

Small Claims Court in Florida

What is Small Claims Court?

A small claims case is a legal action filed in county court to settle minor legal disputes among parties where the dollar amount involved is \$5,000.00 or less, excluding costs, interest and attorney fees.

Who may sue?

Any of the following people may sue:

- Anyone 18 years of age or older.
- A parent or guardian for anyone under 18.
- Anyone having a claim that does not exceed \$5,000.00.

How do you file a claim?

1. Obtain a Small Claims Packet from the Okaloosa County Clerk of Circuit Courts or online at www.clerkofcourts.cc/pages/small_claims.htm.

2. Fill out the Statement of Claim form by either typing or printing with a ball point pen to ensure legibility on all copies. Here are some basic guidelines for completing this form:

- In the space for "Plaintiff," type or write the name and address of the person bringing the lawsuit. Specify whether you are an individual doing business under a fictitious name and also indicate if you are suing as a corporation. If suing as a corporation, the form must be signed by *any one* of the following:
 - An officer of the corporation
 - An employee authorized by an officer of the corporation
 - The corporation's attorney
- In the space for "Defendant," type or write the name and address of the person(s) or business you are suing. You *must have* the defendant's complete name and street address (do not use a post office box unless you are serving by certified mail). If the defendant is a corporation, provide the name of an officer or registered agent of the corporation so that the summons can be served.
 - You can contact the Secretary of State to obtain information about a corporation:
 - Department of State, Division of Corporations, Corporate Filings, P.O. Box 6327, Tallahassee, FL 32314;
 - Call 850-488-9000; or
 - Visit the website at <http://www.sunbiz.org>
 - It is essential to style your case correctly. For example:
 - John Doe dba Poor Boy's Roofing
 - John Doe and Jane Smith, a partnership dba Poor Boy's Roofing
 - Poor Boy's Roofing, Inc., by serving John Doe, Registered Agent
- List the amounts you are suing for in the spaces provided and indicate the basis of the suit from the options listed. Describe or attach any additional information requested.
- The Statement of Claim must be signed in the presence of one of the Deputy Clerks or a Notary Public.
- Use the checklist in the Small Claims Packet to ensure that you have made enough copies of the Statement of Claim, Summons, Attachments, and Envelopes to file your case.

3. File the documents in person or by mail. All necessary forms, copies, filing fees and sheriff's fees must be included. All money orders/cashier's checks (personal checks are not accepted) should be made payable to the Clerk of Courts. Credit and debit cards are also accepted for a small fee. Once you pay the filing fee, the clerk will assign a case number and judge.

Claims less than \$100.00	\$55.00
Claims of \$100.00 or more but not more than \$500	\$80.00
Claims of more than \$500 but not more than \$2,500	\$175.00
Claims more than \$2,500 but not more than \$5,000	\$300.00

4. Serve the summons/complaint with any attachments on each defendant. The summons can be served in one of the following ways:

- a. By certified mail (\$10.00 fee)
 - o Certified mail can only be used when the defendant resides in Florida. The mail must be addressed to the defendant's home address or post office box.
 - o If the defendant refuses the certified mail, the pre-trial conference will be delayed until the summons can be served. At that point, you will need to provide the Okaloosa County Clerk of Court Office with a new address, pay the fee for certified mail again, or pay to have the summons served by a sheriff's office.
- b. By service by the sheriff (\$40.00 fee)
 - o If the defendant resides in Okaloosa County, the Okaloosa County Sheriff's Office will serve the complaint for \$40.
 - o If the defendant does not reside in Bay County, call the Sheriff's Department in the defendant's county or state to obtain the proper address and fees.
 - o The Sheriff's Office should notify you of service within 2 weeks. If you have not heard from the Sheriff's Office, call the Clerk's Office to check on the return of service.

What is a Pre-trial Conference?

- *When is it?* The Pre-trial conference will be scheduled within 2 months from the date you file your claim.
- *Who has to be there?* Appearance at the pre-trial is MANDATORY. A corporation may be represented at any stage of the trial court proceeding by an officer of the corporation or any employee authorized by an officer of the corporation.
- *What is it for?* The purpose of the conference is to record your appearance, determine if you admit all or part of the claim, help the court determine the nature of the case, and set the case for a Final Hearing if the matter cannot be resolved. Generally, the judge will also send the parties to mediation. At mediation, the parties will have the chance to freely present their sides in the quiet, relaxed atmosphere of a conference room under the guidance of an experienced mediator who will strive to bring about a settlement of the issues that will be beneficial to both parties. It may save you time and money, as successful mediation means no further court appearances and no further loss of time from normal activities for you and your witness(es).

- *What if the defendant is not served the summons?* If the defendant is not served the summons, the Pre-trial Conference will be cancelled. It will be rescheduled if you provide additional information so that the summons can be served.

What happens at the Final Hearing?

The judge will listen to both sides of the story, review the evidence, and hear any testimony before making a decision. Whatever the outcome, you will be sent a copy of the judge's ruling.

Can you be reimbursed for court costs if it is determined you are entitled to money?

If the court determines that one of the parties is entitled to a monetary judgment, it will be stated in the judgment. This can include all court costs associated with bringing the claim. To protect yourself, you should ask for reimbursement of costs in your Statement of Claim.

Where do I go for more information?

Clerk of Courts
Okaloosa County Courthouse
Small Claims Division
101 E James Lee Blvd
Crestview, FL 32536
(850) 689-5000

Okaloosa County
Courthouse Annex
1250 N. Eglin Pkwy
Shalimar, FL 32579
(850) 651-7200

The material in this handout represents general legal advice. Since the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.