

EVICTION INFORMATION FOR PRO SE LITIGANTS

Other than specifically indicated in these procedures, the Clerk's Office cannot help you or provide assistance in preparation or selection of any forms. Any further advice or assistance must come from private counsel. The Clerk's Office **CANNOT** recommend an attorney for you. If you do not have private counsel, you may contact the Florida Bar's Lawyer Referral Service, which offers limited consultations for a minimal fee, at 1-800-342-8011. Additionally, you may be eligible for services from the Community Legal Services of Mid-Florida, Inc., and may contact them for more information at 1-866-469-7444.

Approved forms are available on the Clerk of Court's website at www.brevardclerk.us > Forms > Eviction.

To check the progress of a case throughout the eviction process, please use BECA on the Clerk of Court's website at www.brevardclerk.us > Public Records Search > Case Search > BECA.

GENERAL INFORMATION

1. These instructions apply to residential eviction for nonpayment of rent only.
2. All landlord's should read and become familiar with Chapter 83, Florida Statutes (F.S.), and Chapter 55, F.S.
3. When filing your complaint, please ensure that you provide the appropriate number of copies for each document as indicated within these instructions. The deputy clerk will charge you a fee for each copy you require to complete your package if the copies are not submitted with your complaint. If you fail to advise the deputy clerk that you do not have the appropriate number of copies needed for mailing prior to the deputy clerk time-stamping and filing your document, the fee will be \$1.00 per page. The fee is \$.15 per page for documents that have not yet been filed with the Clerk's Office and \$1.00 per page for documents that have been filed with the Clerk's Office.
4. When filing your complaint, please ensure that you provide the appropriate number of pre-addressed, pre-stamped business size envelopes as indicated within these instructions. The envelope should reflect the landlord's return address. The landlord will be responsible for insufficient postage or re-execution of returned mail. The Clerk's Office has envelopes and stamps for sale. The Clerk's Office will not refuse to accept any filing presented to them and will not review pleadings to determine whether the document is sufficiently prepared according to law. These determinations are made by the court.

FILING THE COMPLAINT

1. Prior to filing a Complaint for Eviction, the landlord must serve the proper notice on the defendant as required by Florida Statutes.
2. You must provide the following items to the deputy clerk at the time you file a Complaint for Eviction:

- a. The \$185.00 filing fee payable in cash, check, cashier's check, money order, or credit card payable to the Brevard County Clerk of Court.
- b. A \$10.00 summons issuance fee for each summons. If the Complaint lists multiple defendants, a summons issuance fee will be required for each defendant. A husband and wife are considered two defendants if two separate summonses are requested by the landlord.
- c. Service may be perfected either by the Sheriff's Office or by a Certified Process Server.
 - i. There is a \$40.00 Sheriff's service fee per summons to be served. If the Complaint lists multiple defendants, a service fee will be required for each defendant. The Sheriff's fee must be remitted in cashier's check, money order, or business check payable to the Brevard County Sheriff. The Clerk's Office CANNOT accept cash for the Sheriff. If you wish to pay cash, you will be responsible for hand delivering the summons to the Sheriff's Office – Civil Processing Unit. The Sheriff will not accept personal checks.
 - ii. If service is to be performed outside of Brevard County, the plaintiff must contact the Sheriff of that county to obtain service and fee information. If the defendant is out-of-state, the plaintiff must contact the Sheriff of that county to obtain service and fee information.
 - iii. If the plaintiff opts to have a Certified Process Server serve the summons, the plaintiff must contact the Certified Process Server to arrange service and obtain fee information. A listing of Certified Process Servers may be obtained from the Clerk of Court's website at www.brevardclerk.us > Courts > Process Servers. Listings are available for both Brevard and Seminole Counties. Any reference to the Sheriff as it relates to service of a summons within this procedure should be replaced with the Certified Process Server information if a Certified Process Server is selected by the landlord to provide service of process.
- d. Original complaint for Eviction plus two (2) copies of the complaint for each defendant.
- e. One (1) copy of the rental agreement or lease plus two (2) copies of the rental agreement for each defendant.
- f. One (1) business size envelope with at least \$2.00 postage (more if the contents of the envelope require additional postage pursuant to postal standards) for each defendant pre-addressed to the defendant for mailing a copy of the summons and Complaint to the defendant. Please be advised a single "Forever" stamp does not represent sufficient postage. Multiple "Forever" stamps equaling sufficient postage will be accepted. The envelope should reflect the landlord's return address. The landlord will be responsible for insufficient postage or re-execution of returned mail.
- g. One (1) pre-stamped pre-addressed business size envelope addressed to the landlord for the Sheriff's Office to mail a copy of the return of service advising the landlord of the date and time the defendant was served with the summons. The envelope should reflect the landlord's return address. The landlord will be responsible for insufficient postage or re-execution of returned mail. If service is being performed by a Certified Process Server, the landlord must determine whether pre-stamped, pre-addressed business size envelopes are necessary for return of service.

