

IN THE SUPREME COURT OF THE STATE OF FLORIDA

IN RE AMENDMENTS TO) CASE NO.:
FLORIDA SMALL)
CLAIMS RULES)

TWO-YEAR-CYCLE REPORT OF THE
SMALL CLAIMS RULES COMMITTEE

Judge Pauline Drayton, chair of the Small Claims Rules Committee of The Florida Bar, and John F. Harkness, Jr., Executive Director of The Florida Bar, pursuant to *Fla. R. Jud. Admin.* 2.130(c), submit this biennial report of proposed changes in the Florida Small Claims Rules.

The Committee proposes amendments to the rules and forms as shown on the attached table of contents. The voting record of the Committee for each change is shown on the table of contents. As required by *Fla. R. Jud. Admin.* 2.130(c)(2), the Committee's report was submitted to the Florida Bar Board of Governors. The board's vote on each amendment also is shown on the table of contents.

The rules and forms that the Committee recommends amending are as follows:

**RULE 7.080. SERVICE OF PLEADINGS AND PAPERS OTHER THAN
STATEMENT OF CLAIM**

This proposed change is to allow service of pleadings (except initial claim) to be served by delivery to court, if a party's address is not known. This provides a mechanism for allowing service of documents only if the address is not known. Often pro se litigants will not serve or send copies of answers or documents because they are unaware or unsure of where the document should be sent, or may not know where to send the information. This provides that service on the clerk gives notice to the other party. Please note that this does not apply to the initial pleading.

RULE 7.090(f). APPEARANCE; DEFENSIVE PLEADINGS; TRIAL DATE

The amendment would provide for sanctions if a party sends a representative to mediation without full authority to settle. Mediation at small claims is offered

free to the litigants. Mediators are trained and certified. Mediation offers an excellent opportunity to settle matters in dispute without the necessity of going to trial. A review of the cases actually going to trial shows that litigants are often able to settle differences and structure agreements. Mediation, therefore, reduces the need for setting a case for trial when the issues are not complicated. The proposed amendment will help stop the practice of individuals coming to pretrial simply to make an appearance so that the court will not dismiss for failure to appear at the pretrial or enter a default judgment

FORM 7.175. MOTIONS FOR COSTS AND ATTORNEYS' FEES

The suggestion for this new rule was brought to the attention of the committee by a judge within the County Court Conference of Judges, Judge Patti Christensen. This rule basically adopts the time frame for the filing of attorneys' fees found in Rule 1.525, Motions for Costs and Attorneys' Fees, in the Florida Rules of Civil Procedure. This rule is intended to establish a time requirement to serve motions for costs and attorneys' fees. Small claims cases often involve attorneys on both sides. The committee recognized that because the jurisdictional limits for small claims is \$5,000, there are often claims for attorneys' fees, particularly in PIP cases.

FORM 7.322. SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE

The Committee wanted to ensure that the parties are placed on notice that the representative should have full authority to settle. Therefore, that notice will be placed directly on the form, to notify parties in advance that the parties should have authority to settle. The wording would appear on the Pretrial Summons.

FORM 7.335. STATEMENT OF CLAIM (FOR RETURN OF STOLEN PROPERTY)

This new form originated from a letter to the committee from Attorney Deborah Schroth, on behalf of the Public Interest Law Section of The Florida Bar. This new form would allow a uniformity in the return of property that was stolen and then pawned to be returned to the rightful owner, even before a criminal case is disposed of. The committee believed that the rightful owner of the property should not be required to redeem his or her own property by making any form of payment.

FORM 7.340. FINAL JUDGMENT

The reason for the suggested deletion of the reference to future interest rate is as follows: Section 55.03(2), Fla. Stat. (attached hereto in the Appendix), reads, “Any judgment for money damages or order for a judicial sale and any process or writ directed to a sheriff for execution shall bear, on its face, the rate of interest that is payable on the judgment. The rate of interest stated in the judgment accrues on the judgment until it is paid.” The statute also provides that each year on December 1, the Chief Financial Officer sets the rate of interest that will be payable on judgments or decrees for the year beginning January. Continuity is important, and as such the amount stated puts all parties on notice of the interest rate that should accrue; to proceed otherwise would in effect keep the interest amount as a variable interest rate on judgments previously entered. This seems contrary to the effect of section 55.03, Fla. Stat. This section does not affect prejudgment interest; it applies to postjudgment interest rates.

