearing all documents and papers that relate to the judgment debtor('s)(s') financial condition and the completed, notarized fact information sheet attached hereto.

Judgment debtor('s)(s') failure to comply with this order shall be grounds for contempt.

ORDERED at ....., Florida, on .....(date).....

\_\_\_\_\_  
County Court Judge

[Editor's note: Changes to this form are already pending in *In re: Amendments to: Florida Rules of Civil Procedure; Florida Rules of Criminal Procedure; Florida Probate Rules; Florida Small Claims Rules; Florida Rules of Appellate Procedure; Florida Family Rules* (Petition of the Committee on Access to Court Records), Case No. SC08-2443. The changes proposed by the Small Claims Rules Committee in that case are shown here in single strikethroughs and underlines, while the changes proposed by the Committee in this 3-year-cycle report are shown in double strikethroughs and underlines.

The striking through of this sentence — “~~MAIL OR DELIVER THIS FORM TO THE CLERK OF THE COURT, AND~~” — is proposed in both SC08-2443 AND the 3-year-cycle report.]

## FORM 7.343. FACT INFORMATION SHEET

(a) For Individuals

(CAPTION)

### FACT INFORMATION SHEET — INDIVIDUAL

Full Legal Name: \_\_\_\_\_  
Nicknames or Aliases: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
Mailing Address (if different): \_\_\_\_\_  
Telephone Numbers: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_  
Name of Employer: \_\_\_\_\_  
Address of Employer: \_\_\_\_\_  
Position or Job Description: \_\_\_\_\_  
Rate of Pay: \$ \_\_\_\_\_ per \_\_\_\_\_. Average Paycheck: \$ \_\_\_\_\_ per \_\_\_\_\_  
Average Commissions or Bonuses: \$ \_\_\_\_\_ per \_\_\_\_\_. Commissions or bonuses are based on \_\_\_\_\_  
Other Personal Income: \$ \_\_\_\_\_ from \_\_\_\_\_  
(Explain details on the back of this sheet or an additional sheet if necessary.)  
Social Security Number: \_\_\_\_\_ Birthdate: \_\_\_\_\_  
Driver's License Number: \_\_\_\_\_  
Marital Status: \_\_\_\_\_ Spouse's Name: \_\_\_\_\_  
Spouse's Address (if different): \_\_\_\_\_  
Spouse's Social Security Number: \_\_\_\_\_ Birthdate: \_\_\_\_\_  
Spouse's Employer: \_\_\_\_\_  
Spouse's Average Paycheck or Income: \$ \_\_\_\_\_ per \_\_\_\_\_  
Other Family Income: \$ \_\_\_\_\_ per \_\_\_\_\_ (Explain details on back of this sheet or an additional sheet if necessary.)  
Names and Ages of All Your Children (and addresses if not living with you): \_\_\_\_\_  
\_\_\_\_\_  
Child Support or Alimony Paid: \$ \_\_\_\_\_ per \_\_\_\_\_  
Names of Others You Live With: \_\_\_\_\_  
Who is Head of Your Household? \_\_\_\_\_ You \_\_\_\_\_ Spouse \_\_\_\_\_ Other Person  
Checking Account at: \_\_\_\_\_ Account # \_\_\_\_\_

Savings Account at: \_\_\_\_\_ Account # \_\_\_\_\_

(Describe all other accounts or investments you may have, including stocks, mutual funds, savings bonds, or annuities, on the back of this sheet or an additional sheet if necessary.)

For Real Estate (land) You Own or Are Buying:

Address: \_\_\_\_\_

All Names on Title: \_\_\_\_\_

Mortgage Owed to: \_\_\_\_\_

Balance Owed: \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

(Attach a copy of the deed or mortgage, or list the legal description of the property on the back of this sheet or an additional sheet if necessary. Also provide the same information on any other property you own or are buying.)

