

**Pinellas County Clerk of the Circuit Court**  
**Small Claims Video -Transcript**

Hello, today we would like to provide you with some basic information that will assist you in filing a Small Claims case in Pinellas County.

A Small Claims case is a legal action filed in county court to settle minor legal disputes between parties where the dollar amount is five-thousand dollars (\$5,000) or less, excluding costs, interest and attorney fees.

Pinellas County uses a two-hearing procedure; a pre-trial conference and a final hearing, if required. This video deals with the pre-trial part of the procedure.

Small Claims court is considered a ‘people’s court’ therefore, a lawyer is not required. But if there are complex issues involved, you may want to seek legal advice. The Clerk’s Office cannot provide you with that. They can only help you with the necessary forms and procedures for filing your case.

Anyone 18 years or older or individuals doing business as a company may file a Small Claims case. A parent or guardian may file on behalf of a minor child.

Each person who is part to the case must sign a statement of claim form. There are several situations that may fall under a Small Claims case;

- Auto Accidents,
- Bad Checks,
- Breach of Contract Agreements,
- Money Loaned,
- Unpaid Rent,
- Property Damage,
- Security Deposit Refunds and
- Recovery of Personal Property.

When you are ready to file your claim, you will need to fill out a ‘statement of claim’ form. They are available at the Pinellas County Courthouse Civil Court Records, North County Branch, South County Branch and St. Petersburg Branch offices OR the form is available on the Clerk’s website at [www.pinellasclerk.org](http://www.pinellasclerk.org).

When filling out your statement of claim form it is extremely important to have the correct names of all persons involved. If you do not have the names correct, this could cause delays in the processing of your case or even worse, the judgment you receive may be worthless and uncollectible. Believe it or not, this is the number one problem in the process! So, make sure to do your homework and get the correct names on your form filed.

Here are some examples taken from the 'small claims filing' instruction sheet you receive with the forms:

- a. If you are suing an individual:  
Your name vs. John Smith
  - b. If you are suing a sole proprietorship\* (an individual doing business under a fictitious name):  
Your name vs. John Smith, d/b/a Sample Business
  - c. If you are suing a partnership\* (several individuals doing business under a fictitious name):
    - i. Your name vs. SJG Enterprises, a partnership
    - ii. OR -- SJG Enterprises, Ltd., a limited partnership
    - iii. OR -- SJG Enterprises, Limited, a limited partnership
- For Partnerships*** –Make sure to obtain one of the partner’s name and address.  
***For Limited Partnerships*** - Make sure to obtain the registered agent’s name and address. You will need this to serve the Registered Agent.
- d. If you are suing a corporation
    - i. Your name vs. XYZ, Inc .
    - ii. OR – XYZ, Corp.
    - iii. OR – XYZ, Co.
  - e. If you are suing a corporation doing business under a fictitious name:
    - i. Your name vs. XYZ, Inc. d/b/a Business
    - ii. OR -- XYZ, Corp d/b/a Business Name
  - f. If you are suing a limited liability company:
    - i. Your name vs. Business Name, L.L.C.
    - ii. OR -- Business Name, L.C.

These are some examples of invalid party names:

- i. John Smith d.b.a. XYZ, Inc.
- ii. XYZ

If you need to find out information on a company or fictitious name, records may be researched online at [www.sunbiz.org](http://www.sunbiz.org) or you can call the Secretary of State at 850-488-9000.

- g. If your claim involves an estate:  
Your name vs. John Doe, as a personal representative of the estate of John Doe, deceased.
- h. If your claim involves an insurance company:  
Your name vs. Exact name of Insurance Company
- i. If your claim involves a minor child:  
Your Name vs. Parent or Guardian of Minor Child
- j. If your claim involves a trust:  
Your Name vs. John Doe as Trustee of XYZ Trust

If you are an employee of a corporation other than an officer which would be president, vice president, treasurer or secretary, and you are filing on behalf of a corporation, an authorization form is required for filing along with the 'statement of claim' form. You can still file your case with the Clerk's Office but it will not be set for a pre-trial hearing until this form is provided.

If you are not an employee or officer of the corporation you cannot represent the corporation. You also cannot represent a sole proprietor or other individual, even a family member, in court.

If your claim is based on a written document, a copy of it should be attached to the 'statement of claim' form.

After you have successfully completed your 'statement of claim' form with the correct names, all the plaintiff's signatures and your phone number, you may then submit the form by mail or in person at any of the four Clerk of the Circuit Court locations.

There is a filing fee to be paid at the time you submit your form. The current fee rate is available online or at any of the filing locations. Checks are to be made payable to the Clerk of the Circuit Court.

When filing your case you will also need to decide how to serve the other party with a summons or notice to appear. A summons can be sent by certified mail or served in person by a Sheriff's Deputy or a private process server. Fees vary according to the method chosen. Generally, private process servers are employed by law firms since they have many cases to serve.

If you choose to serve by certified mail, the additional fees will be added to your filing fees and the Clerk of the Court will mail copies of the 'statement of claim' to the affected parties. However, your summons is not considered served until the Clerk receives the signed, certified return receipt. Certified mail may be used more than once to serve a summons. However, each attempt may incur an additional fee.

Another option is to have the party served by a Pinellas County Sheriff's Deputy. The \$20 fee for this service may be paid by personal check and is payable to the Sheriff's Office not the Clerk of the Circuit Court. The Clerk will forward the additional copies of your 'statement of claim' and the service fee to the Sheriff's Office. Once all parties have been served with a summons, the Sheriff will provide the Clerk with proof of service. If more than one attempt to serve a summons is required by a Deputy, each attempt may incur an additional fee.

If a defendant lives outside of Pinellas County and will be served in that county, payment must be made to that county's Sheriff. It is your responsibility to verify the addresses, payment methods and cost of services before filing your case.

Once your case is successfully filed with the court, you will receive a notice in the mail with your pre-trial hearing date and time.

Successful filing of your small claims case requires that you carefully research and properly complete the necessary paperwork before submitting it. If you have any additional questions about filing your claim, please visit our website or ask one of our clerks. They'll be happy to assist you.

If you would like to learn about what to expect at the hearing, please view the second video coming soon.