

FILING A CIVIL SUIT IN FLORIDA

When filing a civil lawsuit in Florida you will need to decide if you are filing a claim that qualifies for Small Claims Court or filing a claim for a larger amount in either the County or Circuit Court. Each court has amount limits, and you will need to make the determination of what amount your lawsuit will ask for and then file your claim in the correct court.

County Court- Small Claims (Claims not exceeding \$8,000.00)

If your case is asking for an amount not exceeding \$8,000.00, it may qualify as a Small Claims suit. The Hillsborough County Clerk of Court has detailed instructions and forms:

<https://hillsclerk.com/About-Us/Forms>. The following information is from the Clerk of Court's website, please refer to their website for more complete information.

File a Small Claims Case

You, the plaintiff, must file a "Statement of Claim" form, available at your Clerk's office. This must be fully completed and signed to receive a pre-trial conference date. If your claim is based upon written documentation, attach a copy of the contract to the Statement of Claim form. You may file by mail or in person.

What happens after the filing of a small claims case?

Each person or business being sued must be served with a Summons or Notice to appear in court on the date and time shown on the summons or notice. This court date will be a pre-trial conference, and parties should be prepared to present their case in court.

What is a pre-trial conference?

A pre-trial conference is an informal process to determine if there is a cause of action. If so, the court will refer the case to mediation. A trained mediator will try to negotiate a settlement before the case goes to trial. If the dispute is settled, it goes to the judge for approval without delay. If the dispute remains unsettled, a trial date will be set by the court. If you cannot be present at the pre-trial conference an attorney may represent you, a continuance may be arranged between both parties, a motion for continuance may be filed with the court.

What happens if a dispute goes to trial?

If a small claims dispute goes to trial, the court will schedule a trial date, and 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. Witnesses will also have a chance to testify.

COUNTY COURT- Civil Court (Limits From \$8,000.01 TO \$50,000.00)

For claims between \$8,000.01 to \$50,000.00, there are no ready-made forms, packets, instructions or checklists similar to a Small Claims Court suit. If you wish to file a suit within these dollar parameters will need to do your own research to determine the process and the forms needed. There are generally very few fill-in the blank forms, so you may need to create forms from scratch using the templates provided in print materials as a guide. Please see the [Resources in the James J. Lunsford Law Library](#) portion of this document to get a list of these resources. For questions regarding filings, court fees etc., please contact the Clerk of Court.

CIRCUIT COURT- (Claims Above \$50,000.00)

For claims \$50,000.01 and above, there are no ready-made forms, packets, instructions or checklists similar to a Small Claims Court suit. If you wish to file a suit within these dollar parameters, you will need to do your own research to determine the process, and the forms needed. There are generally very few fill-in the blank forms, so you may need to create forms from scratch using the templates provided in print materials as a guide. Please see the [Resources in the James J. Lunsford Law Library](#) portion of this document to get a list of these resources. For questions regarding filings, court fees etc., please contact the Clerk of Court.

RESOURCES IN THE JAMES J. LUNSFORD LAW LIBRARY

1. Trawick's Florida Practice and Procedure, Thomson Reuters
2. Trawick's Florida Practice and Procedure Forms, Thomson Reuters
3. Florida Civil Procedure: Pretrial, Ervin A. Gonzalez, LexisNexis Practice Guide, Volumes 1 & 2
4. Florida Civil Procedure: Discovery, Ervin A. Gonzalez, LexisNexis Practice Guide, Volume 3 – **2024 Edition is available on eBook**
5. Florida Civil Procedure: Motions, Ervin A. Gonzalez, LexisNexis Practice Guide, Volume 4 – **2024 Edition is available on eBook**
6. Florida Civil Procedure: Trial & Post-trial, Ervin A. Gonzalez, LexisNexis Practice Guide, Volume 5 – **2024 Edition is available on eBook**
7. Florida Civil Trial Practice, (The Florida Bar) LexisNexis
8. Florida Civil Practice Before Trial, (The Florida Bar) LexisNexis
9. Florida Civil Trial Preparation, (The Florida Bar) LexisNexis
10. Berman's Florida Civil Procedure, Bruce J. Berman (West's Florida Practice Series), Thomson Reuters, Volume 4
11. Florida Rules of Court: State, Thomson Reuters, Florida Rules of Civil Procedure and Florida Small Claims Rules
12. Florida Standard Jury Instructions in Civil Cases, Supreme Court Committee on Standard Jury Instructions, (The Florida Bar) LexisNexis
13. Florida Standard Jury Instructions: Contract and Business Cases, (The Florida Bar) LexisNexis, – **2022 eBook Edition is available on Libby**
14. Florida Pleading and Practice Forms, Thomson Reuters, (Updated Annually), Consult General Index (Also included on Patron Access Westlaw – search by using “Natural Language” or “Terms and Connectors”)

15. Florida Jur2d, Thomson Reuters, (Updated Annually), Consult General Index (Also included on Patron Access Westlaw – search by using “Natural Language” or “Terms and Connectors”)
16. GALE Legal Forms Database – has non-Florida and Florida specific examples to use as a template
17. Westlaw is available for customer use at the following branches: James J. Lunsford Law Library, Bloomingdale Regional Public Library and Jimmie B. Keel Regional Library – We also have Westlaw Patron Access Remote for use by self-represented litigants, non-attorneys and attorneys not working on behalf of a client

NOTICE: This research guide is based on information gathered from the resources cited above. For more information on this or other legal topics visit the James J. Lunsford Law Library.

IF YOU ARE ACTING AS YOUR OWN ATTORNEY, YOU ARE RESPONSIBLE FOR EVERTHING THAT INVOLVES YOUR CASE. Remember: Check with the Clerk of the Court for filing fees/court costs.

This research guide is created by the James J. Lunsford Law Library 2024.

<https://hcplc.org/locations/james-j-lunsford-law>