FORM 7.343. FACT INFORMATION SHEET

The new form added as subdivision (b) would add to the small claims rules a fact information sheet form for corporate entities. This form recognizes the distinction between a judgment entered against an individual and a judgment entered against a corporation. The current form asks for information that would benefit a creditor in collection from an individual; the information in the new corporate form seeks information that would assist an individual in collecting a corporate debt.

FORM 7.350. CORPORATE AUTHORIZATION TO ALLOW EMPLOYEE TO REPRESENT CORPORATION AT ANY STAGE OF LAWSUIT

The proposed new form would allow a corporation to give authority to an individual to represent the corporation in all trial proceedings. The purpose of this rule change is to provide *written* notice to all parties that the individual appearing at the Pretrial and all subsequent proceedings has the authority to act of behalf of the corporation. Often, in small claims court, small businesses choose to represent themselves instead of hiring an attorney; however, the court, as well as the opposing party, needs some kind of assurance that the individual is indeed acting on behalf of the corporation. This form becomes a part of the clerk’s file.

The proposed amendments have been published in the *Bar News* on November 15, 2004, and on the Bar’s website beginning November 3, 2004, and

the period for comment is over. The comments received, from Attorney Robert Korschun, are appended to this report. The committee, in a meeting held on January 21, 2005, discussed the comments and voted to accept the responses as formulated by the Chair, Judge Pauline Drayton. Accordingly, the responses below were adopted as the response to the comments by the Small Claims Rule Committee.

Response to Comment on Proposed Amendment to Rule 7.080.

Comment: “I question the constitutionality of the proposal as well as existing provisions allowing for service by certified mail. It is my understanding that service of judicial process is substantive not procedural and therefore can not be authorized by court rule since it pertains to personal jurisdiction over the defendant.”

Response: Mail service has been around since 1959. See section 48.161, Fla. Stat., for service on the Secretary of State. The only addition to this rule was the last portion, which permits service, if no address is known, by leaving the pleading or paper with the clerk of the court. The committee did not add the portion referencing the use of mail. Procedurally, all Motions, Notice of Hearings, etc. are sent to the opposing party via mail and more recently by facsimile. Please also note that service by mail is for papers other than the statement of claim and notice to appear. There are no substantive or constitutional questions at issue.

Response to Comment on Amendment to Rule 7.322

Comment: “[T]his should not be adopted because it is problematic. Many lawyers here in Miami and presumably elsewhere attend the pre-trial conferences to either avoid a dismissal or entry of a default and to contest the claim. Said attorney has not conducted discovery and may not have full information about the case at the time. Consequently, the attorney may not be fully prepared or even able to discuss settlement so mediation would be futile. Furthermore, any settlement proposal would have to be relayed to and approved by the client who may be unavailable and out of state. The court should be allowed authority to refer the matter to mediation at the Pre-Trial Conference but the Mediation Conference should be scheduled at a later date and time.”

Response: The addition to this rule says mediation *may* take place at the pretrial conference. Any attorney filing a case should have sufficient knowledge

about the case and should have authority from the client to proceed with the case. Most of the cases in small claims in which pro se litigants are involved are debt collection cases. Litigants are there primarily because they owe an outstanding debt. Most attorneys come prepared with authority to enter into a Stipulation for Payment. If authority exists for Stipulation of Payment, then parties should presumably have the authority to settle the case. Sanctions are not mandatory, and therefore the attorney should be able to provide reasons to the judge why mediation cannot proceed. Discovery in small claims proceeding is discretionary and not a matter of right. PIP cases are routinely handled by attorneys and, if requested, the Rules of Civil Procedure can be invoked. As a practical matter, this rule allows the disposition of cases where there is a willingness to settle a case short of trial. One party should not be allowed to defeat the purpose of mediation by simply saying, “I just showed up so I could avoid a default judgment.”

Response to Comment on Rule 7.350

Comment: “In regards to the proposed amendment to Rule 7.350, this may be unnecessary. The current rule allows a corporation to appear without a lawyer at the Pre-Trial Conference and this authority presumably [would] apply to all proceeding including trial.”

Response: This rule does not change the ability of a corporation to appear without a lawyer. This rule essentially creates *written* authorization to appear on behalf of a corporation. In some cases, an owner may send an employee simply to make an appearance so that a default will not be entered against the corporation. The employee has no authority to mediate or enter into a stipulation. This rule is not designed to force small businesses to hire attorneys. This rule simply puts everyone on notice that someone in authority can mediate, negotiate, and settle a case at the pretrial conference, and that the agreement will be binding on all parties. The form is simple and it is not cumbersome. In some jurisdictions an informal form has been in use. No major problems were reported when this form was used. On the contrary; few corporations complain.

