

\$2.00



Kelvin Soto, Esq.
Clerk of the Circuit Court & County Comptroller
Osceola County, Florida

SMALL CLAIMS

**CASES FILED AFTER 4:00 P.M. WILL NOT BE OPENED UNTIL THE NEXT BUSINESS DAY.
(PLEASE PROVIDE A SELF-ADDRESSED STAMPED ENVELOPE)**

INSTRUCTIONS FOR FILING:

This packet contains a Statement of Claim form, an Explanation Sheet, a Statement of Responsibility form, and an Affidavit as to Military Service form.

IMPORTANT

The attached Explanation Sheet must be filled out after you have completed the Statement of Claim. Please be verify specific as to whom, what and how much your suit is about.

LANGUAGE:

If you do not speak English, you must provide an interpreter at the Pre-Trial, Motion Hearings and/or Non-Jury Trials. The Court does not provide this service.

FILING A SMALL CLAIM:

1. \$8,000.00 is the maximum amount for which you may file. The suit may be filed in the county where the defendant lives, where the action took place or where payment is made from.
2. **BUSINESSES** are required to prepare their own claims and supply copies for each person being sued. A Deputy Clerk may assist an individual to a certain extent. This does not mean that the Deputy Clerk can give any type of legal advice.

3. The **PLAINTIFF** is the person filing the claim. The **DEFENDANT** is the person being sued. The name of the County where the defendant is to be served must be furnished at the time of filing. If the defendant is the owner or a partner in a business, after the name, note D/B/A (doing business as) then the name of the business. If you are suing a Corporation, you must give the exact corporation name and identify the name and address of a Corporate Representative who is available to receive service of lawsuit papers. You may get this information from the County or City Occupational License Office or by writing to: Secretary of State, Corporate Division, Correspondence Section, P.O. Box 6327, Tallahassee, Florida 32314, by calling (850) 488-9000 or by checking the website at: www.sunbiz.org.
4. **COPIES:** You must supply COPIES of the STATEMENT OF CLAIM and any documents you complete and attach to this claim, such as checks, contracts, estimates for EACH DEFENDANT when submitting your claim. You must supply the extra copies; as the original documents are for filing in your court file, one set of copies for the Plaintiff and one set of copies for EACH defendant.
5. Should you not have sufficient copies for filing, our offices charges .15 per page for un-official documents (those documents which are not clocked-in and \$1.00 per page for official documents (those documents which are clocked-in.)
6. The principal amount owed is the amount of the suit. **DO NOT INCLUDE THE COURT COSTS IN THE AMOUNT YOU ARE SUING FOR.** The court costs are awarded with the judgment. If the claim is paid prior to the hearing, the Court Costs (Clerk's filing fee and Sheriff's service fee) are payable from DEFENDANT to the PLAINTIFF. The PLAINTIFF then files a Voluntary Dismissal with the Court and send a copy to the DEFENDANT.
7. **FILING FEES – NO PERSONAL CHECKS ARE ACCEPTED.)** Only cash, money order, company checks, or cashier checks are accepted. Make checks payable to the Osceola County Clerk of Circuit Courts and County Comptroller.
8. IF THE AMOUNT OF YOUR CLAIM IS: THE FILING FEE IS:

a. \$0.00 to \$100.00	\$55.00
b. \$100.01 to \$500.00	\$80.00
c. \$500.01 to \$2,500.00	\$175.00
d. \$2500.01 to \$8,000.00	\$300.00
e. For each summons issued (per defendant)	\$10.00
9. **A REPLEVIN ACTION** to obtain possession of your property may be filed when a person will not pay for or return property you are legal entitled to. There is an additional \$85.00 fee for this action and the property must be in Osceola County.
10. **A PRE-TRIAL CONFERANCE SUMMONS** will be issued at the time of filing your suit. The summons must be served upon the DEFENDANT(S.) A Sheriff or Private Process Server must

deliver the summons and a copy of your claim to the defendant. If you will be using the Osceola County Sheriff's Department for service, a fee of \$40.00 per defendant will be required.

Please verify with the Judicial Process section of the Sheriff's Office located on the 1st floor of this courthouse regarding accepted forms of payment. If the Sheriff is unable to locate and serve the defendant, you must give the Clerk's Office another address where good service may be obtained. You will be required to pay an additional \$10.00 for each additional summons that the Clerk's Office issues.