For All Motor Vehicles You Own or Are Buying:

Year/Make/Model: \_\_\_\_\_ Color: \_\_\_\_\_

Vehicle ID #: \_\_\_\_\_ Tag No: \_\_\_\_\_ Mileage: \_\_\_\_\_

Names on Title: \_\_\_\_\_ Present Value: \$ \_\_\_\_\_

Loan Owed to: \_\_\_\_\_

Balance on Loan: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_ (List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)

Have you given, sold, loaned, or transferred any real or personal property worth more than \$100 to any person in the last year? If your answer is "yes," describe the property and sale price, and give the name and address of the person who received the property.

Does anyone owe you money? Amount Owed: \$ \_\_\_\_\_

Name and Address of Person Owing Money: \_\_\_\_\_

Reason money is owed: \_\_\_\_\_

Please attach copies of the following:

~~\_\_\_\_\_ a.1.~~ Your last pay stub.

~~\_\_\_\_\_ b.2.~~ Your last 3 statements for each bank, savings, credit union, or other financial account.

~~\_\_\_\_\_ c.3.~~ Your motor vehicle registrations and titles.

~~\_\_\_\_\_ d.4.~~ Any deeds or titles to any real or personal property you own or are buying, or leases to property you are renting.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

\_\_\_\_\_  
Judgment Debtor

STATE OF FLORIDA  
COUNTY OF .....

The foregoing instrument was acknowledged before me on .....(date)....., by ....., who is personally known to me or has produced ..... as identification and who .....did/did not..... take an oath.

WITNESS my hand and official seal, on .....(date).....

\_\_\_\_\_  
Notary Public  
State of Florida

My Commission expires: .....

~~MAIL OR DELIVER THIS FORM TO THE CLERK OF THE COURT, AND MAIL OR DELIVER A COPY OF THE COMPLETED FORM TO THE JUDGMENT CREDITOR OR THE JUDGMENT CREDITOR'S ATTORNEY. DO NOT FILE THIS FORM WITH THE COURT.~~

(b) For Corporate Entities

(CAPTION)

FACT INFORMATION SHEET— BUSINESS ENTITY

Name/Title of person filling out this form: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: Home: \_\_\_\_\_ Business: \_\_\_\_\_

Address of Business Entity: \_\_\_\_\_

Type of Entity: (Check One)  Corporation  Partnership  Limited Partnership  Sole Proprietorship  Limited Liability Corporation (LLC)  Professional Association (PA)

Other: (Please Explain)

Does Business Entity own/have interest in any other business entity? If so please explain.

Gross/Taxable income reported for Federal Income Tax purposes last three years:

\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Taxpayer Identification Number: \_\_\_\_\_

List Partners (General or Limited and Designate Percentage of Ownership): \_\_\_\_\_

Average No. of Employees/Month: \_\_\_\_\_

Names of Officers and Directors: \_\_\_\_\_

Checking Account at: \_\_\_\_\_ Account No: \_\_\_\_\_

Savings Account At: \_\_\_\_\_ Account No: \_\_\_\_\_

Does the Business Entity own any vehicles: \_\_\_\_\_

Years/Makes/Models: \_\_\_\_\_

Vehicle I.D. Nos.: \_\_\_\_\_

Tag Nos.: \_\_\_\_\_

Loans Outstanding: \_\_\_\_\_

Does the Business Entity own any real property: YES \_\_\_\_\_ NO \_\_\_\_\_

If Yes: Address: \_\_\_\_\_

Please check if the business entity owns the following:

|                               |                           |
|-------------------------------|---------------------------|
| _____ Boat                    | _____ Camper              |
| _____ Stocks/Bonds            | _____ Other Real Property |
| _____ Other Personal Property | _____ Intangible Property |

Please attach copies of the following:

