

INSTRUCTIONS FOR FILING EVICTION COMPLAINT

Complete and Post the Notice to Tenant provided in the appropriate packet for Eviction (keep a copy for yourself). After the applicable number of days have passed and the Tenant has not vacated the premises, return all completed forms in the packet to the Civil Department at the Nassau County Clerk's Office.

You will also need the following:

- Filing fee of \$185.00
- Summons Issue fee of \$10.00 per summons, per defendant
- A separate check made out to the Nassau County Sheriff's Office for \$40.00 per defendant to be served
- One (1) addressed envelope per defendant with two (2) stamps on the envelope
- One (1) copy of each document (not including instructions) in the packet

The Clerk's Office will prepare the summons, attach the copies and forward the packet to the Sheriff's Office with the appropriate fee or the Plaintiff may take the packet to the sheriff's office and pay the fee. The Sheriff's Office will serve the defendant(s) (all adults in the house must be served).

The defendant(s) have five (5) working days (not to include weekends or holidays) to respond, file an answer and place the money owed in the Court Registry.

Please contact this office in person or by phone at 904-548-4606 if the eviction has or has not been resolved. If an agreement has not been reached, we will continue on to the next steps.

Contact the Civil Department at 904-548-4606 if you have any question regarding completing these forms.

Eviction/Non-Compliance 7 Day with Rental Agreement Checklist

FORM 2/2A	NOTICE FROM LANDLORD TO TENANT NOTICE OF NON-COMPLIANCE FOR MATTERS OTHER THAN FAILURE TO PAY RENT
FORM 6	COMPLAINT FOR LANDLORD TO EVICT TENANTS
FORM 76 FORM 78	MOTION FOR CLERK'S DEFAULT-RESIDENTIAL EVICTION MOTION FOR DEFAULT FINAL JUDGMENT RESIDENTIAL EVICTION
FORM 81	NONMILITARY AFFIDAVIT

FORM # 2 AND 2A
NOTICE FROM LANDLORD TO TENANT NOTICE OF NONCOMPLIANCE
FOR MATTERS OTHER THAN FAILURE TO PAY RENT
INSTRUCTIONS

Where there is a rental agreement, a 7 day notice of non-compliance may be given to tenants who have failed to comply with the provisions of the agreement. Tenants will either be given notice with an opportunity to cure or notice with no opportunity to cure, depending on the situation:

1. Notice With Opportunity to Cure F.S. 83.56(2)(b)

Situations such as unauthorized pets, guests or vehicles; parking in an unauthorized manner or permitting such parking; or failing to keep premises clean and sanitary would require the Notice With an Opportunity to Cure. The Notice must list each adult occupying the premises along with the correct address of the premises. All reasons for non-compliance MUST be listed and the tenant is given 7 days from the date of the written notice to remedy the non-compliance or the agreement will be terminated. If the agreement is terminated, then the tenant(s) must vacate the premises.

2. Notice With No Opportunity to Cure F.S. 83.56(2)(a)

Situations such as destruction, damage, or misuse of the landlord's or other tenants' property by an intentional act or if the non-compliance is a subsequent or continuing non-compliance within 12 months of a written warning by the landlord of a similar violation would require the Notice With No Opportunity to Cure. This Notice must list each adult occupying the premises along with the correct address of the premises. All reasons for non-compliance MUST be listed and the tenant is given 7 days from the delivery of the written notice to vacate the premises.

The delivery of either Notice may be by mailing or delivering a true copy to the dwelling unit, or, if the Tenant is absent from the dwelling unit, by leaving a copy of the notice at the dwelling unit.

This written notice must be delivered, and the 7 day time period must run prior to any termination of the rental agreement or any lawsuit for eviction.

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

**NOTICE FROM LANDLORD TO TENANT – NOTICE OF
NONCOMPLIANCE FOR MATTERS OTHER THAN FAILURE TO PAY RENT
WITH NO OPPORTUNITY TO CURE**

TO:	
	TENANT'S NAME
	ADDRESS
	CITY, STATE, ZIP CODE
FROM:	
DATE:	

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

You are hereby advised that your lease is terminated effective immediately. You have seven (7) days from the delivery of this letter to vacate the premises. This action is taken because of the non-compliance listed above.

Landlord/Agent's Signature

Landlord/Agent's Name

Landlord/Agent's address

City, State, Zip

Phone Number

Served this _____ day of _____, 20__

By: _____ Personal delivery
 _____ Posting a copy at residence in absence of tenant

**NOTICE FROM LANDLORD TO TENANT- NOTICE OF
NONCOMPLIANCE FOR MATTERS OTHER THAN FAILURE TO PAY RENT
WITH OPPORTUNITY TO CURE**

TO:	
	TENANT'S NAME
	ADDRESS
	CITY, STATE, ZIP CODE
FROM:	
DATE:	

You are hereby notified that you are not complying with your rental agreement in that _____ [insert noncompliance, default or violation]. Demand is hereby made that you remedy the noncompliance, default or violation within seven days of receipt of this notice or your rental agreement 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, default or violation.

Landlord's Name _____
Address, Unit Number _____

Phone Number _____

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

This form was completed with the assistance of:
Name: _____
Address: _____

Telephone Number: _____

FORM 6

COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR FAILURE TO COMPLY WITH RENTAL AGREEMENT (OTHER THAN FAILURE TO PAY RENT)

INSTRUCTIONS

Form 6 should be used for evictions of Tenants if the Tenant's default is something other than failure to pay rent. If damages are sought a separate count, as set forth in the form 6A is necessary.

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IN THE COUNTY COURT, IN AND FOR
NASSAU COUNTY, FLORIDA

[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 Nassau 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. A copy of the written agreement, if any, is attached as Exhibit "A."
4. Plaintiff served Defendant with a notice on _____, 20__ [insert
date of notice] giving written notice to the Defendant that the Defendant was in violation of its rental agreement. A copy of the notice, setting forth the violation of the rental agreement, is attached as Exhibit "B".
5. Defendant has failed to correct or discontinue the conduct set forth in the above-mentioned notice.

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

Landlord's Name _____

Address _____

Phone Number _____

FORM 76/78

MOTION FOR CLERK'S DEFAULT – RESIDENTIAL EVICTION MOTION FOR DEFAULT 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 INFORMATION 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
NASSAU COUNTY, FLORIDA

[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
damages.

Name: _____

Address: _____

Telephone No. _____

DEFAULT – RESIDENTIAL EVICTION

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

DATE: _____

John A. Crawford
CLERK OF THE COURT

By: _____
Deputy Clerk

Cc: _____
[insert name of Landlord]

[insert name and address of Tenant]

IN THE COUNTY COURT, IN AND FOR
NASSAU COUNTY, FLORIDA

[insert name of Landlord]

Plaintiff,

CASE NO. _____

[insert case number assigned
by Clerk of the Court]

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 81

NON MILITARY 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.

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IN THE COUNTY COURT, IN AND FOR
NASSAU COUNTY, FLORIDA

[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 services or any governmental agency or branch subject to the provision of
the Soldiers' 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].

Deputy Clerk