

SMALL CLAIMS PACKET COVER SHEET

This packet contains the information and forms you need in order to file a small claims case. Packets may be purchased at the Clerk's Office if needed for \$1.95.

Please note the CLERK OF COURT cannot give legal advice to you or interpret the law for you. If you need legal advice, please contact an Attorney or Community Legal Services of Mid-Florida (CLSMF) at 1-800-405-1417.

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

**In the COUNTY Court of the Seventh Judicial Circuit in and for FLAGLER COUNTY,
FLORIDA**

Plaintiff

Case #: _____

vs.

Judge: _____

Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose. \$_____.

- ___ \$8,000 or less
- ___ \$8,001 - \$30,000
- ___ \$30,001- \$50,000
- ___ \$50,001- \$75,000
- ___ \$75,001 - \$100,000
- ___ over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- ___ Condominium
- ___ Contracts and indebtedness
- ___ Eminent domain
- ___ Auto negligence
- ___ Negligence—other
 - ___ Business governance
 - ___ Business torts
 - ___ Environmental/Toxic tort

- ☐ Third party indemnification
- ☐ Construction defect
- ☐ Mass tort
- ☐ Negligent security
- ☐ Nursing home negligence
- ☐ Premises liability—commercial
- ☐ Premises liability—residential
- ☐ Products liability
- ☐ Real property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice—business
 - ☐ Malpractice—medical
 - ☐ Malpractice—other professional
- ☐ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge—statute or ordinance
 - ☐ Constitutional challenge—proposed amendment
 - ☐ Corporate trusts
 - ☐ Discrimination—employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

COUNTY CIVIL

- ☐ Small Claims
- ☐ Civil
- ☐ Real property/Mortgage foreclosure
- ☐ Replevins
- ☐ Evictions
 - ☐ Residential Evictions
 - ☐ Non-residential Evictions
- ☐ Other civil (non-monetary)

IV. REMEDIES SOUGHT (check all that apply):

- ☐ Monetary;
- ☐ Nonmonetary declaratory or injunctive relief;
- ☐ Punitive

V. NUMBER OF CAUSES OF ACTION: [] (Specify)

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

☐ yes
☐ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

☐ no
☐ yes If "yes," list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

☐ yes
☐ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: _____ Fla. Bar #: _____
(Attorney or party) (Bar # if attorney)

(type or print name)

(Date)

SMALL CLAIMS

Information & Instructions

JURISDICTION: The jurisdiction of this division of the Court is \$8000.00 exclusive of costs. If your claim is more than this amount and you wish to bring suit in County Court you should add the following statement to your claim: (EXCEPT FOR COSTS, ALL SUMS DUE IN EXCESS OF \$8000.00 ARE HEREBY WAIVED.)

PREPARING CLAIM: In preparing your claim, be sure to state:

1. The full name of the person(s) involved.
2. If you are suing both husband and wife use the full name of each.
3. Avoid "Mr." and "Mrs."
4. If you are suing a business, you can go to Florida Department of State Division of Corporations website at www.sunbiz.org to find out their Registered Agent's name and address. If your Defendant has a Registered Agent, you would style your case as Defendant's name (the business name) in care of the Registered Agent's name.
5. What was done or not done that gives rise to the claim
6. When it occurred (day, month, and year)
7. Where it occurred (City, County, and State)
8. How much money is due you
9. If you are entitled to interest on the money due you, you must state it separately showing the amount of interest due you to the date you filed the claim and also give a per diem interest rate so that the Court may easily compute the amount of interest due from the date the claim is filed to the date the judgment is entered. (*Note: The Clerk cannot advise on claiming interest.*)
10. The form should be typed or printed in black/blue ink.

COPIES: You will need the original of the Statement of Claim form for the Court, a copy for each Defendant, and a copy for yourself. If you have any attachments (*contracts, leases, receipts, etc.*) to attach to your claim form, you will need to supply the Court with a copy for the court file and a copy to be served on each of your Defendants. Originals must be brought to the first court appearance. If filing against two or more defendants, additional copies of the claim & attachments are required. Be sure to advise the Clerk how many defendants you have when obtaining forms. If the Clerk is required to make additional copies, a fee will be charged for each copy. The Clerk will provide the plaintiff with a copy of the summons for their knowledge of the case number, pretrial hearing date/time and courtroom number.

