

## 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.

Eviction for Failure to Vacate No Rental Agreement Checklist ( 7 or 15 day Notice)
--

FORM 2B	NOTICE FROM LANDLORD TO TENANT TERMINATION OF TENANCY
FORM 6B	COMPLAINT FOR LANDLORD TO EVICT TENANT(S) FOR FAILURE TO VACATE PREMISES AFTER TERMINATION OF TENANCY
FORM 76 FORM 78	MOTION FOR CLERK'S DEFAULT-RESIDENTIAL EVICTION MOTION FOR DEFAULT FINAL JUDGMENT RESIDENTIAL EVICTION
FORM 81	NONMILITARY AFFIDAVIT

FORM # 2B  
NOTICE FROM LANDLORD TO TENANT-TERMINATION OF TENANCY  
(7 DAY OR 15 DAY)

INSTRUCTIONS

When a landlord wishes to terminate a monthly rental or evict a person(s) with no rental agreement (oral agreement) or rent paid, this notice would be used. The landlord is not required to give a specific reason when this notice is served. Tenants must be given at least a 15 day notice (before rent is due, if applicable).

If the rental agreement is week to week, a 7 day notice must be used. Again the landlord is not required to give a specific reason when this notice is served.

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

**NOTICE FROM LANDLORD TO TENANT  
TERMINATION OF TENANCY  
(7 DAY OR 15 DAY)**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YOU ARE HERBY NOTIFIED TO QUIT AND VACATE THE PREMISES DESCRIBED AS:**

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

On or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
This notice is given under and by authority of Section 83.57 Florida Statutes. The tenancy under which you have been occupying and using the said described premises as of the date shown above.

DATED at \_\_\_\_\_, Florida, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
**OWNER/AGENT (Signature)**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Telephone**

This NOTICE Served on the tenant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ AM/PM (circle one).

By:       Personal delivery  
          Posting a copy at resident in absence of tenant

## FORM 6B

### COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR FAILURE TO VACATE PREMISES AFTER TERMINATION OF TENANCY

#### INSTRUCTIONS

Form 6B should be used for eviction of Tenants if the Tenant refuses to vacate the property after receiving proper notice of termination of tenancy.

FORM NOTES ARE FOR INFORMATION 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]

Plaintiff,

vs.

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

[insert case number assigned  
by Clerk of the Court]

**COMPLAINT FOR EVICTION**

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

Defendant.

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

1. This is an action to evict a Tenant from real property in Nassau County, Florida.
2. Plaintiff owns the following described real property in the County: \_\_\_\_\_  
\_\_\_\_\_ [insert legal or  
street description of the property including, if applicable, unit number].
3. Defendant has possession of the property under 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 \_\_\_\_\_, 20\_\_ [insert date of notice] giving written notice to the Defendant to vacate the premises. A copy of the notice is attached as Exhibit "B".
5. Defendant has failed to vacate the premises.

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

\_\_\_\_\_  
Landlord's Name \_\_\_\_\_

Address \_\_\_\_\_

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

Approved for use under rule 10.2.1(a) of  
The Rules Regulating the Florida Bar

This form was completed  
with the assistance of:

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

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

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

## 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.

**FORM NOTES ARE FOR INFORMATION 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]

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

\_\_\_\_\_

Plaintiff,

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

[insert case number assigned  
by Clerk of the Court]

vs.

**MOTION FOR DEFAULT FINAL-  
JUDGMENT - RESIDENTIAL EVICTION**

\_\_\_\_\_

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 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].