

Mary M Johnson
Clerk of Court Santa Rosa County
P O Box 472
Milton Florida 32572

To: Landlord/Tenant Deputy Clerks

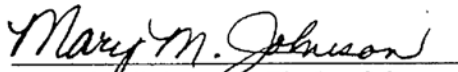
Re: Restrictions on helping litigants

Recently, there have been several problems which litigants have alleged were created by bad "legal advice" from the clerk's office. I am well aware that both landlords and tenants may need you to answer "simple" questions, because they don't have an attorney. There are two problems with the clerk's office answering "simple" questions:

- (1) You may not know the correct answer, even when the answer seems obvious- this area of the law is one of the most complicated in existence.
- (2) You are strictly forbidden by law from giving legal advice.

The primary question that arises is "what is legal advice?" To simplify the answer, I am directing that you confine your assistance to **clarifying** what is on the information sheet: that is, you may explain what is meant by the words on **that sheet**, but you may no longer elaborate and you must not fill out the forms. To go further is to **begin** answering legal questions, and this **YOU MAY NOT DO**.

Dated this 19th day of April, 2002.


Mary M Johnson, Clerk of Court
Santa Rosa County

LANDLORD/TENANT EVICTION PACKET FOR MOBILE HOME PARK OWNERS

Available in our office for **\$5.00** OR Clerk of Courts Web Site www.santarosaclerk.com

Mailing Address: **Clerk of Courts Attn: Landlord/Tenant P. O. Box 472 Milton, FL 32572**

Location / Phone: (850)983- 4637 983- 4661 983- 4630 6816 Caroline Street, Milton, FL 32570 (Hwy 90)
Service Center: 5841 Gulf Breeze Pkwy, Gulf Breeze, Fl. 32563 (Hwy 98 by the Zoo)

YOU MUST BRING THE FOLLOWING TO FILE YOUR CASE

FILING FEE: **\$185.00** FOR REMOVAL OF TENANT
\$10.00 TO ISSUE EACH PREPARED SUMMONS
\$17.00 TO PREPARE AND ISSUE EACH SUMMONS

Filing Fee may be paid by: Cash, Cashier's Check, Money Order, Personal Check on Local Bank, Business Check, or Major Credit Card with Fee. Payable to: **Mary M. Johnson, Clerk of Courts.**

COMPLAINT: Select one (1) of the four (4) provided in the packet (step 2 refer to page 4) that matches the notice given. Original to Court and provide two (2) copies for one (1) tenant and four (4) copies for two (2) tenants. Complaint Forms: Pages 18 - 23

SUMMONS: Page 24 and 25. Prepare summons for each tenant listed on complaint. Original to Court with three (3) copies and sheriff's service fee. Clerk will issue for service on tenant(s).

COPIES: You must have copies of the notice from step 1 (refer to page 3) and the lease agreement if there is one. You will need three (3) copies of each if there is one (1) defendant and five (5) copies if there are two (2) defendants. Our office can make copies for you if you wish, but we must charge \$1.00 per page as governed by Florida Statutes. Notice Forms: Pages 14 - 17

ENVELOPES: (1) addressed to each defendant with (2 or 3 stamps) depending on the weight of your lease with the notice and complaint and (1) addressed to you with (1) postage stamp.

ADDITIONAL ENVELOPES: (5) blank envelopes for each Plaintiff and each Defendant with (1) postage stamp on each **OR** \$2.50 for each named party on your complaint.

SHERIFF'S FEES: **\$40.00 Per Summons** **\$90.00 Writ of Possession**

These fees may be paid with a **Business Check, Cashier's Check or Money Order**
Payable to: Santa Rosa County Sheriff's Office **(No Personal Checks)**

Read Florida Statutes 48.183 service of process in action for possession of residential premises.

MOTION FOR DEFAULT: Page 28 Prepare and present to Clerk with **\$90.00** payment to Santa Rosa Sheriff Dept and contact information by business card or letter if the Tenant(s) has/have not filed an answer within five (5) working days after service of the summons.

REQUEST FOR DISMISSAL: Page 29 Prepare. Sign and Date. Present to Clerk.

