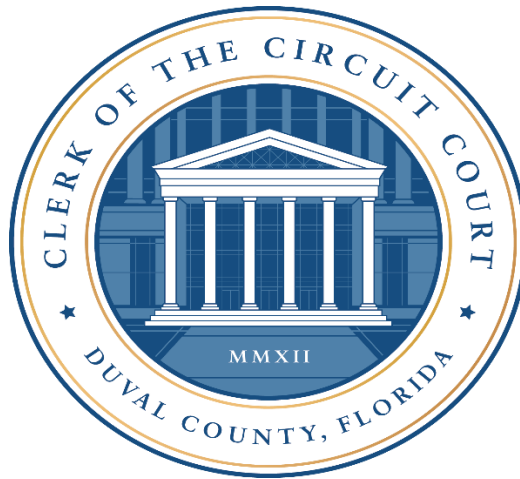


**JODY PHILLIPS**  
**CLERK OF THE CIRCUIT AND COUNTY COURTS**  
**JACKSONVILLE, FLORIDA**

[www.duvalclerk.gov](http://www.duvalclerk.gov)



**PACKET FEE: \$5.25**

**RESIDENTIAL EVICTION PACKET**  
**NON-PAYMENT OF RENT**  
**POSSESSION ONLY**

Please contact the Clerk's Office at (904) 255-1979 or visit us online

at [www.DuvalClerk.gov](http://www.DuvalClerk.gov) for additional information.

Revised 8/2024

# COMPLAINT FOR EVICTION

## \*\*\* 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 under \$2,500.00	\$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 (Possession Only) is used to obtain possession of the property for non-payment of rent.
- 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.

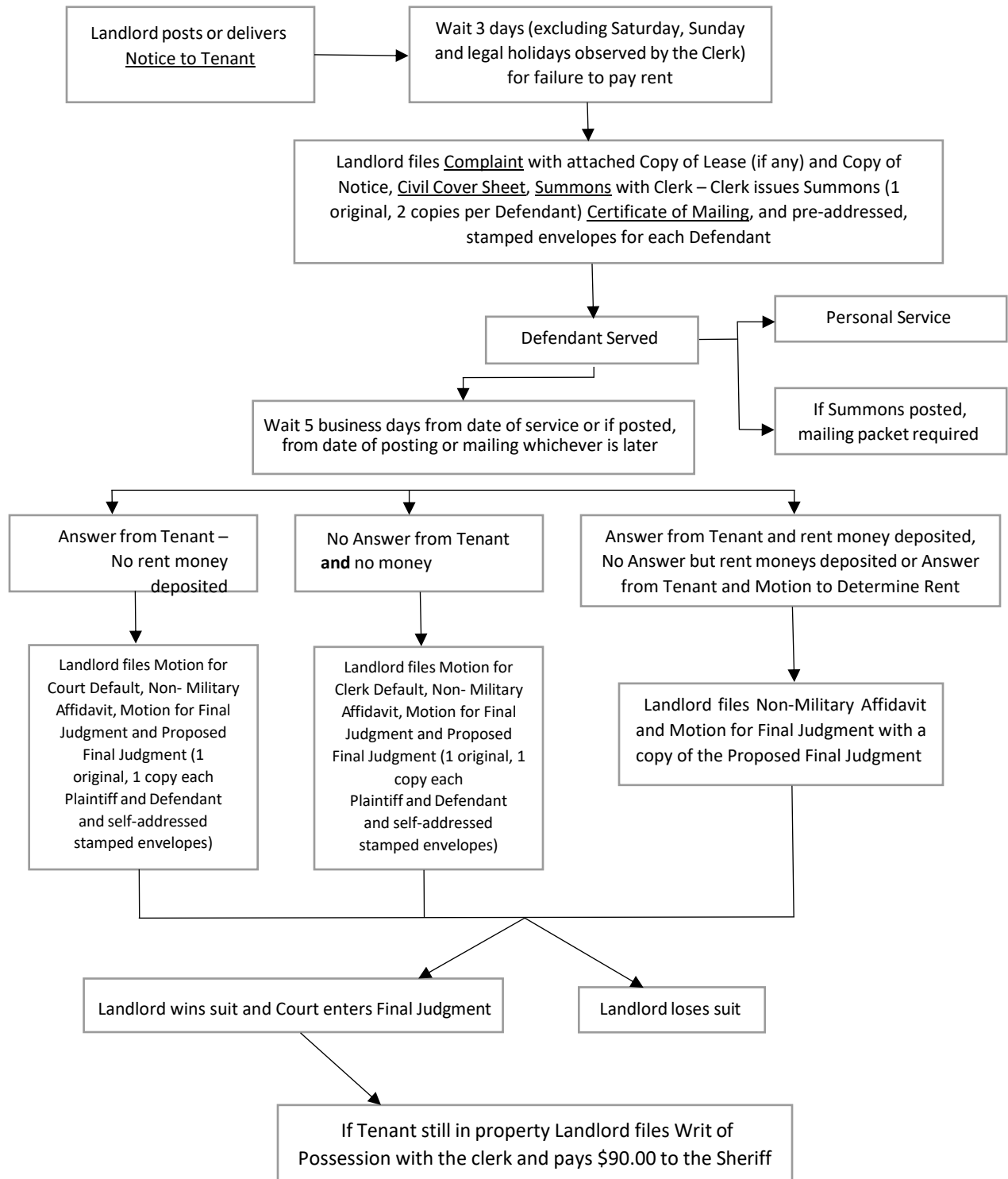
**Documents Must Be Legible**, type written or legibly handwritten in black or blue ink.

**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



# FILING CHECKLIST

## RESIDENTIAL EVICTION FOR NON-PAYMENT OF RENT (POSSESSION ONLY)

### **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 (2) 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

***\*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

### **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):

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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)

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**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.

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**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)

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(type or print name)

Date

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

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

Plaintiff(s) \_\_\_\_\_

Vs.

\_\_\_\_\_

Defendant(s)

**COMPLAINT FOR EVICTION**

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.

\_\_\_\_\_  
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 SUMMONS– 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 in paragraphs 1-3 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 he 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 your 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 SPECIFICED 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 4<sup>th</sup> Judicial Circuit ADA Coordinator**  
**Phone Number: (904) 255-1695**  
**Email Address: [crtintrap@coj.net](mailto: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.**

TO 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)

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)

Vs.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

**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:

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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:

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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: \_\_\_\_\_

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

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

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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:

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

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

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

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

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

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- l. \_\_\_\_\_ Other defenses. Please explain:

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**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)

Vs.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

**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 on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
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.

CC:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Insert name and address of defendant)

\_\_\_\_\_  
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)

**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