

CIVIL COURT RECORDS DEPARTMENT

SMALL CLAIMS FILING INSTRUCTION SHEET

Civil Court Records
315 Court Street
Clearwater, FL 33756

North County Branch Office
29582 US Highway 19 N
Clearwater, FL 33761

Clerk's Tyrone Branch Office
1800 66th Street N.
St. Petersburg, FL 33701

St. Petersburg Branch Office
545 1st Avenue N
St. Petersburg, FL 33701

Phone Number for all offices: 727-464-7000

Visit our web site at WWW.MYPINELLASCLERK.ORG

Filing Fees Effective July 1, 2009

| | | |
|--|------------------------|----------|
| Claims less than \$100.00 | | \$ 55.00 |
| Claims \$100.00 to \$500.00 | | \$ 80.00 |
| Claims of NOT more than \$1,000.00 filed simultaneously with an action for replevin of property that is the subject of the claim (includes Replevin Fee) | | \$130.00 |
| Claims more than \$500.00 to \$2500.00 | | \$175.00 |
| Claims \$2500.01 to \$5000.00 | | \$300.00 |
| Replevin (to recover personal property) |additional fee of | \$ 85.00 |
| Reopen fee for all claims of not more than \$500.00 | | \$ 25.00 |
| Reopen fee for all claims of more than \$500.00 | | \$ 50.00 |
| Summons Issuance Fee | (per summons) | \$10.00 |

STEP 1: FILING AGAINST THE CORRECT PARTY

*****IMPORTANT***** Make sure you sue the correct party. If the incorrect party is named in the suit and you receive a Judgment, this Judgment may be worthless and uncollectible.

a. If you are suing an **individual**:

Sample: Your name
vs.
John Smith

b. If you are suing a **sole proprietorship*** (an individual doing business under a fictitious name):

Sample: Your name
vs.
John Smith, d/b/a Sample Business

c. If you are suing an **partnership*** (several individuals doing business under a fictitious name):

| | |
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| <p>Sample: Your name vs. SJG Enterprises, a partnership -OR- SJG Enterprises, Ltd., a limited partnership -OR- SJG Enterprises, Limited, a limited partnership</p> | <p><i>For Partnerships</i> –Make sure to obtain one of the partner’s name and address. <i>Limited Partnership-</i> Make sure to obtain the registered agent’s name and address. You will need this to serve the Registered Agent in <i>Step 3 – Serving the Defendant(s).</i></p> |
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d. If you are suing a **corporation***:

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| <p>Sample: Your name vs. XYZ, Inc. -OR- XYZ, Corp. -OR- XYZ, Co.</p> | <p><i>Make sure to obtain the Registered Agent’s name and address. You will need this to serve the Registered Agent in Step 3 – Serving the Defendant(s).</i></p> |
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e. If you are suing a **corporation doing business under a fictitious name***:

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|--|--|
| <p>Sample: Your name vs. XYZ, Inc. d/b/a Business -OR- XYZ, Corp d/b/a Business Name</p> | <p><i>Make sure to obtain the Registered Agent’s name and address. You will need this to serve the Registered Agent in Step 3 – Serving the Defendant(s).</i></p> |
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f. If you are suing a **limited liability company**:

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|---|--|
| <p>Sample: Your name vs. Business Name, L.L.C. -OR- Business Name, L.C.</p> | <p><i>Make sure to obtain the Registered Agent’s name and address. You will need this to serve the Registered Agent in Step 3 – Serving the Defendant(s).</i></p> |
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| | |
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| <p><u>Do Not Sue</u> Your name vs. XYZ -OR- John Smith dba XYZ, Inc.</p> | <p><i>These are some examples of invalid party names</i></p> |
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*Corporation or fictitious name records may be researched online at WWW.SUNBIZ.ORG/SEARCH.HTML or you may call the Secretary of State at (866) 693-6748 or (850) 488-1234. If the fictitious name is not on file within the fictitious name records, you must determine who owns the business before you can file a lawsuit that is meaningful.

STEP 1: FILING AGAINST THE CORRECT PARTY CONTINUED

If your claim involves an **ESTATE**:

- The style should read “PERSON FILING THE LAWSUIT (replace with the person’s actual name) as personal representative of the estate of PERSON WITH THE ESTATE (replace with the person’s name that has the estate), deceased”. Example: “JOHN DOE as personal representative of the estate of JANE DOE, deceased”
- If the ESTATE is filing the lawsuit, the personal representative must file the lawsuit on behalf of the ESTATE.
- If an ESTATE is being sued, the personal representative of the estate must be served.

If your claim involves an **INSURANCE COMPANY**:

- The insurance company must be authorized to do business in the State of Florida.
- The exact name of the insurance company is needed. Example: LIBERTY INSURANCE COMPANY is not sufficient. There are several listing under Liberty – Liberty Mutual, Liberty Mortgage

If your claim involves a **MINOR**:

- The style should read “PARENT/GUARDIAN NAME (replace this with the Parent/Guardian’s actual name) as legal guardian of the minor child MINOR CHILD’S NAME (replace with the minor child’s actual name). Example: “JOHN DOE as legal guardian of the minor child JANIE DOE”
- If the MINOR is filing the lawsuit, the Parent or Guardian of the MINOR must file the lawsuit on behalf of the MINOR.
- If the MINOR is being sued, the Parent or Guardian of the MINOR must be served.

