

# **This is the Tenant Evictions Forms Packet for matters for Failure to Pay Rent.**

(There is a different Tenant Evictions Forms Packet for Other than Failure to Pay Rent available at <http://www.collierclerk.com/Forms#Evictions>)

**The first page in this packet outlines steps that must be followed when filing a residential tenant eviction case, including the various fees. Fees may be subject to change.**

**For more information about tenant evictions visit:**  
**<https://www.collierclerk.com/court-divisions/Civil/Evictions>**

The Clerk of the Circuit Court  
September 4, 2018

## **STEPS FOR FILING A RESIDENTIAL TENANT EVICTION CASE FOR FAILURE TO PAY RENT:**

**For information about current fees or to check on your case, go to: [www.collierclerk.com](http://www.collierclerk.com) or call (239)252-2646.**

**For information on current Sheriff's fees or to verify the date of service, call Civil Process at (239)252-0888.**

1. Give written notice to tenant(s) to vacate by posting, *i.e. a 3 Day Notice for Non-Payment of Rent*.
2. After the appropriate number of days has passed (excluding the date of service, Saturday, Sunday or legal holidays) the Plaintiff may file an Eviction case with the Clerk of Courts.
3. The Plaintiff should file a Complaint with attachments (the 3 day Notice and Lease Agreement, if applicable) along with the Eviction Summons, with the appropriate number of copies and addressed envelopes with sufficient postage (See chart below for number of copies and envelopes). Note: If filing case by mail, include a self-addressed postage paid envelope for return of Certificate of Mailing for your records.
4. Once the case has been opened and the filing fees have been paid, the Sheriff will serve the defendants with the summons.
5. The Defendant(s) will have 5 days (excluding the date of service, Saturday, Sunday or legal holidays) to answer the summons.
6. The Plaintiff should check to see if the Defendant(s) has filed an Answer or Motion by going to the Clerks website, [www.CollierClerk.com](http://www.CollierClerk.com), or calling the Clerk's Civil Department at (239)252-2646.
7. If by the 6<sup>th</sup> day there is no response from the defendant(s), the Plaintiff may file for the Default.
8. If an Answer or Motion has been filed, the Plaintiff may set the case for a Non-Jury Trial by calling the Judge's office.
9. The Plaintiff will need to turn in the Motion for Default, Motion for Final Default Judgment, and Non-military Affidavit to the Clerk.
10. The Plaintiff will need to turn in the Final Default Judgment with addressed postage paid envelopes for all parties to Court Administration on the 5<sup>th</sup> Floor of the Courthouse.
11. After the Final Judgment is entered, the Plaintiff can submit the Writ of Possession, along with the Sheriff's service fee to the Clerk.
12. The defendant(s) will have 24 hours from the time the Sheriff executes the Writ of Possession to vacate the premises.

### **For Eviction Only**

<b>Number of Defendants</b>	<b>Complaint</b>	<b>Eviction Summons</b>	<b>Notice</b>	<b>Lease</b>	<b>Number of Envelopes (Postage Paid for Defendants)</b>
One Defendant	Original plus 2 copies	1 Original	3 copies	3 copies	1
Two Defendants	Original plus 4 copies	2 Original	5 copies	5 copies	2
Three Defendants	Original plus 6 copies	3 Original	7 copies	7 copies	3
Four Defendants	Original plus 8 copies	4 Original	9 copies	9 copies	4

**\*\*\*The Clerk of Courts only accepts payments in Cash, Check or Money Order.**

**\*\*\*The Sheriff's Office must be paid by Check or Money Order. Cash is not accepted.**

The supreme Court Approved Forms are available at [www.FLCourts.org](http://www.FLCourts.org) or at [www.CollierClerk.com](http://www.CollierClerk.com)

**The Clerk of Court employees cannot assist you with the selection or completion of any form.**

If there is any doubt concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that you seek an Attorney. If you do not know an attorney, you should contact the Lawyer's Referral Service (239)252-8250. If you are financially unable to afford an attorney, you should contact the Legal Aid Office in your area.

Because of the changing nature of the law, the forms and information about them may become outdated. Regardless of whether you discuss your case with an Attorney, you should research original sources of authority (Statutes and Rules of Procedure) to update and insure accuracy of the forms.