When you are suing someone, who is out of the County, it is your responsibility to know the County in which they live and what Sheriff's Department has jurisdiction. You will also need to know the address of the Sheriff's Office and ensure that you are sending the summons for service to the correct location. You must include a self-addressed stamped envelope for the Sheriff's Office to return to you the Affidavit of Service. Once you have received the affidavit, you must file it in your case.

You may bring or mail your completed packet, with copies, and any attachments to your Statement of Claim along with the Clerk's and Sheriff's fees to the Civil Division of the Clerk's Office located on the second floor of the address below:

**Kelvin Soto, Esq, Clerk of the Circuit Court and County Comptroller
2 Courthouse Square, Suite 2000 (Civil Division)
Kissimmee, FL 34741**

11. It is the PLAINTIFFS responsibility to prosecute the case to its conclusion. You must appear at any pre-trial conference and the non-jury trial or your claim may be dismissed by the court for lack of prosecution.

12. If you obtain a Final Judgment in your case, it is the judgment holder's responsibility to collect, not the Clerk of Courts.

MEDIATION/TRIAL PROCEDURES

IF YOUR CASE IS SETTLED PRIOR TO MEDIATION OR YOUR NON-JURY TRIAL, YOU MUST NOTIFY THE CLERK'S OFFICE

VIRTUAL MEDIATION:

If the defendant filed their Virtual Mediation Form, your case will be presented to the Mediation Department. The Mediation Department will contact all parties to schedule a Virtual Mediation Pre-Trial. You must appear at the hearing or the Court may dismiss your case. If the DEFENDANT fails to appear, the judgment of the amount claimed plus court costs may be awarded to the PLAINTIFF. **If the DEFENDANT fails to appear at the mediation, this allows for you to file your "Motion for Default and Default for Failure to Appear at Mediation" (Attached.)**

If both parties appear, the Court will encourage settlement. If the parties fail to come to some agreement, the Court will set a Non-Jury Trial. You must be prepared to prove your case at that time. Bring your witnesses, documents (originals), papers or any other proof to support your case. If you settle the case before the Non-Jury Trial, the PLAINTIFF must notify the Clerk's Office or be subject to further court costs.

EXHIBITS:

Should you need to file exhibits such as, but not limited to photos and invoices to be used for virtual hearings, or documents to be placed into your court file, you may do so by using the following options listed below:

1. In person – You may file your exhibits/documents in person at 2 Courthouse Square, Suite 2000 (Civil Division) Kissimmee, FL 34741.
2. Drop Box – Located to the left of the public entrance on the steps of the courthouse. Please ensure that the exhibits/documents are in a sealed envelope with the case number and your name written on the outside.
3. U.S. Mail – Kelvin Soto, Esq, Clerk of the Circuit Court and County Comptroller 2 Courthouse Square, Suite 2000, Kissimmee, FL 34741 (Attn: Civil Division)
4. Florida E-Portal. Please visit our website at www.osceolaclerk.com and follow the instructions below:
 - a. Service
 - b. E-Filing/Recording
 - c. E-Filing Portal

If you do not have a login and are unsure as to how to use the E-Portal, please click "Help" on the top right of the screen for further information.

NON-JURY TRIAL

A witness may be subpoenaed to trial through the Clerk's Office. The cost to issue the subpoena is \$2.00 per subpoena issued, \$5.00 witness fee. You will need to consult with the agency that will be serving the subpoena for their costs associated with service. At the non-jury trial, the judge will listen to both sides of the case, consider all evidence and testimony, and determine the liability. The Judge may issue a Final Judgment for the amount of the debt or a conditional order which is an order allowing the DEFENDANT to make payments on the amount due to the PLAINTIFF. If the DEFENDANT failed to make the payment, the PLAINTIFF may file an AFFIDAVIT OF NON-PAYMENT with the clerk and a Final Judgment will be issued for the balance DUE without any further notice to the DEFENDANT.