The Committee respectfully requests that this Court adopt these proposed amendments to the Florida Small Claims Rules.

Respectfully submitted _____, 2005.

HON. PAULINE DRAYTON
Chair, Small Claims Rules Committee
Duval County Courthouse
330 E. Bay St.
Jacksonville, FL 32202-2921
(904) 630-2581
FLORIDA BAR #562106

JOHN F. HARKNESS, JR.
Executive Director
The Florida Bar
651 E. Jefferson St.
Tallahassee, FL 32399-2300
(850) 561-5600
FLORIDA BAR #123390

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by United States mail to: Robert Korschun, 19 W. Flagler St., Biscayne Bldg. Suite 403, Miami, FL 33130-4401, this ____ day of _____, 2005.

MADELON HORWICH
Bar Staff Liaison, Small Claims Rules Committee
The Florida Bar
651 E. Jefferson St.
Tallahassee, FL 32399-2300
(850) 561-5707
FLORIDA BAR #315612

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RULE 7.080. SERVICE OF PLEADINGS AND PAPERS OTHER THAN STATEMENT OF CLAIM

(a) **When Required.** Copies of all pleadings and papers subsequent to the notice to appear, except applications for witness subpoenas and orders and judgments entered in open court, shall be served on each party. One against whom a default has been entered is entitled to be served only with pleadings asserting new or additional claims.

(b) **How Made.** When a party is represented by an attorney, service of papers other than the statement of claim and notice to appear shall be made on the attorney unless the court orders service to be made on the party. Service shall be made by delivering the paper to the party or the party's attorney, as the case may be, or by mailing it to the party's last known address, or, if no address is known, by leaving it with the clerk of the court.

(c) **Filing.** All original pleadings and papers shall be filed with the court either before service or immediately thereafter. The court may allow a copy to be substituted for the original of any document.

(d) **Filing with the Court Defined.** The filing of papers with the court as required by these rules is made by filing them with the clerk, except that the judge may permit the papers to be filed with the judge, in which event the judge shall note thereon the filing date and transmit them to the clerk, and the clerk shall file them as of the same date they were filed with the judge.

(e) **Certificate of Service.**

(1) When any party or attorney in substance certifies:

“I certify that a copy hereof has been furnished to
(here insert name or names and address or addresses) by
(delivery) (mail) on(date).....

Party or party's attorney”

the certificate is prima facie proof of such service in compliance with all rules of court and law.

(2) When any paper is served by the clerk, a docket entry shall be made showing the mode and date of service. Such entry is sufficient proof of service without a separate certificate of service.

(f) **When Unrepresented Party Fails to Show Service.** If a party who is not represented by an attorney files a paper that does not show service of a copy on all other parties, the clerk shall serve a copy of it on all other parties.

Court Commentary

1972 Amendment. Subdivisions (a), (b), (c), (d), and (e) are substantially the same as Florida Rule of Civil Procedure 1.080(a), (b), (d), (e), and (f).

RULE 7.090. APPEARANCE; DEFENSIVE PLEADINGS; TRIAL DATE

(a) **Appearance.** On the date and time appointed in the notice to appear, the plaintiff and defendant shall appear personally or by counsel.

(b) **Notice to Appear; Pretrial Conference.** The summons/notice to appear shall specify that the initial appearance shall be for a pretrial conference. The initial pretrial conference shall be set by the clerk not more than 50 days from the date of the filing of the action. At the pretrial conference, all of the following matters shall be considered:

- (1) The simplification of issues.
- (2) The necessity or desirability of amendments to the pleadings.
- (3) The possibility of obtaining admissions of fact and of documents that avoid unnecessary proof.
- (4) The limitations on the number of witnesses.
- (5) The possibilities of settlement.
- (6) Such other matters as the court in its discretion deems necessary.

Form 7.322 shall and form 7.323 may be used in conjunction with this rule.

(c) **Defensive Pleadings.** Unless required by order of court, written pretrial motions and defensive pleadings are not necessary. If filed, copies of such pleadings shall be served on all other parties to the action at or prior to the pretrial conference or within such time as the court may designate. The filing of a motion or a defensive pleading shall not excuse the personal appearance of a party or attorney on the initial appearance date (pretrial conference).

(d) **Trial Date.** The court shall set the case for trial not more than 60 days from the date of the pretrial conference. At least 10 days' notice of the time of trial shall be given. The parties may stipulate to a shorter or longer time for setting trial with the approval of the court. This rule does not apply to actions to which chapter 51, Florida Statutes, applies.

