



# **MICHELLE R. MILLER**

**Clerk of the Circuit Court & Comptroller**  
**ST. LUCIE COUNTY, FLORIDA**

## **SELF-SERVICE CENTER**

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**Department: Small Claims Packet**

**Packet #R4-15: Replevins Complaint**

**FOR RETURN OF PERSONAL PROPERTY/  
WEAPON FROM A GOVERNMENT ENTITY**

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**NonRefundable**



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ST. LUCIE COUNTY, FLORIDA  
COUNTY CIVIL DIVISION  
250 N.W. COUNTRY CLUB DRIVE  
PORT SAINT LUCIE, FLORIDA 34986  
(772) 785-5880

**REPLEVIN INFORMATION**  
(for return of personal property taken by a government entity)

These procedures are to be used by any person seeking the return of personal property (including weapons) taken by a government entity for purposes other than for a criminal investigation, as an incident to arrest, pursuant to a search warrant, or any other seizure for which the Florida Statutes provide a specific procedure for return. This Statement of Claim for Replevin is for use by those who seek return of personal property taken for other purposes, such as “safekeeping”, and for which the Florida Statutes provide no procedures.

**JURISDICTION** - A replevin complaint must be filed in the Court which holds jurisdiction based upon the value of the property sought to be replevied. When property consists of several articles, the property may not be divided to give jurisdiction to the Small Claims Court.

**VENUE** – A replevin action must be brought in the county where the property sought is located, where the defendant is located or where the cause of action occurred.

**COMPLAINT** - The replevin complaint form should be typed or printed. After completing the form, attach any documentation supporting the claim (a copy of the written demand provided to the defendant and to the Department of Financial Services {if applicable}, proof of ownership, etc) to the Complaint and file it with the Clerk of Court.

The filing fees are as follows:

CLAIMS LESS THAN \$1000	\$130.00*
CLAIMS BETWEEN \$1001 THRU \$2500	\$260.00*
CLAIMS BETWEEN \$2501 THRU \$8000	\$385.00*

\*PAYABLE TO ST. LUCIE COUNTY CLERK OF COURT  
CASH/ MONEY ORDER/ MASTERCARD/DISCOVER OR VISA

**SHERIFF'S FEE**

ORDER TO SHOW CAUSE, PER SUMMONS/ PER DEFENDANT	\$40.00*
WRIT OF REPLEVIN (AFTER HEARING)	\$90.00*

\*PAYABLE TO THE SHERIFF'S DEPARTMENT OF THE  
COUNTY WHERE TO DEFENDANT IS TO BE SERVED  
MONEY ORDER OR CASHIER'S CHECK



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**REFERENCE GUIDE TO COMPLETING REPLEVIN COMPLAINT FOR RETURN OF  
PERSONAL PROPERTY /WEAPON FROM A GOVERNMENT AGENCY**

• **STATEMENT OF CLAIM FOR REPLEVIN**

- Fill in your name as plaintiff(s), address and phone number
- Fill in the defendant(s) name and address for service
- Fill in the description of the property (include any identification numbers, serial numbers, etc)
- Fill in the value of the property and the address where it is located
- Fill in your ownership or interest in the property
- Fill in how the defendant obtained possession of the property
- Fill in why the defendant detained the property
- If the property was taken for any tax, assessment or fine, execution or attachment and is exempt from taking pursuant to a law, fill in the applicable law
- Fill in the date the Defendant took possession of the property
- Sign the complaint. Fill in your name, address and telephone number
- Attach any supporting documentation to the Replevin Complaint (proof of ownership of the property; any written documentation relating to the case; a copy of the written demand for return of the property).

**F.S. 48.111 Service on public agencies and officers.—**

(1) Process against any municipal corporation, agency, board, or commission, department, or subdivision of the state or any county which has a governing board, council, or commission or which is a body corporate shall be served:

- (a) On the president, mayor, chair, or other head thereof; and in his or her absence;
- (b) On the vice president, vice mayor, or vice chair, or in the absence of all of the above;
- (c) On any member of the governing board, council, or commission.