SUMMONS

1. If the Complaint requests possession of the property only, a 5-day summons will be issued.
2. If the Complaint requests possession of the property AND payment of back rent or damages, two summonses are required: a 5-day summons and a separate 20-day summons.
 - a. The 5-day summons may either be personally served or posted. The 20-day summons **must be personally served**. There will be a \$40.00 Sheriff's fee per summons per defendant.

DEFAULT, FINAL JUDGMENT, AND POSSESSION

1. If an Answer is not filed by the defendant within five (5) business days after service of the summons and the landlord wishes to seek a default:
 - a. The landlord must present the Motion for Default to the Clerk's Office.
 - b. The landlord must present an Affidavit of Military Service with the Motion for Default to the Clerk's Office.
 - c. The landlord must present a prepared proposed Final Judgment of Eviction with a sufficient number of copies of the proposed Final Judgment for mailing to the landlord and defendant. The landlord must include two (2) pre-addressed, pre-stamped business size envelopes for each plaintiff and for each defendant for mailing the executed Final Judgment. The envelope should reflect the landlord's return address. The landlord will be responsible for insufficient postage or re-execution of returned mail. If the landlord does not provide a proposed Final Judgment, the assigned judge may not enter a Final Judgment, which will delay the progress of the case.
 - d. If the landlord is seeking additional costs as a result of the filing and service fees associated with the action, the landlord must file an Affidavit of Costs.
 - e. The landlord must present one (1) proposed Writ of Possession and one (1) pre-stamped/addressed envelope to return the Writ of Possession.
 - f. After entry of the Default, the deputy clerk will forward the proposed Final Judgment of Eviction to the assigned Judge. After entry of the Final Judgment of Eviction, the Clerk's Office will issue the Writ of Possession and forward it as indicated in section (1)(g)(i) of this section of these instructions.
 - g. If a proposed Writ of Possession was not provided to the Clerk's Office, the landlord must monitor the progress of the case to determine when a Final Judgment has been entered, at which point the landlord may request issuance of a Writ of Possession. The Sheriff must serve a Writ of Possession.
 - i. The landlord must then either remit payment in the amount of \$90.00 for the Sheriff's service of the Writ to the Clerk's Office and the deputy clerk will forward the Writ and the fee directly to the Sheriff or the landlord may hand-deliver the Writ and fee to the Sheriff. The Sheriff's fee must be remitted in cashier's check, money order, or business check payable to the Brevard County Sheriff. The Clerk's Office CANNOT accept cash for the Sheriff. If