(e) **Waiver of Appearance at Pretrial Conference.** Where all parties are represented by an attorney, counsel may agree to waive personal appearance at the initial pretrial conference, if a written agreement of waiver signed by all attorneys is presented to the court prior to or at the pretrial conference. The agreement shall contain a short statement of the disputed issues of fact and law, the number of witnesses expected to testify, an estimate of the time needed to try the case, and any stipulations of fact. The court shall forthwith set the case for trial within the time prescribed by these rules.

(f) **Appearance at Mediation; Sanctions.** In small claims actions, an attorney may appear on behalf of a party at mediation if the attorney has full authority to settle without further consultation. Unless otherwise ordered by the court, a nonlawyer representative may appear on behalf of a party to a small claims mediation if the representative has the party's signed written authority to appear and has full authority to settle without further consultation. In either event, the party need not appear in person. Mediation may take place at the pretrial conference. Whoever appears for a party must have full authority to settle. Failure to comply with this subdivision may result in the imposition of sanctions, including costs, attorneys' fees, entry of judgment, or dismissal.

(g) **Agreement.** Any agreements reached as a result of small claims mediation shall be written in the form of a stipulation. The stipulation may be entered as an order of the court.

Committee Notes

1972 Amendment. Rule 7.120 is incorporated in subdivision (c). It is slightly expanded to provide for a computation period from service by mail and to give the parties the right to stipulate to a shorter time for the trial.

1984 Amendment. This change requires the use of a pretrial procedure and requires both parties to attend the pretrial conference which can be used to resolve pretrial motions. The use of a pretrial previously varied from county to county.

1988 Amendment. (b) 1st sentence — Chair's clarification.

2nd sentence — Require the clerk to set the initial pretrial conference within a reasonable time after filing of the action taking into consideration the fact that the time standards guideline for small claims cases is 95 days.

3rd sentence — State within the small claims rules what matters shall be considered at the pretrial conference rather than by reference to Florida Rule of Civil Procedure 1.220(a), which has been amended several times and is generally not applicable to small claims cases.

4th sentence — Direct that new form 7.322 shall and that new form 7.323 may be used statewide.

(c) Clarifies that a personal appearance is required at the pretrial conference when a defense motion is filed.

(e) Adds a provision for waiving counsel's appearance at the pretrial conference where all parties are represented by counsel.

RULE 7.175. MOTIONS FOR COSTS AND ATTORNEYS' FEES

Any party seeking a judgment taxing costs or attorneys' fees, or both, shall serve a motion within 30 days after filing of the judgment, including a judgment of dismissal, or the service of a notice of voluntary dismissal. In the event of a default judgment, no further motions are needed if costs or attorneys' fees, or both, were sought in the statement of claim.

FORM 7.322. SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE

(CAPTION)

STATE OF FLORIDA — NOTICE TO PLAINTIFF(S) AND DEFENDANT(S)

.....
.....
YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the
..... in Courtroom #....., located at, on(date)....., atm., for a PRETRIAL
CONFERENCE before a judge of this court.

**IMPORTANT — READ CAREFULLY
THE CASE WILL NOT BE TRIED AT THAT TIME
DO NOT BRING WITNESSES — APPEAR IN PERSON OR BY ATTORNEY**

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 in the PRETRIAL CONFERENCE. The date and 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 may take place at the pretrial conference. Whoever appears for a party must have full authority to settle.

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 or execution or levy.

RIGHT TO VENUE. The law gives the person or company who has sued you the right to file 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 the 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 defendants sued reside; (6) any location agreed to in a contract; (7) in an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.

If you, as the 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 7 days prior to your first court date and send a copy to the plaintiff(s) or plaintiff's(s') attorney, if any.

A copy of the statement of claim shall be served with this summons.

DATED at, Florida, on(date).....

FORM 7.335. STATEMENT OF CLAIM (FOR RETURN OF STOLEN PROPERTY)

IN THE COUNTY COURT, IN AND FOR
_____, COUNTY, FLORIDA

Plaintiff,

CASE NO.:

vs.

Defendant/Pawnbroker.

STATEMENT OF CLAIM FOR RETURN OF PROPERTY

Plaintiff, _____ sues defendant, _____
and says:

1. This is an action for the return of stolen or misappropriated property pursuant to section 539.001, Florida Statutes.

2. Plaintiff is the owner of the following described property:

3. The above-described property was stolen or otherwise misappropriated from plaintiff on or about the _____ day of _____, 20____. A copy of the law enforcement report outlining the theft/misappropriation is attached hereto and incorporated into this statement of claim.