(2) Process against any public agency, board, commission, or department not a body corporate or having a governing board or commission shall be served on the public officer being sued or the chief executive officer of the agency, board, commission, or department.

(3) In any suit in which the Department of Revenue or its successor is a party, process against the department shall be served on the executive director of the department. This procedure is to be in lieu of any other provision of general law, and shall designate said department to be the only state agency or department to be so served.

**F.S. 48.121 Service on the state.—**

When the state has consented to be sued, process against the state shall be served on the state attorney or an assistant state attorney for the judicial circuit within which the action is brought and by sending two copies of the process by registered or certified mail to the Attorney General. The state may serve motions or pleadings within 40 days after service is made. This section is not intended to authorize the joinder of the Attorney General or a state attorney as a party in such suit or prosecution.

You may file your complaint at either of the Small Claims/County Civil locations. **All hearings are held at the South County Courthouse Annex**, 250 N.W. Country Club Drive, Port St Lucie, Florida. In addition, all court files are kept at this location.



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## **INSTRUCTIONS FOR FILING A REPLEVIN**

### **STEP 1**

The following paperwork and fees are required to process your Replevin case:

- **PAPERWORK:**
  - Original Replevin Complaint
  - Copy of exhibit
  - One (1) copy of all documents for **each** defendant
  - One (1) copy of all documents for your records
  - Self-Addressed Stamped Envelope if using the sheriff's department for service and you would like a copy of the return of service
  - If you are using a process server – include the name and phone number of the server on a separate sheet of paper
- **FILING FEE:** (payable to ST. LUCIE COUNTY CLERK OF COURT)
  - As per the attached fee schedule is payable in cash; money order; local personal check (with proper identification); MasterCard; Discover or Visa
- **SERVICE FEE:**
  - **FOR SHERIFF SERVICE:**  
\$40.00 per summons/ per defendant, payable by money order or cashier's check (payable to the Sheriff's Department in the county where the defendant is to be served)
  - **FOR PRIVATE PROCESS SERVER**  
Payment arrangement is made directly with the process server

## **STEP TWO**

File the original, copies and envelope (if applicable) with the Clerk of Courts County Civil Division. You may file your complaint at either of the following locations:

South County Courthouse Annex (Main Office)  
250 N.W. Country Club Drive, Room 115  
Port St Lucie, Florida 34986

Small Claims Department  
201 South Indian River Drive  
Fort Pierce, Florida 34950

**\*All court files are located and all hearings are held at the South County Annex.\***

## **STEP THREE**

Once the Clerk's Office has processed your complaint, a hearing date will be scheduled and an Order to Show Cause will be prepared for issuance by the Judge assigned to your case. Once the Order to Show Cause is entered, a copy will be furnished to you by mail. The Clerk will forward your Replevin Complaint and Order to Show Cause to the sheriff's department for service on the Defendant. If you are using a process server, give the Clerk the name of the server and they may either pick it up at the Clerk's Office or you make take it with you and deliver it to the process server.

## **SETTLEMENT:**

If you and the defendant resolve the case prior to the hearing date, you may file a Voluntary Dismissal which is available on the Clerk of Court's website at [www.stlucieclerk.gov](http://www.stlucieclerk.gov)

**F.S. 768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—**

(1) In accordance with s. 13, Art. X of the State Constitution, the state, for itself and for its agencies or subdivisions, hereby waives sovereign immunity for liability for torts, but only to the extent specified in this act. Actions at law against the state or any of its agencies or subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment under circumstances in which the state or such agency or subdivision, if a private person, would be liable to the claimant, in accordance with the general laws of this state, may be prosecuted subject to the limitations specified in this act. Any such action may be brought in the county where the property in litigation is located or, if the affected agency or subdivision has an office in such county for the transaction of its customary business, where the cause of action accrued. However, any such action against a state university board of trustees shall be brought in the county in which that university's main campus is located or in the county in which the cause of action accrued if the university maintains therein a substantial presence for the transaction of its customary business.