- you wish to pay cash, you will be responsible for hand-delivering the Writ to the Sheriff's Office – Civil Processing Unit. The Sheriff will not accept personal checks.
- ii. If the landlord does not remit the Sheriff's fee at the time of filing, the Writ will be sent directly to the landlord. If the landlord chooses not to submit the Sheriff's fee, he/she should submit a self-addressed stamped business size envelope for mailing. It will then be the landlord's responsibility to deliver the Writ of Possession to the Sheriff's Office – Civil Processing Unit for service.
 - iii. If the landlord chooses to personally pick up the Writ of Possession and hand-deliver it to the Sheriff for service, the landlord must request this in writing and provide the deputy clerk with a contact name and telephone number.
2. If an answer is filed by the defendant within five (5) business days after service of the summons, or if the defendant deposits rent into the Registry of the Court, or if the defendant files a Motion to Determine Rent:
- a. The landlord must present a prepared proposed Final Judgment of Eviction and a proposed Default Final Judgment of Eviction with a sufficient number of copies of the proposed Final Judgment for mailing to the landlord and defendant. The landlord must include one (1) pre-addressed, pre-stamped business size envelope for the landlord and each defendant for mailing the executed Final Judgment. The envelope should reflect the landlord's return address. The landlord will be responsible for insufficient postage or re-execution of returned mail. If the landlord does not provide a proposed Final Judgment, the assigned judge may not enter a Final Judgment, which will delay the progress of the case.
 - b. The landlord must also present one (1) proposed Writ of Possession.
 - c. The deputy clerk will forward the file to the assigned Judge for review to determine whether a Final Judgment of Eviction will be entered or whether a hearing will be scheduled.
 - i. If the court enters a Final Judgment of Eviction, the Judicial Assistant will mail a copy of the judgment to the landlord and to each defendant in the business size envelopes previously provided by the landlord. The Clerk's Office will issue the Writ of Possession and forward it as indicated in section (1)(g)(i) of this section of instructions.
 - ii. If the court schedules a hearing, the Judicial Assistant will prepare a Notice of Court Event and mail a copy to the landlord and each defendant.
 - d. If the defendant files a Motion to Determine Rent, the motion will be forwarded to the Judge and the Judge may set a hearing.

MAILING ADDRESS

BREVARD COUNTY CLERK OF COURTS
PO BOX 219
TITUSVILLE, FL 32781-0219

TELEPHONE (321) 637-5413

DATED: _____

**3 DAY NOTICE FROM LANDLORD TO TENANT
PURSUANT TO SECTION 83.56(3), FLORIDA STATUTES**

TO:

Tenant's Name

FROM: _____

Address

DATE: _____

City, State, Zip Code

You are hereby notified that you are indebted to me in the sum of \$ _____
for the rent and use of the premises _____

_____, _____ County,
Florida, now occupied by you and that I DEMAND PAYMENT OF THE RENT OR
POSSESSION OF THE PREMISES WITHIN THREE WORKING DAYS (excluding Saturday,
Sunday, and legal holidays) FROM THE DATE OF DELIVERY OF THIS NOTICE, TO WIT:
on or before the ____ day of _____, 20____ (insert the date which is three
days from the delivery of this notice, excluding the date of delivery, Saturday, Sunday, and legal
holidays).

Hand Delivered on
Posted On

Approved for use under rule 10-2.1(a)
of the Rules Regulating the Florida Bar
The Florida Bar 2010

Signature

Landlord Name/Property Manager (Circle One)

Address [street address where Tenant can deliver rent]

City, State, Zip Code

Telephone Number

This form was completed with the assistance of:

Name:

Address:

Telephone Number:

**IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
BREVARD COUNTY, FLORIDA**

DIVISION: CIVIL

CASE NUMBER: 05- - CC - - -

PLAINTIFF(S)

DEFENDANT(S)

**EVICTION SUMMONS - RESIDENTIAL
5 DAY SUMMONS**

TO: _____

_____ [insert name, address, and phone number of tenant].

PLEASE READ CAREFULLY

You are being sued by _____ [insert landlord's name] to require you to move out of the property located at _____ for the reasons given in the attached complaint.

You are entitled to a trial to decide whether you can be required to move, but you **MUST** do **ALL** of the things listed below. You must do them within 5 days (not including Saturdays, Sundays, or legal holidays) after the date these papers were given to you or to a person who lives with you or were posted at your home.

