

ADMINISTRATIVE ORDER
NO. 2009-12-02

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

**AMENDED ADMINISTRATIVE ORDER GOVERNING
FIRST PARTY INSURANCE CLAIMS CASES**

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, pursuant to the Chief Judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and considering available resources, to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the Chief Judge is required to exercise direction, *see Fla. R. Jud. Admin. 2.215(b)(2), (b)(3)*; and

WHEREAS, it has been officially made known to me that it is necessary to the dispatch of business of the Orange County Court, Ninth Judicial Circuit, Florida, that the Court efficiently utilize the services of the Clerk of the Court, the services of the Court's mediation services, and that the Court refrain from issuing duplicate orders in each applicable individual court case; and

WHEREAS, certain cases are routinely filed within the Small Claims Division of the Orange County Civil Court, to wit: claims by insureds (or assignees of insureds) against insurers for insurance policy benefits, such as Personal Injury Protection benefits, automobile windshield glass benefits and other property insurance benefits ("First Party Insurance Claims"). In 2019, more than 25,000 First Party Insurance Claims cases were filed in the Small Claims Division in Orange County; and,

WHEREAS, the filing of such cases in the Small Claims Division results in issuance in each case of a Summons/Notice to Appear pursuant to Rule 7.090, Florida Small Claims Rules, setting a pretrial conference within 50 days from the date of filing of the action and, in the Ninth Judicial Circuit, setting a mediation conference with the Court's mediation services; and

WHEREAS, the parties in such First Party Insurance Claims are represented by counsel, the parties typically seek extensive discovery, and, as a result, the trial courts routinely invoke the Florida Rules of Civil Procedure as permitted by Rule 7.020(c), Florida Small Claims Rules, resulting in the entry of individual orders in each case; and

WHEREAS, the invocation of the Florida Rules of Civil Procedure uniformly at inception of the case throughout Orange County in First Party Insurance Claims cases promotes judicial economy and efficiency, and avoids unnecessary consumption of pretrial and mediation schedule and other resources;

NOW, THEREFORE, I, Donald A. Myers, Jr., in order to facilitate the efficient

operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent, the following provisions apply to all First Party Insurance Claims cases:

1. **Florida Rules of Civil Procedure Apply:** The Florida Rules of Civil Procedure are hereby invoked at the time of filing the case for all First Party Insurance Claims cases filed in the Small Claims Division of the Orange County Court. (This is a restatement and clarification of the invocation of the Florida Rules of Civil Procedure at the inception of the case contained in Administrative Order 2009-12-01.)

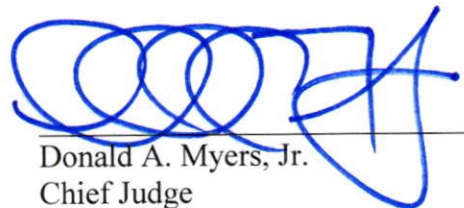
2. **Civil Cover Sheet Addendum:** Effective immediately, for all First Party Insurance Claims cases, the plaintiff must file a complaint that specifically states the Ninth Judicial Circuit Court Administrative Order 2009-12-02 applies. A Civil Cover Sheet County Court Addendum, in the form attached hereto as Exhibit "A," shall be filed together with the Complaint.

3. **Summons:** In all First Party Insurance Claims cases appropriately designated under paragraph 2 above, the clerk shall issue a summons consistent with the Florida Rules of Civil Procedure. The Clerk shall not set a small claims pretrial conference or small claims mediation in the case.

4. The provisions of this Administrative Order may be modified by the trial court in any individual First Party Insurance Claims case.

5. Administrative Order 2009-12-01 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 8 day of September, 2020.



Donald A. Myers, Jr.
Chief Judge

Copies to:
Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

EXHIBIT “A”

[CIVIL COVER SHEET COUNTY COURT ADDENDUM]

CIVIL COVER SHEET COUNTY COURT ADDENDUM
PARTY OR ATTORNEY FILING ACTION MUST SELECT WHICH APPLIES

Cases Subject to Administrative Order 2009-12-02 - Order Governing Small Claims First Party Insurance Claims Cases. The designations set out below shall guide the parties and the Court in the assignment of cases subject to Administrative Order 2009-12-02.

COUNTY CIVIL Small Claims

_____ Other civil (small claims Personal Injury Protection)

_____ Other civil (automobile glass insurance claims cases)

_____ Other civil (other claim for first party insurance benefits)

NOTE: A copy of the Civil Cover Sheet and this Addendum must be served with the Complaint for all small claims First Party Insurance Claims cases.