1. All tax returns for the past 3 years, including but not limited to state and federal income tax returns and tangible personal property tax returns.
2. All bank, savings and loan, and other account books or statements for accounts in institutions in which the defendant had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the date of this judgment for accounts in which the defendant held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date of this judgment.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the defendant within the 12 months immediately preceding the date of filing this lawsuit. Any transfer of property within the last year other than ordinary course of business transactions.
6. Motor vehicle documents, including titles and registrations relating to any motor vehicles owned by the defendant alone or with others.
7. Financial statements and any other business records, including but not limited to accounts payable and accounts receivable ledgers, as to the defendant's assets and liabilities prepared within the 12 months immediately preceding the date of this judgment.
8. Copies of articles, by-laws, partnership agreement, operating agreement, and any other governing documents, and minutes of all meetings of the defendant's shareholders, board of directors, or members held within 2 years of the date of this judgment.
9. Resolutions of the shareholders, board of directors, or members passed within 2 years of the date of this judgment.
10. A list or schedule of all inventory and equipment.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING



ANSWERS ARE TRUE AND COMPLETE.

\_\_\_\_\_  
Defendant's Designated Representative  
Title: .....

STATE OF FLORIDA  
COUNTY OF .....

The foregoing instrument was acknowledged before me on .....(date)....., by .....,  
as the defendant's duly authorized representative, who is personally known to me or has  
produced ..... as identification and who .....did/did not..... take an oath.

WITNESS my hand and official seal, on .....(date).....

\_\_\_\_\_  
Notary Public  
State of Florida

My Commission expires: .....

~~MAIL OR DELIVER THIS FORM TO THE CLERK OF THE COURT, AND MAIL OR  
DELIVER A COPY OF THE COMPLETED FORM TO THE JUDGMENT CREDITOR OR  
THE JUDGMENT CREDITOR'S ATTORNEY. DO NOT FILE THIS FORM WITH THE  
COURT.~~

# APPENDIX C

Proposed Changes to Rules in Two-Column Format

|   |   |
|---|---|
| <p><b>Proposed changes:</b></p> <p><b>RULE 7.050. COMMENCEMENT OF ACTION;<br/>STATEMENT OF CLAIM</b></p> <p>(a) <b>Commencement.</b></p> <p>(1) <b>Statement of Claim.</b> Actions are commenced by the filing of a statement of claim in concise form, which shall inform the defendant of the basis and the amount of the claim. If the claim is based on a written document, a copy or the material part thereof shall be attached to the statement of claim. <u>All documents served upon the defendant with initial process shall be filed with the court.</u></p> <p>(2) <b>Party Not Represented by Attorney to Sign.</b> A party, individual, or corporation who or which has no attorney handling such cause shall sign that party's statement of claim or other paper and state that party's address and telephone number, including area code. However, if the trial court in its discretion determines that the plaintiff is engaged in the business of collecting claims and holds such claim being sued upon by purchase, assignment, or management arrangement in the operation of such business, the court may require that corporation to provide counsel in the prosecution of the cause. A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation.</p> <p>(b) [NO CHANGE]</p> <p>(c) [NO CHANGE]</p> | <p><b>Reasons for change:</b></p> <p>This sentence is added to ensure that the courts have access to all documents served with initial process.</p> |
|---|---|

(d) [NO CHANGE]

(e) [NO CHANGE]

**Committee Notes**

**2008 Amendment.** A sentence is added to subdivision (a)(1) to ensure that the courts have access to all documents served with initial process.

For clarification of reason for change.

