

## **SMALL CLAIMS INFORMATION FOR PRO SE LITIGANTS**

Small claims are disputes involving money damages where the amount at issue does not exceed \$8,000.00 excluding costs, interest, and attorney's fees. Please refer to Section 34.01(1) (c), Florida Statutes, for a description of which causes of action are under the jurisdiction of Chapter 34, Florida Statutes, and to the Florida Small Claims Rules.

Other than specifically indicated in these procedures or provided for in Florida Small Claims Rule 7.050(c), the Clerk's Office cannot help you or provide you with assistance in preparation of any forms with the exception of providing ministerial assistance as provided for in Small Claims Rule 7.050(c). Any further advice or assistance must come from private counsel. The Clerk's Office CANNOT recommend an attorney for you. If you do not have private counsel, you may contact the Florida Bar's Lawyer Referral Service, which offers limited consultations for a minimal fee, at 1-800-342-8011.

You may print blank Small Claims forms from the Clerk's website at [www.brevardclerk.us](http://www.brevardclerk.us) > Forms > Civil/Small Claims/Evictions/Garnishments/Probate/Guardianship > Small Claims > Forms. Additionally, you may file your small claims action at one of the Clerk's branch offices or you may file your action electronically using the Florida Courts E-Filing Portal at [www.myflcourtagency.com](http://www.myflcourtagency.com).

To check the progress of a case throughout the small claims process, please use BECA on the Clerk of Court's website at [www.brevardclerk.us](http://www.brevardclerk.us) > Public Records > Court Case Search > BECA Logon.

### **GENERAL INFORMATION**

1. The law gives the person filing a lawsuit the right to sue in any of several places (venue). If a lawsuit is filed in the wrong venue, the court may direct that the case be transferred to the correct venue or may direct that the case be dismissed. A proper location or venue may be one of the following:
  - A. Where the contract was entered into
  - B. If the suit is on an unsecured promissory note, where the note is signed and the maker resides. The original note must be filed when the case is initiated.
  - C. If the suit is to recover property or to foreclose a lien, where the property is located
  - D. Where the event giving rise to the suit occurred
  - E. Where any one or more of the defendant(s) reside(s)
  - F. Any location agreed to in a contract
  - G. In an action for money due, if there is no agreement as to where suit may be filed, proper venue lies in the county where payment is to be made
2. When filling out the small claims forms, please print or type so that the forms are

legible. If the Statement of Claim includes an Affidavit as to the defendant's military status, the plaintiff's signature on the Statement of Claim must be notarized and sealed by either a Notary Public or a deputy clerk. A blank Statement of Claim is available on the Clerk of Court's website at [www.brevardclerk.us](http://www.brevardclerk.us) > Forms > Small Claims > Statement of Claim.

3. **When you file your case, please ensure that you provide the appropriate number of copies for each document as indicated within these instructions.** The deputy clerk will charge you a copy fee for each copy you require to complete your package if the copies are not submitted with your complaint. If you fail to advise the deputy clerk that you do not have the appropriate number of copies needed for mailing prior to the deputy clerk time stamping and in effect filing your document, the fee will be \$1.00 per page. The fee is \$.15 per page for documents that have not yet been filed with the Clerk's Office and \$1.00 per page for documents that have been filed with the Clerk's Office.
4. You must bring two copies of any documents on which your claim is based, such as cancelled checks, invoices, contracts, letters, estimates, etc. If you are suing more than one person, you must add one extra copy per document for each additional person being sued.
5. When filing your complaint, please ensure that you provide the appropriate number of preaddressed, prestamped business size envelopes as indicated within these instructions. The envelope should reflect the plaintiff's return address. The plaintiff will be responsible for insufficient postage or re-execution of returned mail. The Clerk's Office has envelopes and stamps available for sale.
6. The Clerk's Office will not refuse to accept any filing presented to them and will not review pleadings to determine whether the document is sufficiently prepared according to law. These determinations are made by the court.
7. For filing fee amounts, refer to the Fees and Charges quick Link on our website at [www.brevardclerk.us](http://www.brevardclerk.us) > Quick Links > Fees and Charges > Quick Reference Fee Schedule. Fees payable to the Clerk's Office may be paid by cash, personal check, cashier's check, money order, or credit card. Checks, money orders, or cashier's checks should be made payable to the Clerk of the Court.
8. All filing and service fees are recoverable as costs.
9. If your case has been assigned to Judge David Silverman, please refer to the Clerk's website at [www.brevardclerk.us/e-filing](http://www.brevardclerk.us/e-filing) regarding important information about proposed orders. Judge Silverman requires ALL proposed orders to be submitted electronically through the statewide Portal at [www.myflcourtagency.com](http://www.myflcourtagency.com). Please review the FAQs on the Clerk's or the Portal's website for more information, or e-mail [civilefilingassistant@brevardclerk.us](mailto:civilefilingassistant@brevardclerk.us).