MEMO: WHEN YOU REQUEST POSSESSION PLEASE ATTACH A BUSINESS CARD OR LETTER WITH YOUR \$90.00 CHECK FOR THE DEPUTY TO HAVE CONTACT INFORMATION. **THANK YOU**

LANDLORD/TENANT EVICTIONS INFORMATION FOR MOBILE HOME PARK OWNERS

The following has been prepared to assist the Landlord in the filing of a Landlord/Tenant Eviction case. However all Landlords should become familiar with the latest edition of Chapter 83 (residential landlord/tenant) and Chapter 723 (mobile home parks) of the Florida Statutes.

The information contained in this packet will only aid you in the filing of your case. It will not answer any questions you might have as far as “your rights”. Pursuant to Clerk’s letter dated April 19, 2002, this office can not explain any part of the Landlord/Tenant Eviction process to either party (the Landlord or the Tenant). The clerk will file the complaint and issue the summons. Any questions you have or advice you require will have to come from private counsel. Be sure to **READ THIS PACKET IN IT’S ENTIRETY** as we can not help you other than to provide the packet for mobile home park owners.

A Landlord, his attorney or his agent may file the complaint in our office; however, 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 Clerk’s office can not recommend an attorney for you. If you do not know an attorney who handles Tenant Evictions, you should contact the Lawyer’s Referral Service at (850) 434-6009.

The Landlord and the Tenant should notify the Clerk’s Office of any change in address. Form: Page 26

If the case is settled either by the tenant moving out or by an understanding between the two parties after the case is filed, the Landlord should notify the court in writing so that the case may be dismissed.
Form Page 29: Plaintiff’s Request for Dismissal of Eviction Complaint.

Keep this packet for further use. If you request another packet the charge will be \$5.00.
Or, you can print from the Clerk’s Web Site www.santarosaclerk.com.

STEP ONE

Pursuant to Chapter 83 and Chapter 723 of the Florida Statute, a notice which complies with this statute should be served on the Tenant. For your convenience the judges have prepared examples of the proper notices. You will find copies of the notices on the next few pages. You should read the notices **CAREFULLY** and choose the notice that applies to your situation. Following each notice is an explanation of the proper service for this notice. If the proper notice is not given, the case may be dismissed by the Judge, and you will lose all monies paid for filing of this case.

Remember: You will need copies of the notice when you file your case in the Clerk’s Office.
Keep a copy of the Notice you gave to the Tenant(s).

STEP TWO

If the proper notice has been given and the Tenant refuses to vacate the premises, you may file your case at this time.

We have five complaints that you must choose from:

1. Complaint for Eviction only (Failure to Pay Rent)
2. Complaint for Eviction and Money (Failure to Pay Rent)
3. Complaint for Eviction (Conviction of Crime)
4. Complaint for Eviction (Serious Rule Violation)
5. Complaint for Eviction (Repeat Rule Violations)

After you have made your decision as to which complaint you will need, complete the form making sure you fill in each blank. The clerk will issue a summons for each tenant to be served. You may hand deliver the summons to the Civil Division of the Sheriff's Office or our office can forward it for you. The courier will deliver the paperwork to the sheriff's department. If you decide that we should send the summons, you will need to leave your sheriff's fee with the clerk when you file your case. We can **only** accept Cashiers Check, Money Order or Business Check made payable to the Santa Rosa County Sheriff's Office.

WE CAN NOT ACCEPT CASH FOR THE SHERIFF'S OFFICE.

If you have chosen the Complaint for Eviction only, Conviction of Crime, Serious Rule Violation, or Repeat Rule Violations a 5-day summons will be issued. A 5-day and 20-day summons will be issued for the complaint for Eviction and Money. This complaint will require service for 2 summons (\$40.00 per person).

