

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

SECOND AMENDED ADMINISTRATIVE ORDER: M-2022-31-B

**REGARDING MARION COUNTY COURT SMALL CLAIMS PRETRIAL
CONFERENCES**

WHEREAS, Florida Rules of General Practice and Judicial Administration 2.215(a) fixes administrative responsibility for ensuring the efficient and proper administration of all courts within the circuit in the Chief Judge of the Fifth Judicial Circuit, and other judges he may designate; and

WHEREAS, pursuant to Florida Rules of General Practice and Judicial Administration 2.215(b)(5) and by Administrative Order, the Chief Judge designated the undersigned judge as Administrative Judge for Marion County, and has ordered that all administrative oversight of the County Courts in Marion County will be provided by the Administrative Judge of Marion County; and

WHEREAS, Florida Small Claims Rules 7.090(a) requires the plaintiff and defendant to appear for a pretrial conference where, *inter alia*, the possibility of obtaining admissions of fact and the possibility of settlement shall be considered; and

WHEREAS, it is deemed necessary and appropriate for the prompt, effective, and efficient progression of all small claims cases to adopt uniform policies and procedures in Marion County.

It is, therefore, **ORDERED** as follows:

1. All parties shall appear, **in person**, either personally or through counsel for the pretrial conference scheduled in their case.
2. All cases scheduled for pretrial conference shall be called, including those cases in which defendant(s) have not been served process.
3. If a defendant has not been served with process for the small

claims pretrial conference, the judge may continue the pretrial conference two times. But, if the defendant has not been served by the third scheduled date of the small claims pretrial conference, the judge shall dismiss the case without prejudice to refile.

4. If the parties are unable to resolve their cases at the pretrial conference, the parties shall be referred to mediation, which will occur as part of the pretrial conference. If time or personnel constraints do not allow for mediation at the pretrial conference, litigants will be given a date to return for an in-person mediation. All parties and their representatives appearing for the pretrial conference must have full settlement authority.


5. If an agreement is reached at mediation, each party shall sign a written agreement or stipulation at the conclusion of the mediation session.

6. Attorneys are limited to appearing in no more than 10 cases in which the defendant has been served. There is no limitation on the number of cases in which an attorney may appear where the defendant has not been served.

7. Attorneys shall provide a list of cases in which they are appearing by **5:00 P.M.** of the day before the scheduled pretrial conference to marionsmallclaims@circuit5.org. Said list must indicate whether a case is served or non-served.

8. This Order shall take effect on June 1, 2023, and will remain in effect unless amended by Administrative Order.

DONE and **ORDERED** in Chambers at Ocala, Marion County, Florida this 27th day of April.



ROBERT W. HODGES
Administrative Judge
Marion County