

# **EVICTION PACKET COVER**

# **SHEET**

## ***FAILURE TO COMPLY WITH LEASE AGREEMENT***

This packet contains the information and forms for filing an Eviction case for FAILURE TO COMPLY WITH LEASE AGREEMENT. Eviction Packets may be purchased at the Clerk's Office if needed for \$2.25.

Information on evictions may be obtained from Chapter 83 of the Florida Statutes, located at [www.leg.state.fl.us](http://www.leg.state.fl.us)

There are various types of causes of action to remove someone from your premises and it can be difficult and confusing. Information or forms provided by the Clerk of Circuit 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 as to how to proceed with filing a lawsuit or answering a lawsuit and questions about your particular situation should be directed to a qualified attorney. If you do not know an attorney, you may call the Lawyer Referral Service at 1-800-342-8011. If you do not have the money to hire an attorney, you may apply to Community Legal Services by calling 1-800-405-1417.

## **Eviction Checklist**

### **I. TO FILE A COMPLAINT FOR EVICTION FOR NON PAYMENT OF RENT: (RESIDENTIAL)**

#### **Required Forms:**

- **For One Tenant:**
  - 1 Original plus 2 copies of Complaint
  - Statement of Responsibility
  - Designation of Email Form
  - Consent to Case Closure after 90 Days of Inactivity
  - 3 copies of 3-day Notice (once it has been served and the allotted time has passed)
  - 3 copies of written agreement (lease) plus other documents. if any
  - Owner's Authorization for Property Manager (if needed)
  - 1 envelope w/ adequate postage (min. 2 stamps) addressed to each tenant individually
  - Civil Cover Sheet
  
- **For Two Tenants:**
  - 1 Original plus 4 copies of Complaint
  - Statement of Responsibility
  - Designation of Email Form
  - Consent to Case Closure After 90 Days of Inactivity
  - 5 copies of 3-day Notice (once it has been served and the allotted time has passed)
  - 5 copies of written agreement (lease) plus other documents. if any
  - Owner's Authorization for Property Manager (if needed)
  - 2 envelopes w/ adequate postage (min. 2 stamps) addressed to each tenant individually
  - Civil Cover Sheet

#### **Required Fee's payable to "Clerk of Court":**

- SEE FILING FEE CHART

#### **Required Sheriffs Fee's payable to "FCSO":**

- \$40 per defendant (must be a money order or real estate check)

#### **More than two Tenants: You will need:**

- 2 additional copies of each of the above required documents per tenant.
- 1 additional envelope w adequate postage (min. 2 stamps) addressed to each additional tenant

Eviction cases can be filed electronically via Florida Eportal filing System at [www.myflcourtaccess.com](http://www.myflcourtaccess.com), in person or via regular mail: 1769 E. Moody Blvd, Building #1, Bunnell, FL, 32110

## II. **TO OBTAIN A JUDGMENT FOR POSSESSION:**

\*PLEASE NOTE: If no response is filed by tenant, a NON MILITARY AFFIDAVIT is required

- When the 5 business days after service has passed, the Landlord may Motion the Court in writing requesting a Final Judgment and Writ of Possession. However, if a Hearing and/or Mediation has been scheduled, please be aware that the Judge may not take any action on your motion until after the Mediation/Hearing
- Once the Final Judgement has been entered by the Judge, you may return to the Clerk's office to have the Writ of Possession prepared by the clerk

Required Fee's payable to "Clerk of Court":

- \$7 for clerk to prepare Writ

Required Sheriffs Fees payable to "FCSO":

- \$90 Money Order, Cashier's Check, Or Cash in the **EXACT** amount

## **TO OBTAIN A JUDGMENT DAMAGES COUNT II:**

\*PLEASE NOTE: Only the Landlord or an Attorney filing an Eviction can request Count II. Also, the defendant must be personally served for the Landlord to be entitled to a Judgment regarding COUNT II.

- When the 20 days after service has passed, the Landlord may Motion the Court in writing requesting a Final Judgment for the money damages regarding Count II.
- It is at the Judge's discretion whether a hearing will be set and or a Judgment will be entered

***Important: As of January 2, 2023 - F.S. 48.184(2) A summons must be issued in the name of "Unknown Party in Possession" when the name of an occupant of real property is not known to the plaintiff and the property occupied by the unknown party is identified in the complaint and summons. A separate summons must be issued for each unknown occupant.***

**\*\*Please Note:** The County Civil Department cannot give legal advice to you or interpret the law for you. Information on evictions may be obtained from Chapter 83 of the Florida Statutes, located at [www.leg.state.fl.us](http://www.leg.state.fl.us)

## **SCHEDULE OF FEES**

All Filing Fees and Sheriff's Office service fees are due at the time of filing your suit.

