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Information

www.clerk.leon.fl.us

10. What happens to a small claims case if settlement is reached?

If, at any time during the proceedings a settlement is reached by the parties, the person who filed suit must notify the clerk's office in writing of the settlement.

11. How does a party collect on a judgment?

The court will not collect money damages for the parties. If a party chooses to place judgment lien against any individually owned real property of the defendant, that party should obtain a certified copy of the judgment and record it in the county's official records. The Official Records Division has two locations: One location is behind the courthouse, 313 S. Calhoun Street, #101; the other, 1276 Metropolitan Blvd., #101. Fees for recording are set by Florida Statute, and are subject to annual change by the legislature. Additional information on how to collect a judgment in Florida is available at the following website address:

http://www.sunbiz.org/jlien_how_to.html

**BOB INZER
CLERK OF COURTS**

General Information 577-4000

The Leon County Clerk's Office is open Monday through Friday from 8 a.m. to 5 p.m.

Administration Office ¹	577-4005
Court-Related Information ¹	
Appeals	577-4190
Circuit Civil	577-4170
Circuit Criminal	577-4070
Court Services	577-4220
Family Law	577-4150
Juvenile.....	577-4120
Jury Coordination	577-4240
Misdemeanor	577-4130
Probate	577-4180
Small Claims.....	577-4260
Traffic (see note below)	577-4100
Finance ³	577-4020
Human Resources ⁴	577-4230
Marriage/Passports ²	577-4060
Official Records (viewing) ²	577-4050
Official Records (recording) ²	577-4030
Tax Deeds ³	577-4020

¹Located at 301 S. Monroe Street, Tallahassee, 32301 (1st floor of the Leon County Courthouse).

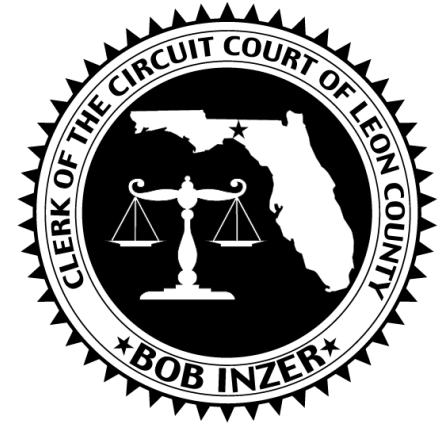
²Located at 313 S. Calhoun Street, #101, in the Bank of America annex across from the back side of the courthouse (**see note below**).

³ Located at 315 S. Calhoun Street, Suite 750, in the Bank of America building across from the back side of the courthouse.

⁴ Located at 315 S. Calhoun Street, Suite 780, in the Bank of America building across from the back side of the courthouse.

NOTE: Traffic citation payments and Official Records and marriage services are available at the following location:

Leon County Clerk Northeast Branch
1276 Metropolitan Boulevard, Suite 101



**A Guide to Small
Claims**

**Bob Inzer
Clerk of Courts**

Please visit our website at
<http://www.clerk.leon.fl.us>

07/01/2013

A Guide to Small Claims

1. What is a small claims case?

A small claims case is a legal action filed in county court to settle minor legal disputes among parties where the dollar amount involved is \$5,000 or less, excluding costs, interest, and attorney's fees.

2. Who may file a small claims case?

Any person 18 years or older, and any individual doing business as a company, may file a small claims case. Each person who is a party to the claim must appear at the clerk's office to sign the necessary paperwork in the presence of a deputy clerk, or the signatures must be notarized.

3. Is an attorney necessary?

No. Small claims court is considered a "people's court" and a lawyer is not required. Clerk's office personnel will provide you with the necessary forms for filing a small claims case.

4. What does it cost to file a small claims case?

Filing fees for small claims actions are determined by the Florida Statutes, and are subject to annual change by the Legislature. Fees also vary in accordance with the dollar amount of your claim and type of action. Other fees are required for service on the parties sued and are dependent on the type of service you select. A schedule of current service charges is available on the clerk's website and in any clerk's office for your information.

5. What information is needed to file a small claims case?

It is important that the claim is filed against the right party. The additional time spent researching the correct name could make a difference in the ability to collect on any judgment entered by the court.

Copies of any contracts, notes, leases, receipts, or other evidence in support of the claim must be furnished for

each person sued and the court. The original must be brought to the first court appearance. A full explanation of the reason for the small claims action will be necessary.

6. Are there other requirements?

If someone other than an individual is sued, additional information is needed to complete the required forms. For example, is the individual doing business as a company, a partnership where there are several people doing business as a company, or corporation?

7. What happens after the filing of a small claims case?

After the case is filed, each person or business sued must be served with a summons or notice to appear in court on the date and time scheduled when the claim was filed. This court date will be a pretrial conference and parties should be prepared to present their cases in court.

At the pretrial conference, mediation is ordered, if both parties to the dispute are present and unable to settle their dispute. A mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. Mediation is informal and non-adversarial processes with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement.

If the dispute cannot be settled at the pretrial conference, the court will schedule a trial date. The parties must appear at the trial with all witnesses and documentation.

At the trial, both parties will have an opportunity to explain the case to the judge, ask the other party questions about the claim, present documentation as discussed at the pretrial conference, and call witnesses.

8. Why use mediation?

- a. Mediation is economical.
- b. Both parties view settlement as fair. Both parties remain in control and participate in a "win-win" solution.
- c. There is one court meeting.
- d. There is no need to subpoena evidence or witnesses and depend on their presence at trial. There is no extensive trial preparation.
- e. Mediation preserves personal and business relationships.
- f. Mediation allows debtors to arrange repayment plans, avoid a judgment, and preserve credit reputation.
- g. Mediation protects privacy and avoids the publicity of a trial.
- h. The agreement is final and the dispute is resolved.

9. Is a jury trial possible in a small claims case?

The person filing a small claims case may request a trial by jury, upon written demand at the time the case is filed. The person being sued may request a jury trial within 5 days after service of notice or at the pretrial conference.

If you are a person with a disability who needs any accommodation in order to participate in a court proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Susan Wilson of the Office of the Court Administrator at 850-577-4401 (or through the Florida Relay Service, TDD by dialing 7-1-1) Leon County Courthouse, 301 S. Monroe Street, Room 214, Tallahassee, FL 32301 within two working days of receipt of your hearing notice or immediately upon receiving your hearing notice if the time before the scheduled appearance is less than 7 days.