

## 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.

**EVICTIION PLUS RECOVER PAST RENT CHECKLIST**

FORM 1	NOTICE FROM LANDLORD TO TENANT-TERMINATION FOR FAILURE TO PAY RENT
FORM 5A	COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR FAILURE TO PAY RENT AND TO RECOVER PAST DUE RENT
FORM 81	NONMILITARY AFFIDAVIT
Form 76 FORM 78	MOTION FOR CLERK'S DEFAULT – RESIDENTIAL EVICTION MOTION FOR DEFAULT FINAL JUDGMENT – RESIDENTIAL EVICTION
FORM 77	MOTION FOR CLERK'S DEFAULT-DAMAGES (RESIDENTIAL EVICTION)
FORM 79	MOTION FOR CLERK'S DEFAULT FINAL JUDGMENT - DAMAGES – RESIDENTIAL EVICTION
FORM 80	AFFIDAVIT OF DAMAGES

**FORM 1**

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

**INSTRUCTIONS**

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

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

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

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

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

Hand Delivered On \_\_\_\_\_

Posted On \_\_\_\_\_

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

The Florida Bar 2010

This form was completed  
with the assistance of:

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

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

Telephone Number: \_\_\_\_\_

## **FORM 5A**

### **COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR FAILURE TO PAY RENT AND TO RECOVER PAST DUE RENT**

#### **INSTRUCTIONS**

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

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

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

\_\_\_\_\_  
[insert name of Landlord] Plaintiff, [insert case number assigned by Clerk of the Court]

Vs.

**COMPLAINT FOR EVICTION  
AND DAMAGES**

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

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

**COUNT 1  
Tenant Eviction**

1. This is an action to evict the Tenant from real property in \_\_\_\_\_  
[insert county in which the property is located] County, Florida.
2. Plaintiff owns the following described real property in the County:  
\_\_\_\_\_ [insert legal or  
street description of property including, if applicable, unit number].
3. Defendant has possession of the real property under a (oral/written) agreement to pay rent of  
\$ \_\_\_\_\_ [insert rental amount] payable \_\_\_\_\_ [insert terms of rental  
payment, i.e., weekly, monthly, etc.]. A copy of the written agreement, if any, is attached as Exhibit  
"A".
4. Defendant failed to pay the rent due \_\_\_\_\_, 20\_\_ [insert date of payment Tenant has  
failed to make].
5. Plaintiff served Defendant with a notice on \_\_\_\_\_, 20\_\_ [insert date of notice], to pay the  
rent or deliver possession but Defendant refuses to do either. A copy of the notice is attached as  
Exhibit "B".

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

**COUNT II  
Damages**

6. This is an action for damages that do not exceed \$15,000.
7. Plaintiff restates those allegations contained in paragraphs 1 through 5 above.
8. Defendant owes Plaintiff \$ \_\_\_\_\_ that is due with interest [insert past due rent amount]  
since \_\_\_\_\_, 20\_\_ [insert date of last rental payment Tenant failed to make].
9. Defendant owes damages in the amount of \$ \_\_\_\_\_.

WHEREFORE, Plaintiff demands judgment for damages against Defendant.

\_\_\_\_\_  
Landlord's Name \_\_\_\_\_  
Address, Unit Number \_\_\_\_\_  
\_\_\_\_\_  
Phone Number \_\_\_\_\_

## 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.

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

IN THE COUNTY COURT, IN AND FOR  
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].

## FORM 76/78

### MOTION FOR CLERK'S DEFAULT – RESIDENTIAL EVICTION MOTION FOR DEFAULT FINAL JUDGMENT – RESIDENTIAL EVICTION

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

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

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

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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 77/79/80

MOTION FOR CLERK'S DEFAULT – DAMAGES  
(RESIDENTIAL EVICTION)  
MOTION FOR CLERK'S DEFAULT DAMAGES – RESIDENTIAL EVICTION  
AFFIDAVIT OF DAMAGES

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]

Plaintiff,

vs.

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

[insert case number assigned  
by Clerk of the Court]

**MOTION FOR CLERK'S DEFAULT –  
DAMAGES (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.

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

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

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

**DEFAULT – DAMAGES**

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 CLERK'S DEFAULT FINAL  
JUDGMENT – DAMAGES 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 for damages against the Defendant.
2. Defendant has failed to timely file an answer and a Default has been entered by the Clerk of this Court on \_\_\_\_\_ [date].
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.

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

\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

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

\_\_\_\_\_  
[insert name of landlord]  
Plaintiff

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

Vs.

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

**AFFIDAVIT OF DAMAGES**

STATE OF FLORIDA  
COUNTY OF NASSAU

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_  
[name] who being first duly sworn, states as follows:

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 \$ \_\_\_\_\_ [rental amount] 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.

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

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].