

JODY PHILLIPS
CLERK OF THE CIRCUIT AND COUNTY COURTS
JACKSONVILLE, FLORIDA
www.duvalclerk.gov



PACKET FEE: \$7.00

RESIDENTIAL EVICTION PACKET
NON-PAYMENT OF RENT
POSSESSION & DAMAGES

Please contact the Clerk's Office at (904) 255-1979 or visit us online
at www.DuvalClerk.gov for additional information.

Revised 8/2024

COMPLAINT FOR EVICTION AND DAMAGES

*** Important Information ***

Notice: Information or forms provided by the Clerk of the Court should be considered as basic information only and may not be applicable to every situation. The information is not intended to be used as legal advice. Specific guidance concerning filing a lawsuit, answering a lawsuit or questions about your individual situation should be directed to a qualified attorney.

A tenant eviction is the legal procedure a landlord must follow to have a tenant removed from the landlord's property.

FILING FEES:

Tenant Eviction (Possession Only)	\$185.00
Tenant Eviction and Damages	\$185.00
Summons Issuance Fee	\$10.00 Per Summons

IN ADDITION TO THE FILING FEE AND SUMMONS ISSUANCE FEE, you must contact a private process server, or persons allowed to do service in the county where the service is to be done, to obtain their service fees.

- If service is outside of Duval County, you must contact the Sheriff of that county to obtain applicable service fees.

When should this packet be used?

- Residential Tenant Eviction and Damages is used to obtain possession of the property for non-payment of rent **and** back payment of rent (damages).
- The tenant did not pay the rent based on an oral or written lease agreement on a residential property.

Before a lawsuit is filed, you must deliver the Notice from Landlord to Tenant

– Termination for Failure to Pay Rent

Review the Filing Checklist prior to completing any forms.

Refer to chapters 45 through 57 and chapter 83 of the Florida Statutes for information regarding filing a tenant eviction case.

- Copies of these statutes are available at the Law Library located in the Duval County Courthouse, at your public library or online through the Florida Legislature website at <http://www.leg.state.fl.us/Statutes>.

Do Not Sign any documents that require a notary or deputy clerk signature until you are in front of the notary or deputy clerk.

Retain Copies of all forms filed for your records.

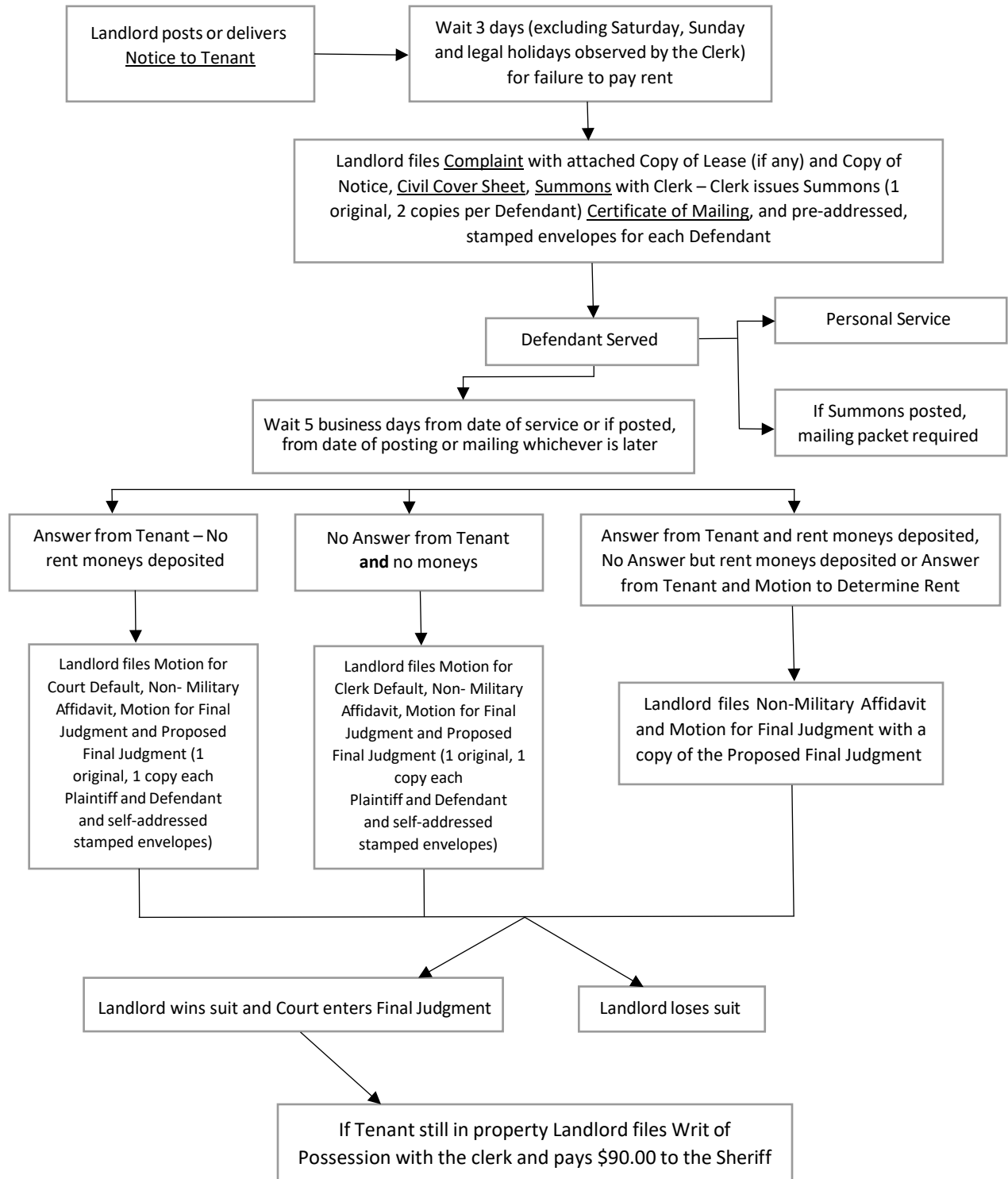
Documents Must Be Legible, type written or legibly handwritten in black or blue ink.

