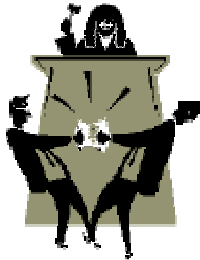


Guidelines for Florida Residential Eviction

Non-Payment of Rent



Please note: This information and forms are applicable for residential evictions only

[Chapter 83 of Florida Statutes](#) provides the steps to follow in an eviction case. The following information is to assist you with what documents must be filed and the costs involved in a simple eviction case.

The filing fee, payable to the Clerk of Court, in Manatee County is \$98.00, other counties may vary. Payment may be in the form of cash or personal check with proper identification.

RHOL includes the basic forms necessary for evictions for non-payment of rent. This short summary of the legal procedure is targeted toward regaining possession of your property. It does not address the payment or recovery of back rent and damages owed to you.

Step One: Prepare and Serve Three-Day Notice.

Before filing a Complaint to recover possession, a landlord must serve a [Three-Day Notice](#) demanding payment of rent or possession of the premises within three (3) days (excluding Saturday, Sunday, and legal holidays) after the date of delivery of notice. After the expiration time on the service of the Three-Day Notice you may proceed with filing the Complaint for Eviction. (Remember how we count the days.)

Step Two: Complaint & Summons

Prepare Complaint: The landlord shall file the original Complaint and sufficient copies of the [Complaint](#) for each tenant with the Clerk. The Court must also receive a copy of the Three-Day Notice and a copy of the lease, if one exists. You must also attach a copy of the notice and lease to each copy of

the Complaint. The Complaint must be signed in the presence of a deputy clerk or must be notarized by a notary public.

Issuance of Summons: After the Complaint is filed and the fee paid, the Clerk will issue an [Eviction Summons/Residential](#). A copy of the Complaint, three-day notice, and lease (if one exists) will be attached for service on the tenant. The Sheriff or a private process server can serve this Summons. The Manatee County Sheriff's fee is \$20.00 per tenant and must be in the form of cash or money order. Other Florida counties may vary. If paid by cash, you must personally deliver the Summons to the Sheriff's Office, Civil Processing Department. Private process server fees vary and you would contact them directly.

Certificate of Mailing: If the tenant cannot be reached either personally or by substitute service, the summons can be served by posting (attaching to a conspicuous part of the premises). If this occurs, the landlord must request that the Clerk mail the notice to the tenant by [Certificate of Mailing](#).

Step Three - Day in Court

Answer by Tenant: The tenant has five days (exclusive of Saturdays, Sundays and holidays) after service of the Summons to file an answer. If an answer is filed and monies are deposited, the landlord must contact the Court to schedule a hearing.

Default:

If the tenant fails to answer the Summons, the landlord may file a Motion for Default by Clerk/Default and proceed with obtaining a Final Judgment for Possession and obtain a Writ of Possession. These forms are included in this e-course.

The Clerk is authorized to enter a Default at the end of five days after service is obtained upon the tenant. Upon the default being entered by the Clerk, the Judge will then review the file and enter the [Final Judgment for Possession](#) and direct the Clerk to issue the Writ of Possession.

Furnish the Clerk with an original Final Judgment for Possession and a copy for each of the tenants and yourself. You must also furnish the Clerk with pre-addressed stamped envelopes to the tenant(s) and yourself for mailing the conformed copy of the Final Judgment. The Writ of Possession should be presented to the Clerk for issuance.

Step Four: Wrapping it up

After entry of the Judgment, the Clerk will issue a [Writ of Possession](#) to the Sheriff describing the premises and commanding him to put the landlord in possession after 24 hours' notice conspicuously posted on the premises. The Writ must be served by the Sheriff. The fee payable to the Sheriff (Manatee County) is \$70.00 by money order, check or cash. If cash, you must personally deliver the cash and the issued Writ to the Sheriff. The Clerk cannot accept cash payment for the Sheriff.

Please remember that RHOL and Court Clerks are prohibited from giving specific legal advice. If you have any doubts about your ability to file an Eviction on your own behalf, you should seek legal advice from an attorney.

The Clerk's office is usually open Monday - Friday from 8:30 am until 5:00 pm. Check your phone directory for the direct phone number to the County Civil Division.

The County Judge's phone number for setting any hearings is also listed in the phone directory Ask for the Judge assigned to your case.

<http://rhol.org/csu/evictions/Florida/FloridaSteps.htm>