

## EVICTION PACKET & INFORMATION

**STEP #1 – Landlord’s Initial Notice.** Before an eviction claim can be filed with the Clerk of Courts Office, the landlord must give the tenant an initial notice. Depending on the circumstances, the notice is generally a 3, 5, 7 or 15 day notice. This notice is hand delivered, posted on the door or other obvious location at the rental unit. Before you post the notice, make yourself a duplicate of the signed copy. In order to proceed with Step 2, you will need to have a copy of the notice and a copy of your rental agreement (if applicable).

**STEP 2 – Filing Eviction Complaint.** If the tenant remains in the unit after the above initial notice has been given (and the required days have expired), the Landlord should take a copy of the initial notice into the Clerk of Courts Office and file a Complaint for Eviction and pay the Clerk’s required filing fees (**\$185 Complaint and \$10 per summons**), and **sheriff’s service fees (\$40 per person)**. The Clerk will then issue a five (5) day summons, which will be served on the tenant. The tenant will then have five working days to vacate, or tenant may choose to contest the eviction by filing a written response and a request for a hearing. **Tenants desiring to have a hearing and who are delinquent in rent must also place their past due rent into the court registry, and place future month’s rent in the court registry until the judge has resolved the case.** Notes: The five days allotted to answer excludes the day of service, weekends and legal holidays. If the Judge grants a hearing, a Notice of Hearing will be mailed to all parties.

If Tenant’s fails to file a response/answer (and post past due rent paid into court registry, if applicable) within the five (5) day periods, the landlord may return to the Clerk of Courts Office and file a Motion for Default in an effort to obtain a Writ of Possession.

Once the Clerk enters the default, the case will be forwarded to the judge for review.

### **STEP 3 – Writ of Possession.**

The Judge will then review the file and either set the case for a hearing, or issue a Judgment for Eviction. If a hearing is scheduled, all proceedings will come to a halt until the judge hears and rules on the case.

If NO hearing is scheduled and a judgment is entered, it will normally direct the Clerk to issue a Writ of Possession. The Clerk will issue the Writ of Possession upon the judge’s direction, which must then be forwarded to the Sheriff’s Office along with landlord’s additional payment to the **Sheriff of \$90**, and **\$7 to the Clerk of Courts**. The Writ of Possession will give tenants 24 hours to vacate. If necessary, tenant will be forcefully removed from the premises by the Sheriff. The owner of the property will then be put in possession of the property.

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Landlord & Tenant - Eviction matters are governed by the laws of the State of Florida; Florida Statutes Chapter 83, and by the Florida Rules of Civil Procedure.

Additional Information may be obtained at: [www.columbiaclerk.com](http://www.columbiaclerk.com), Florida Statutes Chap. 83, and Florida Rules of Civil Procedure.

THE FOREGOING INFORMATION IS INTENDED FOR GENERAL INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**STEP 1**  
INITIAL NOTICES REQUIRED by LANDLORD

**PAST DUE RENT**  
  
**3 DAY NOTICE**  
To VACATE.  
  
Excludes  
WkEnds,  
Holidays, and  
Day of Service

**PAST DUE LOT RENT**  
  
**5 DAY NOTICE**  
To VACATE  
  
Excludes WkEnds,  
Holidays, and Day of  
Service

**NON-COMPLIANCE**  
  
**7 DAY NOTICE**  
To VACATE  
  
Excludes Day of Service  
and Holidays

**TERMINATION OF  
TENANCY**  
  
**15 DAY NOTICE**  
To VACATE  
  
Excludes Day of Service  
and Holidays

**STEP 2**  
LANDLORD FILES COMPLAINT FOR EVICTION with COURTS.  
A 5 Day Summons is issued by the Clerk's Office, and service to  
tenant by the Sheriff's Office. Tenant has 5 days to answer.

**IF TENANT ANSWERS In 5 Days,**  
and posts past due rent (if applicable),  
the judge will review the file and  
"may" schedule a hearing to consider  
the case further.  
NOTE: If hearing is scheduled, any  
rent that becomes due before hearing  
must be posted with the Clerk's Office  
until case is disposed of.

**OR**

**IF TENANT DOES NOT ANSWER**  
**in 5 Days,** Landlord will file with  
the Clerk's Office a Motion for  
Default, and Motion for  
Judgment in Eviction.

**STEP 3**  
**Judge's Order**

**RULING FOR TENANT**

**OR**

**RULING LANDLORD**  
24 HR WRIT OF POSSESSION IS  
GENERALLY ISSUED AND  
SERVED/POSTED GIVING  
ORDERING TENANT TO VACATE  
WITHIN 24 HRS.