| <b>Proposed changes:</b>  | <b>Reasons for change:</b>  |
|---|---|
| <p><b>RULE 7.090. APPEARANCE; DEFENSIVE PLEADINGS; TRIAL DATE</b></p> <p>(a) <b>Appearance.</b> On the date and time appointed in the notice to appear, the plaintiff and defendant shall appear personally or by counsel <u>before a judge</u>.</p> <p>(b) <b>Notice to Appear; Pretrial Conference.</b> The summons/notice to appear shall specify that the initial appearance shall be for a pretrial conference. The initial pretrial conference shall be set by the clerk not more than 50 days from the date of the filing of the action. At the pretrial conference, all of the following matters shall be considered <u>by a judge</u>:</p> <ol style="list-style-type: none"> <li>(1) The simplification of issues.</li> <li>(2) The necessity or desirability of amendments to the pleadings.</li> <li>(3) The possibility of obtaining admissions of fact and of documents that avoid unnecessary proof.</li> <li>(4) The limitations on the number of witnesses.</li> <li>(5) The possibilities of settlement.</li> <li>(6) Such other matters as the court in its discretion deems necessary.</li> </ol> | <p>To add uniformity to pretrial conference procedure statewide by clarifying the judiciary’s role in the small claims process and to bring the rule into alignment with form 7.322.</p> <p>To add uniformity to pretrial conference procedure statewide by clarifying the judiciary’s role in the small claims process and to bring the rule into alignment with form 7.322.</p> |

Form 7.322 shall and form 7.323 may be used in conjunction with this rule.

(c) [NO CHANGE]

(d) [NO CHANGE]

(e) [NO CHANGE]

(f) **Appearance at Mediation; Sanctions.** In small claims actions, an attorney may appear on behalf of a party at mediation if the attorney has full authority to settle without further consultation. Unless otherwise ordered by the court, a nonlawyer representative may appear on behalf of a party to a small claims mediation if the representative has the party's signed written authority to appear and has full authority to settle without further consultation. In either event, the party need not appear in person. Mediation may take place at the pretrial conference. Whoever appears for a party must have full authority to settle. Failure to comply with this subdivision may result in the imposition of costs and attorneys' fees incurred by the opposing party.

(g) [NO CHANGE]

#### **Court Commentary**

**2008 Amendment.** The requirement that an attorney attending mediation on behalf of the client have full authority to settle should not be equated to a requirement to settle where one or more parties wants to proceed to trial.

To correct style and grammar errors in the adoption of changes in *In re: Amendments to Florida Small Claims Rule 1.090*, 985 So. 2d 1083 (Fla. 2008).

To correct an error in the adoption of changes in *In re: Amendments to Florida Small Claims Rule 1.090*, 985 So. 2d

1083 (Fla. 2008).

## APPENDIX D

### Background Documents (relevant legislation)



Section 117.05(13)(c), Florida Statutes (2009):

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.--

\* \* \*

(13) The following notarial certificates are sufficient for the purposes indicated, if completed with the information required by this chapter. The specification of forms under this subsection does not preclude the use of other forms.

\* \* \*

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, (year), by (name of person) as (type of authority, . . . e.g. officer, trustee, attorney in fact) for (name of party on behalf of whom instrument was executed).

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

## APPENDIX E

Comments Received after Publication of Proposed Changes

**From:** Murphy, Vince  
**Sent:** Friday, July 17, 2009 11:41 AM  
**To:** Judge Lee/17THCircuit@jud17  
**Subject:** Proposed Small Claims Rules

I'm your colleague in Collier County ( Naples ), and I'm availing myself of the opportunity to comment on the proposed change to Rule 7.090.

Our procedure at pretrials is to have the clerk call the cases (usually 70 or so every Friday), and then ask the litigants to participate in a mediation. If mediation is successful (we enjoy a 90% success rate), the agreement is drawn and signed, and the case is concluded. If mediation is declined or unsuccessful, the case is set for trial. While that is going on, we (the judges) are attending to other court functions. For example, this morning I was presiding over misdemeanor jail arraignments at the same time that the small claims pretrials were being called in the courtroom.

With daunting budget issues casting a very long shadow over our court operations, I am concerned that we are going to find ourselves stretched so thin that we are unable to deal with our dockets effectively. For example, in Collier County the loss of our traffic court hearing officers now means that two judges devote every single Tuesday to traffic court, all day. This small claims rule change will force us to surrender yet another day, and for a largely ministerial rather than an adjudicatory process. I would prefer to leave to each county the flexibility to conduct pretrials as they find most efficient and appropriate, rather than impose a rigid protocol statewide.

