TENANT EVICTION PACKET
FOR NON-PAYMENT OF RENT ONLY
(FILED BY AGENT OF LANDLORD)

(THIS PACKET DOES NOT APPLY TO COMMERCIAL PROPERTY NOR MOBILE HOME PARKS.)

Compiled by Sherry Coker

IMPORTANT – PLEASE READ

IF NOT PROPERLY COMPLETED AND PARTIES NOT PROPERLY SERVED, YOUR CASE MAY BE DISMISSED OR YOU MAY NOT OBTAIN YOUR FINAL JUDGMENT.

This Eviction Packet may be used for evictions of mobile home and lot or the lot only so long as the property is not in a mobile home park of ten or more lots/spaces.

<u>NOTE</u>: An Agent cannot be designated by an Owner to seek recovery of past due rent. In order for you, as an Agent for an owner, to commence an eviction procedure against a tenant, you must file a copy of the "written agreement" between you and the owner giving you the authority to evict the tenant. This must be done for each eviction.

The **Filing Fee** for an eviction is **$185.00** plus an additional **$10.00** per summons per person payable in check to **NADIA K. DAUGHTREY, Clerk of Courts.**

A **THREE DAY NOTICE TO PAY RENT OR VACATE** must be completed. Make a copy of the Notice for yourself and serve the original to the Defendant or the person who lives with the Defendant, or post it at the residence of the Defendant. Once you have given the person the Notice, he/she has **three (3) full days**, excluding weekends and legal holidays, to pay the rent. (For example, if the notice was given on Friday, skip Saturday and Sunday and begin counting on Monday, three (3) days.) The tenant has through the end of the third day to pay. If the tenant(s) has not moved or paid the rent by the fourth (4th) day, make a copy of the Three Day Notice for the court file to be submitted with the remaining forms.

IT IS IMPORTANT THAT THE THREE DAY NOTICE HAVE THE AGENT'S/LANDLORD'S NAME, ADDRESS AND PHONE NUMBER WITHIN IT. IF IT DOES NOT, <u>YOUR CASE WILL BE DISMISSED BY THE COURT.</u> IF YOU ONLY LIST A POST OFFICE BOX FOR AGENT'S/LANDLORD'S ADDRESS YOU MUST ALLOW AN ADDITIONAL FIVE (5) DAYS FOR MAILING.

FILING THE EVICTION: On the fourth day, you may file the following forms, together with the copy of the Three Day Notice. Please complete the **CIVIL COVER SHEET, NOTICE OF PERMANENT MAILING ADDRESS and STATEMENT OF RESPONSIBILITY.** Type or clearly print the addresses of the parties, then sign and date the forms and file them with the Clerk of Court.

Please complete the **COMPLAINT FOR TENANT EVICTION (NON-PAYMENT OF RENT)(FILED BY AGENT OF LANDLORD)** by typing or clearly printing the addresses of the parties and fill in the appropriate blank lines. Sign the complaint before a notary public or a deputy clerk and file it with the Clerk. **Make a copy of any written lease for the court file.** Make a copy of the Complaint, written lease, if any, and Three Day Notice for each Defendant and for your records. **If you have the Clerk's Office make copies for you, you will be charged $1.00 per page.**

> **Count I** applies to possession of the property. The Clerk's office will prepare a **Summons** advising the tenant(s) to submit a written response, along with the money owed, to the Clerk's office within five (5) days (not including the day of service, weekends, or holidays).

IF YOU ARE EVICTING A HUSBAND AND WIFE, YOU WILL NEED A SUMMONS ISSUED FOR EACH OF THEM AND HAVE THE SHERIFF'S OFFICE SERVE EACH OF THEM.

You are to take the summons packet to the Sheriff's Office to have the Defendant(s) served. A service fee of $40.00 per person is required by the DeSoto County Sheriff's Office, payable directly to them. You will receive a copy of the Summons for your records at no charge.

If a written response and the back rent is deposited with the Clerk's office **OR** a written response with supporting documents is filed indicating back rent is not owed, a court date may be scheduled with the Court as soon as possible. Notification of the hearing date will be mailed to both parties.