5-DAY SUMMONS

Landlord:

Upon the service of the summons for Eviction, you must wait 5 complete days, not counting the day of service, weekends or holidays (Florida Statutes deem legal holidays to be any days the Courthouse is not open for business). If after this time the defendant(s) has not followed the instructions on the summons, you may file a Motion for Default. Make sure that you count your days correctly before filing the Motion. Again the Clerk's Office can not assist you in counting your days. We will send the Motion for Default along with the file to the Judge for his signature. He will review the file and apply the law accordingly. If you have followed the procedure correctly the Judge will sign the Judgment. When the file is returned to the Clerk's Office we will mail a copy of the Judgment to both parties. On the 11th day after the date of the Judgment the Clerk's Office will issue a Writ of Possession. The Writ must be served by the Sheriff's Office. The cost for this service is \$90.00. After the Writ is served the tenant will have 24 hours to vacate. If after this time they have not left, the Sheriff's Office will make them vacate the premises. This question is frequently asked; "What do I do with the mobile home if the tenant vacates but leaves the mobile home?" The Clerk's Office can not answer this question for you. Again, you should be familiar with the Florida Statute that deals with this problem.

20 - DAY SUMMONS

Tenant:

You will have 20 days (calendar days) to answer the summons for rent and/or damages to the premises. File the Original Signed and Dated Answer with the Clerks Office and Mail a Copy to the Plaintiff. We will send the file to the Judge for review. The Judicial Assistant will set a hearing if your answer raises factual issues, and will mail both parties a Notice to Appear. All parties must appear for this hearing.

POSTING MONEY TO THE COURT REGISTRY

In the summons the tenant is instructed to pay the money owed to the landlord by paying the amount and a fee into the Court Registry in the Clerk's Office. The Court Registry Fee is 3% of the first \$500.00 and 1.5% on amount over \$500.00.

This must be paid in CASH, CASHIER'S CHECK OR MONEY ORDER. We can not accept a check.

The funds will be held until an order is signed by the Judge instructing the Clerk as to how these funds are to be disbursed.

LANDLORDS: Be sure to read page (2) of this eviction packet.
We must have everything listed before we can file your case.

CLERK OF COURTS MAILING ADDRESS AND PHONE NUMBERS

Mary M. Johnson, Clerk of the Courts, Santa Rosa County, Florida
Landlord / Tenant Evictions located at: 6816 Caroline Street, Milton, Florida 32570
Mailing Address: P.O. Box 472 Milton, Florida 32572

Phone Numbers (850)983-4661
(850)983-4630
(850)983-4637

INFORMATION FOR MOBILE HOME PARK OWNERS

If you are seeking to evict a mobile home park tenant, you should know the information contained in this handout. Tenant evictions from mobile homes are covered by either Chapter 83 (residential landlord-tenant) or Chapter 723 (mobile home parks). Chapter 723 applies only to evictions of individuals who own their own mobile homes and rent lots from mobile home parks. A mobile home park is defined as one which offers for rent ten or more lots. [FS723.002(1)]. If your park offers/rents less than ten lots, you fall under Chapter 83. Chapter 723 also does not apply to RV parks. The rest of this handout applies only to mobile home park evictions under Chapter 723.

A mobile home park tenant can be evicted only if he violates one of six grounds:

1. Nonpayment of lot rental amount. [FS723.061(1)(a)]. This ground is applicable only if the nonpayment continues for five (5) days (not counting Saturdays, Sundays and holidays) after delivery of a written demand by the owner for payment of the lot rental amount. The demand by the owner for payment can only be delivered by certified or registered mail. In addition, even if the tenant remains in default for the five days, he may still not be evicted for non-payment if he pays the amount due (including any applicable late fees, court costs and attorney fees) by the time the case comes to pretrial conference.
2. The tenant is convicted (if adjudication is withheld, it doesn't count) of any federal or state statute which you feel that you can successfully argue to the court constitutes a detriment to the health, safety or welfare of other residents in the park. Example: tenant is convicted of battery, carrying a concealed weapon, burglary, etc. The statute [FS723.061(1)(b)] doesn't require that you give the tenant notice in this case, although you may do so if you wish.
3. The tenant violates a rule, regulation, rental agreement provision or statutory provision of Chapter 723, which violation "is found by any court having jurisdiction thereof to have been an act which endangered the life, health, safety, or property of the park residents or the peaceful enjoyment of the mobile home park by its residents." The translation of this provision is not easy. Basically, if you want to take the position that the tenant has committed an act that is so serious that it justifies giving a seven (7) day notice to vacate (NOT COUNTING weekends and holidays) you will have to be prepared to justify it in court if the tenant does not vacate (they rarely vacate) and instead it goes to a pretrial hearing. Examples of activities by a tenant that might fall under this category are disorderly conduct or intoxication on the park grounds, improper exhibition of a firearm in the park, piling trash on park grounds that constitutes a health hazard, indecent exposure, and on and on. It is not as easy to obtain an eviction using this ground as it is with any of the other, since it is the harshest. [FS723.061(1)©1].