There are certainly some advantages for judge-driven pretrials, and those jurisdictions which follow that procedure have no doubt so concluded. I simply believe that there is no reason to force every jurisdiction to adopt that procedure if our circumstances would suggest a more efficient process.

One of the stated justifications for the proposed change is, "...to bring the rule into alignment with form 7.322." To me, this is the tail wagging the dog. If there is no substantive reason for the change, we can just as easily bring the form into alignment with the rule.

Thank you for your efforts with the Committee and your service to Florida , and thank you for considering my comments.

## Vince Murphy

[vmurphy@ca.cjis20.org](mailto:vmurphy@ca.cjis20.org)

Collier County Judge

Collier County Courthouse

3301 East Tamiami Trail

Naples , FL 34112

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[www.symantec.com](http://www.symantec.com)

To: "jlee@17th.flcourts.org" <jlee@17th.flcourts.org>  
From: "Turner, Angela" <ATurner@CA.CJIS20.ORG>  
Date: 07/23/2009 02:00PM  
Subject: FW: Proposed Small Claims Rules

As another colleague in Naples, Judge [Eugene] Turner has asked me to advise he agrees with Judge Murphy.

Thank you.

Angela Turner, Judicial Assistant

To: "jlee@17th.flcourts.org" <jlee@17th.flcourts.org>  
From: "Martin, Janeice" <JMartin@CA.CJIS20.ORG>  
Date: 07/17/2009 01:15PM  
Subject: FW: Proposed Small Claims Rules

Judge Lee—

I appreciate your assistance with this matter, and would like to echo Judge Murphy's arguments on the issue.

I believe he has thoroughly and concisely set for the case for "local rule" on the handling of pretrial conferences.

Thank you for your time.

Janeice T. Martin  
County Court Judge  
Collier County

**From:** "Paul Alessandrone"  
**To:**

**Date:** Monday, July 27, 2009 03:01PM

**Subject:** Small Claims Rule Change

**History:**  This message has been replied to.

---

Dear Judge Lee,

Let me voice my strong opposition to the proposed rule change regarding an expanded role for judges at the small claims pretrial conference.

Throughout our judicial system in Florida and in our nation we are expanding our caseload capacity by employing case management techniques that include procedures that Charlotte County follows with small claims pretrials. A video recorded by a county judge and providing important information regarding procedures such as mediation and the process of setting trials in disputed cases is shown to the litigants at the beginning of pretrials. The cases are called by a case manager who screens them individually and refers them either to immediate free mediation or to the clerk to be set for trial. The vast majority of cases are resolved there, but if not, the litigants are brought back to court to appear either before a judge who inquires into factors relevant to setting the trial (number of witnesses, time required, etc.) or before a clerk who acts as a case manager in asking many of the same questions.

My personal experience and that of my colleague (with whom I share 50% of the county civil docket) is that this procedure works well and permits the judge to address other matters during our very busy days. Very few cases are set for trial because mediation resolves them to the satisfaction of the parties. When cases are set for trial they go more smoothly and within the reserved time because of the case management techniques employed. The matters set forth in current Rule 7.090 are substantially addressed by in the case management process.

Perhaps I can better understand the requirement of a personal appearance before the court if mediation were not available, but I see no benefit, *absolutely no benefit*, to mandating that a judge perform that which is essentially a case management function currently being professionally handled by trained court personnel. I have extensive experience in case management systems, including family law, civil (including small claims), and now beginning with criminal. In my view the proposed rule change is a huge step backwards in our evolution to a more efficient court system that can handle ever increasing numbers of cases with, in many cases, significantly dwindling judge resources. Please do not allow this rule to be adopted by the Supreme Court. If there is any chance that this could happen, please advertise this fact to the county judges well in advance so that we can marshal the resources to help kill it.

