



MICHELLE R. MILLER

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

SELF-SERVICE CENTER

Department: Small Claims

Packet #SC1-10: Statement of Claim

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NonRefundable



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

SMALL CLAIMS INFORMATION

The Small Claims Court hears all cases at law in which the amount claimed does not exceed \$8,000.00, exclusive of costs, interest and attorney's fees. The St. Lucie County Small Claims Court uses a two hearing procedure, a pretrial conference (with mediation) and a final hearing (if settlement cannot be reached at the pretrial conference).

VENUE

Actions must be filed in the proper venue. A proper venue or location may be one of the following:

- 1) Where any one or more of the Defendants sued resides;
- 2) Where the event giving rise to the suit occurred;
- 3) Where the property in litigation is located;
- 4) If suit is on an unsecured promissory note, where the note is signed or where the maker resides;
- 5) Where the contract was entered into;
- 6) Any location agreed to in a contract.

If your case is not filed in the correct venue, the Defendant has the right to request that the case be moved to a proper location or venue or dismissed. If the case is transferred because it was not filed in the proper venue, you must repay the filing fees at the new location. Your filing fees are not refundable.

SERVICE OF PROCESS

Each Defendant named as a party to the suit must be served. Service may be made by either sheriff's service, private process server, or if the Defendant resides in the State of Florida, by certified mail. If the certified letter is not claimed by the Defendant, it will be returned to the Clerk's Office and you will be notified. If the certified letter is returned unclaimed, the fee for sheriff service will then be required to continue pursuing your case.

If the Defendant resides outside the State of Florida, you must determine the county and state the Defendant's address is located in, the sheriff's fee to serve the summons and the sheriff's address. You also need to inquire whether the sheriff has any other special instructions. It is the filer's responsibility to arrange for service with the sheriff in that county or hire a private process server.

FILING

- a. When filing a claim based upon a written document or contract, a copy must be attached.
- b. A copy of any paper that is filed at any time by the Plaintiff or Defendant other than the Statement of Claim, MUST be sent by you to each party or their attorney, if any. You must set forth the date and to whom you sent the copy (or copies) of the papers filed which should be followed by your signature.

Example: I certify a copy of the foregoing has been furnished to (name of all parties or attorneys with their address) by (mail) or (hand delivered) or (E-Mail) or (E-Portal) this ____ day of _____, 20____.

- c. If at any time during the proceedings a settlement is reached between the parties, you should file a Notice of Settlement or Voluntary Dismissal
- d. You must advise the Clerk, in writing, of any change in your mailing address.

PRETRIAL CONFERENCE

On the day of pretrial conference, both the Plaintiff and Defendant must appear. You do not need to bring your witnesses to the pretrial conference. If the Plaintiff does not appear, the case may be dismissed. If the Defendant does not appear (after being properly served) a default may be entered. If both parties appear and the case cannot be resolved through mediation or at the pretrial conference, your case will be scheduled for trial. It is important to appear early for your hearing. Court begins promptly at the time assigned to your case.

MEDIATION

Mediation is an informal process whereby a neutral third party acts to encourage and assist in resolving a dispute, without prescribing what it should be; with the objective of helping the parties reach a mutually acceptable agreement.

TRIAL

If the case is set for trial, you must appear on the date and time specified with your evidence, witnesses and whatever you feel is necessary to prove your claim. Affidavits from witnesses cannot be accepted. At the hearing, the Judge will listen to both sides, review the evidence and proof provided to make a decision. If the Judge has to research a point of law, the decision may be delayed. However, the parties will receive a copy of the written decision when it is final.

FILING AND SERVICE FEES

Filing Fees:

Claims less than \$100	\$55.00*
Claims \$100 thru \$500	\$80.00*
Claims \$500 thru \$2500	\$175.00*
Claims \$2500 thru \$8000	\$300.00*

*PLUS \$10.00 PER DEFENDANT / PER SUMMONS (ISSUANCE FEE)

Service Fees:

Sheriff service, per summons/per defendant	\$40.00 for service in the State of Florida
Certified mail, per defendant	\$13.51
Insurance Commissioner	\$15.00



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REFERENCE GUIDE TO COMPLETING STATEMENT OF CLAIM

- **STATEMENT OF CLAIM** – the form should be typed or legibly printed.
 - Fill in your name, mailing address and telephone number. Make sure to include a telephone number which the Clerk’s Office may reach you at.
 - Fill in the defendant(s) name, address for service and phone number (must have street address for sheriff’s service-no post office boxes)
 - Check the category that describes your claim
 - Write a brief explanation of the reason you are filing and attach any written document as an exhibit (i.e, lease,check,contract,etc.)
 - Fill in the amount you are filing for excluding court costs and service fees
 - Sign at the bottom and have your signature notarized or witnessed by a Deputy Clerk

- **EXHIBITS**
 - If the lawsuit is on a contract or promissory note, a copy must be included
 - If the lawsuit is about an accident, written estimates should be included
 - Attach copies of any supporting documentation to the Statement of Claim