THE THINGS YOU MUST DO TO CHALLENGE THE EVICTION ARE AS FOLLOWS:

1. Write down the reason(s) why you think you should not be forced to move. (You may use Florida Supreme Court Form 1.947(b), Answer—Residential Eviction, to do this.) The written reason(s) must be given to the clerk of the court at one of the following locations:

MAILING ADDRESS
CLERK OF COURT
P. O. BOX 219
TITUSVILLE FL 32781-0219

**MOORE JUSTICE CENTER: 2825 JUDGE FRAN JAMIESON WAY,
MELBOURNE, FL 32940; TELEPHONE: (321) 637-5413, FAX: (321) 617-7311**

CASE NUMBER: 05- - CC - - -

TITUSVILLE: 400 SOUTH STREET, 2ND FLOOR, TITUSVILLE, FL 32780
TELEPHONE: (321) 637-5413, FAX: (321) 264-7702

MELBOURNE: 51 S. NIEMAN AVENUE, MELBOURNE, FL 32901
TELEPHONE: (321) 637-5413, FAX: (321) 637-6549

MERRITT ISLAND: 2575 N. COURTENAY PKWY, MERRITT ISLAND, FL 32953
TELEPHONE: (321) 637-5413, FAX: (321) 637-6525

PALM BAY: 450 COGAN DRIVE S.E., PALM BAY, FL 32909
TELEPHONE: (321) 637-5413, FAX: (321) 637-6526

2. Mail or take a copy of your written reason(s) to:

Plaintiff	Address
	City, State, Zip

3. Pay the clerk of court the rent that is due. You MUST pay the clerk of the court the rent each time it becomes due until the lawsuit is over. Whether you win or lose the lawsuit, the judge may release this rent to the landlord. [By statute, public housing tenants or tenants receiving rent subsidies must be required to pay only that portion of the full rent for which the tenant is responsible under the federal, state, or local program in which they are participating.]
4. If you and the landlord do not agree on the amount of rent owed, you must file a written request (motion) that asks the judge to decide how much money you must pay to the clerk of the court. The written request must be filed with your answer to the eviction complaint. A copy of your motion must also be mailed or hand delivered to the plaintiff(s) attorney, or if the plaintiff(s) has no attorney, to the plaintiff.

IF YOU DO NOT DO ALL OF THESE THINGS WITHIN 5 DAYS (NOT INCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS FOR YOUR COURTHOUSE) YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

You may want to call a lawyer right away. If you do not know a lawyer, you can contact the Lawyer Referral Service on The Florida Bar’s website. If you cannot afford a lawyer, you may be eligible for free legal aid. You can locate legal aid programs by searching for “legal aid” on The Florida Bar’s website.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at Brevard Court Administration at The Moore Justice Center, 2825 Judge Fran Jamieson Way, 3rd Floor, Viera, FL 32940-8006, (321) 633-2171 ext. 3, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE:

You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above-named defendant.

DATED on the _____ day of _____, 20__.

Clerk of the Court

By _____
Deputy Clerk:

Clerk's Address: P. O. Box 219
Titusville, FL 32781-0219
Telephone No.: (321) 637-5413

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a copy of the SUMMONS and COMPLAINT in this cause was sent by first class mail to the premises involved in this proceeding to the Defendant(s) as required by Sec. 48.183 F.S.

WITNESS my hand and Official Seal on the _____ day of _____, 20 __, in Brevard County, Florida.

BY _____
Deputy Clerk:

**IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
BREVARD COUNTY, FLORIDA**

DIVISION: CIVIL

CASE NUMBER: 05- - CC - - -

PLAINTIFF(S)

DEFENDANT(S)

**SUMMONS ACTION FOR BACK RENT OR OTHER DAMAGES
20 DAY SUMMONS**

TO: _____

_____ [insert name, address, and phone number of tenant].

Each defendant is further required to serve written defenses to the demand for back rent or any other damages alleged in the complaint on the above _____

_____ [insert landlord's name and address] within 20 days after service of this summons on the defendant, exclusive of the day of service, and to file the original of the written defenses with the clerk of the court either before service on _____

_____ [insert landlord's name] or thereafter. If you fail to do so, a default may be entered against the defendant for the relief demanded in that portion of the complaint.