FINAL JUDGMENT

The Clerk will enclose a "HOW TO COLLECT ON A FINAL JUDGMENT" from with the judgment; that will give you an idea of ways you may use to collect your judgment. However, THE CLERK'S OFFICE DOES NOT COLLECT ANY MONIES. An individual representing him/herself may motion the Court for a hearing in aid of execution. When the judgment is paid in full, the PLAINTIFF MUST prepare and record a SATISFACTION OF JUDGMENT. The cost for recording the satisfaction is \$10.00 for the first page, \$8.50 for each additional page and \$1.00 for all names after (4) starting with the plaintiff. The Plaintiff must also send a copy to the DEFENDANT. If a WRIT OF EXECUTION HAS BEEN FILED with the Sheriff, contact the Sheriff's Office, and request he/she return the Writ to the Clerk as satisfied.

If you have any questions, please contact the Civil Division at (407) 742-3479.

Created 3/15/2021 SC

**IN THE COUNTY COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA**

SUMMARY CLAIMS DIVISION
CASE NO. 20____SC_____SP

(NAME)

(STREET)

(CITY/STATE/ZIP CODE) PLAINTIFF(S)

VS.

(NAME)

(STREET)

(CITY/STATE/ZIP CODE) DEFENDANT(S)

STATEMENT OF CLAIM

The plaintiff(s) sue the defendant(s) for an amount that does not exceed \$8,000.00 exclusive of court costs, interest and attorney's fees; for money owed to the plaintiff(s) by the defendant(s) which is past due and unpaid for the reason checked below:

- Goods, wares, and merchandise sold by the Plaintiff to the Defendant. (List goods, prices, and any credits)
- Goods, wares, and merchandise sold by the Defendant to the Plaintiff. (List goods, prices, and any credits)
- Work done, and material furnished by Plaintiff to Defendant. (List time and materials showing charges and credits)
- Money loaned by Plaintiff to Defendant.
- Money due to Plaintiff upon accounts stated and agreed to between parties.
- Money due to Plaintiff on a written instrument. (Copy attached)
- Rent for certain premises located in Osceola County, Florida.
- Vehicle collision, damages.
- Other _____ (list action.)
- Plaintiff has made written demand for payment but, the defendant has refused to pay.

For additional facts, use additional sheet provided.

Wherefore, Plaintiff(s) demand judgment in the amount of \$_____ together with court costs and any further costs the court may assess.

Email: _____

Plaintiff Signature

Telephone Number

IN THE COUNTY COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA

SUMMARY CLAIM DIVISION
CASE NO. 20____ SC _____ SP

(NAME)

(STREET)

CITY/STATE/ZIP CODE PLAINTIFF(S)
VS.

(NAME)

(STREET)

CITY/STATE/ZIP CODE DEFENDANT(S)

STATEMENT OF RESPONSIBILITY
(CIVIL CASE UP TO \$8,000.00)

BEFORE FILING THIS CASE, I HAVE CONSIDERED THE FOLLOWING MATTER AND
ACKNOLWEDGE THAT:

1. This case is being filed in Summary Claims under the Summary Claims Procedure Rules of Court; it is considered laymen's court; that I, and the defendant may be represented by an attorney of our individual choice but neither are required to do so, and that the conduct of this case will be in accordance with the Rules of Procedure and Laws of Florida which apply to this case.
2. The naming of proper parties is an important element of this case and the responsibility for naming the proper Plaintiff(s) and Defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the Defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named Plaintiff(s).
5. I do not expect the Clerk who received and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. **I am solely responsible for the collection of any judgment entered in my favor.**

Signature of Plaintiff

Date

IN THE COUNTY COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA

SUMMARY CLAIMS DIVISION
CASE NO. 20____ SC_____ SP

(NAME)

(STREET)

(CITY/STATE/ZIP CODE) PLAINTIFF(S)
VS.

(NAME)

(STREET)

(CITY/STATE/ZIP CODE) DEFENDANT(S)

AFFIDAVIT AS TO MILITARY SERVICE AND PROPER VENUE

The undersigned, being first duly sworn, states that he/she is the Plaintiff(s)/Agent for Plaintiff(s) in the above styled matter; that the above named Defendant(s) _____

_____ is/are not now in the military service of the United States of America.

That this action has been brought in a County in which venue is proper pursuant to Chapter 47 of the Florida Statutes.

FURRTHER AFFIANT SAYETH NOT.

Affiant Signature

Sworn to and subscribed before me on _____.

Deputy Clerk/Notary

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN
AND FOR OSCEOLA COUNTY, FLORIDA

CASE NO.: 20____SC____

Plaintiff,

v.

Defendant.