OTHER PAPERS: If your claim is founded on an instrument in writing such as a sales contract, promissory note, written warranty, lease, etc. it will be necessary for you to furnish one copy of such instrument for attachment as an exhibit to EACH CLAIM FORM to be filed. When insufficient copies are furnished by you, the Clerk will make the necessary copies and a fee will be charged. This charge will have to be paid at the time of filing.

ADDRESS: The address of each Defendant must be given in sufficient detail to ensure proper information is transferred to the summons for service.

EMAIL: Email addresses are required to be provided by all parties. A Designation of Email Form is available online or at the Clerk's office. All notices, orders, judgments, etc. entered by the court will be sent electronically via Email.

SERVICE: To have the defendant personally served by the Sheriff of the appropriate county, the fee must be paid in advance and in addition to the filing fee. This fee must be made payable to the appropriate Sheriff's office & must be in the form of a money order or cashier's check. In addition, service on the defendant(s) who are Florida residents may be completed by certified mail, return receipt signed by the defendant or someone authorized to receive mail at the defendant's residence or principal place of business. A defendant must be served with process before a Judgment can be entered.

FILING & OTHER FEES:

- Claims less than \$ 100.00..... \$55.00
- Claims of \$101.00 to \$500.00..... \$80.00
- Claims of \$501.00 to \$2,500.00..... \$175.00
- Claims of \$2,501.00 to \$8,000.00\$300.00
- Service by Flagler Cty Sheriff's Office for a Flagler address.....\$40.00 per defendant (*money order or cashier's check*)
- Summons **preparation and issuance** by the Clerk's Office \$17.00 per defendant

COSTS: Where costs are to be awarded, they are added by the Court at the time judgment is entered.

ATTENDANCE: After the claim is filed, the Court will schedule a pre-trial conference. All parties are required to attend this pretrial conference. You may come with or without an attorney, but you are expected to be present even if represented by counsel. If your defendant is not served, the case will be removed from the court docket. You will have to ask the Clerk for a new pre-trial date and to prepare a new summons for service. Witnesses need not be brought to this court session. One purpose of this hearing is to enable the court to determine the nature of this case and to set the trial date, if necessary.

MEDIATION: You may be ordered to mediation at the pretrial conference or on a separate date and time. Mediation means “a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between the parties. It is an informal process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement”. **YOU OR YOUR ATTORNEY MUST HAVE FULL AUTHORITY TO SETTLE AT MEDIATION.**

SETTLEMENT: The Plaintiff and Defendant are expected to make a sincere effort, with the assistance of the Court and or Mediator to resolve this matter. In addition, both parties are encouraged to contact the opposing party to determine if an out-of-court settlement can be reached before the hearing or at any time before a judgment is entered. If settlement is reached, the Plaintiff must advise the Clerk in writing of the settlement, so the case can be removed from the Court's docket. The Plaintiff must file a Notice of Voluntary Dismissal with the Clerk and furnish the Defendant with a copy.

PLEADINGS: Written defensive pleadings shall be served on all other parties to the action.

CONTINUANCES OR POSTPONEMENTS: If a party wants a continuance, they must file a motion with the court prior to the hearing. Continuances are at the Judge's discretion.

FAILURE TO PROSECUTE: Any case in which no action is taken for a period of six months is subject to dismissal.

TRIAL: If your case is not settled at pretrial or mediation, the court will schedule a trial date for the parties to appear before the Judge. This is the time where you will present your testimony, any evidence and or witnesses. This will be the final hearing.

ENTRY OF A JUDGMENT AT PRE-TRIAL OR TRIAL: The court does not collect the Judgment for you. If the court enters a Judgment at Pre-trial or Trial, a copy of the Judgment will be mailed to each party. A final judgment in the case does not mean the Defendant will automatically pay off the amount due under the judgment. While there may have been a settlement of the debt, enforcement of the judgment is the responsibility of the person who filed the suit. Florida law prohibits the Clerk's Office from offering legal advice about how to enforce the judgment. However, the following procedures may help you collect.

1. Obtain a Certified Copy of the Judgment from the Clerk's Office where the claim was filed. (note, there is a fee for this)
2. The certified copy may be recorded with the Clerk's Office in the Florida county where the Defendant resides or any Florida county where the Defendant owns real property.
3. The recorded judgment becomes a lien against the Defendant's real property for a set number of years & may need to be rerecorded after a set number of years. (*See Florida Statute 55*)
4. You can obtain an information sheet from the Clerk's office that gives you more information on how to collect on the judgment.

