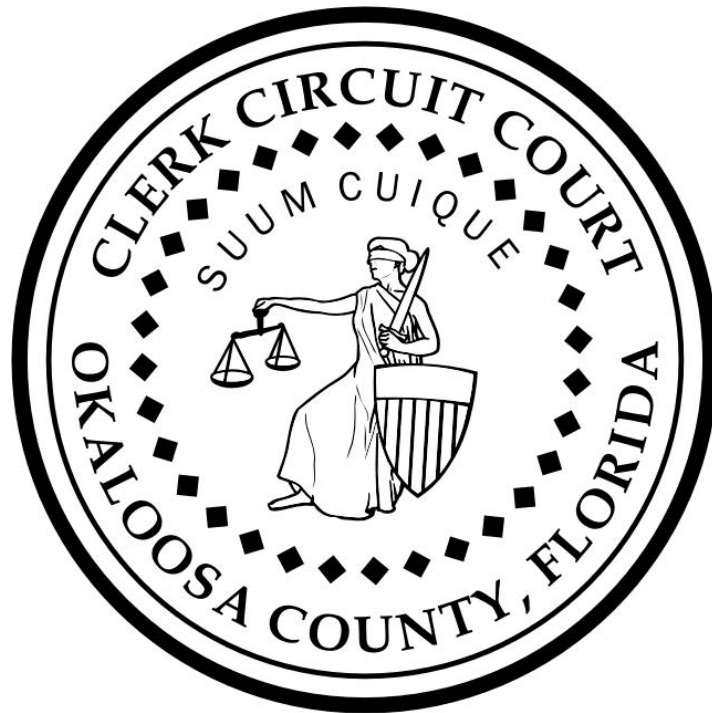


Small Claims Court



Clerk of Circuit Court
Okaloosa County

NOTICE:

Information or forms provided by the Clerk of Circuit Court should be considered as basic information only and may not apply to every situation. The information is not intended to be used as legal advice. Specific guidance concerning filing a lawsuit, answering a lawsuit, or questions about your particular situation should be directed to a qualified attorney.

Small Claims Court is a way to settle legal disputes in which the amount involved does not exceed \$8,000.00. Cases are mediated and/or heard by a judge and usually, there is no jury. Small claims court is for non-punitive damages.

WHO MAY SUE?

- Anyone 18 years of age or older
- A parent or guardian for anyone under the age of 18.
- Anyone having a claim for actual "out of pocket" expenses that do not exceed \$8,000.00.

FILING THE CLAIM

The "Statement of Claim" form should be typed or printed with a ballpoint pen to ensure legibility on all copies.

You must provide a copy for filing AND a copy of any supporting documents for EACH defendant you are naming.

In the space marked Plaintiff, provide the name and address of the person bringing the lawsuit. Specify whether you are an individual doing business under a fictitious name and provide your address and phone number. If the party suing is a corporation, the form must be signed by any officer of the corporation (and notarized) or its attorney.

Insert the name, address, and phone number of the person(s) or business you are suing in the space marked Defendant. You must have the defendant's complete name, and street address (do not use a post office box.) 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. This information is available from the Secretary of State, Corporation Filing Division, Tallahassee, FL 32304, or by calling 1-850-488-9000 or online at: www.sunbiz.org.

If you are filing the claim under a business name and the person filing the paperwork at the courthouse is not the owner, you will need the owner to sign (and have notarized) a "Corporate Authorization Form" available at our office, stating that the employee is authorized to file, represent and settle on behalf of the business.

If your claim involves YOUR 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. The Insurance Commissioner requires two (2) copies of the Statement of Claim to accompany the summons. A cashier's check or money order in the amount of \$15.00 is also required. This should

be made payable to the Insurance Commissioner. You will also need to provide three (3) copies of any attachments.