FORM 1

NOTICE FROM LANDLORD TO TENANT--TERMINATION  
FOR FAILURE TO PAY RENT

INSTRUCTIONS

This notice may be delivered by mail or by delivering a copy to the dwelling unit, or, if the Tenant is absent from the dwelling unit, by leaving a copy thereof at the dwelling unit.

If the Tenant fails to pay rent when due and the default continues for three (3) days (excluding Saturday, Sunday, and legal holidays) after delivery of written demand by the Landlord for payment of the rent or possession of the premises, the Landlord may terminate the rental agreement. This written demand is a prerequisite to an action to evict the Tenant or recover past due rent. Your written rental agreement may have allowed for a longer period than three days and should be reviewed.

SOURCE: Section 83.56(3) and (4), Florida Statutes (2007).

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

NOTICE FROM LANDLORD TO TENANT--TERMINATION  
FOR FAILURE TO PAY RENT

To:	
	Tenant's Name
	Address
	City, State, Zip Code
From:	
Date:	

You are hereby notified that you are indebted to me in the sum of \$ \_\_\_\_\_ [insert amount owed by Tenant] for the rent and use of the premises located at \_\_\_\_\_, Florida [insert address of premises, including county], now occupied by you and that I demand payment of the rent or possession of the premises within three days (excluding Saturday, Sunday and legal holidays) from the date of delivery of this notice to-wit: on or before the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ [insert the date which is three days from the delivery of this notice, excluding the date of delivery, Saturday, Sunday and legal holidays].

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Landlord/Property Manager  
[circle one]

\_\_\_\_\_  
Address [street address where Tenant can deliver rent]

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

Hand Delivered On

Posted On

Approved for use under rule 10-2.1(a) of  
the Rules Regulating The Florida Bar

The Florida Bar 2010

This form was completed  
with the assistance of:  
Name:  
Address:  
Telephone Number:

## FORM 5

### COMPLAINT FOR LANDLORD TO EVICT TENANTS

#### INSTRUCTIONS

Form 5 should be used if only eviction of the Tenant is sought. Form 5A should be used to evict the Tenant and recover damages (past due rent).

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

IN THE COUNTY COURT, IN AND FOR  
\_\_\_\_\_ COUNTY, FLORIDA  
[insert County in which rental property is located]

\_\_\_\_\_  
[insert name of Landlord]

Plaintiff,

CASE NO. \_\_\_\_\_  
[insert case number assigned  
by Clerk of the Court]

vs.

**COMPLAINT FOR EVICTION**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

\_\_\_\_\_/

Plaintiff, \_\_\_\_\_ [insert name of Landlord], sues Defendant,  
\_\_\_\_\_ [insert name of Tenant] and alleges:

1. This is an action to evict a Tenant from real property in \_\_\_\_\_ [insert county in which the property is located] County, Florida.

2. Plaintiff owns the following described real property in the County:  
\_\_\_\_\_ [insert legal or street  
description of the property including, if applicable, unit number].

3. Defendant has possession of the property under a (oral/written) agreement to pay rent of \$  
\_\_\_\_\_ [insert rental amount] payable \_\_\_\_\_ [insert terms of rental  
payments, i.e., weekly, monthly, etc.]. A copy of the written agreement, if any, is attached as Exhibit "A."

4. Defendant failed to pay the rent due \_\_\_\_\_, 20\_\_ [insert date of payment Tenant has  
failed to make].

5. Plaintiff served Defendant with a notice on \_\_\_\_\_, 20\_\_ [insert date of notice], to  
pay the rent or deliver possession but Defendant refuses to do either. A copy of the notice is attached as Exhibit  
"B."

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Landlord/Property Manager  
(circle one)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

Approved for use under rule 10-2.1(a) of  
the Rules Regulating The Florida Bar

The Florida Bar 2010

This form was completed  
with the assistance of:

Name:

Address:

Telephone Number:

FORM 7

SUMMONS - EVICTION CLAIM

If your Complaint is only for eviction of the Tenant, you need to fill out and deliver this form to the Clerk with the Complaint. If your Complaint is also for damages, you will need to attach Form 8.

SOURCE: Fla. R. Civ. P. 1.070(2007); Fla. R. Civ. P. Form 1.923 (2007)

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.



IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
COLLIER COUNTY, FLORIDA CIVIL ACTION

\_\_\_\_\_  
Plaintiff(s),  
vs. CASE NO: \_\_\_\_\_  
\_\_\_\_\_  
Defendant(s).

**EVICTIION SUMMONS/RESIDENTIAL**

To: \_\_\_\_\_  
Defendant Name and Address

**PLEASE READ CAREFULLY**

You are being sued by \_\_\_\_\_ to require you to move out of the place where you are living for the reasons given in the attached complaint.

You are entitled to a trial to determine whether you can be required to move, but you MUST do ALL of the things listed below. You must do them within 5 days (not including Saturday, Sunday, or any legal holiday) after the date these papers were given to you or to a person who lives with you or were posted at your home.

THE THINGS YOU MUST DO ARE AS FOLLOWS:

1. Write down the reason(s) why you think you should not be forced to move. The written reason(s) must be given to the clerk of the court at Collier County Courthouse, 3315 Tamiami Trail East Suite 102, Naples, FL 34112.
2. Mail or give a copy of your written reason(s) to:

Plaintiff/Plaintiff's attorney: \_\_\_\_\_  
Address: \_\_\_\_\_

3. Pay to the clerk of the court the amount of rent that the attached complaint claims to be due and any rent that becomes due until the lawsuit is over. If you believe that the amount claimed in the complaint is incorrect, you should file with the clerk of the court a motion to have the court determine the amount to be paid. If you file a motion, you must attach to the motion any documents supporting your position and mail or give a copy of the motion to the plaintiff/plaintiff's attorney.  
**NOTE: Any payment into the Registry of the Court must be tendered in cash, cashier's check or money order and must be accompanied by payment of the clerk's registry fee of 3% of the first \$500.00 deposited and 1.5% of each subsequent \$100.00.**

4. If you file a motion to have the court determine the amount of rent to be paid to the clerk of the court, you must immediately contact the office of the judge to whom the case is assigned to schedule a hearing to decide what amount should be paid to the clerk of the court while the lawsuit is pending.

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IF YOU DO NOT DO ALL OF THE THINGS SPECIFIED ABOVE WITHIN 5 WORKING DAYS AFTER THE DATE THAT THESE PAPERS WERE GIVEN TO YOU OR TO A PERSON WHO LIVES WITH YOU OR WERE POSTED AT YOUR HOME, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE

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5. If the attached complaint also contains a claim for money damages (such as unpaid rent), you must respond to that claim separately. You must write down the reasons why you believe that you do not owe the money claimed. The written reasons must be given to the clerk of the court at the address specified in paragraph (1) above, and you must mail or give a copy of your written reasons to the plaintiff/plaintiff's attorney at the address specified in paragraph (2) above. This must be done within 20 days after the date these papers were given to you or to a person who lives with you. This obligation is separate from the requirement of answering the claim for eviction within 5 working days after these papers were given to you or to a person who lives with you or were posted at your home.

THE STATE OF FLORIDA:

To Each Sheriff of the State or duly constituted public officer qualified to serve process in the state or jurisdiction: You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above-named defendant.

DATED on \_\_\_\_\_

Crystal K. Kinzel  
Clerk of the Circuit Court

By \_\_\_\_\_  
As Deputy Clerk

## NOTIFICACION DE DESALOJO/RESIDENCIAL

A:

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Demandado

### SIRVASE LEER CON CUIDADO

Usted esta siendo demandado por \_\_\_\_\_ para exigirle que desaloje el lugar donde reside por los motivos que se expresan en la demanda adjunta.

Usted tiene derecho a ser sometido a juicio para determinar si se le puede exigir que se mude, pero ES NECESARIO que haga TODO lo que se le pide a continuacion en un plazo de 5 dias (no incluidos los sabados, domingos, ni dias feriados) a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se colocaron en su casa.