The hearing must be attended by the Owner of the property or their Attorney.

At the hearing, the Court will make the determination if the tenant should be made to move at the hearing.

If the tenant(s) **fails** to file a written response, complete the forms in the **Default Package** and follow the directions in order to regain possession of the property.

If a Final Judgment for Possession is entered by the Court, the Clerk's office will prepare a **WRIT OF POSSESSION**. You will take the Writ of Possession, together with completed **INFORMATION ON AND DESCRIPTION OF DEFENDANTS TO GO WITH WRIT OF POSSESSION**, to the Sheriff's Office. The Sheriff's Office will require a service fee of $90.00 for service. At this time, the tenant must leave the premises giving you back your property.

*****NOTICE*****
ALL PAPERWORK PROVIDED BY THIS OFFICE IS USED FOR 'PRO SE' LITIGANTS ONLY. 'PRO SE' MEANS THAT YOU ARE ACTING AS YOUR OWN ATTORNEY. ACTING AS YOUR OWN ATTORNEY MAKES YOU RESPONSIBLE

FOR EVERYTHING THAT INVOLVES YOUR CASE FILE. FOR EXAMPLE, IF YOU DO NOT RECEIVE A COURT DATE OR NOTICE FROM THIS OFFICE OR THE JUDGE, IT IS UP TO YOU TO CONTACT THE JUDGE FOR A HEARING DATE.

THIS PACKET PREPARED BY:

HONORABLE PARKER R. HALL
COUNTY COURT JUDGE
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET
ARCADIA, FLORIDA 34266

HONORABLE NADIA K. DAUGHTREY
CLERK OF COURTS
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET
ARCADIA, FLORIDA 34266

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs.

_____ CASE NO. _____
_____
_____
Defendant(s).

EVICTION SUMMONS/RESIDENTIAL

TO: (Defendant(s) name and address)
_____
_____
_____

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 the DeSoto County Courthouse, 115 East Oak Street, Arcadia, FL 34266.

2. Mail or take a copy of your written reason(s) to: (insert landlord's name and address)
   _____
   _____

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.] **NO CHECKS ACCEPTED.**

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.

SUMMONS ACTION FOR BACK RENT OR OTHER DAMAGES

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.

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 cannot afford an attorney, you may contact Florida Rural Legal Services at (239) 334-4554 (Ft. Myers) or https://www.frls.org. If you do not qualify for free legal assistance or do not know an attorney, you may use an attorney referral service or contact the Florida Bar Referral Service at (800) 342-8011 or https://www.floridabar.org/public/lrs/.

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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 _____

NADIA K. DAUGHTREY
DESOTO CLERK OF COURTS

(COURT SEAL)

By: _____
Deputy Clerk
115 East Oak Street, Arcadia, FL 34266

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the DeSoto Clerk of Court at 863-993-4876 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.

THREE DAY NOTICE TO PAY RENT OR VACATE

TO: _____
Tenant's Name

_____ _____
_____ _____
Street Address **Mailing Address**

FROM: _____
Agent for: _____
Landlord

DATE: _____

You are hereby notified that you are indebted to me in the sum of $_____ for the rent and use of the premises at: _____ _____, Florida, now occupied by you and that I demand payment of the rent in full or possession of the premises within three (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___, (insert the date which is three days from the delivery of this notice, excluding the date of delivery, Saturday, Sunday, and legal holidays).

_____ _____
Signature Printed Name of Landlord/Property Owner

_____ _____
Address City, State and Zip Code

_____
Telephone

PROOF OF SERVICE

I, the undersigned, being at least 18 years of age, declare under penalty of perjury that I served the Three Day Notice, of which this is a true copy, on the above-mentioned Tenant in possession in the manner(s) indicated below:

____ On _____, 20___, I handed the Notice to the tenant.
____ I handed the Notice to a person of suitable age (over 15 years of age) and discretion at the tenant's residence on _____, 20___.
____ I posted the Notice in a conspicuous place at the tenant's residence on _____, 20___.