WITNESS my hand and seal of the Court this _____ day of _____, 20 ____ .

Clerk of the Court

By: _____

Deputy Clerk

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at Brevard Court Administration at The Moore Justice Center, 2825 Judge Fran Jamieson Way, 3rd Floor, Viera, FL 32940-8006, (321) 633-2171 ext. 3, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

**IN THE COUNTY COURT, EIGHTEENTH JUDICIAL CIRCUIT,
BREVARD COUNTY, FLORIDA**

DIVISION: CIVIL

CASE NUMBER: 05 - - CC - - -

PLAINTIFF

CLOCK IN

DEFENDANT

COMPLAINT FOR REMOVAL OF TENANT NON PAYMENT OF RENT

1. This is an action to evict a tenant from real property in Brevard County, Florida.
2. Plaintiff(s) own(s) the following described real property in said county:

3. Defendant(s) has/have possession of property under
Oral Agreement Written Agreement, a copy of which is attached hereto.
to pay rent of \$_____ payable _____ (weekly, monthly, etc.).
A copy of the written agreement, if any, is attached as Exhibit "A".
4. Defendant's failed to pay rent due _____, 20__.
5. Plaintiff served Defendant with a notice on _____, 20__, to pay the
rent or deliver possession but Defendant refuses to do either. A copy of the notice is
attached as Exhibit "B".
6. Wherefore Plaintiff demands Judgment for possession of the property against the
defendant.

Plaintiff's Signature

Plaintiff's Name

Plaintiff's Address

Plaintiff's Telephone Number

Sworn to and subscribed before me this ____ day
of _____, 20__

Notary/Deputy Clerk

**IN THE COURT IN THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA**

DIVISION:

CASE No.: 05 - - - -

PLAINTIFF/PETITIONER

CLOCK IN

DEFENDANT/RESPONDENT

MOTION FOR ENTRY OF DEFAULT BY CLERK

The Petitioner/Plaintiff, _____
moves the Clerk to enter a Default against the Respondent/Defendant, _____
_____.

(Signature of person submitting paper)

(Date)

Plaintiff's Name

Address

City State Zip

Telephone Number

E-Mail Address

I HEREBY CERTIFY that a true and correct copy of the above paper has been furnished by
U.S. Mail hand delivery telefax courier to _____
E-Mailed to _____, this ____ day of _____, 20__.

Signature of Plaintiff/Petitioner

IN THE

**COURT, EIGHTEENTH JUDICIAL CIRCUIT,
BREVARD COUNTY, FLORIDA**

DIVISION:

CASE NUMBER: 05 - - CC - - -

PLAINTIFF

CLOCK IN

DEFENDANT

DEFAULT FINAL JUDGMENT OF EVICTION

This cause coming before this Court on the Complaint for Removal of Tenant filed by the Plaintiff(s) and any response thereto filed by the Defendant(s), and the Court having reviewed the pleadings and having been otherwise advised in the premises, the Court finds as a matter of fact and concludes as a matter of law as follows:

Having been served with the said Complaint for Removal of Tenant alleging non-payment of rent under a residential lease or periodic tenancy, the Defendant(s) defaulted by failing to timely answer and/or by omitting to deposit timely in the registry of the Court the amount of the accrued rent, as required by Section 83.60(2), Florida Statutes.

Therefore, it is hereby ORDERED and ADJUDGED
that the Plaintiff(s) _____

recover from the defendant(s), _____

_____ possession of the following described property in Brevard County, Florida:

upon rendition of this judgment, at _____ am pm on _____,
or as soon thereafter as practicable, upon twenty four hours notice conspicuously posted on the premises. The Clerk shall issue Writs of Possession forthwith.