It Is Important that the names and addresses are the same on all documents.

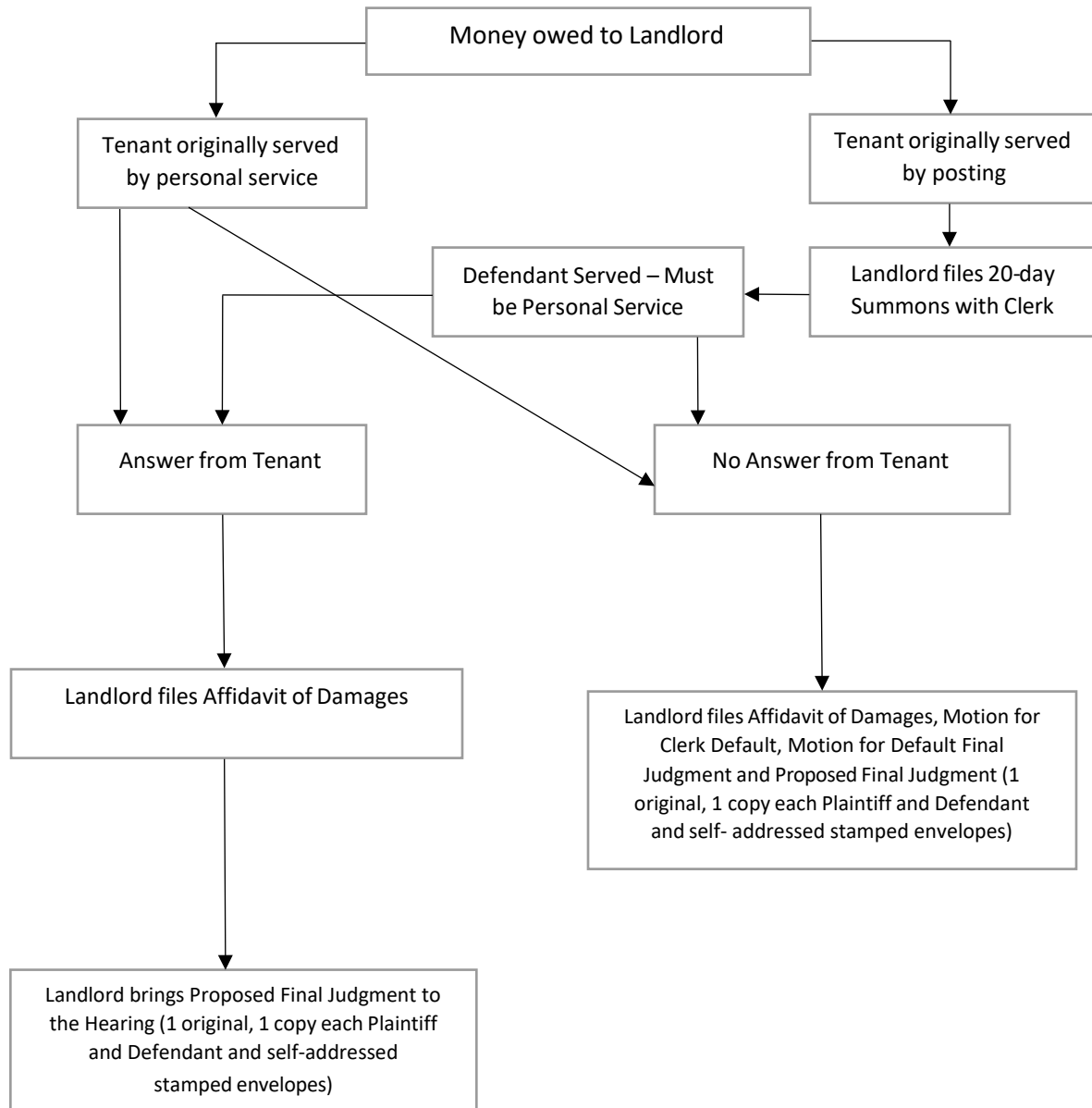
A Delay Can Occur because of any errors on your paperwork or if the proper fees are not submitted.

