

FILING CHECKLIST

RESIDENTIAL EVICTION FOR NON-PAYMENT OF RENT 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 and Damages [**Form #5a**] with attached copy of the written lease agreement and/or Notice to Pay Rent [**Form #1**], if any
(1) Original filed with the Clerk and (1) copy for each Defendant to be served*
- Civil Cover Sheet [**Form #1.997**]
- Authorization of Property Manager [**Form #COCIV 87**]
Only provide if you are a property manager filing a complaint on behalf of a landlord
- Summons on Claim for Possession of Residential Premises and/or Ancillary Relief [**Form #7**]
Must include Spanish and French translations (pg. 2 of Form #7)
(1) Original and (1) copy for each Defendant to be served.*
(1) Service fee for each Defendant

** 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 - Count I

5 days (excluding weekends & legal holidays) after service on the Defendant(s), if the Defendant(s):

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

- Nonmilitary Affidavit [**Form #81**]
Must be submitted per Local Rule 5(D) in order to obtain a Clerk's Default
- Motion for Clerk's Default - Residential Eviction (Count I) [**Form #76**]
- Motion for Default Final Judgment - Residential Eviction (Count I) [**Form #78**]
- Final Judgment - Residential Eviction (Count I) [**Form #66**]
(1) Original and (1) copy for each Plaintiff and Defendant(s) along with a pre-addressed stamped envelope for each party

OR

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

- Nonmilitary Affidavit [**Form #81**]
- Motion for Court's Default - Residential Eviction (Count I) [**Form #COCIV 78**]
- Motion for Default Final Judgment - Residential Eviction (Count I) [**Form #78**]
- Final Judgment - Residential Eviction (Count I) [**Form #66**]

(1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelope 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:

- Nonmilitary Affidavit [Form #81]
- Motion/Order to Set Cause for Non-Jury Trial – Final Judgment (Count I) [Form #10]
(1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelope for each party
- Final Judgment - Residential Eviction (Count I) [Form #66]
Bring the Final Judgment and (1) copy for each Plaintiff and Defendant to the hearing and (1) pre-addressed stamped envelope for each party

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 Department to remove them from the property.

- Writ of Possession [Form #11]
Submit along with a check or money order for \$90.00 payable to the Pinellas County Sheriff's Office (no out of state checks)

Step Four **Obtain Judgment – Damages (Count II)**

*In order to obtain a judgment for damages (count II), separate personal service must be made in accordance with Florida Statute 48.031, **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 [Form #8]
Must include Spanish and French translations (pg. 2 of Form #8)
(1) Original and (1) copy for each Defendant to be served.
(1) Service fee for each Defendant

20 days after personal service (per Florida Statute 48.031) on the Defendant(s), if the Defendant(s):

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

- Affidavit of Damages [Form #80]
- Motion for Clerk's Default - Damages [Form #77]
- Motion for Default Final Judgment - Damages [Form #79]
- Final Judgment - Damages [Form #9]

(1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelope 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 [**Form #80**]
- Motion/Order to Set Cause for Non-Jury Trial – Final Judgment [**Form #16**]
(1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelope for each party
- Final Judgment - Damages [**Form #9**]
(1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelope for each party

Additional Forms

- Motion and Order to Disburse Funds from Registry of the Court [**Form #13**]
If any funds were deposited into the Registry of the Court and you would like to have it disbursed to you, you may file this form.
- Disclosure from Nonlawyer, if applicable [**Form #14**]
This form is for your records and should only be used if a nonlawyer assists you in completing any forms. The nonlawyer must complete this form and both of you are to sign it before the nonlawyer assists you with any forms.
- Notice of Voluntary Dismissal [**Form #15**]
This form is to be completed and filed with the Clerk when you decide not to proceed with your case prior to a judgment being entered. For example, use this form if the tenant moves out and it is no longer necessary to obtain an Eviction Judgment.
- Notice from Landlord of Intent to Impose Claim on Security Deposit [**Form #12**]
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 then keep the amount stated in the notice and must send the rest of the deposit to the tenant within 30 days after the date of the notice.

AFTER DAMAGES JUDGMENT:

After the Court enters this judgment you should obtain a certified copy of the judgment from the Clerk of the Court and record the certified copy in the public records in any county in which the Tenant owns real property. The Clerk of the Small Claims Court can probably provide you with information concerning the collection of the amounts owed you.

A judgment for money (if properly recorded) is a lien upon the real or personal property of the person against whom the judgment is entered for a period of ten years. The lien may then be extended for an additional period of ten years by re-recording a certified copy of the judgment prior to the expiration of the lien, and by simultaneously recording an affidavit with the current address of the person who has a lien as a result of the judgment. The lien may not be extended beyond twenty years from the date of entry of the judgment, or beyond the point the lien is satisfied, whichever occurs first.

SOURCE: Sections 55.081 and 55.10, Florida Statutes (2007)