

## INSTRUCTIONS FOR SMALL CLAIMS COURT CASES

Small Claims Court is not a special court; rather it is a special set of procedures and rules. Small Claims Court is specifically designed and designated for cases that seek money or property valued in an amount between \$0.01 and \$8,000 (plus court costs, attorney fees [if allowed] and interest). There are a number of benefits to filing a small claims action. First is financial. Small claims cases are designed to be less expensive than a County Court case. Second is ease of service. While a County Court case must be served on the opposing party by sheriff or private process server, a small claims case can be served by certified mail (if the opposing party is located in Florida). Third is the ability to proceed without an attorney. In small claims, business entities may be represented by a corporate officer, or even by an employee, if an officer gives them written authorization to represent the company (they must bring the written authorization with them to the Pre-Trial Conference). Fourth is time. Small claims cases are designed to be completed in just a few months. Finally, while County Court strictly follows the Rules of Civil Procedure and the Rules of Evidence, the Rules of Small Claims are less strict.

Before filing your claim, make sure you are suing the proper party. You will need the party's name and address. If the Defendant is an individual, you will need their actual name, not a nickname. If the Defendant is a business, you will need to determine if the business is a corporation or LLC or if it is operating under a fictitious name. You can get this information from [www.sunbiz.org](http://www.sunbiz.org). If the business is a corporation or LLC, you will name the corporation/LLC as the Defendant and serve their registered agent; if the business is a fictitious name, you will sue and serve the owner of the fictitious name.

You must complete the Statement of Claim form. At the top, complete as much information about yourself and the Defendant as possible. Then check the reason you are suing them. The Statement of Claim has eleven possible causes of action. On page two, provide additional information to support the claim. The Statement of Claim must be signed and sworn to. If your case is based on a written document (contract, lease, promissory note, etc.), a copy of the document must be attached to the Statement of Claim.

Once the Statement of Claim is filed, the Clerk will issue a summons setting forth the date and time of the Pre-Trial Conference. The Summons and Statement of Claim must be served on the Defendant. If the Defendant is located in Florida, this may be done by Certified Mail or by the Sheriff. If outside of Florida, the Defendant must be served by the Sheriff. For out-of-county Sheriff's, you will need to contact the out-of-county Sheriff's office to inquire about their service fee, address and other requirements. You may also have the Statement of Claim and Summons served by a private process server.

If the Defendant has not been served by the Pre-Trial Conference date, the Court will continue the date to allow for more time to affect service. The Plaintiff will still need to appear for the Pre-Trial conference, unless they let the Court know in advance that service has not been made. If the Plaintiff learns that the Defendant was not able to be served at the address the Plaintiff gave, it is up to the Plaintiff to find a better address (a P.O. Box address cannot be used for Sheriff's service).

Once the Defendant has been served, both the Plaintiff and Defendant **MUST** attend the Pre-Trial Conference. If the Plaintiff fails to appear, the case will be dismissed. If the Defendant fails to appear, judgment will be granted to the Plaintiff. Do not bring witnesses to the Pre-Trial Conference. The purpose of the conference is to determine the nature of the case, schedule a mediation session and schedule a trial if necessary.

Every case will be set for mediation. If the parties fail to attend the mediation, the mediation will be rescheduled. All cases must proceed to mediation before being set for trial. If the parties repeatedly fail to appear at mediation, the case may be dismissed.

In the event the Court renders judgment in your favor, you will receive a copy of the judgment by mail. While the Clerk's Office cannot assist you in collecting the judgment, there are steps you can take, including recording a copy of the judgment to create a lien on any real property the Defendant owns in the County. You can get more information on collection of judgments at <https://dos.myflorida.com/sunbiz/forms/judgment-lien/collect-judgment/>. Once the judgment is satisfied, the Plaintiff must file a Satisfaction of Judgment within 30 days. Failure to file a Satisfaction of Judgment could result in sanctions, including payment of any damages the Defendant incurs due to the failure to file a satisfaction.

**YOU ARE ENCOURAGED TO CONTACT THE OPPOSING PARTY TO DETERMINE IF AN OUT-OF-COURT SETTLEMENT CAN BE REACHED BEFORE THE PRE-TRIAL CONFERENCE HEARING OR AT ANY TIME BEFORE JUDGMENT IS ENTERED. IF A SETTLEMENT IS REACHED, PLEASE NOTIFY THE CLERK SO THE CASE MAY BE REMOVED FROM THE COURT'S DOCKET. THE PLAINTIFF MUST THEN FILE A NOTICE OF VOLUNTARY DISMISSAL WITH THE CLERK AND FURNISH A COPY TO THE DEFENDANT.**