#### USTED DEBERA HACER LO SIGUIENTE:

1. Escribir el (los) motive(s) por el (los) cual(es) cree que no se le debe obligar a mudarse. El (Los) motive(s) debera(n) entregarse por escrito al secretario del tribunal en el Collier County Courthouse, 3315 Tamiami Trail East Suite 102, Naples, FL 34112.
2. Enviar por correo o darle su(s) motive(s) por escrito a:  
\_\_\_\_\_  
\_\_\_\_\_
3. Pagarle al secretario del tribunal el monto del alquiler que la demanda adjunta reclama como adeudado, asi como cualquier alquiler pagadero hasta que concluya el litigio. Si usted considera que el monto reclamado en la demanda es incorrecto, debera presentarle al secretario del tribunal una mocion para que el tribunal determine el monto que deba pagarse. Si usted presenta una mocion, debera adjuntarle a esta cualesquiera documentos que respalden su posicion, y enviar por correo o entregar una copia de la misma al demandante/abogado del demandante.  
**NOTE: Cualquier pago al Registro de la Corte debe ser en dinero efectivo, un cheque de caja, o un giro postal. Ademias debe pagarse un honorario al Registro de la Corte, el cual consiste del 3% de los primeros \$500 depositados mas el 1.5% de cada subsecuente de \$100.**
4. Si usted presenta una mocion para que el tribunal determine el monto del alquiler que deba pagarse al secretario del tribunal, debera comunicarse de immediate con la oficina del juez al que se le haya asignado el caso para que programe una audiencia con el fin de determinar el monto que deba pagarse al secretario del tribunal mientras el litigio este pendiente.

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SI USTED NO LLEVA A CABO LAS ACCIONES QUE SE ESPECIFICAN ANTERIORMENTE EN UN PLAZO DE 5 DIAS LABORABLES A PARTIR DE LA FECHA EN QUE ESTOS DOCUMENTOS SE LE ENTREGARON A USTED O A UNA PERSONA QUE VIVE CON USTED, O SE COLOQUEN EN SU CASA, SE LE PODRA DESALOJAR SIN NECESIDAD DE CELEBRAR UNA AUDIENCIA NI CURSARSELE OTRO AVISO

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5. Si la demanda adjunta tambien incluye una reclamacion por danos y perjuicios pecunarios (tales como el incumplimiento de pago del alquiler), usted debera responder a dicha reclamacion por separado. Debera exponer por escrito los motivos por los cuales considera que usted no debe la suma reclamada, y entregarlos al secretario del tribunal en la direccion que se especifica en el parrafo (1) anterior, asi como enviar por correo o entregar una copia de los mismos al demandante/abogado del demandante en la direccion que se especifica en el parrafo (2) anterior. Esto debera llevarse a cabo en un plazo de 20 dias a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted. Esta obligacion es aparte del requisito de responder a la demanda de desalojo en un plazo de 5 dias a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se coloquen en su casa.

CITATION D'EVICITION/RESIDENTIELLE

A:

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Defendeur

LISEZ ATTENTIVEMENT

Vous etes poursuivi par \_\_\_\_\_ Pour exiger que vous evacuez les lieux de votre residence pour les raisons enumerees dans la plainte ci-dessous.

Vous avez droit a un process pour determiner si vous devez demenager, mais vous devez, au prealable, suivre les instructions enumerees ci-dessous, pendant les 5 jours (non compris le samedi, le dimanche, ou un jour ferie) a partir de la date ou ces documents ont ete donnes a vous ou a la personne vivant avec vous, ou ont ete affiches a votre residence.

LISTE DES INSTRUCTIONS A SUIVRE:

1. Enumerer par ecrit les raisons pour lesquelles vous pensez ne pas avoir a demenager. Elles doivent etre remises au clerc du tribunal a Collier County Courthouse, 3315 Tamiami Trail East Suite 102, Naples, FL 34112.
2. Envoyer ou donner une copie au:

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3. Payer au clerc du tribunal le montant des loyers dus comme établi dans la plainte et le montant des loyers dus jusqu'à la fin du process. Si vous pensez que le montant établi dans la plainte est incorrect, vous devez présenter au clerc du tribunal une demande en justice pour déterminer la somme à payer. Pour cela vous devez attacher à la demande tous les documents soutenant votre position et faire parvenir une copie de la demande au plaignant/avocat du plaignant.