- **DEFENDANT INFORMATION**
 - Make sure you sue in the correct name and make sure you sue the proper party. If you receive a judgment against a party that does not exist (improper spelling or incorrect/incomplete name), your judgment may be worthless.
 - **CORPORATION:** If you are suing a corporation, Inc., LLC, D/B/A, include the full legal name of the corporation and list the registered agent’s name and address for service. Corporate information is available through the Secretary of State, Division of Corporations, Tallahassee, Florida 850-245-6000. Or you may research the information via internet at www.sunbiz.org. It is not sufficient to sue the owner or worker if you hired or paid their company. Likewise, it is not sufficient to use the company mailing address or owner's home address if there is a registered agent.
 - **INSURANCE COMPANY:** The **EXACT** name of the insurance company is needed. Claims against an insurance company must be served through the Insurance Commissioner’s Office. The fee is \$15.00. Service instructions are located at <https://ww.myfloridacfo.com/division/generalcounsel/service-of-process>

- **FILING**
 - You may file your complaint at either of our locations
 - All hearings are held at the South County Courthouse Annex



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INSTRUCTIONS FOR FILING A SMALL CLAIMS CASE

STEP 1

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

- **PAPERWORK:**
 - Original Statement of Claim
 - Copy of exhibits
 - One (1) copy of all documents for **each** defendant
 - One (1) copy of all documents for your records
 - For out of state service – Arrangements can be made with the sheriff or process server in the county the Defendant(s) are being served
 - 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 fee schedule payable in cash; money order; MasterCard; Discover, Visa, or AMEX. Personal Checks and Business Checks are also accepted.
PLUS \$10.00 PER SUMMONS / PER DEFENDANT
- **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 SERVICE BY CERTIFIED MAIL:**
\$13.51 per defendant, payable to the Clerk of the Court (Defendant must be in the State of Florida)
 - **FOR SERVICE BY PROCESS SERVER**
Payment arrangement is made directly with the process server
 - **MISCELLANEOUS**
\$1.00 per page to make copies
\$3.50 for Deputy Clerk to witness Statement of Claim

STEP TWO

File the original, copies and envelope (if applicable) with the Clerk of Courts County Civil Division. You may file your complaint through the e-portal <https://www.myflcourtaccess.com>, by mail with payment of the applicable fees enclosed, or in person 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

Customer Care Center
201 South Indian River Drive, First Floor
Fort Pierce, Florida 34950

*If submitting your claim by mail, you must have your signature notarized on the Statement of Claim.

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 a Notice to Appear for Pre Trial will be issued. You will receive a copy of the Notice to Appear with the hearing date at the time of filing. For sheriff service, you will need to take the service packet and payment to the sheriff. If you are using a process server, give the Clerk the name of the server and make arrangements with the process server directly.

SETTLEMENTS:

If you and the defendant resolve the case prior to the hearing date, you may file a Voluntary Dismissal

If you and the defendant reach an amicable payment plan, you may enter into a Stipulation for Installment Settlement and Stay.

All forms are available on the **on the Clerk of Court's website at** www.stlucieclerk.gov and should be filed with the Clerk's Office prior to your scheduled appearance.

Filing of either a dismissal or stipulation will close your case and you will not be required to attend court.



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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.

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.

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

Case No:

PLAINTIFF(S),

VS

DEFENDANT(S).

DESIGNATION OF E-MAIL ADDRESS FOR PARTY NOT
REPRESENTED BY AN ATTORNEY

Pursuant to Florida Rules of General Practice and 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 court, and all parties to send
copies of notices, orders, judgments, motions, pleadings, or other written communications to me
by e-mail 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 hereof has been furnished to the clerk of court for St. Lucie County and
_____ by

(e-mail) (hand delivery) (mail) _____.

(signature)

(printed name)

(e-mail address)

(address)

(phone number)

**IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE COUNTY, FLORIDA**

Case Number: _____

Plaintiff(s)

vs

Defendant(s)

Address _____
(number) (street)

(city) (state) (zip code)

Phone: _____

STATEMENT OF CLAIM

Plaintiff(s) sues defendant(s) for damages which do not exceed \$8,000.00 exclusive of costs and interest for (check one category below):

- Auto Accident on or about _____ that happened at the following location _____, in _____ County, Florida caused by negligent operation of a vehicle operated by _____ and owned by _____ resulting in damages, described below and written estimate or invoice attached
- Goods sold by Plaintiff; goods and prices and credits listed below.
- Work done and materials furnished by Plaintiff; time and materials, showing charges 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's fees.
- Other written balance owed to Plaintiff 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/are the basis of this claim.

WHEREFORE, the Plaintiff(s) demand judgment in the principal sum of \$ _____
If there is a signed written agreement attached including interest \$ _____
TOTAL \$ _____

Plaintiff Address:

Signature of Plaintiff(s)

Print name of Plaintiff(s)

Telephone Number _____

Title (if applicable)

Email Addresses: _____

**STATE OF FLORIDA
COUNTY OF ST. LUCIE**

The foregoing instrument was sworn to or affirmed and signed before me this _____ day of _____,
_____, by _____ who is personally known to me or who has produced
_____ identification and who did [] did not [] take an oath.

MICHELE R. MILLER
Clerk of the Circuit Court & Comptroller

BY: _____
Deputy Clerk

or

Notary Public

Typed or Printed Name

or

Typed or Printed Name