**(2) As used in this act, "state agencies or subdivisions" include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority.**

(3) Except for a municipality and the Florida Space Authority, the affected agency or subdivision may, at its discretion, request the assistance of the Department of Financial Services in the consideration, adjustment, and settlement of any claim under this act.

(4) Subject to the provisions of this section, any state agency or subdivision shall have the right to appeal any award, compromise, settlement, or determination to the court of appropriate jurisdiction.

(5) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of \$100,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of \$200,000. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this act up to \$100,000 or \$200,000, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, but may be paid in part or in whole only by further act of the Legislature. Notwithstanding the limited waiver of sovereign immunity provided herein, the state or an agency or subdivision thereof may agree, within the limits of insurance coverage provided, to settle a claim made or a judgment rendered against it without further action by the Legislature, but the state or agency or subdivision thereof shall not be deemed to have waived any defense of sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the \$100,000 or \$200,000 waiver provided above. The limitations of liability set forth in this subsection shall apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

**(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality or the Florida Space Authority, presents such claim in writing to the Department of Financial Services, within 3 years after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if such claim is for contribution pursuant to s. [768.31](#), it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability.**

(b) For purposes of this section, the requirements of notice to the agency and denial of the claim pursuant to paragraph (a) are conditions precedent to maintaining an action but shall not be deemed to be elements of the cause of action and shall not affect the date on which the cause of action accrues.

(c) The claimant shall also provide to the agency the claimant's date and place of birth and social security number if the claimant is an individual, or a federal identification number if the claimant is not an individual. The claimant shall also state the case style, tribunal, the nature and amount of all adjudicated penalties, fines, fees, victim restitution fund, and other judgments in excess of \$200, whether imposed by a civil, criminal, or administrative tribunal, owed by the claimant to the state, its agency, officer or subdivision. If there exists no prior adjudicated unpaid claim in excess of \$200, the claimant shall so state.

(d) For purposes of this section, complete, accurate, and timely compliance with the requirements of paragraph (c) shall occur prior to settlement payment, close of discovery or commencement of trial, whichever is sooner; provided the ability to plead setoff is not precluded by the delay. This setoff shall apply only against that part of the settlement or judgment payable to the claimant, minus claimant's reasonable attorney's fees and costs. Incomplete or inaccurate disclosure of unpaid adjudicated claims due the state, its agency, officer, or subdivision, may be excused by the court upon a showing by the preponderance of the evidence of the claimant's lack of knowledge of an adjudicated claim and reasonable inquiry by, or on behalf of, the claimant to obtain the information from public records. Unless the appropriate agency had actual notice of the information required to be disclosed by paragraph (c) in time to assert a setoff, an unexcused failure to disclose shall, upon hearing and order of court, cause the claimant to be liable for double the original undisclosed judgment and, upon further motion, the court shall enter judgment for the agency in that amount. The failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 6 months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The provisions of this subsection do not apply to such claims as may be asserted by counterclaim pursuant to s. [768.14](#).

(7) In actions brought pursuant to this section, process shall be served upon the head of the agency concerned and also, except as to a defendant municipality or the Florida Space Authority, upon the Department of Financial Services; and the department or the agency concerned shall have 30 days within which to plead thereto.

(8) No attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any judgment or settlement.