Do Not Accept Any Rent after initiating the eviction process or your case may be dismissed per Florida Statute 83.56(5).

DELINQUENT TENANT FLOWCHART – COUNT 1 POSSESSION ONLY



DELINQUENT TENANT FLOWCHART – COUNT 2 DAMAGES/MONEY



FILING CHECKLIST

RESIDENTIAL EVICTION FOR NON-PAYMENT OF RENT (POSSESSION AND DAMAGES)

STEP ONE – FILE CASE WITH CLERK

To file an Eviction case, you may file the following forms along with the filing fee and any service fees, if applicable, with the Clerk's office.

- _____ Complaint for Eviction with attached copy of the written lease agreement, if any, and Notice to Pay Rent
(1) Original and (3) copies for each Defendant to be served*
- _____ Civil Cover Sheet
- _____ Authorization of Property Manager – Only provide if you are a property manager filing a complaint on behalf of a landlord.
- _____ Summons on Claim for Possession of Residential Premises
(1) Original and (1) copy for each Defendant to be served along with pre-addressed stamped envelopes (4 stamps each)*
- _____ Certificate of Mailing
- _____ 20 Day Summons
(1) Original and (1) copy for each Defendant to be served

****If you anticipate posting, per Florida Statute 48.183, the landlord must provide an additional copy of the complaint, summons and a pre-addressed stamped envelope for mailing to each Defendant.***

STEP TWO – OBTAIN JUDGMENT

5 days (excluding weekends and legal holidays) after service on the Defendant(s) and the defendant(s):

DID NOT respond OR deposit money into the Registry of the Court, you may file the following forms:

- _____ Non-Military Affidavit
- _____ Motion for Clerk's Default – Residential Eviction
- _____ Motion for Default Final Judgment – Residential Eviction
- _____ Final Judgment – Residential Eviction – (1) Original and (1) copy for each Plaintiff and Defendant along with pre-addressed stamped envelopes for each party

OR

DID respond, but DID NOT deposit any money into the Registry of the Court, you may file the following forms:

- _____ Non-Military Affidavit
- _____ Motion for Court's Default – Residential Eviction
- _____ Motion for Default Final Judgment – Residential Eviction
- _____ Final Judgment – Residential Eviction – (1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelopes for each party.

OR

DID respond AND deposited money into the Registry of the Court OR DID respond AND filed a Motion to Determine Amount of Rent, you may file the following forms:

- _____ Final Judgment – Residential Eviction – (1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelopes for each party.

Note – In some cases the Judge assigned to your case may require that you submit a Non-Military Affidavit prior to signing the Final Judgment.

If the Judge grants your complaint, a Final Judgment will be signed.

STEP THREE – OBTAIN WRIT OF POSSESSION

If the Defendant(s) refuse to leave the property after the Final Judgment has been signed, you may file a Writ of Possession and have it issued by the Clerk, allowing the Sheriff's Office to remove them from the property.

- _____ Writ of Possession - (1) Original and (1) copy for the Sheriff's Office

Payment Options for Writ of Possession:

- \$7.00 Cash, credit card, cashier's check, or money order payable to the Duval County Clerk of Court
 - Submitted to the Clerk along with the Writ of Possession
 - \$90.00 payment for service of the Writ payable to the Jacksonville Sheriff's Office

STEP FOUR – OBTAIN JUDGMENT – DAMAGES – COUNT II

In accordance with Florida Statute 48.031, in order to obtain a judgment for damages (count II), a separate personal service must be made if the original summons was posted. If personal service is needed, you may submit the following to the clerk at ANY time after the original summons was posted.