4. The tenant violates any rule, regulation, rental agreement provision or any section of Chapter 723 **FOR THE SECOND TIME** within 12 months if:
 - a. you give the tenant **WRITTEN** notice within 30 days of the first violation (which notice specifically described the actions which constituted the violation and gave the tenant seven (7) days to correct it); and
 - b. the tenant failed to correct the first violation within the seven days; or corrected it but then repeated the violation within the 12 month period and you gave the tenant a thirty (30) day written notice to vacate after the second violation.

This ground needs a little explaining (to everyone who has read it in the statute books, including all the judges). The difference between grounds 3 and 4 is that you can only use ground 3 for “serious violations”, whereas ground 4 can be used for any violation. For example, let’s say that the tenant is keeping a pet in his mobile home, contrary to park rules. This does not qualify as a serious ground under #3 (unless the pet is rabid or very dangerous). Therefore, you must use the procedure for ground 4. You give the tenant the “repeated violation” notice to cure (see below) within 30 days of the date you discover the violation, which tells him to get rid of the pet or vacate within 7 days. If the tenant does not get rid of the pet or vacate within 7 days, you can treat the noncompliance as a second violation and serve a 30 day eviction notice on him; if he gets rid of the pet within the 7 days, but then 11 months later gets another pet, you can serve a 30 day eviction notice on him. This ground is complicated, so what’s so great about it? What’s great is that once the tenant commits the second violation, you don’t have the 30 day eviction notice. [FS723.061(1)©2].

5. You decide to no longer use the land as a mobile home park. You must give one (1) year’s notice to vacate. [FS723.061(1)(d)].
6. The tenant sells his mobile home to someone who does not qualify or has failed to obtain approval from you to become a tenant (if approval is required by a properly promulgated rule of the mobile home park). The statute does not require that you give notice for this ground. Again, you may do so if you wish, but it is not required [FS723.061(1)(e)].

Once you have decided which of the previous six grounds you intend to rely upon, you must determine which notice is appropriate to serve and then, if the tenant does not vacate within the time given, which complaint form you should use. We have prepared complaint forms and notices for the four most common types of evictions (grounds one through four).

Once any applicable notices have been delivered and the complaint filed, you must have the complaint served. (You cannot serve the complaint by posting a mobile home park eviction like a residential tenant eviction under Chapter 83, although the **NOTICE** must be posted).

Unlike the procedure required under Chapter 83 (residential evictions), you cannot serve the complaint by posting a copy on the mobile home. It must be served by a deputy or a process server. The notice to vacate, on the other hand, cannot be served by the sheriff’s office, but must be mailed and posted, as explained below.

NOTICES

Notices for Unpaid Rent Eviction

If you wish to evict a mobile home owner for non-payment of rent, you must deliver to the tenant a written notice which should take substantially the following form:

NOTICE TO QUIT

To: _____

You are hereby notified that you are indebted to me in the sum of \$_____ for the rent of the lot located at _____ Santa Rosa County, Florida, now occupied by you, and that I demand payment of the rent or possession of the premisses within five (5) days (not including Saturdays, Sundays or Legal Holidays) from the date of delivery of this notice (which is determined by Adding five calendar days to the date on the postmark), To Wit, on or before _____.

Landlord's Name, Address and Phone Number:

Please note that, for reasons known only to the drafters of this unusual legislation, you **CANNOT** hand deliver the notice. It must be **MAILED**, using certified mail, return receipt requested, to the owner's last known address (usually the mobile home lot). On the same day it is mailed, it must also be **POSTED** on the premises. If you mail the notice one day and post the notice the next day, it is not fatal to your case. However, if you fail to use certified mail, you will not even get a hearing.

