

EVICTION PACKET COVER

SHEET

FAILURE TO COMPLY WITH LEASE AGREEMENT

This packet contains the information and forms for filing an Eviction case for FAILURE TO COMPLY WITH LEASE AGREEMENT. Eviction Packets may be purchased at the Clerk's Office if needed for \$2.25.

Please note the CLERK OF COURT cannot give legal advice to you or interpret the law for you. If you need legal advice, please contact an Attorney or Community Legal Services of Mid-Florida (CLSMF) at 1-800-405-1417.

Information on evictions may be obtained from Chapter 83 of the Florida Statutes, located at www.leg.state.fl.us

Eviction Checklist

I. TO FILE A COMPLAINT FOR EVICTION FORM: FAILURE TO COMPLY WITH LEASE AGREEMENT (RESIDENTIAL)

Required Forms:

- **For One Tenant:**
 - 1 Original plus 2 copies of Complaint
 - Statement of Responsibility
 - Permission to Use E-mail
 - Consent to Case Closure after 90 Days Of Inactivity
 - 3 copies of 7-day Notice
 - 3 copies of written agreement (lease) plus other documents. if any
 - Owner's Authorization for Property Manager (if needed)
 - 1 envelope w/2 stamps addressed to the tenant
 - Civil Cover Sheet

Required Fee's payable to "Clerk of Court":

- SEE FILING FEE CHART

Required Sheriffs Fee's payable to "FCSO":

- \$40 per defendant (must be a money order or real estate check)

- **For Two Tenants:**
 - 1 Original plus 4 copies of Complaint
 - Statement of Responsibility
 - Consent to Case Closure After 90 Days of Inactivity
 - 5 copies of 7-day Notice
 - 5 copies of written agreement (lease) plus other documents. if any
 - Owner's Authorization for Property Manager (if needed)
 - 2 envelopes w/2 stamps per envelope addressed to each tenant

Required Fee's payable to "Clerk of Court":

- SEE FILING FEE CHART

Required Sheriffs Fee's payable to "FCSO":

- \$40 per defendant (must be a money order or real estate check)

More than to Tenants: You will need:

- 2 additional copies of each document per tenant.
- 1 additional envelope w/2 stamps per tenant

II. **TO OBTAIN A JUDGMENT:**

*PLEASE NOTE: If no response by tenant, a NON MILITARY AFFIDAVIT must be filed

- After either 5 days or 20 days of service by the Sheriff (depending on the type of Complaint you have filed), the Landlord may Motion the Court in writing to request a Final Judgment and Writ of Possession. However; if a Hearing and/or Mediation has been scheduled, you may want to wait until you attend court
- Once the Final Judgement has been entered, you will need to forward the Writ of Possession and fees to FCSO

Required Fee's payable to "Clerk of Court":

- \$7 for clerk to prepare Writ

Required Sheriffs Fees payable to "FCSO":

- \$90 Money Order, Cashier's Check, Or Cash in the EXACT amount

****Please Note:** The County Civil Department cannot give legal advice to you or interpret the law for you. Information on evictions may be obtained from Chapter 83 of the Florida Statutes, located at www.leg.state.fl.us

SCHEDULE OF FEES

All Filing Fees and Sheriff's Office service fees are due at the time of filing your suit.

Filing Fees are made payable to: **Clerk of Court** and may be paid for by Personal Check, Money Order, Cashier's Check, Cash, and Credit Card

CLERK OF COURT FILING FEES

EVICTION - POSSESSION ONLY:	\$185.00
EVICTION WITH DAMAGES UP TO \$2,500.00:	\$185.00
EVICTION WITH DAMAGES \$2,500.01 to \$15,000.00:	\$300.00
EVICTION WITH DAMAGES \$15,000.01 TO \$30,000.00	\$400.00
SUMMONS ISSUANCE FEE PER DEFENDANT:	\$10.00
SUMMONS PREPARATION FEE	\$7.00
CLERK'S CERTIFICATE OF MAILING (Prep fee)	\$7.00
OATH FEE (if needed)	\$3.50

SHERIFF'S OFFICE SERVICE FEES

SERVICE OF SUMMONS PER DEFENDANT:	\$40.00
WRIT OF POSSESSION:	\$90.00

IN THE COUNTY COURT
SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

SEVEN (7) DAY NOTICE

Date: _____

Tenant's name and address:

Dear _____,

You are hereby notified that you are not complying with your lease in that:

Demand is hereby made that you remedy the non compliance within seven (7) days of receipt of this notice or your lease shall be deemed terminated and you shall vacate the premises upon such termination. If this same conduct or conduct of a similar nature is repeated within twelve (12) months, your tenancy is subject to termination without you being given an opportunity to cure the non compliance.

Landlord Name: _____

Address: _____

Phone Number: _____

PROOF OF SERVICE:

I, the undersigned, being at least eighteen years of age, declare under penalty of perjury that I served the within notice to pay rent or quit tenancy, of which this is a true copy, on the above named tenant in the manner indicated below on _____.
(date)

_____ I personally delivered a copy of the notice to tenant.

_____ I mailed a true copy of the notice to tenant by certified mail.

_____ I posted on the premises _____ location posted (where)
on the above-described property on _____ at _____ am/pm
(date) (time)

By: _____

Owner/Agent

IN THE COUNTY COURT
SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

Case No. _____

Plaintiff(s)

vs

Defendant(s)

STATEMENT OF RESPONSIBILITY

(Landlord - Tenant Action)

Before filing this case I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court under the Landlord and Tenant Law of Florida, Chapter 83 Florida Statutes and as set forth in Chapter 51. That the conduct of this case will be in accordance with the rules of procedure and laws of Florida, which apply to this case.
2. The naming of proper parties is an important element of the case and the responsibility for naming the proper plaintiff(s) and defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named plaintiff(s) realizing that if the plaintiff is a corporation that such plaintiff may be required to be represented by an attorney.
5. I do not expect the Clerk who receives and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. I am solely responsible for the collection of any judgment entered in my favor.
7. I am responsible for identifying any confidential information in my pleadings under Florida Rules of Judicial Administration 2.240 and 2.425 and acknowledge it is my responsibility to file a NOTICE OF CONFIDENTIALITY form or MOTION if needed.

Date

Signature

IN THE COUNTY COURT
SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA
Case No. _____

Plaintiff(s) *{insert name & address of Landlord}*
vs

Defendant(s) *{insert name & address of Tenant}*

COMPLAINT FOR EVICTION
FOR FAILURE TO COMPLY WITH
LEASE (OTHER THAN FAILURE TO PAY RENT)

Plaintiff sues defendant and alleges:

1. This is an action to evict a Tenant from real property in Flagler County, Florida. This is not a mobile home in a park. This is not commercial property.
2. Plaintiff owns the following described real property, in the County:
_____ *[insert Street description of property]*.
3. Defendant has possession of the property under an/a (oral/written agreement). A copy of the written agreement, if any, is attached as **Exhibit "A."**
4. Plaintiff served Defendant with a notice on _____ *[insert date of notice]*, giving written notice to the Defendant that the Defendant was in violation of the rental agreement. A copy of the notice, setting forth the violation of the rental agreement, is attached as **Exhibit "B."**
5. Defendant has failed to correct or discontinue the conduct in the above-mentioned notice.

WHEREFORE, Plaintiff demands judgment for possession of the property against Defendant.

Date

Signature

Name of Landlord/Property Manager (circle one)

Address

Telephone number

IN THE CIRCUIT & COUNTY COURTS OF THE SEVENTH JUDICIAL CIRCUIT, IN AND
FOR FLAGLER COUNTY, FLORIDA

CASE NUMBER: _____

DIVISION: _____

Plaintiff/ Petitioner

V.

Defendant/Respondent

PERMISSION TO USE E-MAIL

Provide your email address below to receive a copy of your Orders, Judgments, Notices of hearings or other written communication from the Clerk of Courts and by electronic mail.

By completing this form, I am authorizing the Court, Clerk of the Circuit Court & Comptroller and all parties to send copies of notices, orders, judgments, or any other written communications to me by email.

I will ensure the software filters, if any, have been removed from my computer so they do not interfere with my ability to receive any of the above documents.

I will file a written notice with the Clerk if my current email address changes.

(Circle One) Plaintiff/Petitioner/Defendant/Respondent (Please Print)

Your signature

Your email address (please print clearly)

Date

IN THE CIRCUIT & COUNTY COURTS OF THE SEVENTH JUDICIAL CIRCUIT, IN AND
FOR FLAGLER COUNTY, FLORIDA

CASE NUMBER: _____

DIVISION: _____

Plaintiff/ Petitioner

V.

Defendant/Respondent

CONSENT TO CASE CLOSURE AFTER 90 DAYS OF INACTIVITY

Eviction – Possession Only

I, _____ (Plaintiff/Landlord) hereby consent without further notice, to the dismissal and closure of this case file after 90 days of inactivity have elapsed.

I hereby certify that a true and correct copy of this Consent will be furnished by U.S. mail or included with the initial service of process to the above named respondent(s).

Dated: _____

Plaintiff/Landlord

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

In the COUNTY Court of the Seventh Judicial Circuit in and for FLAGLER COUNTY, FLORIDA

Plaintiff

Case #: _____

vs.

Judge: _____

Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose. \$_____.