**NOTE: Quelconque paiement verse au Bureau de l'Etat Civil du Tribunal doit être remis en argent comptant, cheque certifié ou mandat-poste, et doit être accompagné du montant des honoraires au clerc de l'Etat Civil de 3% des premiers \$500.00 déposés, et de 1.5% de tout montant subsequent \$100.00.**

4. Si vous faites une demande en justice pour déterminer la somme à payer au clerc du tribunal, vous devrez immédiatement prévenir le bureau de juge qui présidera au process pour fixer la date de l'audience qui décidera quelle somme doit être payée au clerc du tribunal pendant que le process est en cours.

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SI VOUS NE SUIVEZ PAS CES INSTRUCTIONS A LA LETTRE DANS LES 5 JOURS QUE SUIVENT LA DATE OU CES DOCUMENTS ONT ÉTÉ REMIS À VOUS OU À LA PERSONNE HABITANT AVEC VOUS, OU ONT ÉTÉ AFFICHES À VOTRE RESIDENCE, VOUS POUVEZ ÊTRE EXPULSÉS SANS AUDIENCE OU SANS AVIS PRÉALABLE

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5. Si la plainte ci-dessus contient une demande pour dommages pécuniaires, tels des loyers arriérés, vous devez y répondre séparément. Vous devez énumérer par écrit les raisons pour lesquelles vous estimez ne pas devoir le montant demandé. Ces raisons écrites doivent être données au clerc du tribunal à l'adresse spécifiée dans le paragraphe (1) et une copie de ces raisons donnée ou envoyée au plaignant/avocat du plaignant à l'adresse spécifiée dans le paragraphe (2). Cela doit être fait dans les 20 jours suivant la date où ces documents ont été présentés à vous ou à la personne habitant avec vous. Cette obligation ne fait pas partie des instructions à suivre en réponse au processus d'éviction dans 5 jours suivant la date où ces documents ont été présentés à vous ou à la personne habitant avec vous, ou affichés à votre résidence.

## FORM 76

### MOTION FOR CLERK'S DEFAULT - RESIDENTIAL EVICTION

The Tenant will have five days, after service, to file a written response to a Complaint for eviction, and 20 days, after service, to file a written response to a complaint for back rent and damages. If the Tenant fails to file a written response in that time the Landlord is entitled to a judgment by default.

Obtaining the judgment is a two-step process. First, a Clerk's default should be obtained by delivering to the Clerk of the Court an executed Motion-for Clerk's Default. Form 76 should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and Form 77 should be used to obtain a Clerk's default when the Tenant has failed to respond to a complaint for back rent and damages. In order to be entitled to a default, Form 81, Nonmilitary Affidavit, must be filed with the Clerk.

Second, based on the Clerk's default, a default final judgment should be obtained from the judge handling the case. The default final judgment is obtained by delivering to the Court a Motion for Default Final judgment-Residential Eviction (Form 78) and/or a Motion for Default Final judgment - Damages (Residential Eviction) (Form 79) with an Affidavit of Damages (Form 80). If the Landlord is seeking a Default Final judgment - Damages (Residential Eviction), a copy of the motion and affidavit must be served on the Defendant. The forms provide a certificate of service to be completed establishing proper service of the motion and affidavit.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

IN THE COUNTY COURT, IN AND FOR  
\_\_\_\_\_ COUNTY, FLORIDA

[insert county in which rental property is located]

\_\_\_\_\_  
[insert name of Landlord]

Plaintiff,

vs.

\_\_\_\_\_  
[insert name of Tenant]

/

Defendant.

CASE NO. \_\_\_\_\_  
[insert case number assigned by  
Clerk of the Court]

**MOTION FOR CLERK'S DEFAULT –  
RESIDENTIAL EVICTION**

Plaintiff asks the Clerk to enter a default against \_\_\_\_\_ [name], Defendant, for failing to respond as required by law to Plaintiff's Complaint for residential eviction.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

**DEFAULT - RESIDENTIAL EVICTION**

A default is entered in this action against the Defendant for eviction for failure to respond as required by law.