Public Notice

RE: Social Security Number, Bank Account Number, Debit, Charge, Credit Card Number and any additional information that has been deemed confidential per FLORIDA RULES OF JUDICIAL ADMINISTRATION 2.420

Any person preparing or filing a court document should not include a social security Number, bank account, debit, charge, or credit card number, in such document, unless required by law.

The filer is responsible for identifying confidential information contained in their court filings and ensuring it is appropriately redacted.

Any person has a right to request that the Clerk of the Circuit Court remove from an image or copy of a court document a social security number or complete bank account, debit, charge, or credit card number contained in a court document by filing with the clerk of court a NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING form.

The request must specify the case number, the title of the document, and the identification page number of the document which contains the number to be redacted. A fee will not be charged for the redaction of the confidential information.

The Clerk has no authority to refuse to accept any document or pleading that contains the aforementioned sequential numbers. It is the responsibility of the filer to know whether the information is required by law or necessary to the adjudication of the case.

Small Claims Checklist

**Required Forms for Filing:*

- ☐ Statement of Claim
- ☐ Statement of Responsibility
- ☐ Designation of Email Address
- ☐ Authorization of Corporate Officer (use only if plaintiff or defendant is a business entity)
- ☐ Civil Cover Sheet

**Required Filing Fees:*

- | | |
|---------------------------------------------------------|----------|
| <input type="checkbox"/> Claims less than \$100.00 | \$55.00 |
| <input type="checkbox"/> Claims of \$101.00 -500.00 | \$80.00 |
| <input type="checkbox"/> Claims of \$501.00 - \$2500.00 | \$175.00 |
| <input type="checkbox"/> Claims of \$2501.00-\$8000.00 | \$300.00 |

**Plus*

- | | |
|-----------------------------------------------|---------|
| <input type="checkbox"/> Summons Prep Fee | \$7.00 |
| <input type="checkbox"/> Summons Issuance Fee | \$10.00 |

**Plus*

- | | |
|---------------------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Service by Flagler County Sheriff
(for a Flagler Address) | \$40.00 (payable to FCSO by money order/cashier's check) |
|---------------------------------------------------------------------------------------|----------------------------------------------------------|

IN THE SMALL CLAIMS DIVISION OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

STATEMENT OF CLAIM

(Please print legibly)

Case No. _____

Plaintiff(s):

Defendant(s):

Address:

Address:

Plaintiff(s) sue(s) Defendant(s) for damages, which do not exceed \$8,000 exclusive of costs and interest for (check one category below):

- ☐ **Auto Accident** occurring on or about _____ in the vicinity of _____, _____ in _____ County, Florida caused by the negligent operation of a vehicle operated by _____ and owned by _____ resulting in damages, described below.
- ☐ **Goods sold** by Plaintiff; goods and prices and credits listed below.
- ☐ **Work done** and materials furnished; time and materials, showing changes and credits, listed below.
- ☐ **Money lent** to defendant on _____ with interest owed since _____.
- ☐ **Promissory Note** executed on _____ copy attached; defendant failed to either pay the note or an installment payment, and interest is owed since _____, plus attorney fees.
- ☐ **Account Stated** for an agreed balance owed on business transactions between the parties, the defendant did not object to the statement of account presented, a copy of which is attached.
- ☐ **Other claim** - Please specify _____.

Explain below the details (what happened, dates, times, place, etc.) of your claim. This section must be completed. Attach additional pages, if needed.

☐ Attached is a copy of any written document(s) that is that basis of this claim.

WHEREFORE, the Plaintiff(s) demand judgment in the principal sum of \$
Plus costs, if known, (summons. service) in the amount of \$
Plus interest in the amount of \$
TOTAL\$

Date _____

Signature of Plaintiff(s)

Plaintiffs Address:

Print Name of Plaintiff (s)

Title (if applicable)

Telephone No. _____

Email Address(es) _____

IN THE SMALL CLAIMS DIVISION OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

Case No. _____

Plaintiff(s)

vs

Defendant(s)

STATEMENT OF RESPONSIBILITY

(Civil Case Under \$8,000.00)