- ___ \$8,000 or less
- ___ \$8,001 - \$30,000
- ___ \$30,001- \$50,000
- ___ \$50,001- \$75,000
- ___ \$75,001 - \$100,000
- ___ over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- ___ Condominium
- ___ Contracts and indebtedness
- ___ Eminent domain
- ___ Auto negligence
- ___ Negligence—other
 - ___ Business governance
 - ___ Business torts
 - ___ Environmental/Toxic tort

- ☐ Third party indemnification
- ☐ Construction defect
- ☐ Mass tort
- ☐ Negligent security
- ☐ Nursing home negligence
- ☐ Premises liability—commercial
- ☐ Premises liability—residential
- ☐ Products liability
- ☐ Real property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice—business
 - ☐ Malpractice—medical
 - ☐ Malpractice—other professional
- ☐ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge—statute or ordinance
 - ☐ Constitutional challenge—proposed amendment
 - ☐ Corporate trusts
 - ☐ Discrimination—employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

COUNTY CIVIL

- ☐ Civil
- ☐ Real property/Mortgage foreclosure
- ☐ Replevins
- ☐ Evictions
 - ☐ Residential Evictions
 - ☐ Non-residential Evictions
- ☐ Other civil (non-monetary)

IV. REMEDIES SOUGHT (check all that apply):

- ☐ Monetary;
- ☐ Nonmonetary declaratory or injunctive relief;
- ☐ Punitive

V. NUMBER OF CAUSES OF ACTION: [] (Specify)

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

☐ yes
☐ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

☐ no
☐ yes If "yes," list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

☐ yes
☐ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: _____
(Attorney or party)

Fla. Bar #: _____
(Bar # if attorney)

(type or print name)

(Date)

INFORMATION AND INSTRUCTIONS FOR FILING AN

AFFIDAVIT OF NON-MILITARY SERVICE

An Affidavit of Non-Military Service is a sworn statement stating that to the best of your knowledge, you know that the defendant(s) are not currently in the military service. Without the Non-Military Affidavit, the Judge will not accept the default. **You may not enter a default against a person in the military service.**

If you do not know if the individual(s) in the lawsuit are in the Military Service, you may contact the Department of Defense Manpower Data Center at www.defenselink.mil/faq/pis/PC09SLDR.html and request the information from the United States Department of Defense.

After obtaining the information from the United States Department of Defense, attach your response to the Non-Military Affidavit and file with the Clerk of Court.

IN THE CIRCUIT & COUNTY COURTS OF THE SEVENTH JUDICIAL CIRCUIT, IN AND
FOR FLAGLER COUNTY, FLORIDA

CASE NUMBER _____

DIVISION: _____

Plaintiff/ Petitioner

V.

Defendant/Respondent

NON-MILITARY AFFIDAVIT

I, _____ being sworn, certify that the following information is true:
[✓all that apply)

___ 1. I know of my own personal knowledge that Defendant(s) is not on active duty in the armed services of the United States.

Or

___ 2. I have inquired of the armed services of the United States and the U.S. Public Health Service to determine whether the Respondent is a member of the armed services and am attaching certificates stating that the Defendant(s) is not now in the armed services.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Plaintiff(s)

Printed Name: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

STATE OF FLORIDA

COUNTY OF FLAGLER

SWORN to or subscribed and signed before me this ___ day of ___ 20___.

Deputy Clerk or Notary Public State of Florida

Type of Identification Produced: _____ My Commission Expires: _____

IN THE COUNTY COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR FLAGLER COUNTY, FLORIDA

Plaintiff,

Case #: _____

VS.

Defendant(s),

OWNER'S AUTHORIZATION FOR PROPERTY MANAGER TO PROSECUTE EVICTION ACTION

1. _____ authorizes *[print or type name of owner - individual, corporation, other legal entity]* _____, property manager *[print or type name of individual signing complaint for eviction]* pursuant to the permission granted in The Florida Bar re: Advisory Opinion-Non Lawyer Preparation of the and Representation of Landlord in Uncontested Residential Evictions, 605 So.2d 868 (Fla. 1992), clarified 627 So.2d 485 (Fla. 1993), and authorized by FS 83.59, to prosecute this residential eviction proceeding in my name and on my behalf.
2. I affirmatively represent that the person named is responsible for the day-to- day management of the residential rental property that is the subject of this action.
3. I represent further that the person named is also responsible for renting and maintaining the property and collecting the rent.
4. I understand this authorization does not allow the property manager to be named as the plaintiff in any action for eviction for non-payment of rent and that the property manager may represent my interest only to the extent that possession of the property is the only remedy sought and the matter remains uncontested.
5. I understand further that pursuant to the rules promulgated by the Florida Supreme Court the property manager cannot represent me for actions for past rent, late fees, security deposits or for any other relief other than possession of the property.
6. I understand that the named property manager may represent me only so long as the eviction action is uncontested, i.e., until a hearing is set.
7. **If the action becomes contested and a hearing is required, I understand it will be necessary to appear personally on my own behalf (if I am an individual owner) at such hearing or through my attorney.**
8. If the owner is a corporation or other legal entity, and if the action becomes contested and a hearing is required, I understand that it will be necessary to be represented by an attorney at such hearing to continue the eviction process.

☐ If owner is an individual or partnership:

☐ If owner is a corporation:

[Individual Owner or General Partner]

[Officer of Corporation, Title]