(9)(a) No officer, employee, or agent of the state or of any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. However, such officer, employee, or agent shall be considered an adverse witness in a tort action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function. The exclusive remedy for injury or damage suffered as a result of an act, event, or omission of an officer, employee, or agent of the state or any of its subdivisions or constitutional officers shall be by action against the governmental entity, or the head of such entity in her or his official capacity, or the constitutional officer of which the officer, employee, or agent is an employee, unless such act or omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The state or its subdivisions shall not be liable in tort for the acts or omissions of an officer, employee, or agent committed while acting outside the course and scope of her or his employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(b) As used in this subsection, the term:

1. “Employee” includes any volunteer firefighter.
2. “Officer, employee, or agent” includes, but is not limited to, any health care provider when providing services pursuant to s. [766.1115](#), any member of the Florida Health Services Corps, as defined in s. [381.0302](#), who provides uncompensated care to medically indigent persons referred by the Department of Health, and any public defender or her or his employee or agent, including, among others, an assistant public defender and an investigator.

(c) For purposes of the waiver of sovereign immunity only, a member of the Florida National Guard is not acting within the scope of state employment when performing duty under the provisions of Title 10 or Title 32 of the United States Code or other applicable federal law; and neither the state nor any individual may be named in any action under this chapter arising from the performance of such federal duty.

(d) The employing agency of a law enforcement officer as defined in s. [943.10](#) is not liable for injury, death, or property damage effected or caused by a person fleeing from a law enforcement officer in a motor vehicle if:

1. The pursuit is conducted in a manner that does not involve conduct by the officer which is so reckless or wanting in care as to constitute disregard of human life, human rights, safety, or the property of another;
2. At the time the law enforcement officer initiates the pursuit, the officer reasonably believes that the person fleeing has committed a forcible felony as defined in s. [776.08](#); and
3. The pursuit is conducted by the officer pursuant to a written policy governing high-speed pursuit adopted by the employing agency. The policy must contain specific procedures concerning the proper method to initiate and terminate high-speed pursuit. The law enforcement officer must have received instructional training from the employing agency on the written policy governing high-speed pursuit.



(10)(a) Health care providers or vendors, or any of their employees or agents, that have contractually agreed to act as agents of the Department of Corrections to provide health care services to inmates of the state correctional system shall be considered agents of the State of Florida, Department of Corrections, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in said contract or by rule. The contracts shall provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection shall not be construed as designating persons providing contracted health care services to inmates as employees or agents of the state for the purposes of chapter 440.

(c) For purposes of this section, regional poison control centers created in accordance with s. [395.1027](#) and coordinated and supervised under the Division of Children's Medical Services Prevention and Intervention of the Department of Health, or any of their employees or agents, shall be considered agents of the State of Florida, Department of Health. Any contracts with poison control centers must provide, to the extent permitted by law, for the indemnification of the state by the agency for any liabilities incurred up to the limits set out in this chapter.

(d) For the purposes of this section, operators, dispatchers, and providers of security for rail services and rail facility maintenance providers in the South Florida Rail Corridor, or any of their employees or agents, performing such services under contract with and on behalf of the South Florida Regional Transportation Authority or the Department of Transportation shall be considered agents of the state while acting within the scope of and pursuant to guidelines established in said contract or by rule.

(e) For purposes of this section, a professional firm that provides monitoring and inspection services of the work required for state roadway, bridge, or other transportation facility construction projects, or any of the firm's employees performing such services, shall be considered agents of the Department of Transportation while acting within the scope of the firm's contract with the Department of Transportation to ensure that the project is constructed in conformity with the project's plans, specifications, and contract provisions. Any contract between the professional firm and the state, to the extent permitted by law, shall provide for the indemnification of the department for any liability, including reasonable attorney's fees, incurred up to the limits set out in this chapter to the extent caused by the negligence of the firm or its employees. This paragraph shall not be construed as designating persons who provide monitoring and inspection services as employees or agents of the state for purposes of chapter 440. This paragraph is not applicable to the professional firm or its employees if involved in an accident while operating a motor vehicle. This paragraph is not applicable to a firm engaged by the Department of Transportation for the design or construction of a state roadway, bridge, or other transportation facility construction project or to its employees, agents, or subcontractors.

(11)(a) Providers or vendors, or any of their employees or agents, that have contractually agreed to act on behalf of the state as agents of the Department of Juvenile Justice to provide services to children in need of services, families in need of services, or juvenile offenders are, solely with respect to such services, agents of the state for purposes of this section while acting within the scope of and pursuant to guidelines established in the contract or by rule. A contract must provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection does not designate a person who provides contracted services to juvenile offenders as an employee or agent of the state for purposes of chapter 440.

(12)(a) A health care practitioner, as defined in s. [456.001\(4\)](#), who has contractually agreed to act as an agent of a state university board of trustees to provide medical services to a student athlete for participation in or as a result of intercollegiate athletics, to include team practices, training, and competitions, shall be considered an agent of the respective state university board of trustees, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in that contract. The contracts shall provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection shall not be construed as designating persons providing contracted health care services to athletes as employees or agents of a state university board of trustees for the purposes of chapter 440.

(13) Laws allowing the state or its agencies or subdivisions to buy insurance are still in force and effect and are not restricted in any way by the terms of this act.

(14) Every claim against the state or one of its agencies or subdivisions for damages for a negligent or wrongful act or omission pursuant to this section shall be forever barred unless the civil action is commenced by filing a complaint in the court of appropriate jurisdiction within 4 years after such claim accrues; except that an action for contribution must be commenced within the limitations provided in s. [768.31\(4\)](#), and an action for damages arising from medical malpractice must be commenced within the limitations for such an action in s. [95.11\(4\)](#).

(15) No action may be brought against the state or any of its agencies or subdivisions by anyone who unlawfully participates in a riot, unlawful assembly, public demonstration, mob violence, or civil disobedience if the claim arises out of such riot, unlawful assembly, public demonstration, mob violence, or civil disobedience. Nothing in this act shall abridge traditional immunities pertaining to statements made in court.

(16)(a) The state and its agencies and subdivisions are authorized to be self-insured, to enter into risk management programs, or to purchase liability insurance for whatever coverage they may choose, or to have any combination thereof, in anticipation of any claim, judgment, and claims bill which they may be liable to pay pursuant to this section. Agencies or subdivisions, and sheriffs, that are subject to homogeneous risks may purchase insurance jointly or may join together as self-insurers to provide other means of protection against tort claims, any charter provisions or laws to the contrary notwithstanding.

(b) Claims files maintained by any risk management program administered by the state, its agencies, and its subdivisions are confidential and exempt from the provisions of s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Claims files records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided for in this paragraph.

(c) Portions of meetings and proceedings conducted pursuant to any risk management program administered by the state, its agencies, or its subdivisions, which relate solely to the evaluation of claims filed with the risk management program or which relate solely to offers of compromise of claims filed with the risk management program are exempt from the provisions of s. [286.011](#) and s. 24(b), Art. I of the State Constitution. Until termination of all litigation and settlement of all claims arising out of the same incident, persons privy to discussions pertinent to the evaluation of a filed claim

shall not be subject to subpoena in any administrative or civil proceeding with regard to the content of those discussions.

(d) Minutes of the meetings and proceedings of any risk management program administered by the state, its agencies, or its subdivisions, which relate solely to the evaluation of claims filed with the risk management program or which relate solely to offers of compromise of claims filed with the risk management program are exempt from the provisions of s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution until termination of all litigation and settlement of all claims arising out of the same incident.

(17) This section, as amended by chapter 81-317, Laws of Florida, shall apply only to causes of actions which accrue on or after October 1, 1981.

(18) No provision of this section, or of any other section of the Florida Statutes, whether read separately or in conjunction with any other provision, shall be construed to waive the immunity of the state or any of its agencies from suit in federal court, as such immunity is guaranteed by the Eleventh Amendment to the Constitution of the United States, unless such waiver is explicitly and definitely stated to be a waiver of the immunity of the state and its agencies from suit in federal court. This subsection shall not be construed to mean that the state has at any time previously waived, by implication, its immunity, or that of any of its agencies, from suit in federal court through any statute in existence prior to June 24, 1984.