Executed on _____, 20___.

_____
Agent

FORM 1.997 CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.075.

I. CASE STYLE

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff (Name and Address)

vs. CASE NO. _____

_____
_____
_____
Defendant (Name and Address)

II. TYPE OF CASE (Place an x in one box only. If the case fits more than one type of case, select the most definitive.)

Domestic Relations	Torts	Other Civil
____ Simplified dissolution	____ Professional Malpractice	____ Contracts
____ Dissolution	____ Products Liability	____ Condominium
____ Support – IV-D	____ Auto negligence	____ Real property/ Mortgage foreclosure
____ Support – Non IV-D	____ Other negligence	____ Eminent Domain
____ URESA – IV-D		____ Other
____ URESA – Non IV-D		____ Eviction
____ Domestic Violence		____ Small Claims
____ Other domestic relations		

III. Is Jury Trial Demanded in Complaint?

____ Yes
____ No

Date: _____ _____
Plaintiff's Agent

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

NOTICE OF PERMANENT MAILING ADDRESS

I/We, _____, the Plaintiff(s) in the above styled cause of action hereby certify that my/our permanent mailing address is as follows:

_____
_____
_____
Phone: _____

I/WE UNDERSTAND THAT ONLY THIS ADDRESS WILL BE USED BY THE COURT, THE OPPOSING PARTY, AND ANY INTERVENING PARTIES TO THIS CASE FOR THE PURPOSE OF PROVIDING ME WITH:

a. Notice of all future hearings in this case, and
b. Any Court documents and papers pertaining to this case.

I/We understand that all notices and court papers in this case will be sent to me/us only at the above address and that in the event personal service of any court documents is necessary that they will first be attempted to be served at the above listed address unless and until I/We notify the court of my/our new address. I/We also understand that if I/We change my/our permanent mailing address or residence address, I/We must notify the Clerk of Court of my/our new address **in writing** by completion of another form similar to this form at the following address within one week of the change of address and with a copy being furnished to all parties:

CLERK OF COURT
Attn: County Civil
115 East Oak Street
Arcadia, Florida 34266

I/We have read this document and I/We understand that it is my/our responsibility to keep the Court informed of any change in my/our current address. I/We understand that copies of any court documents and notice of all future hearings which are mailed to my/our current address set forth herein will constitute proper notice and service, and the Court may proceed on all matters noticed and mailed to the above address even if I/We do not appear for said hearing.

Dated: _____ _____

Signature

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Name and Address,
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Name and Address,
Defendant(s).

STATEMENT OF RESPONSIBILITY
Landlord - Tenant Action

Before filing this case, I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court under the Landlord and Tenant Law of Florida, Chapter 83 Florida Statutes and as set forth in Chapter 51. That the conduct of this case will be in accordance with the rules of procedure and laws of Florida which apply to this case.
2. The naming of proper parties is an important element of the case and the responsibility for naming the proper plaintiff(s) and defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named plaintiff(s) realizing that if the plaintiff is a corporation that such plaintiff may be required to be represented by an attorney.
5. I do not expect the Clerk who receives and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. I am solely responsible for the collection of any judgment entered in my favor.

Dated: _____ _____
Signature of Agent

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Name and Address
Owner/Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Name and Address
Tenant/Defendant(s).

COMPLAINT FOR TENANT EVICTION
(Non-Payment of Rent)
(Filed by Agent of Landlord)

Plaintiff sues defendant and alleges:

1. This is an action to evict a tenant from real property in DeSoto County, Florida. This is not a mobile home in a park. This is not commercial property.

2. Plaintiff(s) owns the following-described real property, to-wit: _____ _____.

3. That the defendant(s) has possession of the property under (**Check one**) ___ oral ____ written agreement (copy attached) to pay rent of $_____ per _____ for a total of $_____.

4. Defendant(s) failed to pay rent due on _____, 20___.

5. Plaintiff(s), by and through the undersigned, served defendant(s) with a notice on _____, 20___, to pay the rent or deliver possession but Defendant(s) refuses to do either. A copy of the Notice is attached.