**FOR MORE INFORMATION VISIT:**  
[www.columbiaclerk.com](http://www.columbiaclerk.com)  
Florida Statutes Chapter 83

**NOTICE FROM LANDLORD TO TENANT-TERMINATION**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Tenant  
(tenant's name & address)

**BEHIND IN RENT / 3 DAY NOTICE**

**FLORIDA STATUTE 83.56**

"If the tenant fails to pay rent when due and the default continues for 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. Legal holidays for the purpose of this section shall be court-observed holidays only. The 3-day notice shall contain a statement in substantially the following form:"

YOU ARE HEREBY NOTIFIED THAT YOU ARE INDEBTED TO ME IN  
THE SUM OF \_\_\_\_\_ DOLLARS FOR THE RENT AND USE OF THE  
PREMISES \_\_\_\_\_, FLORIDA, NOW  
(address of leased or rented premises, including county)  
OCCUPIED BY YOU AND THAT I DEMAND PAYMENT OF THE RENT OR  
POSSESSION OF THE PREMISES WITHIN 3 DAYS (excluding Saturday,  
Sunday, and legal holidays) FROM THE DATE OF DELIVERY OF THIS  
NOTICE, TO WIT: ON OR BEFORE THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

LANDLORD'S NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

**THIS NOTICE DELIVERED ON \_\_\_\_\_.**

LANDLORD MUST GIVE COPY TO TENANT AND KEEP ONE FOR  
THEMSELVES. A COPY OF THE NOTICE (AND RENTAL AGREEMENT)  
MUST BE PRESENTED TO CLERK AT TIME EVICTION IS FILED.

IN THE COUNTY COURT, THIRD JUDICIAL CIRCUIT, IN AND FOR  
COLUMBIA COUNTY, FLORIDA

COMPLAINT FOR EVICTION

CASE# \_\_\_\_\_

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

vs.

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

PLAINTIFF SUES DEFENDANT AND ALLEGES:

- 1.) This is an action to evict a tenant from real property in Columbia County, Florida.
- 2.) Plaintiff owns the following property in Columbia County:

\_\_\_\_\_  
(Description of rental property, apartment, house, Mobile Home, Mobile Home & Lot)

\_\_\_\_\_  
(Address of rental property)

- 3.) Defendant has possession of the property under a (oral/written) agreement to pay \$ \_\_\_\_\_ payable monthly.  
(rent amount)

(A copy of the written agreement, if any, is attached as exhibit "A".)

- 4.) Plaintiff served Defendant with a notice on \_\_\_\_\_  
Giving written notice that the Defendant was in violation of his rental agreement. (A copy of said notice, setting forth the violations of the rental agreement, is attached hereto as Exhibit "B".)
- 5.) Date Defendant failed to pay rent due \_\_\_\_\_
- 6.) 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.

Total Rent Due: \_\_\_\_\_

Landlord/Manager: \_\_\_\_\_

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

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

**In the County Court, Third Judicial Circuit  
In and for Columbia County, Florida**

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

\_\_\_\_\_,  
Plaintiff,  
Vs.

\_\_\_\_\_,  
Defendant.

**Motion for Default -  
Damages (Residential Eviction)**

Plaintiff asks the Clerk to enter a Default against the above-named Defendant(s) for failing to respond as required by law to Plaintiff's Complaint for Damages. In particular, Defendant failed to:

- \_\_\_\_\_ File a written response with the Clerk of Courts
- \_\_\_\_\_ Pay rent into the registry of the court or request the Court Determine amount of rent due

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff

**Default -- Damages**

A Default is entered in this action against the Defendant(s), \_\_\_\_\_

\_\_\_\_\_ for failure to respond as required by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**P. DeWitt Cason  
Columbia County Clerk of Courts**

\_\_\_\_\_, D.C.

IN THE COUNTY COURT, THIRD JUDICIAL CIRCUIT, IN AND FOR  
COLUMBIA COUNTY, FLORIDA.

CASE # \_\_\_\_\_ -CC

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

VS.

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

## MOTION FOR JUDGMENT IN EVICTION

PLAINTIFF ASKS THE COURT TO ENTER A DEFAULT FINAL  
JUDGMENT AGAINST THE DEFENDANT(S) \_\_\_\_\_  
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 COURT ON  
\_\_\_\_\_, 20\_\_.

WHEREFORE, PLAINTIFF ASKS THIS COURT TO ENTER A FINAL  
JUDGMENT FOR RESIDENTIAL EVICTION AGAINST DEFENDANT FOR  
PAST DUE RENT AND COURT COSTS INCURRED IN THIS CASE.

\_\_\_\_\_  
PLAINTIFF

IN THE COUNTY COURT, THIRD  
JUDICIAL CIRCUIT, IN AND FOR  
COLUMBIA COUNTY, FLORIDA

CASE # \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ PLAINTIFF

VS.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ DEFENDANT

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NOTICE OF DISMISSAL

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THIS CAUSE IS DISMISSED ( WITH / WITHOUT ) PREDJUDICE,  
AT PLAINTIFF'S COST.

THIS CASE WAS DISMISSED BY \_\_\_\_\_.

THE REASON BEING: \_\_\_\_\_

\_\_\_\_\_.

DATED AT LAKE CITY, COLUMBIA COUNTY, FLORIDA

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

BY: \_\_\_\_\_  
PLAINTIFF