DATE: \_\_\_\_\_

CLERK OF THE COURT

By: \_\_\_\_\_  
Deputy Clerk

cc: \_\_\_\_\_  
[insert name of Landlord]

\_\_\_\_\_  
[insert name and address of Tenant]

Approved for use under rule 10-2.1(a) of  
the Rules Regulating The Florida Bar

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This form was completed  
with the assistance of:  
Name:  
Address:  
Telephone Number:

## FORM 81

### NONMILITARY AFFIDAVIT

The Tenant will have five days, after service, to file a written response to a Complaint for eviction, and 20 days, after service, to file a written response to a complaint for back rent and damages. If the Tenant fails to file a written response in that time the Landlord is entitled to a judgment by default.

Obtaining the judgment is a two-step process. First, a Clerk's default should be obtained by delivering to the Clerk of the Court an executed Motion-for Clerk's Default. Form 76 should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and Form 77 should be used to obtain a Clerk's default when the Tenant has failed to respond to a complaint for back rent and damages. In order to be entitled to a default, Form 81, Nonmilitary Affidavit, must be filed with the Clerk.

Second, based on the Clerk's default, a default final judgment should be obtained from the judge handling the case. The default final judgment is obtained by delivering to the Court a Motion for Default Final judgment-Residential Eviction (Form 78) and/or a Motion for Default Final judgment - Damages (Residential Eviction) (Form 79) with an Affidavit of Damages (Form 80). If the Landlord is seeking a Default Final judgment - Damages (Residential Eviction), a copy of the motion and affidavit must be served on the Defendant. The forms provide a certificate of service to be completed establishing proper service of the motion and affidavit.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.



IN THE COUNTY COURT, IN AND FOR  
\_\_\_\_\_ COUNTY, FLORIDA  
[insert county in which rental property is located]

\_\_\_\_\_  
[insert name of Landlord]

CASE NO. \_\_\_\_\_

Plaintiff,

vs.

**NONMILITARY AFFIDAVIT**

\_\_\_\_\_  
[insert name of Tenant]

Defendant. /

On this day personally appeared before me, the undersigned authority, \_\_\_\_\_, who, after being first duly sworn, says:

Defendant, \_\_\_\_\_, is known by Affiant not to be in the military service or any governmental agency or branch subject to the provisions of the Soldiers' and Sailors' Civil Relief Act.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

Sworn and subscribed before me on \_\_\_\_\_ [date], by \_\_\_\_\_ [name], who \_\_\_\_\_ is personally known to me \_\_\_\_\_ produced \_\_\_\_\_ [document] as identification and who took an oath.

\_\_\_\_\_  
NOTARY PUBLIC-STATE OF FLORIDA

Name: \_\_\_\_\_

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

I CERTIFY that I \_\_\_\_\_ mailed, \_\_\_\_\_ faxed and mailed, or \_\_\_\_\_ hand delivered a copy of this motion and attached affidavit to the Defendant at \_\_\_\_\_  
[insert address at which Tenant was served and fax number if sent by fax].

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Fax No. \_\_\_\_\_

Approved for use under rule 10-2.1(a) of  
the Rules Regulating The Florida Bar

The Florida Bar 2010

This form was completed  
with the assistance of:

Name:

Address:

Telephone Number:

FORM 78

MOTION FOR DEFAULT FINAL JUDGMENT  
(RESIDENTIAL EVICTION)

The Tenant will have five days, after service, to file a written response to a Complaint for eviction, and 20 days, after service, to file a written response to a complaint for back rent and damages. If the Tenant fails to file a written response in that time the Landlord is entitled to a judgment by default.

Obtaining the judgment is a two-step process. First, a Clerk's default should be obtained by delivering to the Clerk of the Court an executed Motion-for Clerk's Default. Form 76 should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and Form 77 should be used to obtain a Clerk's default when the Tenant has failed to respond to a complaint for back rent and damages. In order to be entitled to a default, Form 81, Nonmilitary Affidavit, must be filed with the Clerk.

Second, based on the Clerk's default, a default final judgment should be obtained from the judge handling the case. The default final judgment is obtained by delivering to the Court a Motion for Default Final judgment-Residential Eviction (Form 78) and/or a Motion for Default Final judgment - Damages (Residential Eviction) (Form 79) with an Affidavit of Damages (Form 80). If the Landlord is seeking a Default Final judgment - Damages (Residential Eviction), a copy of the motion and affidavit must be served on the Defendant. The forms provide a certificate of service to be completed establishing proper service of the motion and affidavit.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

IN THE COUNTY COURT, IN AND FOR  
\_\_\_\_\_ COUNTY, FLORIDA  
[insert county in which rental property is located]

\_\_\_\_\_  
[insert name of Landlord]

CASE NO. \_\_\_\_\_  
[insert case number assigned  
by Clerk of the Court]

Plaintiff,

vs.