SERVING THE SUMMONS

The summons can be served by the sheriff, a certified process server, or by certified mail. The fee for sheriff service in Okaloosa County is \$40.00 per defendant. You will be responsible for obtaining information about certified process servers. Certified mail can only be used when the Defendant resides in the State of Florida. If the Defendant refuses the certified mail, the pre-trial conference will be delayed until the summons can be served. The Clerk's office can provide you with the most recent certified mail fees.

If you want the sheriff to serve the summons, make your check payable to the Sheriff's Office. If the person or business you are suing is not in Okaloosa County, you are responsible for obtaining the name, address, fee amount, and method of payment for the sheriff in the county where the summons is to be served. The Clerk's Office will then mail the summons to the Sheriff for service. It is the Plaintiff's responsibility to check with the Clerk's office to see if service has been returned. You cannot proceed with your claim until service of process has been accomplished.

FILING FEES

You may file in person, by uploading to the e-filing portal at www.myflcourtagency.com or by mail. If filing in person, you may have the form notarized prior to filing or you may be sworn in by a deputy clerk and pay an oath fee of \$3.50 at the time of filing. **If filing by mail or portal, the signature on the Statement of Claim form must be notarized.** All necessary forms, filing fees, and sheriff fees must be included. Filing fees can be paid by money order, cashier's check, credit card, or cash if you are filing in person. **Do Not** send cash through the mail. All money orders or cashier's checks for filing fees should be made out to "The Clerk of Court."

****THE CLERK'S OFFICE DOES NOT ACCEPT PERSONAL CHECKS****

Filing Fees are as follows:

Claims up to \$100	\$ 55.00
Claims \$100.01 - \$500	\$ 80.00
Claims \$500.01 - \$2500	\$ 175.00
Counter-Claims greater than \$2500	\$ 295.00
Claims \$2500.01 - \$8000	\$ 300.00
Re-Open Fees less than \$500	\$ 25.00
Re-Open Fees more than \$500	\$ 50.00
Summons Issuance Fee (each)	\$ 10.00
Summons, Issue and Prepare (each)	\$ 17.00
Copies, each page	\$ 1.00
Oath administered, each form	\$ 3.50

These fees are non-refundable but may be recovered later through the defendant.

PRE-TRIAL CONFERENCE

On the scheduled court date, you and the defendant must both appear for the Judge's Pre-Trial Conference. If you do not appear, the case will be dismissed for lack of prosecution. If the defendant fails to appear (after being properly served) on the designated date, in person, or by an attorney, a judgment may be entered against him or her. If your case is set for pre-trial, and the defendant disagrees with the claim, you will be asked to mediate. If an agreement can be worked out, both parties will sign a stipulation (showing what has been agreed on). If no agreement is reached, the case will be set for a final hearing in front of the judge at a later date.

TRIAL

If the case is set for a hearing before the Judge, you must appear at the time specified with your evidence, witnesses, and whatever you feel is necessary to prove your claim. If a written estimate has been submitted, the person who prepared the estimate must be present for the hearing to testify. Affidavits from witnesses cannot be accepted. The Clerk's office will assist you in the issuance of witness subpoenas and advise you of the fees for this service. During the hearing, the Judge will listen to both sides, review the evidence and proof provided, and render a decision in the form of an order. If the Judge has to research a point of law, the decision might be delayed. However, the parties will receive a written copy of the decision when it is final. If the Plaintiff wins a monetary judgment, the judgment will state the amount to which the plaintiff is entitled. On the other hand, if the defendant wins, the final judgment will state that the plaintiff is entitled to nothing, and in fact, may entitle the defendant to recover the defendant's cost of the trial from the plaintiff.

NOTE: Neither the Court nor the Clerk's office can collect money damages for you. You may wish to consult an attorney on how to collect your judgment. Please see the brochure titled "Methods of Collecting a Judgment."

**Okaloosa County Courthouse
101 E. James Lee Blvd, Room 108
Crestview, FL 32536
850-689-5000 (Crestview)**

**Courthouse Annex Extension
1940 Lewis Turner Blvd, Suite 1-300
Fort Walton Beach, FL 32547
850-651-7200 (FWB)**

www.okaloosaclerk.com