- _____ 20 Day Summons
- (1)Original and (1) copy for each Defendant to be served

20 days after personal service on the Defendant(s) and the Defendants:

DID NOT respond OR deposit money into the Registry of the Court, you may file the following forms:

- _____ Affidavit of Damages
- _____ Motion for Clerk's Default – Damages
- _____ Motion for Default Final Judgment – Damages
- _____ Final Judgment – Damages – (1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelopes for each party

OR

DID respond to Count II – Damages AND/OR deposit money into the Registry of the Court, you may file the following forms:

- _____ Affidavit of Damages
- _____ Final Judgment – Damages – (1) original and (1) copy for each Plaintiff and Defendant along with pre-addressed stamped envelopes for each party

Additional Forms, if applicable

- _____ Motion and Order to Disburse Funds from Registry of the Court
This form should only be used if any funds were deposited into the Registry of the Court and you would like to have it disbursed to you
- _____ Disclosure from Nonlawyer
This form should only be used if a nonlawyer assists you in completing any forms. The nonlawyer must complete the Disclosure form and both of you are to sign it prior to the nonlawyer assisting you with any forms.
- _____ Notice of Voluntary Dismissal
If you decide not to proceed with your case prior to a judgment being entered, you should file a Notice of Voluntary Dismissal.
- _____ Notice from Landlord of Intent to Impose Claim on Security Deposit
Pursuant to F.S. 83.49(3)(a), you must return a tenant's security deposit to the tenant no more than 15 days after the tenant leaves the leased property. You may claim all or a portion of the security deposit only after giving the tenant written notice by certified mail to the tenant's last known mailing address of your intention to keep the deposit and the reason for keeping it. If the tenant does not object to the notice, you may keep

the amount stated in the notice and must send the rest of the deposit to the tenant within 30 days after the notice.

THIS DOES NOT CONSTITUTE LEGAL ADVICE. Civil court information and forms provided by the Duval County Clerk of Court should be considered informational only and may not be applicable in every situation. The information is not intended to be used as legal advice. Specific guidance as to how to proceed with filing or answering a lawsuit and questions about your particular situation should be directed to a qualified attorney.

STEP ONE

FILE CASE WITH CLERK

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

To:

Tenant's Name:

Address:

City, State, Zip:

From:

Date Delivered:

You are hereby notified that you are indebted to me in the sum of \$ _____ for the rent
(insert amount owed by tenant)

And use of the premises located at _____,
(insert address of premises including county)

Florida, now occupied by you and that I demand payment of the rent or possession of the delivery of this
notice to-wit: on or before the _____ day of _____, 20____.
(three days from the delivery of notice – excludes 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

Telephone

Hand Delivered on: _____

Posted on: _____

This form was completed with the assistance of

Name:

Address:

Telephone Number:

NOTICE FROM LANDLORD TO TENANT – TERMINATION FOR NONCOMPLIANCE OTHER
THAN FAILURE TO PAY RENT

To:

Tenant's Name:

Address:

City, State, Zip:

From:

Date Delivered:

You are hereby notified that you are not complying with your lease in that (insert noncompliance):

Demand is hereby made that you remedy the noncompliance within seven 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 months, your tenancy is subject to termination without your being given an opportunity to cure the noncompliance.

Signature

Name of Landlord/Property Manager (circle one)

Address (street address where Tenant can deliver rent)

City, State, Zip Code

Telephone

Hand Delivered on: _____

Posted on: _____

This form was completed with the assistance of

Name:

Address:

Telephone Number:

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 FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

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

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

☐ 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 General Practice and Judicial Administration 2.425.

Signature _____ Fla. Bar # _____
(Attorney or party) (Bar # if attorney)

(type or print name) Date

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

COMPLAINT FOR EVICTION AND DAMAGES

COUNT I – TO RECOVER POSSESSION

Plaintiff(s) _____ sues
Defendant(s) _____ and alleges:

1. This is an action to evict a tenant from real property in Duval, Florida.
2. Plaintiff owns the following described real property in the county:

3. Defendant has possession of the property under an ____ oral ____ written agreement to pay rent of \$ _____ payable ____ weekly ____ monthly ____ other .
A copy of the written agreement, if any, is attached as Exhibit "A".
4. Defendant failed to:
pay rent due _____.
non-compliance other than failure to pay rent.
5. Plaintiff served defendant with a notice on _____ 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 the defendant.

COUNT II – FOR DAMAGES

Plaintiff(s) sues Defendant(s) and states:

1. Plaintiff restates those allegations contained in paragraphs 1 through 5 above.
2. Defendant owes Plaintiff \$ _____ that is due with interest for
(insert past due rent amount)
the period of _____.
(insert dates of rental payments Tenant failed to make)

WHEREFORE, Plaintiff demands judgment for damages and costs against defendant(s).

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

This form was completed with the assistance of

Name:

Address:

Telephone Number:

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

AUTHORIZATION OF PROPERTY MANAGER

My name is _____, and I am the landlord for the property located at the following address:

My property manager's name is _____.

My property manager is responsible for the renting, maintenance, and collection of rent for the above-described residential property.

I hereby authorize my property manager to complete, sign, and file the pleadings necessary to evict a tenant for nonpayment of rent. I understand that the court file shall reflect that I am the plaintiff in the case. I also understand that my property manager cannot seek to recover past due rent on my behalf.

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.

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.

Landlord and Plaintiff

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

EVICTIION POSSESSION – COUNT I

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition in this action on:

Defendant(s): _____
Address: _____
City, State, Zip: _____

PLEASE READ CAREFULLY

You are being sued by the **PLAINTIFF** to require you to move out of the place where you are living for the reason(s) given in the attached Complaint.

You are entitled to a trial to decide whether you can be required to move, but you **MUST** do **ALL** of the things listed below within **FIVE (5) business 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 and is over the age of 15 or were posted at your home.

THE THINGS YOU MUST DO TO CHALLENGE THE EVICTION 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 or mailed to the **Duval County Clerk of Court** located at 501 West Adams Street, Room 1054, Jacksonville, Florida 32202, and include your signature, phone number, email address and case number.
2. Mail or take a copy of your written reason(s) to: Plaintiff or Plaintiff's Attorney whose name and address is:

3. You must pay the Clerk of Court the amount of rent that is due. You **MUST pay any rent that becomes due until the lawsuit is over**. Whether you win or lose the lawsuit, the judge may release this rent to the landlord. *If you are a resident of public housing, you are only required to deposit your portion of the rent into the Registry.
4. If you and the landlord do not agree on the amount of rent owed, you must file a written request (motion) that asks the judge to decide how much money you must pay to the Clerk of the Court. A copy of the motion must also be mailed, or hand delivered to the plaintiff(s) attorney or if the plaintiff(s) has no attorney, to the plaintiff.

Any payment into the Registry of the Court must be in the form of cash, cashier's check, or money order. **A Clerk's Registry Fee of 3% on the first \$500.00 deposited and 1.5% for each subsequent \$100.00 must be paid in addition to the monies deposited in the registry.** Scan this code to calculate the total you will need to bring when you pay into the Court Registry:



5. IF YOU DO NOT DO ALL OF THE THINGS SPECIFIED ABOVE WITHIN FIVE (5) WORKING DAYS AFTER THE DATE THAT THESE PAPERS WERE GIVEN TO YOU OR TO A PERSON WHO LIVES WITH YOU AND IS OVER THE AGE OF 15 OR WERE POSTED AT YOUR HOME, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

You may want to call a lawyer right away. If you do not know a lawyer, you can contact the Lawyer Referral Service on The Florida Bar's website. If you cannot afford a lawyer, you may be eligible for free legal aid. You can locate legal aid programs by searching for "legal aid" on The Florida Bar's website.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact:

The 4th Judicial Circuit ADA Coordinator
Phone Number: (904) 255-1695
Email Address: crtintrap@coj.net

Contact the ADA Coordinator at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; If you are hearing or voice impaired, call 711.

THE STATE OF FLORIDA:

To each Sheriff of the State: You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above-named Defendant(s).

DATE: _____

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

EVICTION DAMAGES SUMMONS – COUNT II

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition in this action on:

Defendant(s): _____

Address: _____

City, State, Zip: _____

Each defendant is further required to serve written defenses to the demand for back rent or any other damages alleged in the complaint on the above plaintiff within **20 days** after service of this summons on the defendant, exclusive of the day of service, and to file the original of the written defenses (response) with the Clerk of the Court either before service on plaintiff or thereafter. If you fail to do so, a default may be entered against the defendant for the relief demanded in that portion of the complaint.

THE STATE OF FLORIDA:

To each Sheriff of the State: You must also provide a copy of your written response by mail, email or hand delivery to the Plaintiff named below.