**MOTION FOR DEFAULT FINAL-  
JUDGMENT - RESIDENTIAL EVICTION**

\_\_\_\_\_  
[insert name of Tenant] /

Defendant.

Plaintiff asks the Clerk to enter a default against \_\_\_\_\_ [name], Defendant, for failing to respond as required by law to Plaintiff's Complaint for damages.

1. Plaintiff filed a Complaint alleging grounds for residential eviction of Defendant.
2. A Default was entered by the Clerk of this Court on \_\_\_\_\_ [date].

WHEREFORE, Plaintiff asks this Court to enter a Final judgment For Residential Eviction against Defendant.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

cc: \_\_\_\_\_  
[insert name and address of Tenant]

FORM 66

FINAL JUDGMENT - EVICTION

No instructions.

IN THE COUNTY COURT, IN AND FOR  
\_\_\_\_\_ COUNTY, FLORIDA  
[insert county in which rental property is located]

\_\_\_\_\_  
[insert name of Landlord]

Plaintiff,

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
[insert case number assigned  
by Clerk of the Court]

vs.

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

/

FINAL JUDGMENT - EVICTION

THIS ACTION came before the Court upon Plaintiff's Complaint for Eviction. On the evidence presented, it is

ADJUDGED that Plaintiff, \_\_\_\_\_ [insert Landlord's name], recover from Defendant, \_\_\_\_\_ [insert Tenant's name], possession of the real property described as follows:

\_\_\_\_\_  
[insert legal or street description of rental premises including, if applicable, unit number]

and \$ \_\_\_\_\_ as court costs, FOR WHICH LET WRITS OF POSSESSION AND EXECUTION NOW ISSUE.

ORDERED in \_\_\_\_\_ [insert city in which the Court is located]  
\_\_\_\_\_ [insert county in which the Court is located] COUNTY, FLORIDA on \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
County Judge

cc:

\_\_\_\_\_  
[insert name of Landlord]

\_\_\_\_\_  
[insert name of Tenant]

FORM 11

WRIT OF POSSESSION

This document should be delivered to the Clerk of the Court after the Court enters the final judgment evicting the Tenant. The Clerk will sign this Writ. After the Clerk signs this Writ, it must be delivered to the Sheriff to be served upon the Tenant and who, if necessary, will forcibly evict the Tenant after 24 hours from the time of service.

If requested by the Landlord to do so, the Sheriff shall stand by to keep the peace while the Landlord changes the locks and removes personal property from the premises. When such a request is made; the Sheriff may charge a reasonable hourly rate, and the person requesting the Sheriff to stand by to keep the peace shall be responsible for paying the reasonable hourly rate set by the Sheriff.

SOURCE: Section 83.62, Florida Statutes (2007)

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

IN THE COUNTY COURT, IN AND FOR  
\_\_\_\_\_ COUNTY, FLORIDA  
[insert county in which rental property is located]

\_\_\_\_\_  
[insert name of Landlord]

Plaintiff,

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
[insert case number assigned  
by Clerk of the Court]

vs.

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

/

**WRIT OF POSSESSION**

STATE OF FLORIDA  
TO THE SHERIFF OF \_\_\_\_\_ [insert county in which rental property is located] COUNTY,  
FLORIDA:

YOU ARE COMMANDED to remove all persons from the following described property in  
\_\_\_\_\_ [insert county in which rental property is located] County, Florida:  
\_\_\_\_\_ [insert legal or  
street description of rental premises including, if applicable, unit number] and to put  
\_\_\_\_\_ [insert Landlord's name] in possession of it.

DATED this \_\_\_\_ day of \_\_\_\_\_, 1920\_\_.

(SEAL)

Clerk, County Court

By: \_\_\_\_\_  
Deputy Clerk

Approved for use under rule 10-2.1(a) of  
the Rules Regulating The Florida Bar

The Florida Bar 2010

This form was completed  
with the assistance of:  
Name:  
Address:  
Telephone Number: