

As proposed by The Florida Bar's Small Claims Rules Committee, the Florida Supreme Court recently amended Florida Small Claims Rule 7.040 (Clerical and Administrative Duties of Clerk) to add a cross-reference to new Florida Rule of Judicial Administration 2.425 (Minimization of the Filing of Sensitive Information).

The Court invites all interested persons to comment on the amendment, which is reproduced in full below, as well as online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. An original and nine paper copies of all comments must be filed with the Court on or before February 13, 2012, with a certificate of service verifying that a copy has been served on the committee chair, Judson Lee Cohen, Cohen Law Offices, 1 S.E. 3rd Avenue, Suite 2900, Miami, Florida 33131-1711, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The committee chair has until March 5, 2012, to file a response to any comments filed with the Court. Electronic copies of all comments and responses also must be filed in accordance with the Court's administrative order In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004).

## **IN THE SUPREME COURT OF FLORIDA**

### **IN RE AMENDMENTS TO FLORIDA SMALL CLAIMS RULES, CASE NO. SC11-1714.**

#### **RULE 7.040. CLERICAL AND ADMINISTRATIVE DUTIES OF CLERK**

**(a) Generally.** The clerk of the circuit court or the clerk of the county court in those counties where such a clerk is provided (hereinafter referred to as the clerk) shall:

(1) maintain a trial calendar. The placing of any action thereon with the date and time of trial is notice to all concerned of the order in which they may expect such action to be called;

(2) maintain a docket book and a judgment book (which may be the same book) in which accurate entries of all actions brought before the court and notations of the proceedings shall comply with Florida Rule of Judicial

Administration 2.425 and shall be made including the date of filing; the date of issuance, service, and return of process; the appearance of such parties as may appear; the fact of trial, whether by court or jury; the issuance of execution and to whom issued and the date thereof and return thereon and, when satisfied, a marginal entry of the date thereof; the issuance of a certified copy; a memorandum of the items of costs including witness fees; and the record of the verdict of the jury or finding of the judge, and the judgment, including damages and costs, which judgments may be kept in a separate judgment book; and

(3) maintain an alphabetical index by parties' names with reference to action and case number.

**(b) [No Change]**

#### **Court Commentary**

**[No Change]**