Before filing this case, I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court under the Summary Procedure Rules of Court; that it is considered a layman's court; that I, and the defendant, may be represented by an attorney of our individual choice but neither is required to do so, and that the conduct of this case will be in accordance with the rules of procedure and laws of Florida which apply to this case.
2. The naming of proper parties is an important element of the case and the responsibility for naming the proper plaintiff(s) and defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named plaintiff(s) realizing that if the plaintiff is a corporation that such plaintiff may be required to be represented by an attorney.
5. I do not expect the Clerk who receives and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. I am solely responsible for the collection of any judgment entered in my favor.
7. I am responsible for knowing when my appearance in court is required. The Clerk's Office will send notification of the hearing date (summons/pretrial Notice or Notice of Trial) but if I have not received notification within two weeks, I am responsible for call the Clerk's Office.
8. I am responsible for appearing at the pretrial hearing if the defendant has been properly served.
9. I am responsible for identifying any confidential information in my pleadings under Florida Rules of Judicial Administration 2.240 and 2.425 and acknowledge it is my responsibility to file a NOTICE OF CONFIDENTIALITY form or MOTION if needed.

Date

Signature

IN THE SMALL CLAIMS DIVISION OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

CASE NO. _____
DIVISION: _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**DESIGNATION OF EMAIL ADDRESS FOR PARTY NOT REPRESENTED BY AN
ATTORNEY**

**Pursuant to Florida Rule of Judicial Administration 2.516, I, _____ designate
the below e-mail address(es) for electronic service of all documents related to this case.**

By completing this form, I am authorizing the Court, Clerk of the Circuit Court & Comptroller, and all parties to send copies of
notices, orders, judgments, motions, pleadings, or other written communications to me by email or through the Florida Courts E-filing
Portal.

I will file a written notice with the clerk of court if my current e-mail address changes.

Designated e-Mail address: _____

Secondary designated e-mail address(es) (if any): _____

I CERTIFY that a copy has been furnished by mail/hand delivery/email on _____

to _____ at _____

Signature

Printed name: _____

E-mail address: _____

Address: _____

Phone number: _____

Information Concerning the Authorization of Corporate Officer Form

*[To Be Used Only if the Plaintiff **OR** the Defendant is a Business Entity]*

Small Claims Rule 7.050 (a)(2) -- Party Not Represented by Attorney to Sign.

A party, individual, or business entity recognized under Florida law who or which has no attorney handling such cause shall sign that party's statement of claim or other paper and state that party's address and telephone number, including area code, and may include an e-mail address. **Any business entity recognized under Florida law may be represented at any stage of the trial court proceedings by any principal of the business entity who has legal authority to bind the business entity or any employee authorized in writing by a principal of the business entity. A principal is defined as being an officer, member, managing member, or partner of the business entity.**

Requirements of completing the Authorization form:

- If the PLAINTIFF is a Company/Corporation, then the PLAINTIFF is required to complete the form, furnish a copy to the DEFENDANT and **file the original with the Clerk of Court.**
- If the DEFENDANT is a Company/Corporation, then this blank form needs to be served upon the DEFENDANT along with the Complaint. The DEFENDANT is then required to complete the form, furnish a copy to the PLAINTIFF, **AND file the original with the Clerk of Court.**

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR FLAGLER COUNTY, FLORIDA**

Case #: _____

Plaintiff

v.

Defendant

AUTHORIZATION OF CORPORATE OFFICER*

_____ is an employee of _____. This individual has authority to represent the corporation at any stage of the trial court proceedings, including mediation.

The undersigned giving the authority is an officer of the corporation.

Pursuant to section 92.525, Florida Statutes, under penalties of perjury. I declare that I have read the foregoing Corporate Authorization and that the facts stated in it are true.

Date: _____

SIGNING AUTHORITY: _____

Print name and title: _____

(President; Vice-President; Secretary; Treasurer)

Address: _____

Phone Number: _____

I certify that a copy of this form has been furnished to Plaintiff/Defendant on _____ by:
hand delivery; mail; fax; email.

Date: _____

Signature: _____

***IMPORTANT- PLEASE NOTE:**

If the PLAINTIFF is a Company/Corporation. then the PLAINTIFF is required to complete the form, furnish a copy to the DEFENDANT and **bring the original to the pre-trial conference.**

If the DEFENDANT is a Company/Corporation. then this blank form needs to be served upon the DEFENDANT along with the Complaint. The DEFENDANT is then required to complete the form. furnish a copy to the PLAINTIFF. and **bring the original to the pre-trial conference.**