Filing Fees are made payable to: **Clerk of Court** and may be paid for by Personal Check, Money Order, Cashier's Check, Cash, and Credit Card

### **CLERK OF COURT FILING FEES**

EVICTON - POSSESSION ONLY:	\$185.00
EVICTON WITH DAMAGES UP TO \$2,500.00:	\$185.00
EVICTON WITH DAMAGES \$2,500.01 to \$15,000.00:	\$300.00
EVICTON WITH DAMAGES \$15,000.01 TO \$30,000.00	\$400.00
SUMMONS ISSUANCE FEE PER DEFENDANT:	\$10.00
SUMMONS PREPARATION FEE	\$7.00
CLERK'S CETIFICATE OF MAILING (Prep fee)	\$7.00
OATH FEE (if needed)	\$3.50

### **SHERIFF'S OFFICE SERVICE FEES**

SERVICE OF SUMMONS PER DEFENDANT:	\$40.00
WRIT OF POSSESSION:	\$90.00

IN THE COUNTY COURT  
SEVENTH JUDICIAL CIRCUIT  
IN AND FOR FLAGLER COUNTY, FLORIDA

**SEVEN (7) DAY NOTICE**

Date: \_\_\_\_\_

Tenant's name and address:

\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_,

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Demand is hereby made that you remedy the non compliance within seven (7) 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 (12) months, your tenancy is subject to termination without you being given an opportunity to cure the non compliance.

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

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

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

PROOF OF SERVICE:

I, the undersigned, being at least eighteen years of age, declare under penalty of perjury that I served the within notice to pay rent or quit tenancy, of which this is a true copy, on the above named tenant in the manner indicated below on \_\_\_\_\_.  
(date)

\_\_\_\_\_ I personally delivered a copy of the notice to tenant.

\_\_\_\_\_ I mailed a true copy of the notice to tenant by certified mail.

\_\_\_\_\_ I posted on the premises \_\_\_\_\_ location posted (where)  
on the above-described property on \_\_\_\_\_ at \_\_\_\_\_ am/pm  
(date) (time)

By: \_\_\_\_\_  
Owner/Agent

IN THE COUNTY COURT  
SEVENTH JUDICIAL CIRCUIT  
IN AND FOR FLAGLER COUNTY, FLORIDA

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

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

vs

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

**STATEMENT OF RESPONSIBILITY**

(Landlord - Tenant Action)

Before filing this case I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court under the Landlord and Tenant Law of Florida, Chapter 83 Florida Statutes and as set forth in Chapter 51. That the conduct of this case will be in accordance with the rules of procedure and laws of Florida, which apply to this case.
2. The naming of proper parties is an important element of the case and the responsibility for naming the proper plaintiff(s) and defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named plaintiff(s) realizing that if the plaintiff is a corporation that such plaintiff may be required to be represented by an attorney.
5. I do not expect the Clerk who receives and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. I am solely responsible for the collection of any judgment entered in my favor.
7. I am responsible for identifying any confidential information in my pleadings under Florida Rules of Judicial Administration 2.240 and 2.425 and acknowledge it is my responsibility to file a NOTICE OF CONFIDENTIALITY form or MOTION if needed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

IN THE COUNTY COURT  
SEVENTH JUDICIAL CIRCUIT  
IN AND FOR FLAGLER COUNTY, FLORIDA  
Case No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) {insert name & address of Landlord}  
vs

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant(s) {insert name & address of Tenant}

**COMPLAINT FOR EVICTION**  
**FOR FAILURE TO COMPLY WITH**  
**LEASE (OTHER THAN FAILURE TO PAY RENT)**

Plaintiff sues defendant and alleges:

1. This is an action to evict a Tenant from real property in Flagler County, Florida. This is not a mobile home in a park. This is not commercial property.
2. Plaintiff owns the following described real property, in the County:  
\_\_\_\_\_  
[insert Street description of property].
3. Defendant has possession of the property under an/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 \_\_\_\_\_ [insert date of notice], giving written notice to the Defendant that the Defendant was in violation of the 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 in the above-mentioned notice.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Landlord/Property Manager (circle one)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number

IN THE CIRCUIT COURT, 7<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
FLAGLER COUNTY, FLORIDA

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

\_\_\_\_\_  
Plaintiff/Petitioner,

v.

\_\_\_\_\_  
Defendant/Respondent,

**DESIGNATION OF E-MAIL ADDRESS BY A PARTY NOT REPRESENTED BY AN ATTORNEY**

Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(C), I \_\_\_\_\_,  
designate the e-mail address(es) below for electronic service of all documents related to this case.

By completing this form, I am authorizing the court, clerk of court, and all parties to send copies of notices, orders, judgments, motions, pleadings, or other written communications to me by e-mail or through the Florida Courts E-filing Portal.

I understand that I must keep the clerk's office and the opposing party or parties notified of my current e-mail address(es) and that all copies of notices, orders, judgments, motions, pleadings, or other written communications in this case will be served at the e-mail address(es) on record at the clerk's office.