Plaintiff's name

Address

DATE: _____

JODY PHILLIPS

CLERK OF THE COURT

By: _____

Deputy Clerk

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

CERTIFICATE OF MAILING

I, JODY PHILLIPS, Clerk of the Circuit and County Courts, Duval County, Florida do hereby
certify that a copy of the summons and complaint in this cause has been mailed by first class
mail to the defendant(s)

_____ at _____

the address provided by the landlord, in accordance with Sections 48.183(2) Florida Statutes.

Witness my hand and seal at Duval County, Florida and dated this _____ day of
_____, 20_____.

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk

NOTICE OF INTENTION TO IMPOSE CLAIM ON SECURITY DEPOSIT

To:

Tenant's Name:

Address:

City, State, Zip:

From:

Date Delivered:

This is a notice of my intention to impose a claim for damages in the amount of \$_____ upon your
(insert amount of damages)

Deposit due to _____
(insert damage done to premises or other reason for claiming security deposit)

This notice is sent to you as required by 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to the deduction from your security deposit within 15 days from the time you receive this notice, or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to:

(Insert Landlord's address)

Signature

Name of Landlord/Property Manager (circle one)

Address (street address where Tenant can deliver rent)

City, State, Zip Code

Telephone

This form was completed with the assistance of

Name:

Address:

Telephone Number:

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

ANSWER – RESIDENTIAL EVICTION

1. The defendant answers the complaint as follows (Check ONLY 1, a. or b.)
 - a. _____ Defendant generally denies each statement of the complaint.
 - b. _____ Defendant admits that all the statements of the complaint are true EXCEPT:
 - (i) _____ The following statement(s) in paragraph(s) _____ of the complaint is/are false. Please explain: _____

 - (ii) _____ I do not know whether the information in paragraph(s) _____ of the complaint is/are true or false, so I am denying them.
2. If you write down any defense other than payment of rent, then you must take one of the following steps:
 - a. If you agree with the landlord about rent owed, then you must pay rent owed into the court registry when you file this response.
 - b. If you disagree with the landlord about the rent owed for any reason, then you must check box 3(b) below and describe with detail why you disagree.
 - c. You MUST pay the Clerk of Court the rent each time it becomes due until the lawsuit is over.

If you fail to follow these instructions, then you will lose your defenses. You will not have a hearing in your case and you may be evicted without a court date.

3. The defendant sets forth the following defenses to the complaint:)Check ONLY the defenses that apply, and state brief facts t support each checked defense.)

- a. _____ The landlord did not make repairs, and I withheld my rent after sending written notice to the landlord. (Attach a copy of the written notice to the landlord.) Please explain: _____

- b. _____ I do not owe the total amount of rent or ongoing amount of rent the landlord claims I owe. I am also asking this court to determine the amount of rent that must be deposited into the court registry and requesting a hearing. (**Motion to Determine Rent.**) Please explain: _____

- c. _____ I attempted / offered to pay all the rent due before the notice to pay rent expired, but the landlord did not accept the rent payment. Please explain: _____

- d. _____ I paid the rent demanded by the landlord un the notice to pay rent. Please explain: _____

- e. _____ The landlord waived, changed, or canceled the notice that required me to move out of the residence. Please explain: _____

- f. _____ The landlord filed the eviction in retaliation against me. For example, the tenant has complaint to a governmental agency charged with responsibility for enforcement of building, housing, or health codes of a suspected violation, or tenant has complained directly to the landlord. Please explain: _____

- g. _____ The landlord filed the eviction in violation of the Federal Fair Housing Act and/or the Florida Fair Housing Act. Please explain: _____

- h. _____ The landlord accepted rent from m after sending me the notice to terminate, Please explain: _____

- i. _____ I already corrected the violations claimed by the landlord on the notice to terminate. Please explain: _____

- j. _____ The landlord is not the owner of the property where I live. Please explain: _____

- k. _____ I did not receive the notice to terminate or the notice was legally incorrect. Please explain: _____

- l. _____ Other defenses. Please explain: _____

4. You have a constitutional right to request a trial by a jury of your peers instead of a judge. However, there are some things you should know about this right:

- a. You may have waived this right in your lease, so review it carefully before requesting a jury trial.
- b. If you want a jury trial, you should request it in writing when you file your answer or you may waive your right to a jury trial.
- c. Jury trials are not simple to conduct. You will bear some responsibility in the process and, if you are unprepared, it may be difficult to represent yourself in a jury trial. Additionally, once you request a jury trial, if you change your mind and you want the judge to decide your case, the landlord will need to agree.
- d. If you have questions about whether to request a jury trial, you should speak with an attorney.

5. Select whether you want to request a jury trial: (Check only one.)

_____ I want a judge to decide my case.

_____ I want a jury to decide my case.

All of the statements made above are true and correct to the best of my knowledge and belief.