## SERVICE INFORMATION

1. If you are suing an individual:
  - A. Obtain the proper name and street address of the individual. If the spouse will be included in the suit, obtain the proper name and street address of the spouse. First names must be used and any alias names, if known.
2. If you are suing a corporation:
  - A. You must know the correct name of the corporation and the state in which it is incorporated.
  - B. Obtain the name and address of an officer of the corporation: the president, vice-president, etc. or in the absence of any of these, the name and address of the business agent residing in the state, or the name of the resident agent transacting business for the corporation in this state. To find this information, which will be necessary to perfect service on the corporation, you may contact:

Florida Department of State  
Division of Corporations, Clifton Building  
2661 Executive Center Circle  
Tallahassee, FL 32301  
<http://www.sunbiz.org>  
[corphelp@dos.myflorida.com](mailto:corphelp@dos.myflorida.com)

3. If you are suing a partnership:
  - A. Obtain the names and addresses of all partners.
  - B. A fictitious name cannot be sued because it is not an entity. It is the plaintiff's responsibility to investigate to determine by calling the Secretary of State, Division of Corporations; the Occupational License Section of the Tax Collector's Office; or the licensing department of the city where the principal place of business is located. This information may also be obtained from the Florida Department of State's Division of Corporations. The website for this Division is [www.sunbiz.org](http://www.sunbiz.org). The path to obtain the information is Document Searches > Fictitious Names. If the name is not registered, the law will not allow the opposing party to defend the action until the name is registered. Conversely, if you are doing business under a fictitious name, you must be registered under the fictitious name statute before you can maintain a suit in any court in this state.
4. Cash, personal check, cashier's check, money order, or credit card may pay fees payable to the Clerk's Office. Checks, money orders, or cashier's checks should be made payable to the Clerk of the Court. Fees payable to the Sheriff must be paid by cashier's check, money order, or business check. Money orders or cashier's checks should be made payable to the Sheriff of the county where the defendant is to be served.

- A. Certified mail fees are charged per person at the current United States Postal Service rates and due to the Clerk's Office when applicable. Service by certified mail is optional and may only be used for service on persons within the state of Florida. If the defendant is located out of the state or if the plaintiff wants personal service, the plaintiff must have summons issued and served by the Sheriff or a Certified Process Server. If service will occur outside of Brevard County, the plaintiff must obtain information regarding the fees required for service and the address to which the summonses should be mailed. If the plaintiff wants the deputy clerk to mail the issued summonses to an out-of-county sheriff, the plaintiff must provide preaddressed, pre-stamped business size envelopes as indicated within these instructions. The Clerk's Office has envelopes and stamps available for sale.
- i. Persons are not obligated to sign for Certified Mail, and many times such mail is returned "Unclaimed". You must monitor the case for return of service on the certified mail. If the defendant does not sign for the certified mail, the deputy clerk will cancel your Pre-Trial Conference date and you must have summonses issued. The case would be set for a later pretrial conference date.
- B. There is a \$10.00 summons issuance fee for each summons issued. If the Statement of Claim lists multiple defendants, a summons issuance fee will be required for each defendant.
- C. Service may be performed either by the Sheriff's Office or by a Certified Process Server.
- i. There is a \$40.00 Sheriff's Service fee per summons to be served. If the Statement of Claim lists multiple defendants, a service fee will be required for each defendant. The Sheriff's fee must be remitted in cashier's check, money order, or business check payable to the Brevard County Sheriff. The Clerk's Office CANNOT accept cash for the Sheriff. If you wish to pay cash, you will be responsible for hand delivering the summons to the Sheriff's Office – Civil Processing Unit. **The Sheriff will not accept personal checks.**
  - ii. If service is to be performed outside of Brevard County, the plaintiff must contact the Sheriff of that county to obtain service and fee information.
  - iii. If the plaintiff opts to have a Certified Process Server serve the summons, the plaintiff must contact the Certified Process Server to arrange service and obtain fee information. A listing of Certified Process Servers may be obtained from the Clerk of Court's website at [www.brevardclerk.us](http://www.brevardclerk.us) > Courts > Process Servers. Listings are available for both Brevard and Seminole Counties. Any reference to the Sheriff as it relates to service of a

