

# **Cheryl Strickland**

**Clerk of the Circuit Court  
Historical St. Johns County  
4010 Lewis Speedway  
St. Augustine, Florida 32084**

(904) 819.3650 or 819-3600 ext 4420, 4421, 4470

## **EVICTON INSTRUCTIONS**

***(Residential Use Only)***

**NOTE: Property Owners may authorize a Property Manager or another person to act as their agent. If you are a corporation please refer to the Florida Statutes as to who can appear. This authorization will allow the agent to complete documents necessary to evict a tenant for NON-PAYMENT OF RENT ONLY, this includes the three (3) day notice, complaint form, and motion for default. If a hearing is scheduled, it may be required that the owner or owner's attorney appear for the hearing.**

1. Complete Landlord(s) and Tenant(s) Name. **(Fill in all blanks spaces)**
2. (If applicable) If suing for back rent the dolla amount of the back rent due, shall not include late fees, utilities, etc. **You are only allowed the actual amount of back rent which is due.**
3. Indicate the complete physical location of the property from which the tenant(s) is to be evicted. **(Including lot numbers; unit numbers, city, state and zip)**
4. The Landlord/Agents shall not accept any m oney after the Eviction has been filed. If the defendant comes to you with money please tell them to deposit the money with the court. Let them know of the clerk fee that is attach ed, which is 3 % of the first \$500.00 then 1.5 % thereafter.
5. The filing fee for removal of tenant(s) is \$185.00 for eviction only, if suing for back rent or damages see the fee schedule. . The eviction suit shall be accompanied by:
  - a. The three (3) day notice and a copy of any written rental agreement, if any.
  - b. In addition to the original set of documents for the court file we will need, Two (2) copies of all documents filed for each defendant you are evicting. (Do not include children).
  - c. We will also need a self addressed, stamped envelope for each person you are evicting, and one self addressed, stamped envelope addressed to yourself.
6. The Sheriff's fee for service of the evicton summons is \$40.00 per defendant. The Sheriff's Office fee may be included in your Clerk's fees.
7. Notify the Small Claims/Eviction department of any tenant(s) vacating premises after the service of the eviction summons by the Sheriff's office.

**Reminder:** Landlords may call our office to request a name check before any rental commitment is made. (904) 819-3650 or 819-3600 ext 4420, 4421 or 4470

**Note: The Small Claims/Eviction Department cannot give legal advice to you or interpret the law for you. Information on evictions may be obtained from the Florida Statutes chapter 83, located at the Public Library or [www.sjccoc.us](http://www.sjccoc.us) and link to the Clerk of Courts web page.**

The following excerpt from the Florida Statutes may assist you in the process of your case.

**83.59 Right of action for possession.**

(1) If the rental agreement is terminated and the tenant does not vacate the premises, the landlord may recover possession of the dwelling unit as provided in this section.

(2) A landlord, the landlord's attorney, or the landlord's agent, applying for the removal of a tenant shall file in the county court of the county where the premises are situated a complaint describing the dwelling unit and stating the facts that authorize its recovery. A landlord's agent is not permitted to take any action other than the initial filing of the complaint, unless the landlord's agent is an attorney. The landlord is entitled to summary procedure provided in s. 51.011 [F.S. 1971], and the court shall advance the cause on the calendar.

(3) The landlord shall not recover possession of a dwelling unit except:

(a) In an action for possession under subsection (2) or other civil action in which the issue of right of possession is determined;

(b) When the tenant has surrendered possession of the dwelling unit to the landlord; or

(c) When the tenant has abandoned the dwelling unit. In the absence of actual knowledge of abandonment, it shall be presumed that the tenant has abandoned the dwelling unit if he or she is absent from the premises for a period of time equal to one-half the time for periodic rental payments. However, this presumption shall not apply if the rent is current or the tenant has notified the landlord, in writing, of an intended absence.

