



THE HONORABLE
GWEN MARSHALL

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

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CIVIL CUSTOMER ASSISTANCE DIVISION

PARTIES IN A CIVIL CASE

I. General Information

- A. Before completing your initial civil case paperwork, read [Chapter 48](#), Florida Statutes; the [Civil Rules of Procedure](#); and the below information concerning how to list a party.
- B. It is important to list the correct names of all of the people or companies against which you are filing your claim. Cases filed incorrectly may make it difficult to collect judgments.
- C. Information regarding corporation, partnership, fictitious names, and their status may be obtained by writing or calling the following office: FLORIDA SECRETARY OF STATE, Corporations Division, P.O. Box 6327, 409 East Gaines Street, Tallahassee, FL 32314, www.sunbiz.org.
- D. You may check with the [City of Tallahassee](#) and [Leon County](#) regarding the defendant's occupational license (now known as Business Tax Certificate).
- E. If you need assistance, you should consult with an attorney. Two contacts are: Legal Services of North Florida, 385-9007; and the TBA Lawyer Referral Service, 681-0601.

II. Individual

- A. Obtain the proper name and address of the individual.
- B. If the party is married, and you feel the spouse is also responsible, obtain the proper name of the spouse. First names must be used and any alias names, if known. If the wife is a party also, use her name; avoid "Mr. and Mrs."

III. Corporations

- A. Obtain the correct name and the state in which the corporation is incorporated.
- B. Use the name and address of an officer of the corporation. Officers include the president, vice president, etc. or in the absence of these, any officer or business agent residing in the state. If the corporation has none of the foregoing officers residing in this state, use the name of the resident agent transacting business for the corporation.

IV. Partnerships

- A. Obtain the names and addresses of all the partners.
- B. Many individuals, partnerships and corporations may conduct business under a "fictitious name" like John Jones d/b/a Book World; John Jones, Bill Smith and Frank Smith, a partnership, d/b/a Jones and Smith Plumbing; or ABC, Inc., a Florida Corporation, d/b/a Snack Shop.
- C. You cannot sue a fictitious name because it is not an entity, and thus you must investigate to determine if the fictitious name is owned by an individual, partnership or a corporation.
- D. If the name is not registered, you cannot sue the fictitious name, but you could sue the individual, partnership or corporation. It is your responsibility to prove to the court that the person you are suing has not complied with the law requiring the registration of the name.
- E. If you are doing business under a fictitious name, you must be registered before you can maintain a suit in any court in the state.

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