Designated E-mail Address: \_\_\_\_\_

Secondary Designated E-mail Address(es) (if any): \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that a copy of hereof had been furnished to the clerk of court for Flagler County and  
(Name and Address(es) of parties used for service)

by ☐ e-mail, ☐ mail on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_

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

E-Mail Address: \_\_\_\_\_

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

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



IN THE CIRCUIT & COUNTY COURTS OF THE SEVENTH JUDICIAL CIRCUIT, IN AND  
FOR FLAGLER COUNTY, FLORIDA

CASE NUMBER: \_\_\_\_\_

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/ Petitioner

V.

\_\_\_\_\_  
Defendant/Respondent

**CONSENT TO CASE CLOSURE AFTER 90 DAYS OF INACTIVITY**

*Eviction – Possession Only*

I, \_\_\_\_\_ (Plaintiff/Landlord) hereby consent without further notice, to the dismissal and closure of this case file after 90 days of inactivity have elapsed.

I hereby certify that a true and correct copy of this Consent will be furnished by U.S. mail or included with the initial service of process to the above named respondent(s).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Landlord

**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 Seventh Judicial Circuit in and for FLAGLER COUNTY, FLORIDA**

\_\_\_\_\_  
Plaintiff

Case #: \_\_\_\_\_

vs.

Judge: \_\_\_\_\_

\_\_\_\_\_  
Defendant

**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

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 Judicial Administration 2.425.

Signature: \_\_\_\_\_  
(Attorney or party)

Fla. Bar #: \_\_\_\_\_  
(Bar # if attorney)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(Date)

# INFORMATION AND INSTRUCTIONS FOR FILING AN

## AFFIDAVIT OF NON-MILITARY SERVICE

An Affidavit of Non-Military Service is a sworn statement stating that to the best of your knowledge, you know that the defendant(s) are not currently in the military service. Without the Non-Military Affidavit, the Judge will not accept the default. **You may not enter a default against a person in the military service.**

If you do not know if the individual(s) in the lawsuit are in the Military Service, you may contact the Department of Defense Manpower Data Center at [www.defenselink.mil/faq/pis/PC09SLDR.html](http://www.defenselink.mil/faq/pis/PC09SLDR.html) and request the information from the United States Department of Defense.

After obtaining the information from the United States Department of Defense, attach your response to the Non-Military Affidavit and file with the Clerk of Court.

IN THE CIRCUIT & COUNTY COURTS OF THE SEVENTH JUDICIAL CIRCUIT, IN AND  
FOR FLAGLER COUNTY, FLORIDA

CASE NUMBER \_\_\_\_\_

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/ Petitioner

V.

\_\_\_\_\_  
Defendant/Respondent

**NON-MILITARY AFFIDAVIT**

I, \_\_\_\_\_ being sworn, certify that the following information is true:  
[✓all that apply)

\_\_\_ 1. I know of my own personal knowledge that Defendant(s) is not on active duty in the armed services of the United States.

Or

\_\_\_ 2. I have inquired of the armed services 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 stating that the Defendant(s) is not now in the armed services.

**I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff(s)

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

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

City, State, Zip: \_\_\_\_\_

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

STATE OF FLORIDA

COUNTY OF FLAGLER

SWORN to or subscribed and signed before me this \_\_\_ day of \_\_\_ 20\_\_\_.

\_\_\_\_\_  
Deputy Clerk or Notary Public State of Florida

Type of Identification Produced: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

IN THE COUNTY COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR FLAGLER COUNTY, FLORIDA

\_\_\_\_\_  
Plaintiff,

Case #: \_\_\_\_\_

VS.

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

**OWNER'S AUTHORIZATION FOR PROPERTY MANAGER TO PROSECUTE EVICTION ACTION**

1. \_\_\_\_\_ authorizes *[print or type name of owner - individual, corporation, other legal entity]* \_\_\_\_\_, property manager *[print or type name of individual signing complaint for eviction]* pursuant to the permission granted in The Florida Bar re: Advisory Opinion-Non Lawyer Preparation of the and Representation of Landlord in Uncontested Residential Evictions, 605 So.2d 868 (Fla. 1992), clarified 627 So.2d 485 (Fla. 1993), and authorized by FS 83.59, to prosecute this residential eviction proceeding in my name and on my behalf.
2. I affirmatively represent that the person named is responsible for the day-to- day management of the residential rental property that is the subject of this action.
3. I represent further that the person named is also responsible for renting and maintaining the property and collecting the rent.
4. I understand this authorization does not allow the property manager to be named as the plaintiff in any action for eviction for non-payment of rent and that the property manager may represent my interest only to the extent that possession of the property is the only remedy sought and the matter remains uncontested.
5. I understand further that pursuant to the rules promulgated by the Florida Supreme Court the property manager cannot represent me for actions for past rent, late fees, security deposits or for any other relief other than possession of the property.
6. I understand that the named property manager may represent me only so long as the eviction action is uncontested, i.e., until a hearing is set.
7. **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.**
8. 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.

☐ If owner is an individual or partnership:

☐ If owner is a corporation:

\_\_\_\_\_  
[Individual Owner or General Partner]

\_\_\_\_\_  
[Officer of Corporation, Title]