summons within this procedure should be replaced with the Certified Process Server information if a Certified Process Server is selected by the landlord to provide service of process.

### **PRETRIAL CONFERENCE, SETTLEMENT AND JUDGMENT**

1. If the plaintiff and defendant reach a settlement outside of court, the plaintiff must contact the Judge's Assistant to **cancel the hearing if one has been scheduled, mail notice of the cancellation to the defendant(s), and file an original Voluntary Dismissal**. A blank form is provided on our website at [www.brevardclerk.us](http://www.brevardclerk.us) > Forms > Small Claims > Court Disposition. Additionally, the plaintiff must mail or deliver a copy of the Voluntary Dismissal to the defendant.
2. **DO NOT BRING WITNESSES** to the scheduled Pre-Trial Conference. The purpose of Pre-Trial Conference is to encourage the parties to resolve their conflict and avoid a trial.
3. If the plaintiff does not appear for the Pre-Trial Conference, the case may be dismissed.
4. If the defendant does not appear for the Pre-Trial Conference, the Court may enter a Default Judgment.
5. **If the plaintiff does not provide a proposed Final Judgment, the assigned judge may not enter a Final Judgment, which will delay the progress of the case.** The plaintiff must bring the proposed Final Judgment with a sufficient number of copies of the proposed Final Judgment and preaddressed, pre-stamped business size envelopes for mailing to the plaintiff and each defendant. The envelope should reflect the plaintiff's return address. The plaintiff will be responsible for insufficient postage or re-execution of returned mail.
6. If the court enters a judgment, the court may enter an order requiring the defendant(s) to complete the Florida Small Claims Rules Form 7.343 (Fact Information Sheet). This form may be found on the Clerk of Court's website at [www.brevardclerk.us](http://www.brevardclerk.us) > Forms > Small Claims > Fact Information Sheet.
7. If the court enters a judgment, you may obtain an information sheet describing how to collect a judgment from the Clerk of Court's website at [www.brevardclerk.us](http://www.brevardclerk.us) > Forms > Small Claims > How Judgments are Collected. If this document does not effectively address any questions you have regarding collecting a judgment, you must contact an attorney for guidance.

### **TRIAL**

1. If the parties cannot reach an agreement, a specific time will be scheduled for the trial and you will be notified of that date.
  - A. Bring with you any witnesses who have personal knowledge of the facts of your case to the courtroom on the date of the trial. Also, bring all documents, papers, etc., relating to your claim.

- B. If you are not sure that your witness(es) will attend, witness subpoenas may be necessary to require their attendance.
  - C. You must pay the witness cost associated with formally subpoenaing a witness. Pursuant to Section 92.142(1), F. S., the witness fee is \$5.00 plus \$.06 (six cents) per mile for each mile the witness must travel to and from court (money order or cashier's check made payable to the witness). These charges are recoverable as costs.
  - D. If you are suing for damages because of an automobile accident, you must obtain an estimate for repair of the damages AND you must subpoena the person who quotes the estimate to appear in court to testify as to the amount of damage.
  - E. If the plaintiff does not provide a proposed Final Judgment, the assigned judge may not enter a Final Judgment, which will delay the progress of the case. The plaintiff must bring the proposed Final Judgment with a sufficient number of copies and preaddressed, pre-stamped business size envelopes for mailing the Final Judgment to the plaintiff and each defendant. The envelope should reflect the plaintiff's return address. The plaintiff will be responsible for insufficient postage or re-execution of returned mail.
2. If the court enters a judgment, the court may enter an order requiring the defendant(s) to complete the Florida Small Claims Rules Form 7.343 (Fact Information Sheet). This form may be found on the Clerk of Court's website at [www.brevardclerk.us](http://www.brevardclerk.us) > Forms > Small Claims > Fact Information Sheet.
  3. If the court enters a judgment, you may obtain an information sheet describing how to collect a judgment from the Clerk of Court's website at [www.brevardclerk.us](http://www.brevardclerk.us) > Forms > Small Claims > How Judgments are Collected. If this document does not effectively address any questions you have regarding collecting a judgment, you must contact an attorney for guidance.
  4. If either party is unsatisfied with the court's decision, the party may refer to Small Claims Rule 7.230 and the Florida Rules of Appellate Procedure.
  5. Any further assistance or legal advice must come from private counsel. The Clerk's Office cannot recommend an attorney for you. If you require assistance in obtaining an attorney, you should contact the Lawyer's Referral Service at 1-800-342-8011 or 1-800- 733-6337.

MAILING ADDRESS:

BREVARD CLERK OF  
COURTS P.O. BOX 219  
TITUSVILLE, FL 32781-0219

(321)637-5413

**IN THE COUNTY COURT, EIGHTEENTH JUDICIAL CIRCUIT,  
BREVARD COUNTY, FLORIDA**

**CASE NUMBER: 05 -       - SC -       -       -**

**DIVISION: SMALL CLAIMS**

**PLAINTIFF(S)**

**CLOCK IN**

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**DEFENDANT(S)**

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**STATEMENT OF CLAIM  
(Summary Claims)**

**PLAINTIFF'S ADDRESS & PHONE  
NUMBER**

**DEFENDANT'S ADDRESS(ES) &  
PHONE NUMBER(S)**

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The Plaintiff claims the amount of \$\_\_\_\_\_ together with costs and attorney's fees, if applicable, as being due from the defendant and alleges as the basis of such suit the following matters:

(Fill in the appropriate blanks)

Goods sold and delivered by Plaintiff(s) to Defendant(s) between \_\_\_\_\_, 20\_\_\_\_, and \_\_\_\_\_, 20\_\_\_\_.

Labor and materials furnished by Plaintiff(s) to Defendants(s) between \_\_\_\_\_, 20\_\_\_\_, and \_\_\_\_\_, 20\_\_\_\_.

Money lent by Plaintiff(s) to Defendant(s) on or about \_\_\_\_\_, 20\_\_\_\_, with interest from \_\_\_\_\_, 20\_\_\_\_, in the amount of \$\_\_\_\_\_.

On \_\_\_\_\_, 20\_\_\_\_, Defendant(s) executed and delivered to Plaintiff(s) a promissory note in \_\_\_\_\_ County, Florida. Defendant(s) failed to pay said note when due, the installment payment due on said note on \_\_\_\_\_, 20\_\_\_\_, and Plaintiff(s) elected to accelerate payment of the balance. The balance now due, owing and unpaid is \$\_\_\_\_\_ plus interest since \_\_\_\_\_, 20\_\_\_\_, in the amount of \$\_\_\_\_\_.

On or about \_\_\_\_\_, 20\_\_\_\_, in the vicinity of \_\_\_\_\_ on a public highway in \_\_\_\_\_ County, Florida, Plaintiff's motor vehicle being operated by \_\_\_\_\_ was in collision with Defendant's motor vehicle being operated by \_\_\_\_\_, and that said collision with Plaintiff's vehicle was caused by the negligent and careless operation of Defendant's vehicle, whereby Plaintiff's vehicle was damaged and depreciated in value.

Plaintiff(s) and Defendant(s) entered into a verbal/written rental agreement on \_\_\_\_\_, 20\_\_\_\_, for the property located at \_\_\_\_\_, Brevard County, Florida. Defendant(s) vacated said property on or about \_\_\_\_\_, 20\_\_\_\_. Plaintiff is entitled to \$\_\_\_\_\_ which represents:

- [a] Rent due from \_\_\_\_\_, 20\_\_\_\_ to \_\_\_\_\_, 20\_\_\_\_.
- [b] Damages to said property in the amount of \$\_\_\_\_\_.
- [c] Damage Deposit which Defendant failed to return.

Plaintiff is filing complaint pursuant to F.S. 713.78(5)(a), to determine if property was wrongfully taken or withheld. Plaintiff has also posted a cash bond in the amount of \$\_\_\_\_\_, pursuant to F.S. 713.78(5)(b), in the amount equal to the lien claimed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHEREFORE**, Plaintiff demands judgment in the amount of \$\_\_\_\_\_, plus interest in the amount of \$\_\_\_\_\_, and applicable court costs and attorney's fees.



STATE OF FLORIDA - COUNTY OF BREVARD

\_\_\_\_\_ being duly sworn on oath states the foregoing claim is a just and true statement of the amount owing by the defendant to the Plaintiff, exclusive of all set-offs and just grounds of defense. Plaintiff states that the Defendant(s) are not in the Military Service of the United States and that the above action has been brought in the County of proper venue.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF, ATTORNEY, OR CORPORATE AGENT

SWORN AND SUBSCRIBED TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
DEPUTY CLERK

STATE OF FLORIDA

BREVARD COUNTY, FLORIDA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_, BY

\_\_\_\_\_, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED

\_\_\_\_\_ AS IDENTIFICATION AND WHO DID (DID NOT) TAKE AN OATH.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE COURT FOR THE EIGHTEENTH JUDICIAL  
CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA

CASE NO.: 05- - - -

\_\_\_\_\_,  
Petitioner/Plaintiff,

vs

\_\_\_\_\_,  
Respondent/Defendant,

**NON-ATTORNEY DESIGNATION OF EMAIL ADDRESS**

Pursuant to Florida Rules of Judicial Administration 2.516, I, \_\_\_\_\_,  
\_\_\_\_\_, designate the below email address(es) for electronic service of all  
documents related to this case.

Primary email address: \_\_\_\_\_

Secondary email address: \_\_\_\_\_

Secondary email address: \_\_\_\_\_

I certify that a copy of the foregoing has been furnished, if applicable, to the following at the  
address listed:

\_\_\_\_\_  
By ( ) US Mail ( ) Email ( ) Hand delivery

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone Number (please provide  
telephone number if court notifications may  
be provided by text)

**IN THE COUNTY COURT, EIGHTEENTH JUDICIAL CIRCUIT,  
BREVARD COUNTY, FLORIDA**

**DIVISION CIVIL**

**CASE NUMBER: 05 - - - -**

*CLOCK IN*

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

**AFFIDAVIT AS TO DEFENDANT'S DEFAULT IN STIPULATION OF PAYMENT**

**STATE OF FLORIDA  
COUNTY OF BREVARD**

The undersigned, being first duly sworn, deposes and says as follows:

1. That he she is Plaintiff Agent for Plaintiff Attorney for Plaintiff in the above styled case.
2. That the above named Defendant(s) has (have) failed to make payment of money due said Plaintiff(s) in the manner provided in the Stipulation hereinbefore filed in this cause.
3. That the said Stipulation provided for the payment of damages in the amount of \$\_\_\_\_\_ and costs in the amount of \$\_\_\_\_\_ for a total of \$\_\_\_\_\_, and of that sum \$\_\_\_\_\_ has been paid leaving a balance of \$\_\_\_\_\_ now past due and unpaid.
4. That the Plaintiff(s) moves (s) the Court to render judgment in the above referenced case.

And further the undersigned saith not.

SWORN TO AND SUBSCRIBED TO  
BEFORE ME THIS \_\_\_\_\_ DAY OF

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Plaintiff/Plaintiff's Agent/Plaintiff's Attorney

\_\_\_\_\_  
Notary Public/Deputy Clerk

**IN THE COUNTY COURT, EIGHTEENTH JUDICIAL CIRCUIT,  
BREVARD COUNTY, FLORIDA**

**DIVISION:** \_\_\_\_\_ **CASE NUMBER: 05 -** \_\_\_\_\_ **- SC -** \_\_\_\_\_ **-** \_\_\_\_\_ **-**

**PLAINTIFF**

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**DEFENDANT**

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**SUMMONS/NOTICE TO APPEAR FOR A PRETRIAL CONFERENCE**

**PRETRIAL INFORMATION**

DATE:  
TIME:  
LOCATION:  
JUDGE:

**Service Information**

To Whom:  
Date:  
Time:

Served by:

**STATE OF FLORIDA:**

**NOTICE TO PLAINTIFFS AND DEFENDANTS:** YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the time and location indicated above for PRETRIAL CONFERENCE before a judge of this Court.

WITNESS my hand and Official Seal on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_, Brevard County, Florida.

\_\_\_\_\_  
Deputy Clerk:  
Brevard County Clerk of Courts

**IMPORTANT – READ CAREFULLY**

- 1. THIS CASE WILL NOT BE TRIED AT THE PRETRIAL CONFERENCE, BUT MAY BE MEDIATED AT THAT TIME.**
- 2. DO NOT BRING WITNESSES. YOU MUST APPEAR IN PERSON OR BY ATTORNEY.**
- 3. WHOEVER APPEARS FOR A PARTY MUST HAVE FULL AUTHORITY TO SETTLE FOR ALL AMOUNTS FROM ZERO TO THE AMOUNT OF THE CLAIM WITHOUT FURTHER CONSULTATION. FAILURE TO COMPLY MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING COSTS, ATTORNEY FEES, ENTRY OF JUDGMENT, OR DISMISSAL.**

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**ONLINE DISPUTE RESOLUTION  
18th Judicial Circuit – Brevard County  
SMALL CLAIMS RESOLUTION CENTER**

The 18th Judicial Circuit-Brevard County is pleased to invite you to participate in the Court’s Online Dispute Resolution (ODR) process. ODR can be used by parties to a Small Claims lawsuit to negotiate a settlement. Instead of a Judge deciding your case, you can take control of the process by resolving your case online.

ODR allows you the opportunity to settle with the other party at your convenience, using your computer, tablet, or smartphone. You can work online to negotiate from any location and at any time, including evenings and weekends. If you reach an agreement using this option, and it is filed with the Clerk of Court as required, you will not have to appear in court on your Pre-Trial Conference date.

After reviewing your case for eligibility AND if you have filed a Designation of Email Address for service with the Clerk of Court, plaintiffs will receive an email inviting them to participate and initiate the process. ODR is optional, so both parties would have to agree to use this process.

**IMPORTANT NOTE REGARDING DEBT COLLECTION**

**If you agree to use this ODR process, you are permitting the creditor to contact you via this platform to attempt to settle your lawsuit. Either party may discontinue the process at any time, for any reason, with written notice to the other party.**

For additional information from the Circuit’s website, please view this link:

<https://flcourts18.org/court-programs/odr/>

**PLAINTIFFS:** Please check your email frequently for the invitation from the Court.

**PLAINTIFFS AND DEFENDANTS:** If you would like to participate and have not filed a Designation of Email Address agreeing to eservice, please send an email requesting participation to: [BrevardODR@flcourts18.org](mailto:BrevardODR@flcourts18.org). If you prefer, you may download a Non-Attorney Designation of Email Address form, complete it, and file it with the Clerk of Court. You may access this form at <http://www.brevardclerk.us/index.cfm/administration>.

**PLAINTIFF**

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**DEFENDANT**

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The Defendant(s) must appear in court on the date specified in order to avoid a Default Judgment. The Plaintiff(s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the Plaintiff(s) or the Defendant(s) shall not excuse the personal appearance of a party or its attorney at the PRE-TRIAL CONFERENCE. The date and/or time of the Pretrial Conference CANNOT be rescheduled without good cause and prior court approval.

A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation. Written authorization must be brought to the Pretrial Conference.

The purpose of the Pretrial Conference is to record your appearance, to determine if you admit all or part of the claim, to enable the court to determine the nature of the case, and to set the case for Trial if the case cannot be resolved at the Pretrial Conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.

## **MEDIATION**

Mediation may take place during the time scheduled for the pretrial conference. Mediation is a process whereby an impartial and neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties, without prescribing what the resolution should be. This is an informal and non-adversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement.

