

Step-by-Step Guide to Filing a Personal Injury Claim in Sarasota County Court

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Important Disclaimer: This guide provides a factual overview based on publicly available information from Florida court resources and statutes as of September 15, 2025. It is not legal advice, does not constitute representation, and is not a substitute for consulting a licensed attorney. Court procedures can change, and individual cases vary. Always verify with the Sarasota County Clerk of the Circuit Court or a qualified professional. Self-represented litigants (pro se) are held to the same standards as attorneys.

1 Overview

Personal injury claims in Florida typically involve negligence (e.g., car accidents, slip-and-falls). Most claims start with an insurance settlement attempt before court filing. If unresolved, file a civil lawsuit in Sarasota County (12th Judicial Circuit) if the incident occurred there or parties reside there. The statute of limitations is generally 2 years from the date of injury for negligence-based claims. Claims under \$8,000 may qualify for small claims; \$8,001-\$50,000 goes to County Court; over \$50,000 to Circuit Court.

2 Steps to File a Personal Injury Claim

2.1 Step 1: Assess Your Claim and Gather Initial Evidence (Pre-Filing Preparation)

- Document everything immediately: Take photos of the scene, injuries, and property damage. Collect witness contacts, police reports, medical records, bills, and proof of lost wages to prove negligence (duty, breach, causation, damages).
- Seek medical treatment: Visit a doctor to create a record. Floridas no-fault insurance (PIP) covers up to \$10,000 in medical costs for auto accidents.
- Notify insurance companies: File a claim with your insurer and the at-fault party. Provide details but avoid signing releases or recorded statements without guidance.
- Evaluate settlement potential: Over 95% of claims settle out of court. Use the 2-year window to negotiate. If denied or lowballed, proceed to lawsuit.
- Time estimate: 16 months. **Tip:** Track all expenses; future medical costs can be claimed.

2.2 Step 2: Determine Court Jurisdiction and Type

- Venue: File in Sarasota County if the injury occurred there, defendant resides/does business there, or property damage happened there (Florida Statute 47.011).

- Claim amount decides court:
 - Under \$8,000: Small Claims (faster, no attorney required).
 - \$8,001-\$50,000: County Civil.
 - Over \$50,000: Circuit Civil.
- Pro se resources: Review Florida Rules of Civil Procedure (Rule 1.070 for process). Sarasota Clerk offers self-help at www.sarasotaclerk.com/court-services/small-claims (small claims) or civil division.
- Time estimate: 12 weeks to confirm.

2.3 Step 3: Prepare Required Documents

- Mandatory forms (all civil filings):
 - Civil Cover Sheet (Form 1.997): Categorizes your case (e.g., Other Personal Injury). Download from Florida Courts or Sarasota Clerk forms page.
 - Complaint: Draft stating:
 - * Parties (plaintiff/you, defendant).
 - * Jurisdiction/venue (Sarasota County Court).
 - * Facts of the incident.
 - * Legal basis (e.g., negligence under Florida law).
 - * Damages sought (specific or general).
 - * Demand for relief (e.g., compensatory damages).
 - No standard template for PI complaints; use Florida Bar samples or pro se guides. Attach evidence copies.
- For small claims: Use Statement of Claim form instead of full complaint. Briefly state facts and amount.
- Optional/Additional: Summons (generated upon filing), proposed Case Management Order (for Circuit cases).
- Where to get forms: Florida Courts eFiling Portal (www.myflcourtaccess.com), Sarasota Clerk website (www.sarasotaclerk.com/forms), or in-person at Clerks office (2000 Main St., Sarasota, FL).

- Time estimate: 14 weeks (drafting complaint may take longer pro se).

2.4 Step 4: File the Lawsuit

- Method: Electronically via Florida Courts eFiling Portal (mandatory for most filings; register at www.myflcourtagency.com). In-person/mail options limited for pro se.
- Where: Sarasota County Clerk of the Circuit Court (P.O. Box 3079, Sarasota, FL 34230; or Venice branch).
- Filing fees (as of 2025; subject to change):
 - Small Claims: \$55-\$300 based on amount (e.g., \$55 for \$100; \$300 for \$2,501+).
 - County Civil: \$300-\$400.
 - Circuit Civil: \$400.
 - Add \$10 for library fee, \$5.50 for eFiling. Waivers available via Application for Determination of Civil Indigent Status (if income <125% federal poverty level).
- What happens: Clerk assigns case number, issues summons. Filing starts the clock; defendant has 20 days to respond (30 if out-of-state).
- Time estimate: 1 day (e-filing is instant).

2.5 Step 5: Serve the Defendant

- How: Deliver summons and complaint via:
 - Sarasota County Sheriff (\$40 per defendant; www.sarasotasheriff.org).
 - Certified mail (small claims only, if in Florida; restricted delivery).
 - Private process server (\$50-\$100).
- Proof: File return of service with Clerk within 120 days of filing (or case dismissed).
- Time estimate: 14 weeks. **Note:** Cannot serve yourself.

2.6 Step 6: Post-Filing Actions (Initial Court Process)

- Defendants response: If no answer, request default judgment. If answered, case enters discovery (exchange evidence) and possible mediation.
- Case management: For Circuit cases, submit proposed order within 145 days. Sarasota encourages alternative dispute resolution (ADR) like mediation.

- Track your case: Use Sarasota Clerks online portal (www.sarasotaclerk.com/court-records) or call (941) 861-7400.
- Time estimate to resolution: 624 months (settlement common; trial rare).

3 Sarasota-Specific Notes

- Local nuances: High tourism means frequent auto/pedestrian claims; hurricane-related injuries may involve property damage crossover.
- Pro se support: Clerks office provides forms/procedural help but no advice. Free legal aid via Sarasota County Bar (www.sarasotabar.com) or Florida Rural Legal Services.
- Common pitfalls: Missing deadline voids claim; incomplete service delays case; underestimating fees (budget \$500+ total startup).

4 Resources

- Sarasota Clerk: www.sarasotaclerk.com/court-services/civil-law
- Florida Courts Self-Help: www.flcourts.gov/resources-and-services/self-help-center
- eFiling Portal: www.myflcourtaccess.com
- Florida Bar Referral Service: 1-800-342-8011