4. The above-described property is currently in the possession of defendant and is located at a pawnshop as defined in section 539.001, Florida Statutes, the address of which is _____.

5. Plaintiff has complied with the procedural requirements of section 539.001, Florida Statutes. Specifically, plaintiff notified the pawnbroker of plaintiff's claim to the property:

_____ by certified mail, return receipt requested, OR
_____ in person evidenced by a signed receipt.

The notice contains a complete and accurate description of the purchased or pledged goods and was accompanied by a legible copy of the aforementioned police report regarding the theft or misappropriation of the property. No resolution between plaintiff and defendant pawnbroker could be reached within 10 days after the delivery of the notice.

WHEREFORE, the plaintiff demands judgment for the return of the property. Plaintiff further asks this court to award plaintiff the costs of this action, including reasonable attorneys' fees.

Plaintiff (signature)

Name

Address

City, State, Zip code

Day telephone number

State of Florida
County of _____

The foregoing instrument was acknowledged before me on(date)....., by, who is personally known to me or has produced as identification and whodid/did not..... take an oath.

WITNESS my hand and official seal, on(date).....

Notary Public
State of Florida

Note to Clerk of Court and to Sheriff: Pursuant to Section 539.001(15), filing fees and service fees shall be waived. Waiver does not require the filing of an affidavit of insolvency.

FORM 7.340. FINAL JUDGMENT

(CAPTION)

**FINAL JUDGMENT
AGAINST (DEFENDANT(S)'S NAME)**

It is adjudged that the plaintiff(s),, recover from the defendant(s),, the sum of \$..... on principal, \$..... as prejudgment interest, \$..... for attorneys' fees, with costs of \$....., all of which shall bear interest at the rate of% ~~for the current year and thereafter at the prevailing rate~~ per year as provided for by Florida Statute, for all of which let execution issue.

ORDERED at, Florida, on(date).....

County Court Judge

Copies furnished to:
PLAINTIFF(S)
DEFENDANT(S)

Plaintiff(s)'s address:

.....
.....

Defendant(s)'s last known address and
Social Security Number (if known):

.....
.....
.....

**(OPTIONAL ENFORCEMENT PARAGRAPH —
TO BE INCLUDED UPON REQUEST PURSUANT TO RULE 7.221)**

It is further 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.

Committee Notes

1992 Amendment. The optional enforcement paragraph was added to facilitate discovery.

FORM 7.343. FACT INFORMATION SHEET

(a) For Individuals

(CAPTION)

FACT INFORMATION SHEET — INDIVIDUAL

Full Legal Name: ____
Nicknames or Aliases: ____
Residence Address: ____
Mailing Address (if different): ____
Telephone Numbers: (Home) ____ (Business) ____
Name of Employer: ____
Address of Employer: ____
Position or Job Description: ____
Rate of Pay: \$ ____ per ____ . Average Paycheck: \$ ____ per ____
Average Commissions or Bonuses: \$ ____ per ____ . Commissions or bonuses are based on ____
Other Personal Income: \$ ____ from ____
(Explain details on the back of this sheet or an additional sheet if necessary.)
Social Security Number: _____ Birthdate: ____
Driver's License Number: ____

Marital Status: ____ Spouse's Name: ____
Spouse's Address (if different): ____
Spouse's Social Security Number: _____ Birthdate: ____
Spouse's Employer: ____
Spouse's Average Paycheck or Income: \$ ____ per ____
Other Family Income: \$ ____ per ____ (Explain details on back of this sheet or an additional sheet if necessary.)

Names and Ages of All Your Children (and addresses if not living with you): ____

Child Support or Alimony Paid: \$ ____ per ____

Names of Others You Live With: ____

Who is Head of Your Household? ____ You ____ Spouse ____ Other Person

Checking Account at: _____ Account # _____

Savings Account at: _____ Account # _____

(Describe all other accounts or investments you may have, including stocks, mutual funds, savings bonds, or annuities, on the back of this sheet or an additional sheet if necessary.)

For Real Estate (land) You Own or Are Buying:

Address: ____

All Names on Title: ____

Mortgage Owed to: ____

Balance Owed: ____

Monthly Payment: \$ ____

(Attach a copy of the deed or mortgage, or list the legal description of the property on the back of

this sheet or an additional sheet if necessary. Also provide the same information on any other property you own or are buying.)