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Telephone: _____

E-mail Address: _____

Note: Each defendant named in the complaint for who this answer is filed must sign this answer unless the defendant's attorney signs.

STEP TWO

OBTAIN JUDGMENT

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

NON-MILITARY AFFIDAVIT

I, _____, being first duly sworn, states under penalty of perjury:

1. That I know of my own personal knowledge that the respondent is not on active duty in the armed forces of the United States.
2. That I have inquired of the armed forces 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 that the respondent is not now in the armed forces.

Date: _____

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

Acknowledged before me on _____, by _____ who is personally known to me _____ or produced _____ as identification, and who _____ did / _____ did not take an oath.

NOTARY PUBLIC-STATE OF FLORIDA

Name: _____

Commission No.: _____

Commission Expires: _____

I CERTIFY that I have mailed, or hand delivered, a copy of this affidavit to Attorney for opposing part/Pro se party at the name and address and phone number below:

Name: _____

Address: _____

Phone: _____

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

MOTION FOR CLERK'S DEFAULT – POSSESSION (COUNT I)

Plaintiff asks the clerk to enter a Default against _____,
Defendant, for failing to respond as required by law to Plaintiff's complaint for residential
eviction.

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

DEFAULT – POSSESSION (COUNT I)

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

Date: _____

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk

(Insert name of Landlord)

(Insert name of Tenant)

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

MOTION FOR COURT DEFAULT – POSSESSION (COUNT I)

Plaintiff moves for entry of a Default by the Court because the Defendant,
_____, failed to place the rent money into the
Registry of the Court as required by law.

Signature of Landlord/Plaintiff

DEFAULT – POSSESSION (COUNT I)

A Default is entered in this action against the Defendant, _____,
Named in foregoing Motion for failure to deposit the rent money into the Registry of the Court
as required by law.

DONE AND ORDERED in Duval County, Florida this _____ day of _____, _____.

County Judge

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

MOTION FOR FINAL JUDGMENT – POSSESSION (COUNT I)

Plaintiff asks the court to enter a Final Judgment against _____,
Defendant, for residential eviction and says:

1. Plaintiff filed a complaint alleging grounds for residential eviction of Defendant.
2. A Default was entered by the Clerk of this Court on _____ (if applicable)

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for Residential Eviction
against Defendant.

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

CC:

(Insert name and address of defendant)

This form was completed with the assistance of:

Name:

Address:

Telephone Number:

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

FINAL JUDGMENT – POSSESSION (COUNT 1)

THIS ACTION came before the Court upon Plaintiff's Complaint for eviction. On the evidence presented it is ADJUDGED that the Plaintiff, _____, recover from Defendant, _____, possession of the real property described as follows: _____

_____ and \$ _____ as court costs, for which let Writs of Possession and Execution now issue.

ORDERED in Jacksonville, Duval County, Florida on _____.

County Judge

cc:
Plaintiff's Name and address

Defendant's Name and address

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

MOTION FOR/TO

The _____ Plaintiff _____ Defendant (check one) moves for entry of an order by the Court
Granting the following relief (explain what you want the Court to do):

The grounds or reason for this motion are (explain):

Certificate of Service

I certify that a copy has been furnished to _____ (name of other
party) at _____ (address or email)
by email / mail / hand delivery (circle one) on _____ (date).

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

STEP THREE

OBTAIN WRIT OF POSSESSION

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

WRIT OF POSSESSION

IN THE NAME OF THE STATE OF FLORIDA, TO THE SHERIFF OF SAID COUNTY –
WHEREAS, judgment was rendered on the ____ day of _____, 20____ that
_____ recover of and from _____
possession of _____

You are hereby commanded to post a copy of the writ of notice, conspicuously, on said premises
and after 24 hours remove all persons from said premises and to put
_____ in full possession thereof.

Given under my hand and seal of the County Court, this ____ day of _____, 20____.

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

MOTION TO DISBURSE FUNDS FROM REGISTRY OF THE COURT

Plaintiff(s) asks the Court to direct the Clerk to disburse all the funds being held in the Registry of the Court.

Date: _____

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

ORDER TO DISBURSE FUNDS FROM REGISTRY OF THE COURT

The Court having reviewed the file and pleadings therein and being otherwise fully advised in the premises, it is therefore

ORDERED AND ADJUDGED that the Clerk of the Court is hereby directed to disburse all the funds held in the Registry of the Court to the Plaintiff.