[http://inotes.17th.flcourts.org/mail/jlee.nsf/\(\\$Inbox\)/514C42318D07B2BF8525760000688...](http://inotes.17th.flcourts.org/mail/jlee.nsf/($Inbox)/514C42318D07B2BF8525760000688...) 7/27/2009

Thanks for taking the time to read this.

Paul Alessandrone

County Judge

Charlotte County, Florida

941-505-4826

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**The Sixth Judicial Circuit of Florida**

501 1<sup>ST</sup> AVENUE NORTH, SUITE 1000  
ST. PETERSBURG, FL 33701  
(727) 582-7424  
FAX: (727) 582-7438

**J. Thomas McGrady**  
Chief Judge

**B. Elaine New**  
Court Counsel

August 12, 2009

Judge Robert W. Lee  
Chair, Small Claims Rules Committee  
Broward County Courthouse  
201 SE 6<sup>th</sup> Street, Suite 331  
Ft. Lauderdale, FL 33301-3372

Dear Judge Lee:

We are writing to raise objections to the proposed amendment to Small Claims Rule 7.090 because of the negative impact that it will have on small claims hearings and the court system as a whole. The proposed rule change would eliminate the use of a small claims pretrial hearing officer for pretrial conferences. Instead, a county judge would have to fill this void, creating considerable strain on a court system that is already stretched thin. To best serve the citizens of the state of Florida, the proposed amendment to Small Claims Rule 7.090 should not be adopted.

The Florida Supreme Court has already considered this proposal once and rejected it. See *In re The Florida Bar Small Claims Rules* 537 So. 2d 81 (Fla. 1988). The Small Claims Rules Committee should not advance this amendment and we anticipate that if they do the Court will reject it again. Small claims pretrial hearing officers perform an invaluable service to the efficient and effective functioning of the court system. A hearing officer greets the parties, manages on site mediation, and if a need for a judge arises immediately places the parties in front of a judge. The hearing officer does not have the authority to decide disputed questions of law or fact, rather the hearing officer functions as a case manager to facilitate resolution of the cases. This practice allows the parties involved in a small claims case to have their matter resolved in a manner that is just, equitable, and efficient.

Furthermore, it is also efficient for county court judges to have hearing officers in small claims court. In Pinellas County, 5,521 small claims cases were filed from January 1, 2009 until June 30, 2009. Of those that were not defaults, dismissals, etc., 1139 were mediated. Of the 1139 mediated only 154 were set for trial. If all 5,521 cases had to be in front of a judge before they were dismissed, classified as a default, sent to mediation, or set for trial the burden on the court system and its judges would be significant. Mediation allows parties to settle disputes at



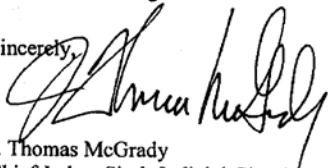
Judge Robert W. Lee  
August 12, 2009  
Page Two

their own pace and on their terms and this is what results in so few cases going to trial. In a time when efficient and effective case management is more important than ever we can hardly bare the consequences of what the adoption of the proposed amendment to SCR 7.090 would bring.

Currently, small claims pretrial hearing officers serve an important function that operates within the bounds of the small claims rules. However, because the proposed amendment to the rule would eliminate the use of hearing officers for pretrial conferences we would like to offer an alternative. See Attachment A. This change requires every county to have a judge available to handle small claims matters if they are needed, without eliminating the use of small claims hearing officers. It is a compromise that allays everyone's concerns. No party will have to reschedule simply to have a motion heard and all parties will have their cases resolved under the letter of the law in a more efficient and timely manner.

The amendment to small claims rule 7.090 that has been proposed by the Small Claims Rules Committee, if adopted, will place a significant burden on the court system. However, the rule that we have proposed will allow small claims cases to be carefully decided under the law while still allowing them to be resolved in an efficient and effective manner.