For All Motor Vehicles You Own or Are Buying:

Year/Make/Model: ___ Color: _____

Vehicle ID #: _____ Tag No: _____ Mileage: _____

Names on Title: _____ Present Value: \$_____

Loan Owed to: _____

Balance on Loan: \$_____

Monthly Payment: \$_____ (List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)

Have you given, sold, loaned, or transferred any real or personal property worth more than \$100 to any person in the last year? If your answer is "yes," describe the property and sale price, and give the name and address of the person who received the property.

Does anyone owe you money? Amount Owed: \$_____

Name and Address of Person Owing Money: _____

Reason money is owed: _____

Please attach copies of the following:

- a. Your last pay stub.
- b. Your last 3 statements for each bank, savings, credit union, or other financial account.
- c. Your motor vehicle registrations and titles.
- d. Any deeds or titles to any real or personal property you own or are buying, or leases to property you are renting.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

Judgment Debtor

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me on(date)....., by, who is personally known to me or has produced as identification and whodid/did not..... take an oath.

WITNESS my hand and official seal, on(date).....

Notary Public
State of Florida

My Commission expires:

The foregoing instrument was acknowledged before me on(date)....., by, who is personally known to me or has produced as identification and whodid/did not..... take an oath.

WITNESS my hand and official seal, on(date).....

Notary Public

State of Florida

My Commission expires:

MAIL OR DELIVER THIS FORM TO THE CLERK OF THE COURT, AND MAIL OR DELIVER A COPY OF THE COMPLETED FORM TO THE JUDGMENT CREDITOR OR THE CREDITOR'S ATTORNEY.

**7.350. CORPORATE AUTHORIZATION TO ALLOW EMPLOYEE
TO REPRESENT CORPORATION
AT ANY STAGE OF LAWSUIT**

(Caption)

AUTHORIZATION OF CORPORATE OFFICER

.....(name).... is an employee of(name of corporation that is a party to this action).....
This individual has authority to represent the corporation at any stage of the trial court
proceedings, including mediation.

The undersigned giving the authority is an officer of the corporation.

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

Dated:

SIGNING AUTHORITY:

Print name and title:
(president; vice-president; secretary; treasurer)

Address:

Phone number:

I certify that a copy of this form has been furnished to [list all parties to this action] by
.....(hand delivery/mail/fax)..... on(date).....

.....
Name and title:

Proposed changes:

Reasons for change:

RULE 7.080. SERVICE OF PLEADINGS AND PAPERS OTHER THAN STATEMENT OF CLAIM

(a) [no change]

(b) How Made. When a party is represented by an attorney, service of papers other than the statement of claim and notice to appear shall be made on the attorney unless the court orders service to be made on the party. Service shall be made by delivering the paper to the party or the party's attorney, as the case may be, or by mailing it to the party's last known address, or, if no address is known, by leaving it with the clerk of the court.

(c) [no change]

(d) [no change]

(e) [no change]

(f) [no change]

To allow service of pleadings (except initial claim) to be served by delivery to the court, if the party's address is not known.

Proposed changes:

Reasons for change:

**RULE 7.090. APPEARANCE; DEFENSIVE
PLEADINGS; TRIAL DATE**

(a) [no change]

(b) [no change]

(c) [no change]

(d) [no change]

(e) [no change]

(f) Appearance at Mediation;
Sanctions. In small claims actions, an attorney may appear on behalf of a party at mediation if the attorney has full authority to settle without further consultation. Unless otherwise ordered by the court, a nonlawyer representative may appear on behalf of a party to a small claims mediation if the representative has the party's signed written authority to appear and has full authority to settle without further consultation. In either event, the party need not appear in person. Mediation may take place at the pretrial conference. Whoever appears for a party must have full authority to settle. Failure to comply with this subdivision may result in the imposition of sanctions, including costs, attorneys' fees, entry of judgment, or dismissal.

Provides for sanctions if a party sends representative to mediation without full authority to settle.

(g) [no change]

Proposed changes:

Reasons for change:

**RULE 7.175. MOTIONS FOR COSTS
AND ATTORNEYS' FEES**

New rule to allow for motion for costs and attorneys' fees, if timely filed.

Any party seeking a judgment taxing costs or attorneys' fees, or both,

shall serve a motion within 30 days after filing of the judgment, including a judgment of dismissal, or the service of a notice of voluntary dismissal. In the event of a default judgment, no further motions are needed if costs or attorneys' fees, or both, were sought in the statement of claim.