DEFAULT FINAL JUDGMENT OF EVICTION

CASE NUMBER: 05 - - CC - - - -

The Plaintiff(s), _____

recover from the Defendant(s), _____

the sum of \$ _____ for costs, for which let execution issue. This judgment shall accrue interest at the annual rate designated by the Comptroller of the State of Florida.

It is further ORDERED and ADJUDGED that the parties are identified as follows:

The Plaintiff(s):

The Defendant(s):

ORDERED AND ADJUDGED on the _____ day of _____, 20____, in Brevard County, Florida.

JUDGE

DEFAULT FINAL JUDGMENT OF EVICTION

CASE NUMBER: 05 - - CC - - - -

Copies:

Plaintiff(s)

Name:

Address:

E-mail Address:

Name:

Address:

E-mail Address:

Defendant(s)

Name(s):

Email Address:

Address:

**IN THE COURT, EIGHTEENTH JUDICIAL CIRCUIT,
BREVARD COUNTY, FLORIDA**

DIVISION: CIVIL

CASE NUMBER: 05 - - - -

PLAINTIFF

CLOCK IN

Address:

City / State / Zip:

Telephone Number:

DEFENDANT

WRIT OF POSSESSION

TO: The Sheriff of Brevard County, Florida:
THE STATE OF FLORIDA

YOU ARE COMMANDED to remove all persons from the following described property in Brevard County, Florida:

and put the above name Plaintiff(s) in possession of it forthwith;
at _____ am pm on _____, or as soon thereafter as practicable;
upon twenty four hours notice conspicuously posted on the premises. The Plaintiff(s) to be put
in possession is/are:

WITNESS my hand and Official Seal on the _____ day of _____, 20____, in
Brevard County, Florida.

By _____ D.C.

Deputy Clerk:

Brevard County Clerk of Courts

Contact Information for Writ:

**IN THE COURT, EIGHTEENTH JUDICIAL CIRCUIT,
BREVARD COUNTY, FLORIDA**

DIVISION: _____ **CASE NUMBER: 05-** - - - -

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

AFFIDAVIT OF MILITARY SERVICE

I, _____, am the Plaintiff/Petitioner in this case.
To support my application for a default judgment against Defendant(s),

and to comply with the Servicemembers Civil Relief Act (SCRA) (formerly known as Soldiers' and Sailors' Civil Relief Act of 1940), I swear or affirm that the following information is true: **{Please choose only one}**

1. _____ I know of my own personal knowledge that the Defendant/Respondent **IS** on active duty in the military service of the United States.

2. _____ I know of my own personal knowledge that Defendant/Respondent **IS NOT** now on active duty in the military service of the United States, nor has the Defendant/Respondent been on active military service of the United States within a period of thirty (30) days immediately before this date. "Active Service" includes reserve members of the Army, Navy, Air Force, Coast Guard, and Marines who have been ordered to report for active duty and members of the Florida National Guard who have been ordered to report to active duty for a period of more than thirty (30) days.

3. _____ I have contacted the military services of the United States and the U.S. Public Health Service and have obtained certificates showing that the Defendant/Respondent **IS NOT** on active duty status. These certificates are attached.

4. _____ I have attempted to determine the military status of the Defendant/Respondent, but do not have sufficient information. I have no reason to believe that s/he is on active duty at this time. This is what I have done to determine whether or not Defendant/Respondent is on active duty in the United States military (must include details):

AFFIDAVIT OF MILITARY SERVICE

CASE NUMBER: 05- - - - -

5. _____ I am unable to determine the military status of the Defendant/Respondent.

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/Petitioner

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

Designated E-mail Address(es):

STATE OF FLORIDA

COUNTY OF BREVARD

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or clerk.]

_____ Personally known

_____ Produced identification

_____ Type of identification produced _____.