In mediation, decision making rests with the parties. Negotiations in county court mediation are primarily conducted by the parties. Counsel for each party may participate. However, presence of counsel is not required. If a full agreement is not reached at mediation, the remaining issues of the case will be set for trial. Mediation communications are confidential and privileged except where disclosures are required or permitted by law.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the Court. The Court may or may not approve a payment plan and withhold Judgment of Execution or Levy.

**RIGHT TO VENUE:** The law gives the person who has sued you the right to file suit in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the Defendant(s) have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following:

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

In an action for money due, if there is no agreement as to where suit may be filed, proper venue lies in the county where payment is to be made.

If you as defendant(s) believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer or you must file a **WRITTEN** request for transfer, in affidavit form (sworn to under oath) with the court seven days prior to your first court date and send a copy to the plaintiff(s) or plaintiff's attorney.

A copy of the Statement of Claim shall be served with this Summons.

## **NOTICE TO PERSONS WITH A DISABILITY**

**REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES:** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at Brevard Court Administration at The Moore Justice Center, 2825 Judge Jamieson Way, 3rd Floor, Viera, FL 32940-8006, (321) 633-2171, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

### **CLERK OF COURTS OFFICE LOCATIONS**

#### **TITUSVILLE CLERK'S OFFICE**

CLERK OF COURTS  
400 SOUTH STREET  
TITUSVILLE, FL 32780  
TELEPHONE: (321)637-5413  
FAX: (321)264-5269

#### **MERRITT ISLAND CLERK'S OFFICE**

CLERK OF COURTS  
2575 N. COURTENAY PARKWAY  
ROOM 129  
MERRITT ISLAND, FL 32953  
TELEPHONE: (321)637-5413  
FAX: 637-6525

#### **MELBOURNE CLERK'S OFFICE**

CLERK OF COURTS  
51 S. NEIMAN AVENUE  
MELBOURNE, FL 32901  
TELEPHONE: (321)952-4604  
FAX: (321)952-4602

#### **PALM BAY CLERK'S OFFICE**

CLERK OF COURTS  
450 COGAN DR. S.E.  
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**IN THE COURT, EIGHTEENTH JUDICIAL  
CIRCUIT, BREVARD COUNTY, FLORIDA**

**CASE NUMBER: 05 - - - -**

**DIVISION: CLOCK IN**

**PLAINTIFF**

**DEFENDANT**

**COURT DISPOSITION FORM**

FINAL JUDGMENT  
BY DEFAULT  
AFTER TRIAL  
PLAINTIFF

STIPULATION  
DEFAULTED STIPULATION  
DEFENDANT

On the evidence presented to the court, IT IS ORDERED and ADJUDGED that Plaintiff \_\_\_\_\_ hereby recovers from Defendant \_\_\_\_\_ the sum of \$\_\_\_\_\_ on principal, \$\_\_\_\_\_ as prejudgment interest, \$\_\_\_\_\_ for attorney's fees, with costs of \$\_\_\_\_\_, for a total of \$\_\_\_\_\_, all of which shall bear interest at the statutory rate as provided for by Florida Statute, for all of which let execution issue.

**FINAL JUDGMENT DEFENDANT NOT INDEBTED**

This cause was tried before the court. On the evidence presented IT IS ADJUDGED that Plaintiff take nothing by this action and that Defendant go hence without delay and recover costs from Plaintiff in the sum of \$\_\_\_\_\_ that shall bear interest at the rate of \_\_\_\_\_% a year for which let execution issue.

IT IS ORDERED AND ADJUDGED that the defendant(s) shall complete Florida Small Claims Rules Form 7.343 (Fact Information Sheet) and return it to the Plaintiff's attorney, or to the Plaintiff if the Plaintiff is not represented by an attorney, within 45 days from the date of this Final Judgment, unless the Final Judgment is satisfied or a Motion for New Trial or Notice of Appeal is filed.

Jurisdiction of this case is retained to enter further orders that are proper to compel the Defendant(s) to complete Form 7.343 and return it to the Plaintiff's attorney, or the Plaintiff if the Plaintiff is not represented by an attorney.

DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Brevard County, Florida.

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**Judge**