If your claim involves a **TRUST**:

- The style should read “TRUSTEE NAME (replace this with the Trustee’s actual name) as trustee of the TRUST NAME (replace with the Trust’s actual name). Example: “JOHN DOE as trustee of the XYZ TRUST”
- If the TRUST is filing the lawsuit, the TRUSTEE must file the lawsuit on behalf of the TRUST.
- If the TRUST is being sued, the TRUSTEE of the TRUST must be served.

STEP 2 : FILING THE STATEMENT OF CLAIM

1. Submit the completed Statement of Claim form.

- This form may be submitted by mail or in person.
- The Statement of Claim must include your phone number.
- ALL PARTY PLAINTIFFS MUST SIGN THE STATEMENT OF CLAIM.
If you are filing as a **CORPORATION**, a corporate officer or authorized employee must sign the form. The authorized employee must file a written authorization with the case in order for the summons to issue.
- The Clerk’s Office must be furnished with the original Statement of Claim for the court file and one copy for each defendant*.
If you are attaching exhibits, one copy of each must be furnished for the court file and one copy for each service upon each defendant*.

* If your claim involves an **INSURANCE COMPANY**, the Florida Chief Financial Officer (formerly known as the Insurance Commissioner) requires two copies of the Statement of Claim and exhibits to accompany the original and copies of the Summons (Notice to Appear).

2. Pay the appropriate filing fee. (See the top of page 1 for this information)

- Checks for Statement of Claim should be made payable to: “CLERK OF THE CIRCUIT COURT”

STEP 3 : SERVING THE DEFENDANT(S) – \$10.00 Summons Issuance Fee Payable to the Clerk of Court Required for Each Summons – CHOOSE ONE OPTION BELOW:

Certified Mail.....\$6.59 (for 1 ounce (1-5 pages) Additional postage required for heavier weight (more pages – see *Mailing Charges Guideline* on next page.)

- Make your check payable to the “CLERK OF THE CIRCUIT COURT”.

Service of Summons (Notice to Appear) by Process Server (Pinellas – payable to Process Server) or by out of county/state Sheriff (payable to that Sheriff)

A List of Process Servers for Pinellas County is available at <http://www.pcsoweb.com/civil-process>.

PROVIDE THE CLERK WITH A SELF-ADDRESSED POSTAGE PAID ENVELOPE TO HAVE YOUR NOTICE TO APPEAR RETURNED TO YOU FOR SERVICE BY THE PROCESS SERVER OF YOUR CHOICE OR THE APPROPRIATE OUT OF COUNTY / OUT OF STATE SHERIFF. See Mailing Charges Guideline on next page.

- You must make the check payable to the Process Server or Sheriff of the county for which service of the summons (Notice to Appear) will be made. Several Sheriffs in the State of Florida will not accept personal checks.
- *It is your responsibility* to verify address and cost of service when you are having your Defendant(s) served by a Process Server or Sheriff of another county/state. You must determine the County, State, Defendant(s) address, Process Server / Sheriff’s fee to serve the summons, whether the Process Server / Sheriff of that county will accept your personal check or if he/she requires a Cashier Check or Money Order and whether the Process Server / Sheriff has any other Special Instructions.
- *It is your responsibility* to forward the Summons/Notice to Appear on to the Process Server or out of county / out of state Sheriff with appropriate service fees.

Florida Chief Financial Officer (Insurance Companies only).....\$15.00 each Insurance Company

- Make your check payable to the “FLORIDA CHIEF FINANCIAL OFFICER”.

It is your responsibility to ensure service has been made prior to your Pre-trial Hearing.

MAILING CHARGES GUIDELINES

The chart below can be used as a reference when determining the type of envelope and the amount of postage it will cost to mail your summons back.

If the proper size envelope and sufficient postage is not provided, your summons will not be returned or mailed.

| ENVELOPE SIZE #10 OR 6" X 9" | WEIGHT | NUMBER OF PAGES | COSTS |
|---------------------------------|--------|--------------------|--------|
| | 1 oz | 1-4 | \$0.50 |
| | 2 oz | 5-10 | \$0.71 |
| | 3 oz | 11-17 | \$0.92 |
| | 3.5 oz | 18-20 | \$1.13 |

Additional Ounces for First Class Letters Add \$0.21

| ENVELOPE SIZE FLAT OR 9" X 12" | WEIGHT | NUMBER OF PAGES | COSTS |
|-----------------------------------|--------|--------------------|--------|
| | 1 oz | 1-2 | \$1.00 |
| | 2 oz | 3-9 | \$1.21 |
| | 3 oz | 10-15 | \$1.42 |
| | 4 oz | 16-21 | \$1.63 |
| | 5 oz | 22-27 | \$1.84 |

Additional Ounces for First Class Flats Add \$0.21

Rates are subject to change. You may visit the United States Postal Services at www.usps.com for up to date pricing. Paper weight will vary causing the price of the number of pages per ounce to change.

Revised 1/18