6. Plaintiff(s) (**Check one**) ___ has ___ has not received any payment since the Notice was delivered.

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

_____ _____
Printed Name of Agent for Landlord Signature Agent for Landlord

_____

Agent's Phone: _____ _____
Address

STATE OF FLORIDA,
COUNTY OF _____.

SWORN TO and subscribed before me by _____, who is personally known to me or produced _____ as identification this _____ day of _____, _____.

_____
Notary Public or Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff

Vs. Case No._____

_____
_____
_____
Defendant

CERTIFICATE OF MAILING

I, NADIA K. DAUGHRTEY, Clerk of the County Court, do hereby certify that pursuant to Florida Statutes 48.183, the landlord has provided the Clerk of the Court with copies of the complaint and pre-stamped envelopes addressed to the defendant(s) and complaint were mailed to:

I further certify that the filing of this Certificate of Mailing has been properly docketed and on the date below copies of the summons and complaint were mailed to:

_____
_____
_____

Service shall be effective on the date of posting or mailing, whichever occurs later; and at least 5 days from the date of service must have elapsed before a judgment for final removal of the defendant may be entered.

Dated on: _____

NADIA K. DAUGHTREY
Clerk of the Court
Desoto County, Florida

By: _____
Deputy Clerk

Attachment "A"

IN THE COUNTY COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR DESOTO/MANATEE/SARASOTA COUNTY, FL

_____,
Plaintiff/Landlord

v.

Case No.: _____

_____,
Defendant/Tenant

CONSENT TO CASE CLOSURE AFTER 90 DAYS OF INACTIVITY

Plaintiff/Landlord does hereby consent to the closure of this case upon 90 days of inactivity.

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail, email service, or initial service of process to the above-named Defendant(s)/Tenant(s) at this address:

_____

_____.

Dated this _____ day of _____, 20___.

_____
Plaintiff/Landlord

DEFAULT PACKAGE
(BY AGENT OF LANDLORD)
(POSSESSION)

IF THERE IS NO RESPONSE BY DEFENDANT(S) OR NO MONEY POSTED BY DEFENDANT(S), AN AGENT MAY PROCEED WITH THE DEFAULT.

IF DEFENDANT(S) FILE AN ANSWER OR DEPOSIT MONEY IN THE COURT REGISTRY, THE AGENT MAY NOT PROCEED. ONLY THE OWNER OR ATTORNEY FOR OWNER MAY PROCEED WITH EVICTION.

Motion for Clerk's Default - Residential Eviction
Type or clearly print the names of the parties and fill in the appropriate blank lines. Present the form to the Clerk's office and a deputy clerk will verify that a response has not been filed within the five (5) day time limit. If a response has not been filed the Clerk will enter the Default - Residential Eviction.

Affidavit in Proof of Claim and Non-Military Service
Type or clearly print names of the parties and fill in the appropriate blank lines. Please sign this form before a notary public or a deputy clerk.

Motion for Final Judgment for Possession - Residential Eviction
Type or clearly print the names of the parties and fill in the appropriate blank lines. Present the form to the Clerk's office.

If the Court signs the Final Judgment of Possession, the Clerk's office will issue a **WRIT OF POSSESSION**. You may then deliver the Writ of Possession to the DeSoto County Sheriff's Office for service. Please complete the **INFORMATION ON AND DESCRIPTION OF DEFENDANT(S) TO GO WITH WRIT OF POSSESSION** for use by the Sheriff's Department. A payment of $90.00 must be made to the DeSoto County Sheriff's Office for service of the Writ of Possession. The Sheriff's Office will serve the Writ of Possession indicating the tenant has twenty-four (24) hours to evacuate the premises, not including weekends or holidays. The Sheriff's office will contact the plaintiff to arrange a date and time to evict the tenant.

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Owner/Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Tenant/Defendant(s).

