

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

DIVISION: CIVIL

CASE NUMBER: 05- - - - -

PLAINTIFF

vs.

DEFENDANT

ANSWER – RESIDENTIAL EVICTION

1. The defendant answers the complaint as follows: (Check ONLY 1, a. or b.)
 - a. Defendant generally denies each statement of the complaint.
 - b. Defendant admits that all the statements of the complaint are true EXCEPT:
 - (i) The following statement(s) in paragraph(s) _____ of the complaints is/are false. Please explain:

 - (ii) I do not know whether the information in paragraph(s) _____ of the complaint is/are true or false; so I am denying them.
2. If you write down any defense other than payment of rent, then you must take one of the following steps:
 - a. If you agree with the landlord about the rent owed, then you must pay the rent owed into the court registry when you file this response.
 - b. If you disagree with the landlord about the rent owed for any reason, then you must check box 3(b) below and describe with detail why you disagree.
 - c. You MUST pay the clerk of court the rent each time it becomes due until the lawsuit is over.

If you fail to follow these instructions, then you will lose your defenses. You will not have a hearing in your case and you may be evicted without a court date.

3. The defendant sets forth the following defenses to the complaint: (Check ONLY the defenses that apply, and state brief facts to support each checked defense.)

a. _____ The landlord did not make repairs, and I withheld my rent after sending written notice to the landlord. (Attach a copy of the written notice to the landlord.) Please explain:

b. _____ I do not owe the total amount of rent or ongoing amount of rent the landlord claims I owe. I am also asking this court to determine the amount of rent that must be deposited into the court registry and requesting a hearing. (Motion to Determine Rent.) Please explain:

c. _____ I attempted/offered to pay all the rent due before the notice to pay rent expired, but the landlord did not accept the rent payment. Please explain:

d. _____ I paid the rent demanded by the landlord in the notice to pay rent. Please explain.

e. _____ The landlord waived, changed, or canceled the notice that required me to move out of the residence. Please explain:

f. _____ The landlord filed the eviction in retaliation against me. For example, the tenant has complained to a governmental agency charged with responsibility for

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enforcement of building, housing, or health codes of a suspected violation, or tenant has complained directly to the landlord. Please explain:

g. _____ The landlord filed the eviction in violation of the Federal Fair Housing Act and/or the Florida Fair Housing Act. Please explain:

h. _____ The landlord accepted rent from me after sending me the notice to terminate. Please explain:

i. _____ I already corrected the violations claimed by the landlord on the notice to terminate. Please explain:

j. _____ The landlord is not the owner of the property where I live. Please explain:

k. _____ I did not receive the notice to terminate or the notice was legally incorrect. Please explain:

1. _____ Other defenses. Please explain:

4. **You have a constitutional right to request a trial by a jury of your peers instead of a judge. However, there are some things you should know about this right:**

- a. You may have waived this right in your lease, so review it carefully before requesting a jury trial.
- b. If you want a jury trial, you should request it in writing when you file your answer or you may waive your right to a jury trial.
- c. Jury trials are not simple to conduct. You will bear some responsibility in the process and, if you are unprepared, it may be difficult to represent yourself in a jury trial. Additionally, once you request a jury trial, if you change your mind and you want the judge to decide your case, the landlord will need to agree.
- d. If you have questions about whether to request a jury trial, you should speak with an attorney.

5. Select whether you want to request a jury trial: (Check only one.)

_____ I want a judge to decide my case.

_____ I want a jury to decide my case.

All of the statements made above are true to the best of my knowledge and belief.

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Telephone Number: _____

E-mail Address: _____

NOTE: Each defendant named in the complaint for whom this answer is filed must sign this answer unless the defendant's attorney signs.