DONE AND ORDERED in Duval County, Florida on the ____ day of _____, 20____.

cc:

Plaintiff's Name and address

Defendant's Name and address

County Judge

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff(s), _____, in the above styled cause hereby submit this
Notice of Voluntary Dismissal as the cause has been settled between the parties.

I certify that a copy of this document was [check **one** only] _____ mailed _____ faxed
_____ emailed _____ hand-delivered to the person(s) listed below on the _____ day of
_____, 20____.

Defendant(s): _____

Address: _____

City, State, Zip: _____

Date: _____

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

STEP FOUR

DAMAGES

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

AFFIDAVIT OF DAMAGES

STATE OF FLORIDA
COUNTY OF DUVAL

BEFORE ME, the undersigned authority, personally appeared _____
who being first duly sworn, says:

1. I am ____ the Plaintiff or ____ the Plaintiff's agent (check appropriate response) in this case and am authorized to make this affidavit.
2. This affidavit is based on my own personal knowledge.
3. Defendant has possession of the property which is the subject of this eviction under an agreement to pay rent of \$ _____ per _____ (week, month, or other payment period).
4. Defendant has not paid the rent due since _____ (date of payment tenant has failed to make).
5. Defendant owes Plaintiff \$ _____ (past due rent amount) as alleged in the Complaint plus interest.
6. Defendant owes Plaintiff \$ _____ (amount of other damages) as alleged in the Complaint plus interest.

Date: _____

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

Acknowledged before me on _____, by _____ who is personally known to me _____ or produced _____ as identification, and who _____ did / _____ did not take an oath.

NOTARY PUBLIC-STATE OF FLORIDA

Name: _____

Commission No.: _____

Commission Expires: _____

I CERTIFY that I have mailed, or hand delivered, a copy of this affidavit to Attorney for opposing part/Pro se party at the name and address and phone number below:

Name: _____

Address: _____

Phone: _____

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

EVICTIION POSSESSION – COUNT II

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition in this action on:

Defendant(s): _____
Address: _____
City, State, Zip: _____

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a response to the attached Complaint stating any defenses why you do not owe the damages and/or agree or disagree with the statements in the Complaint in this Court. A phone call will not protect you. Your written legal defense (response), including the above case number and named parties, must be filed within 20 calendar days if you want the Court to hear your case. If you do not file your response on time, you may lose the case and your wages, money, and property may thereafter be taken without further notice from the Court.

You must also provide a copy of your written response by mail, email or hand delivery to the Plaintiff named below.

Plaintiff's name

Address

DATE: _____

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

MOTION FOR CLERK'S DEFAULT – DAMAGES (COUNT II)

Plaintiff asks the clerk to enter a Default against _____,
Defendant, for failing to respond as required by law to Plaintiff's complaint for damages.

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

DEFAULT – DAMAGES (COUNT II)

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

Date: _____

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk

(Insert name of Landlord)

(Insert name of Tenant)

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

MOTION FOR COURT DEFAULT – DAMAGES (COUNT II)

Plaintiff moves for entry of a default by the Court because the Defendant,
_____, failed to place the rent money into the
Registry of the Court as required by law.

Signature of Landlord/Plaintiff

DEFAULT – DAMAGES (COUNT II)

A default is entered in this action against the Defendant, _____,
named in foregoing Motion for failure to deposit the rent money into the Registry of the Court as
required by law.

DONE AND ORDERED in Duval County, Florida on the ____ day of _____, 20____.

County Judge

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

MOTION FOR FINAL JUDGMENT – DAMAGES (COUNT II)

Plaintiff asks the court to enter a Final Judgment against _____,
Defendant, for damages and says:

1. Plaintiff filed a Complaint for Damages against the Defendant.
2. A Default was entered by the Clerk of this Court on _____ (if applicable).
3. In support of this Motion, Plaintiff submits the attached Affidavit of Damages.

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment against Defendant.

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

I CERTIFY that I have mailed, or hand delivered, a copy of this affidavit to Attorney for opposing
part/Pro se party at the name and address and phone number below:

Name: _____

Address: _____

Phone: _____

This form was completed with the assistance of:

Name:

Address:

Telephone Number:

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

FINAL JUDGMENT – DAMAGES (COUNT II)

THIS ACTION came before the Court upon Plaintiff's Complaint for Damages. On the evidence presented it is ADJUDGED that the Plaintiff, _____, recover from Defendant, _____, the sum of \$ _____ with costs in the sum of \$ _____, making a total of \$ _____, that shall bear interest at the rate of _____ % a year for which let execution now issue.

ORDERED in Jacksonville, Duval County, Florida on _____.

County Judge

cc:

Plaintiff's Name and address

Defendant's Name and address