MOTION FOR CLERK'S DEFAULT -
RESIDENTIAL EVICTION

Plaintiff, by and through his/her Agent, asks the clerk to enter a default against _____,

Defendant(s), for failing to respond as required by law to Plaintiff's complaint for residential eviction.

_____
Agent's signature
_____
_____
Address
Phone: _____

DEFAULT - RESIDENTIAL EVICTION

A default is entered in this action for eviction against the Defendant(s) for failure to respond as required by law.

Dated: _____

NADIA K. DAUGHTREY
CLERK OF COURT

BY:_____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Owner/Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Tenant/Defendant(s).

AFFIDAVIT IN PROOF OF CLAIM AND NON-MILITARY SERVICE

STATE OF FLORIDA,
COUNTY OF DESOTO.

Before me, the undersigned authority, personally appeared _____ _____, who being duly sworn, deposes and says:

1. That he/she is the Agent for the Landlord of rented premises located in DeSoto County, Florida, described as follows: _____ _____.

2. That Defendant(s) _____ rented the subject premises from the Landlord agreeing to pay the rent of $_____ per [ ] week, [ ] month, [ ] other _____.

3. The Defendant(s) failed to pay the rent due on _____, whereupon the Landlord, by and through the undersigned Agent, on the _____ day of _____, 20___, served a three (3) day notice demanding payment of the rent or possession of the premises.

4. The Defendant(s) failed to comply with either of the demands of the notice within the applicable time period.

5. The Defendant(s) owe(s) the Landlord $_____ for **past-due rents** as of the date of this affidavit.

6. In addition, the Landlord has paid a filing fee in the amount of $_____ and a service of process fee in the amount of $_____.

7. Therefore, as of the filing of this affidavit the Defendant(s) are indebted to Plaintiff for the total amount of $_____ which amount is comprised of past due rents and fees.

8. The Defendant(s) is/are not now nor has/have been in the military service of the United States of America since the institution of this action.

_____
Agent for Landlord

STATE OF FLORIDA,
COUNTY OF DESOTO.

The foregoing instrument was acknowledged before me this _____ day of _____ _____, 20___, by _____ who is personally known to me or who has produced _____ as identification and who [ ] did [ ] did not take an oath.

_____
Notary public or deputy clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLOIRDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

MOTION FOR FINAL JUDGMENT FOR POSSESSION - RESIDENTIAL EVICTION

Plaintiff(s), by and through his/her undersigned Agent, asks the court to enter a Final Judgment for Possession against _____ _____, the Defendant(s) for residential eviction and says:

1. Plaintiff filed a complaint alleging grounds for residential eviction of Defendant(s).

2. A Default was entered by the Clerk of Court on _____.

WHEREFORE, Plaintiff asks this court to enter a Final Judgment for Possession against Defendant(s).

Dated: _____

_____
Agent's signature

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

INFORMATION ON AND DESCRIPTION OF DEFENDANT(S)
TO GO WITH WRIT OF POSSESSION
(This is information for Sheriff's Department for purposes of identification)

DEFENDANT NO. 1:

1. Defendant's last known place of employment: _____
_____.
Address of employment: _____.
Working hours: _____.

2. Physical description of Defendant:
Race: _____ Sex: Male ___ Female ___ Date of Birth or Age: _____
Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____
Distinguishing marks and/or scars: _____.
Other names Defendant goes by (aliases or nicknames): _____._

DEFENDANT NO. 2:

3. Defendant's last known place of employment: _____
_____.
Address of employment: _____.
Working hours: _____.

4. Physical description of Defendant:
Race: _____ Sex: Male ___ Female ___ Date of Birth or Age: _____
Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____
Distinguishing marks and/or scars: _____.
Other names Defendant goes by (aliases or nicknames): _____.

DATED: _____

_____
Signature of Landlord/Plaintiff
_____
_____
Address
Phone: _____

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs.
_____ CASE NO. _____
_____
_____
Defendant(s).

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 complaint 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 the 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 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:_____
_____
_____
_____
_____
l. 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.

Date:_____

Signature:_____

Printed Name:_____

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.