(4) The prevailing party is entitled to have judgment for costs and execution therefore.

IN THE COUNTY COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
ST. JOHNS COUNTY, FLORIDA.

CASE:  
DIV:

) ( ) ( ) ( ) ( ) ( ) VS ( ) ( )  
PLAINTIFF) (DEFENDANT

**COMPLAINT FOR EVICTION OF TENANT FOR  
NON-PAYMENT OF RENT**

1) This is an action to evict a tenant from the following described real property, located in St. Johns County, Florida  
at: \_\_\_\_\_

2) The plaintiff(s) are landlords of, and the defendant(s) as tenants(s) has/have possession of the property under (Written/Oral) agreement to pay \$ \_\_\_\_\_ rent each \_\_\_\_\_ on the \_\_\_\_\_ day of each \_\_\_\_\_, a copy of any written agreement being attached hereto.

3) On \_\_\_\_\_ 20 \_\_\_\_, rent in the amount of \$ \_\_\_\_\_ was past due and unpaid by defendants.

4) Plaintiff(s) served Defendant(s) with a written notice on \_\_\_\_\_ 20\_\_ to pay the past due amount, or deliver possession to plaintiff(s), but defendant(s) refused to do either. Copy of said notice is attached hereto.

WHEREFORE, Plaintiff(s) demand judgment for possession of the property.

\_\_\_\_\_  
Plaintiff or Attorney for Plaintiff

\_\_\_\_\_  
Address

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

CASE \_\_\_\_\_ PAPER \_\_\_\_\_

**SCHEDULE OF FEES**

*As of July 1, 2008*

*All Filing Fees and Sheriff's fees are due at the time of filing your suit.*

Filing Fees are made payable to: **CHERYL STRICKLAND Clerk of Courts**, and may be paid for by Local Business or Personal Check, Money Order, Cashiers Check, Cash, and Maser Card or Visa.

**\*\* NO OUT OF STATE PERSONAL CHECKS \*\*  
PERSONAL CHECKS MUST HAVE LICENSE NUMBERS ON THEM.**

**SMALL CLAIMS**

CLAIMS \$0 to \$99.99	\$55.00
CLAIMS of \$100 to \$500	\$80.00
CLAIMS of \$500.01 to \$2,500	\$175.00
CLAIMS of \$2,500.01 to \$15,000	\$300.00

**REMOVAL OF TENANT**

EVICITION-NO BACK RENT	\$185.00
EVICITION-BACK RENT UP TO \$100	\$240.00
EVICITION-BACK RENT \$100 to \$500	\$265.00
EVICITION-BACK RENT \$500 to \$2,500	\$360.00
EVICITION-BACK RENT \$2,500 to \$15,000	\$485.00

REPLEVIN ACTIONS (in addition to filing fee) \$85.00

WRIT OF GARNISHMENT \$188.00  
(\$100.00 Garnishee's Attorney fee) + (\$85 Filing Fee) + (\$3.00 Registry of Court Fee)

ATTACHMENT AND DISTRESS ACTIONS \$85.00

**SHERIFF FEES PER DEFENDANT**

SERVICE OF SUMMONS	\$	40.00
WRIT OF REPLEVIN	\$	90.00
WRIT OF GARNISHMENT	\$	40.00
WRIT OF POSSESSION	\$	90.00

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**NOTE: FOR YOUR CONVENIENCE THE CLERK OF COURT WILL ACCEPT PERSONAL CHECKS FOR THE FILING FEES AND THE SHERIFF'S SERVICE FEES.**

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**IMPORTANT: IF THE DEFENDANTS ADDRESS IS OUTSIDE ST. JOHNS COUNTY PAYMENT FOR SERVICE OF PROCESS MUST BE MADE BY MONEY ORDER OR BUSINESS CHECK.**

**\*\* (NO CASH OR PERSONAL CHECKS WILL BE ACCEPTED)\*\***

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