

**HELP FILE #1
RESIDENTIAL EVICTIONS**

NOTICE:

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

1. **Before a lawsuit is filed**, you must give a written notice to the tenant to vacate because of:

(a) NON-PAYMENT OF RENT - Keep a copy of notice to bring to the Clerk when filing.

1. Notice must state that the tenant has three (3) working days to pay rent or vacate the premises listed. The three (3) working days exclude Saturday, Sunday and observed legal holidays. (Please see [Florida Statutes 683.01](#) or the [list of legal holidays](#).) Do not count the day the notice was given and allow three (3) complete working days to elapse before filing the lawsuit.
2. Notice must state amount of rent owed and the date the notice was given to the tenant.
3. Notice must state the name and address of both the Landlord and the Tenant. A copy of this notice (*form* [COCV 1121](#)) is included in the packet purchased or may be down loaded from the web site.

(b) ANY REASON OTHER THAN NON-PAYMENT OF RENT - Keep a copy of notice to bring to the Clerk when filing.

1. Seven (7) days notice for **non-compliance** of lease or rental agreement must be given to the tenant. See Florida Statutes [83.56](#) and [83.57](#) for assistance.
2. Fifteen (15) days notice prior to the end of any monthly period, when the **tenancy is month to month without specific duration**. Seven (7) days prior to the end of any weekly period, when the **tenancy is week to week and without specific duration**. See Florida Statutes [83.56](#) and [83.57](#) for assistance.
These types of Notices are not provided by the Clerk's Office.

2. When you **file** the lawsuit, you need the following documents:

- (a) Original complaint (*form* [COCV 1102](#) or *form* [COCV 1242](#)) and two copies for each tenant.
- (b) One copy of the notice for the file.
- (c) Two copies of the notice for each tenant named in the case.
- (d) A copy of the lease for the file and two copies for each tenant named in the lawsuit.
- (e) Original Evictions Summons (*form* [COCV 1100](#)) and two copies for each tenant named in the lawsuit.
- (f) One legal size or larger envelope addressed with the correct postage to each named tenant. If a copy of the lease is included, more postage may be needed. If you do not provide the postage paid envelopes, the copy of the summons may not be mailed until the next working day and you will be charged for postage.
- (g) You should keep a copy of all the documents filed for your records.
- (h) A fee of \$1.00 per page will be charged for any copies made by the clerk.

3. The summons must be served by either the Sheriff or a Certified Process Server. After the Summons is served to the tenant, the tenant has five (5) working days to file a response regarding the possession of the premises. **(Do not count the day of service, Saturdays, Sundays or observed legal holidays.)** After 5 working days have elapsed, the paperwork to complete the lawsuit may be filed.

ALL COMPLETED FORMS ARE FILED WITH THE CLERKS OFFICE, COUNTY CIVIL DIVISION.