(19) Neither the state nor any agency or subdivision of the state waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into a contractual relationship with another agency or subdivision of the state. Such a contract must not contain any provision that requires one party to indemnify or insure the other party for the other party's negligence or to assume any liability for the other party's negligence. This does not preclude a party from requiring a nongovernmental entity to provide such indemnification or insurance. The restrictions of this subsection do not prevent a regional water supply authority from indemnifying and assuming the liabilities of its member governments for obligations arising from past acts or omissions at or with property acquired from a member government by the authority and arising from the acts or omissions of the authority in performing activities contemplated by an interlocal agreement. Such indemnification may not be considered to increase or otherwise waive the limits of liability to third-party claimants established by this section.

(20) Every municipality, and any agency thereof, is authorized to undertake to indemnify those employees that are exposed to personal liability pursuant to the Clean Air Act Amendments of 1990, 42 U.S.C.A. ss. 7401 et seq., and all rules and regulations adopted to implement that act, for acts performed within the course and scope of their employment with the municipality or its agency, including but not limited to indemnification pertaining to the holding, transfer, or disposition of allowances allocated to the municipality's or its agency's electric generating units, and the monitoring, submission, certification, and compliance with permits, permit applications, records, compliance plans, and reports for those units, when such acts are performed within the course and scope of their employment with the municipality or its agency. The authority to indemnify under this section covers every act by an employee when such act is performed within the course and scope of her or his employment with the municipality or its agency, but does not cover any act of willful misconduct or any intentional or knowing violation of any law by the employee. The authority to indemnify under this section includes, but is not limited to, the authority to pay any fine and provide legal representation in any action.

**History.**—s. 1, ch. 73-313; s. 1, ch. 74-235; ss. 1, 2, 3, ch. 77-86; s. 9, ch. 79-139; s. 1, ch. 79-253; s. 284, ch. 79-400; s. 1, ch. 80-271; ss. 1, 2, ch. 81-317; s. 1, ch. 83-44; s. 1, ch. 83-257; s. 1, ch. 84-29; s. 1, ch. 84-335; s. 21, ch. 86-183; s. 1, ch. 86-184; s. 3, ch. 87-134; s. 2, ch. 88-173; ss. 55, 61, ch. 89-300; s. 92, ch. 89-360; s. 8, ch. 90-192; s. 3, ch. 91-209; s. 112, ch. 92-33; ss. 2, 11, ch. 92-278; s. 1, ch. 93-89; s. 34, ch. 93-129; s. 1, ch. 94-76; s. 2, ch. 94-147; s. 70, ch. 94-209; s. 21, ch. 94-321; s. 428, ch. 96-406; s. 34, ch. 97-93; s. 1809, ch. 97-102; s. 4, ch. 98-402; s. 289, ch. 99-8; s. 9, ch. 2000-155; s. 97, ch. 2002-20; s. 24, ch. 2002-183; s. 2, ch. 2002-401; s. 9, ch. 2003-159; s. 1903, ch. 2003-261; s. 1, ch. 2003-290; s. 67, ch. 2003-416; s. 1, ch. 2006-234; s. 1, ch. 2010-26.

<sup>1</sup>**Note.**—Section 1, ch. 2010-26, amended subsection (5), effective October 1, 2011, and applicable to claims arising on or after that date, to read:

(5) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of \$200,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of \$300,000. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this act up to \$200,000 or \$300,000, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, but may be paid in part or in whole only by further act of the Legislature. Notwithstanding the limited waiver of sovereign immunity provided herein, the state or an agency or subdivision thereof may agree, within the limits of insurance coverage provided, to settle a claim made or a judgment rendered against it without further action by the Legislature, but the state or agency or subdivision thereof shall not be deemed to have waived any defense of sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the \$200,000 or \$300,000 waiver provided above. The limitations of liability set forth in this subsection shall apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.