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), the filer of a court record at the time of filing shall indicate whether any confidential information is included within the document being filed; identify the confidentiality provision that applies to the identified information; and identify the precise location of the confidential information within the document being filed.

- (1) Title/Type of Document(s): _____
(2) () The entire document is confidential, or
(3) () I am filing herewith a document containing confidential information as described on Rule 2.420(d)(1)(B), the applicable exception is marked below and its precise location is;

- (4) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the Clerk of the Court. I hereby notify the Clerk that this confidential information is located as follows:

(a) Title/type of document:

_____;

(b) Date of filing (if known):

_____;

(c) Date of document:

_____;

(d) Docket entry number:

_____;

(e) ____ Entire document is confidential, or

____ Precise location of confidential information in document:
_____.

Select the all that apply;

- Chapter 39 records relating to dependency matters, termination of parental rights, guardian's ad litem, child abuse, neglect, and abandonment. § 39.0132(3), Fla. Stat. (If the document is filed within a Chapter 39 case; this form is not required.)
- Adoption records. § 63.162, Fla. Stat. (If the document is filed within a Chapter 63 adoption case, this form is not required.)
- Social Security, bank account, charge, debit, and credit card numbers in court records. § 119.0714(1)(i) - (j), (2)(a)-(e), Fla. Stat. (Unless redaction is requested pursuant to §119.0714(2), this information is exempt only as of January 1, 2011.)
- HIV test results and patient identity within the HIV test results. § 381.004(3)(e), Fla. Stat.
- Sexually transmitted diseases -test results and identity within the test results when provided by the Department of Health or the department's authorized representative §384.29, Fla. Stat.
- Birth and death certificates, including court-issued delayed birth certificates and fetal death certificates. §§ 382.008(6), 382.025(1)(a), Fla. Stat.
- Identifying information in petition by minor for waiver of parental notice when seeking to terminate pregnancy. § 390.01116, Fla. Stat. (If the document is filed within a Ch. 390 waiver of parental notice case, this form is not required.)
- Identifying information in clinical mental health records under the Baker Act. §394.4615(7), Fla. Stat.
- Records of substance abuse service providers which pertain to the identity, diagnosis, and prognosis of and service provision to individuals who have received services from substance abuse service providers. § 397.501(7), Fla. Stat.
- Identifying information in clinical records of detained criminal defendants found incompetent to proceed or acquitted by reason of insanity. § 916.107(8), Fla. Stat.
- Estate inventories and accountings. § 733.604(1), Fla. Stat.

- Victim's address in domestic violence action on petitioner's request. § 741.30(3)(b), Fla.Stat.
- Information identifying victims of sexual offenses, including child sexual abuse. § 119.071(2)(h), §119.0714(1)(h), Fla. Stat.
- Gestational surrogacy records. § 742.16(9), Fla. Stat.
- Guardianship reports and orders appointing court monitors in guardianship cases. § 744.1076, §744.3701, Fla. Stat.
- Grand jury records. Ch. 905, Fla. Stat. (If the document is filed in a Ch. 905 grand jury proceeding, this form is not required.)
- Information acquired by courts and law enforcement regarding family services for children. § 984.06(3)-(4), Fla. Stat. (If the document is filed in a Ch. 984 family services for children case, this form is not required.)
- Juvenile delinquency records. §§ 985.04(1), 985.045(2), Fla. Stat. (If the document is filed in a Ch. 985 juvenile delinquency case, this form is not required.)
- Information disclosing the identity of persons subject to tuberculosis proceedings and

records of the Department of Health in suspected tuberculosis cases. §§ 392.545, 392.65, Fla. Stat.

_____ Presentence investigation reports and attached psychological or psychiatric evaluations. Fla. R. Crim. P. 3.712; §§ 921.231(1)(i), 948.015(9), Fla. Stat.

_____ Forensic behavioral health evaluations under Chapter 916 § 916.1065, Fla. Stat.

_____ Eligibility screening, substance abuse screening, behavioral health evaluations, and treatment status reports for defendants referred to or considered for referral to a drug court program. § 397.334(10)(a), Fla. Stat.

_____ Information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction. § 119.0714(1)(k) 3., Fla. Stat.

Filer's Signature

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by (e-mail) (delivery) (mail) (fax) on: (All parties and Affected Non-Parties. Note: If the name or address of a Party or Affected Non-Party is confidential DO NOT include such information in this Certificate of Service. Instead, serve the State Attorney or request Court Service. See Rule 2.420(k)) _____, on _____, 20____.

