

**IMPORTANT
NUMBERS**

FLORIDA BAR LAWYER REFERRAL
1-800-342-8011

LEGAL AID SERVICES
(904) 827-9921

WWW.CO.ST-JOHNS.FL.US



**CLERK OF COURTS
DIRECTORY**

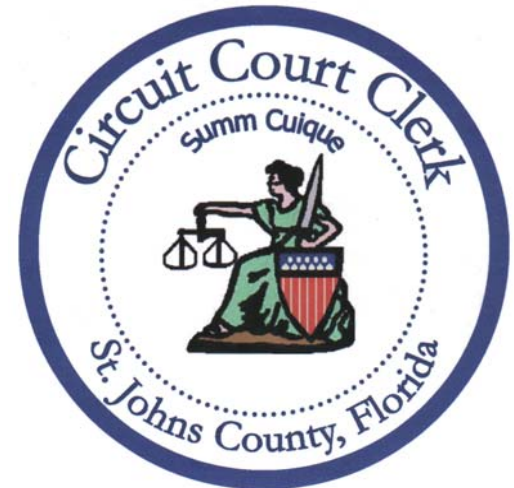
ST. JOHNS COUNTY CLERKS OFFICE
MAIN OFFICE
4010 LEWIS SPEEDWAY
ST. AUGUSTINE, FL. 32084
(904) 819-3650 X 4420, 4421, 4470

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OFFICE HOURS

8:00A.M. TO 5:00P.M.
MONDAY THROUGH FRIDAY

**CHERYL STRICKLAND
CLERK OF COURT
ST. JOHNS COUNTY**



GENERAL EVICTION INFORMATION

Prior to filing an eviction complaint, the following requirements should be complied with pursuant to Florida Statutes:

- 1.) F.S. 83.56 Requires written notice to be given to the tenant(s):
 - a. Non-payment of rent (3 day notice)
 - b. Non-compliance of lease or rental agreement (7 day notice)
 - c. Notice of termination of tenancy (15 day notice)
- 2.) F.S. 723 pertains to "Notice" requirements for Mobile Home Parks with more than 10 spaces.

ALL NOTICE FORMS ARE AVAILABLE AT THE CLERK'S OFFICE AT NO COST.

Note: It is recommended that Landlords review F.S. 83.56 (5) regarding acceptance of rent or performance after Notice is served.

FILING INSTRUCTIONS

Complaint forms can be obtained from the office of the Clerk of the Circuit Court for the following types of evictions:

- 1.) Possession only
- 2.) Possession and action for rent
- 3.) Complaint(15 day Notice of Termination)
- 4.) Complaint(7 day Notice of Termination)

Prepare the appropriate "Complaint" form and submit it to the office of the Clerk of the Circuit Court for filing. In order for your complaint to be processed expeditiously, you must provide the following:

- 1.) Submit the original complaint and attachments.(This includes the Notice, Lease and any other documents important to the case.) Be sure it is signed. Print your name below your signature.
- 2.) Submit two copies of the complaint with attachments

for each defendant and one for yourself. If you want the clerk to make copies of your exhibits, prior to filing, the fee is \$.15 per page. If you request a copy of a part of the official record, the fee is \$1.00 per page.

- 3.) Pre-stamped (legal size, #10) envelopes with appropriate postage shall be submitted for each defendant with additional copies of the complaint and attachments, (F.S. 48.183(2) or pay the clerk the postage required.
- 4.) Pay the current filing fee. Checks should be made payable to the **Clerk of the Circuit Court.**
- 5.) Pay the Sheriff's Fee for service of the summons. This fee may be added to the check for the Clerk's fees.

Upon your filing your "Complaint", the clerk's office will issue the applicable summons and forward to the sheriff with the pre-paid fees.

There are (2) two types of Summons.

- 1.) **FIVE DAY-** Issued when seeking possession of property.
- 2.) **TWENTY DAY-** Issued in conjunction with the Five day summons when seeking to obtain a money judgment for damages and possession.

This will allow the Sheriff's office to post the five day summons and personally serve the twenty day summons as required by law.

AFTER SERVICE

RESPONSE FILED: When the defendant/tenant files an answer, deposits rent and/or files a Motion to Determine the Amount of Rent to be paid into the Court Registry, a court date will be set by the Judges office as soon as possible.(F.S. 83.60)

NO RESPONSE: If the defendant/tenant does not answer, file a Motion to Determine the Amount of Rent to be paid into the Court Registry or deposit rent, it will constitute an absolute waiver of defense and an immediate default and judgment will be entered without further notice after the following has been presented to the court.(F.S. 83.60)

- 1.) Landlord/Plaintiff file a Motion for Default and Default.

If you have obtained an attorney, he may prefer to prepare the Final Judgment, however the judgment form is available in the Clerk's office.

POSSESSION

Once the judgment has been entered, you may request a Writ of Possession from the Clerk's office. (If the eviction is for a mobile home belonging to the tenant and is governed by F.S. 723, the Writ will not be issued for 10 days.) At the time of your request, you may direct the clerk to forward the writ to the sheriff or return it to you for service. The current fee for service of the writ of possession is available from the Clerk's office or the Sheriff's office.

SETTLEMENT

If you and the defendant/tenant have reached an agreement prior to a hearing or entry of a judgment, and you wish to cancel the case, you should submit a Voluntary Dismissal advising the court that the case was settled and you are dismissing it. A copy should be sent to the defendant/tenant. This form is available at the Clerk's office.

Note: Effective March 31, 1992, Florida Statutes 83.59(2) were revised to read: '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.' Refer to Supreme Court Opinion Reference; Volume 18, Number 50, Dec, 10, 1993.

A property manager may handle an eviction as long as it remains an uncontested case. When a hearing is requested, it then becomes a contested case. **Only the landlord/owner or the landlord/owner's attorney may appear before the court.**

ADDITIONAL INFORMATION

The Clerk's office cannot refuse to accept any filings presented to them. Any determination regarding the proper filing of a complaint or pleading will be made by the judge. The Clerk's office cannot recommend an attorney for you. If you do not know of an attorney who will represent you, you should contact one of the agencies listed on the opposite side of this pamphlet.

The Clerk's office cannot give you any legal advice!