**MICHELLE R. MILLER**  
**Clerk of the Circuit Court & Comptroller**  
**ST. LUCIE COUNTY, FLORIDA**  
 COUNTY CIVIL DIVISION  
 250 N.W. COUNTRY CLUB DRIVE  
 PORT SAINT LUCIE, FLORIDA 34986  
 (772) 785-5880

In the County Court,  
 Nineteenth Judicial Circuit,  
 in and for County of St. Lucie,  
 State of Florida – Civil Division

Case No.

VS  
 PLAINTIFF,

DEFENDANT.

\_\_\_\_\_ /

**STATEMENT OF CLAIM FOR REPLEVIN**  
**(FOR RETURN OF PERSONAL PROPERTY/WEAPON FROM GOVERNMENT ENTITY)**

Plaintiff(s) sues the Defendant(s) and alleges:

1. This is an action to recover possession of personal property.
2. The description of the property is: [list property] \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
3. To the best of plaintiff’s knowledge, information and belief, the value of the property is:  
 \$ \_\_\_\_\_ and its location is: \_\_\_\_\_  
 \_\_\_\_\_
4. Plaintiff is the owner of the claimed property or is entitled to possession of it by virtue of  
 the following source of title, or right of possession: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
5. (if interest is based on a written instrument a copy is attached)  
 The property cannot be released by the defendant without a court order, or the property is  
 wrongfully detained by the defendant who obtained possession  
 by: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. To Plaintiff’s best knowledge, information and belief, the defendant detains property  
 because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. The property has not been taken for any tax, assessment or fine pursuant to law, nor has it been taken under an execution or attachment against plaintiff's property, or if so taken, it is by law exempt from such taking by the following reference to the exemption law relied upon: \_\_\_\_\_
8. Written demand for return of the property was provided to Defendant and [if Defendant is not a municipality] also to the Department of Financial Services at least 90 days prior to the filing of this Complaint. Section 768.28(6)(a), Florida Statutes. A copy of the demand is attached hereto.
9. The property is not contraband, was not the fruit of criminal activity, and is not being held for some evidentiary purposes
10. The property came into possession of Defendant on or about \_\_\_\_\_  
(date)
11. Plaintiff has the legal right to possess the property and is not subject to any legal prohibition against such possession.

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

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_



**MICHELLE R. MILLER**  
CLERK OF THE CIRCUIT COURT & COMPTROLLER  
ST. LUCIE COUNTY, FLORIDA

## **DISCLAIMER**

We encourage the electronic filing (e-filing) of all court related forms. Through e-filing, the court system has become more efficient and accessible to the citizens of the State of Florida. In addition to dramatically reducing paperwork in Florida's courts, the portal allows for immediate access to case information and the ability for you to file documents and access case information from the comfort of your home.

DIY (Do-It-Yourself) Florida is a free-to-use program to assist in completing official court forms and filing them with the Clerk's office. Accessed within the Florida Courts E-Filing Portal, DIY Florida uses interview questions to walk you through the steps and automatically prepare the forms. Once completed, the forms can be sent through the E-Filing Portal to electronically file the forms with our office. Standard filing fees and convenience fees may apply.

To register for an E-Filing Portal account which allows you to electronically file your forms, and to get more information regarding what forms are available, please visit [www.myfloridacourtaccess.com/authority/diy](http://www.myfloridacourtaccess.com/authority/diy).

If you choose not to utilize the DIY service, the following forms are provided as a courtesy. The use of these forms is not intended as a substitute for legal advice from an attorney. The provided forms are meant to serve as a guide and to assist pro se (self-represented) litigants in preparing documents. The use of these forms does not mean that a judge will accept your documents. You may be required to re-do your documents or obtain and file additional documents once the judge has reviewed your case. Each case has its own particular set of circumstances, and an attorney may advise you of what is best for you in your individual situation. If you have questions or concerns regarding your legal rights, it is strongly recommended that you talk to an attorney. If you do not know an attorney, you may request a copy of the Legal Resources brochure.