

**CLERK AND COMPTROLLER
PASCO COUNTY, FLORIDA**

Small Claim Filing Guidelines

1. The amount of your Small Claim Case must be in a dollar amount from \$1.00 to \$5,000.00.

2. Filing Fees: *****EFFECTIVE JULY 1, 2009*****

Payment must be cash, credit card, money order or cashier's check, or personal check drawn on a bank within the State of Florida. Personal out of state checks are not accepted. Please make checks payable to: Office of Nikki Alvarez-Sowles, Esq., Pasco County Clerk & Comptroller, ad Interim.

\$1.00 TO \$100.00	\$ 55.00
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\$100.01 TO \$500.00	\$ 80.00
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\$500.01 TO \$2,500.00	\$175.00
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\$2,500.01 TO \$5,000.00	\$300.00
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Garnishment, Replevin, Attachment, Distress	\$85.00 (in addition to filing fee)
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Claims of not more than \$1,000.00 filed simultaneously with replevin of property that is the subject of the claim	\$130.00
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Summons Issuance Fee:

Clerk and Comptroller to issue	\$10.00
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Or :

Clerk and Comptroller to prepare and issue	\$17.00
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A service fee is charged per Florida Statute if you need the Clerk to make copies of documents you are filing, including the statement of claim and any attachments, plus the summons and any miscellaneous documents.

IMPORTANT: It is your responsibility to make sure you are suing the correct party. If an incorrect name is listed in your claim and you receive a judgment, then your judgment may be uncollectible and worthless.

3. Only a person or a corporation may sue another person or corporation in Small Claims Court. If the plaintiff or defendant is a small business, you are to obtain the name of the owner(s) d/b/a (doing business as), the name under which they work (this includes the name of the company).

4. If the name of the defendant is a corporation, you are to determine the name and address of the Resident Agent or a corporate officer so that service on the corporation is properly obtained. Corporation or fictitious name records may be researched online at www.sunbiz.org/search.html
5. If you are suing an insurance company, the Notice to Appear will be served through the Florida Chief Financial Officer (formerly known as the Office of Insurance Commissioner) as Registered Agent for the insurance company. After the Clerk has provided you with the Notice to Appear, it is your responsibility to send it to the Florida Chief Financial Officer along with their fee, for service on the insurance company.
6. The following criteria must have occurred in Pasco County in order for the claim to be filed here:
 - Where the contract was entered, where a Note was signed or where the maker resides
 - Where the personal property or real estate is located
 - Where the event giving rise to the claim occurred
 - Where any one or more of the defendants reside
 - Any location agreed to in a contract, of if no agreement then where the money is to be paid
7. Fill out the appropriate Statement of Claim form for the type of action you are filing, and make two copies. These forms are located on the Pasco County Clerk and Comptroller website: <http://www.pascoclerk.com/>, or you may pick up a packet in the Civil Department of the Clerk and Comptroller's office. Write a brief explanation of why you are suing the defendant; include dates of transactions where necessary.

You must state the correct name and current address for each plaintiff and each defendant you are suing on the Statement of Claim form.

It is also necessary to provide your mailing address and telephone number for the case file. An email address is optional.
8. Once the form is completed, your signature must be witnessed by a notary or the deputy clerk. If you take the unsigned form to a notary, they must include their seal and expiration date by your signature. If you bring the unsigned form into the Clerk and Comptroller's office, the fee for the deputy clerk to administer an oath and acknowledge your signature with the court seal is \$3.50. *Do not sign the form until you are in the presence of the notary or deputy clerk.*
9. If you have any documents to support your claim; such as receipts, invoices, photos, contracts, reports, etc., please attach copies to the Statement of Claim and provide copies for each defendant. You are to bring the original documents to your court hearing date.

10. Upon payment of the statutory fee of \$17.00 per defendant, the deputy clerk will prepare and issue the Summons and Notice to Appear. If you choose to prepare the legal document yourself (one for each defendant), the statutory fee for the deputy clerk to sign and seal the document(s) is \$10.00 for each defendant. You must provide the original and two copies for each defendant being served.

The deputy clerk will provide the court date which must be stated in the Summons and Notice to Appear. ***You must appear in court on your court date.***

11. You are to take the Summons and Notice to Appear along with a copy of the Statement of Claim and any attachments to a process server for service on the defendants. (One set for each defendant and a copy for the process server.) ***You can obtain a list of certified process servers on the Clerk and Comptroller's website.***

If you are suing a person within the State of Florida and want to have the documents sent to the defendant by certified mail return receipt, instead of personal service, then you may pay the current postage fees for the deputy clerk to mail the documents to the defendant. A business or a corporation cannot be served by mail, it must be through a process server. An out of state defendant cannot be served by mail. You must contact a process server or out of state Sheriff in order to have the defendant served if they are outside the State of Florida.

12. The confirmation of service on the defendant must be received in the Clerk and Comptroller's office prior to the court date. It will be your responsibility to verify and file the affidavit of service or non-service from the process server. (Some process servers will file directly with the clerk's office.) If the defendant was sent the documents by certified mail, the return receipt will be sent to the Clerk's office by the post office. If the defendant is not served, the hearing will not be held and the case cannot proceed until the defendant(s) is/are properly served.

13. If you have any further questions, please contact us at:

By mail:

Office of Nikki Alvarez-Sowles, Esq.,
Pasco County Clerk & Comptroller
P. O. Box 338
New Port Richey, FL 34656-0338

Physical Address:

Robert D. Sumner Judicial Center
38053 Live Oak Ave
Dade City, FL 33523

Or:

West Pasco Judicial Center
7530 Little Road
New Port Richey, FL 34654

Phone: 727-847-2411, Ext 2211