Name _____

Address _____

Phone _____

Florida Bar No. (if applicable) _____

E-mail address _____

Note: The clerk of court shall review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality under subdivision (d)(1)(B). The clerk shall notify the filer in writing within 5 days if the clerk determines that the information is NOT subject to confidentiality, and the records shall not be held as confidential for more than 10 days, unless a motion is filed pursuant to subdivision (d)(3) of the Rule. Fla. R. Jud. Admin. 2.420(d)(2).

IN THE COUNTY COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA

CASE NO. 20____SC_____

(NAME)

(STREET)

(CITY/STATE/ZIP CODE) PLAINTIFF(S)
VS.

(NAME)

(STREET)

(CITY/STATE/ZIP CODE) DEFENDANT(S)

**MOTION FOR JUDICIAL DEFAULT
(FAILURE TO APPEAR)**

Plaintiff's request for entry of judicial default against the defendant(s) for failure to appear at
the,

_____ Pre-Trial Conference

_____ Virtual Pre-Trial Conference

_____ Other: _____

Scheduled for _____.

DATE

PLAINTIFF

EMAIL

PHONE NUMBER

IN THE NINTH JUDICIAL CIRCUIT COURT IN
AND FOR OSCEOLA COUNTY FLORIDA

Case No. _____

Plaintiff

v.

Defendant

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

Pursuant to Fla. R. Gen. Prac. & Jud. Admin 2.516(b)(1)(C), I, _____,
_____, designate the e-mail address(es) below 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 understand that I must keep the clerk's office and the opposing party or parties notified of my current e-mail address(es) and that all copies of notices, orders, judgments, motions, pleadings, or other written communications in this case will be served at the e-mail address(es) on record at the clerk's office.

Designated e-mail address

Secondary designated e-mail address if any

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to the clerk of court for Osceola County and

_____ by
_____ on _____.

Signature

Printed

E-mail Address

Address

Phone Number

IN THE NINTH JUDICIAL CIRCUIT COURT IN
AND FOR OSCEOLA COUNTY FLORIDA

Case No. _____

Plaintiff

v.

Defendant

NOTICE OF CHANGE OF MAILING ADDRESS OR DESIGNATED E-MAIL ADDRESS

I, _____ certify that my

has changed to

_____.

I understand that I must keep the clerk's office and any opposing party or parties notified of my current mailing address or e-mail address. I will file a written notice with the clerk if my mailing address or e-mail address changes again.

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to the clerk of court for Osceola County and (Parties notice delivered to) _____

_____ by (how was notice delivered) _____

_____ on (date of delivery)
_____.

Signature

Printed Name

E-Mail Address

Address

Phone Number

IN THE NINTH JUDICIAL CIRCUIT COURT IN
AND FOR OSCEOLA COUNTY FLORIDA

Case No. _____

Plaintiff

v.

Defendant

**REQUEST TO BE EXCUSED FROM E-MAIL SERVICE FOR A PARTY NOT REPRESENTED
BY AN ATTORNEY**

_____, requests to be excused pursuant to Fla.R. Gen.Prac.&Jud.
Admin 2.516(b)(1)(D) from the requirements of e-mail service because I am not represented by an
attorney and:

___ I do not have an e-mail account.

___ I do not have regular access to the internet.

By choosing not to receive documents by e-mail service, I understand that I will receive all copies
of notices, orders, judgments, motions, pleadings, or other written communications by delivery or mail at
the following address _____
_____.

I understand that I must keep the clerk's office and the opposing party or parties notified of my
current mailing address.

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

Dated: _____

Signature: _____

Print name: _____

Phone number: _____

CLERK'S DETERMINATION

Based on the information provided in this request, I have determined that the applicant is ___
excused or ___ not excused from the e-mail service requirements of Fla. R. Gen. Prac. & Jud. Admin.
2.516(b)(1)(C).

Dated: _____

Signature of the Clerk of Court: _____

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to the clerk of court for Osceola County and

by _____ on _____.

**Sign here if you want the Judge to review the clerk's determination that you are not
excused from the e-mail service requirements. You do not waive or give up any right to judicial
review of the clerk's determination by not signing this party of the form:**

Dated: _____

Signature: _____

Print name: _____