Sincerely,



J. Thomas McGrady  
Chief Judge, Sixth Judicial Circuit



Henry J. Andringa  
County Administrative Judge, Pinellas County

Attachment

ATTACHMENT A

**Rule 7.090. APPEARANCE; DEFENSIVE PLEADINGS; TRIAL DATE**

(b) **Notice to appear; Pretrial Conference.** The summons/notice to appear shall specify that the initial appearance shall be for a pretrial conference. The initial pretrial conference shall be set by the clerk not more than 50 days from the date of the filing of the action. The pretrial conference may be conducted by a non-judicial officer employed by or under contract with the court; however, a Judge shall be available to hear any motions or resolve any legal issues. At the pretrial conference, all of the following matters shall be considered:

- (1) The simplification of issues.
- (2) The necessity or desirability of amendments to the pleadings.
- (3) The possibility of obtaining admissions of fact and of documents that avoid unnecessary proof.
- (4) The limitations on the number of witnesses.
- (5) The possibilities of settlement.
- (6) Such other matters as the court in its discretion deems necessary.

Form 7.322 shall and Form 7.323 may be used in conjunction with this rule.

## APPENDIX F

Copies of the Published Florida Bar *News Notice*

**July 15, 2009**

**Amendments to the Florida Small Claims Rules**

The Small Claims Rules Committee invites comment on the proposed three-year-cycle amendments to the Florida Small Claims Rules. The full text of the proposals can be found at the Bar’s web site at [www.floridabar.org](http://www.floridabar.org). The proposed amendments will be filed with the court by February 1, 2010. Interested persons have until August 15, 2009, to submit comments electronically to Judge Robert W. Lee, Chair, Small Claims Rules Committee, [jlee@17th.flcourts.org](mailto:jlee@17th.flcourts.org).

| RULE     | COMMITTEE VOTE                                      | REASONS FOR CHANGE   |
|----------|---|--|
| 7.050(a) | 11-5  | A sentence is added to subdivision (a)(1) to ensure that the courts have access to all documents served with initial process.  |
| 7.090    | (a)–(b): 10-0<br><br>(f) and Court Commentary: 18-0 | (a)–(b): to add uniformity to pretrial conference procedure statewide by clarifying the judiciary’s role in the small claims process and to bring the rule into alignment with form 7.322.<br>(f) and Court Commentary: to correct style and grammar errors in the adoption of changes in <i>In re: Amendments to Florida Small Claims Rule 1.090</i> , 985 So.2d 1083 (Fla. June 19, 2008). |
| 7.335    | 20-0  | The word “/pawnbroker” is added after “defendant” in the first line of the statement of claim, to be consistent with the caption and the intent of the initial adoption of this form. Also, a punctuation error in the caption is corrected.   |
| 7.342    | 22-0  | The word “information” is inserted between “fact sheet” in two places, to clarify for the pro se litigant what sheet the pro se litigant must complete.  |

|       |      |   |
|-------|------|---|
| 7.343 | 21-0 | <p>Instruction to mail or deliver the form to the clerk is deleted because the optional enforcement paragraph in form 7.340, which refers to form 7.343, instructs the defendant to return the sheet to the plaintiff's attorney (or plaintiff if unrepresented), not the court clerk.</p> <p>The notary block in (b) is not the proper one for a business entity. The proposed change follows the statute (<i>F.S.</i> 117.05(13)(c)). A few other changes are made to conform form (a) and (b) to each other.</p> |
|-------|------|---|

## APPENDIX G

Certification that Proposed Rules Have Been Read Against  
West's FLORIDA RULES OF COURT

I certify that these rules and forms were read against West's FLORIDA RULES OF COURT – STATE (2009).

---

Madelon Horwich  
Bar Staff Liaison, Small Claims Rules Committee  
The Florida Bar  
651 E. Jefferson St.  
Tallahassee, FL 32399-2300  
(850) 561-5707  
FLORIDA BAR #316512