You should also note that, while five days doesn't sound like much, when you delete week-ends and holidays and then add five MORE days from the day the notice is postmarked, you have given at least 11 days to pay or vacate. Example: You prepare and mail the notice on Monday, March 7, 1994. Add five days for delivery, which makes it Saturday, March 12. Then add five working days, which makes it Friday, March 18th! Suddenly, five days has turned into eleven. Throw in a holiday and perhaps another weekend (depending upon the calendar and when the notice is mailed) and you may wind up giving as many as 14 days grace. If you are wondering if you skip all this trash and just have the notice served by the Sheriff's Office, the answer is no, that's just a waste of money and time. The Sheriff's Office will not be recognized, just like hand delivery won't (but keep in mind the difference between serving a NOTICE and serving a COMPLAINT - notices must be mailed and posted, whereas complaints must be served by the Sheriff's Office). Looking at the "on or before" blank on the notice, you must be sure and figure this date correctly, because the first thing the judge will do when your case comes to his attention is pull out the calendar and calculate five calendar days plus five working days. If you figured incorrectly, you get to start all over! Using our example above, the correct date to be filled in on the notice would be March 18, 1994.

Complaint for Nonpayment of Mobile Home Lot Rent

The complaint you use for nonpayment of rent depends upon whether you are only seeking eviction or also asking for a judgment for the unpaid rent total. If you are only seeking possession, use complaint form on page 18. If you are seeking both possession and a money judgment, use complaint form on page 19 and 20. Looking at the complaint form you should fill in the blanks as follows:

- the formal property description is not necessary, just give the name of the park and the address;
- the first blank is the amount of periodic rent, such as "\$250.00"; the second ("payable") blank is the period of rent, such as "monthly, or the 5th of the month"
- fill in the "rent due" blank by stating the date that the rent was due. If the mobile home owner has missed more than one due date, list each of them.
- the date on which defendant was served will be the one calculated as set forth above; you add five working days to the five calendar days following the date your notice is postmarked. Attach a copy of the notice to the complaint. If no notice is attached, the complaint will be rejected by the judge as insufficient, the same as if the notice is done incorrectly.
- this sentence should read "Defendant owes Plaintiff past due rent of" If you have one of the old eviction forms, it may just read "Past due rent of ...". Calculate how much rent you are claiming to be owed and fill in the "as of" blank by inserting the date that the last rent payment was due. Also fill in the actual amount, which is usually the monthly rental amount.
Complaint Form on page 20 adds a Count II for "damages", which simply means you want a Money Judgment in addition to Possession.

Complaint for Conviction Eviction

Use complaint form on page 23 for this action. It will be necessary to obtain a certified copy of the judgment of conviction and attach a copy of that certified copy to the complaint. In paragraph number 3, an example of "describe court" would be "Santa Rosa County Circuit Court, 1st Judicial Circuit, Florida."

As previously pointed out, this ground for eviction does not require delivery of any notice. You just go directly to court and seek eviction. In other words, the first notice that the mobile home owner will receive indicating that you want him out of the park may well be the service of the complaint. There is no law that prohibits you from giving the mobile home owner some oral or written notice that he must leave. It's just not required. Several questions are raised by FS723.061(1)(b), which authorizes this ground. The first is what is a "conviction"? This means that the individual must be adjudicated guilty of the crime. If the individual is a minor and goes only to juvenile court, it doesn't count as a conviction. As previously stated, if the person is found guilty but adjudication is withheld, it doesn't count the second question is what individuals will qualify for this ground. Does it count if the adult (18 or over) child of the mobile home owner is the one convicted (assuming he lives there in the park with his parent(s))? No, the statute says "mobile home owner". What about the date of conviction? The statute does not speak to this problem, so we are willing to consider any conviction at any time, so long as it can be deemed detrimental to the health, safety or welfare of other park residents. Obviously, a conviction received for an act which occurred in the park will be more likely to fall into that category than any other; but if the conviction is for sexual battery, child molestation, or murder, for instance, the fact that it occurred before the owner moved into the park will not preclude its use. Be forewarned that we will not construe this section liberally in favor of the Landlord. It will have to be obvious that a real detriment exists before this section will be enforced. Example: a mobile home owner gets a conviction for reckless driving outside the park; without proof that he drives that way inside the park, this conviction will not sustain an eviction. On the other hand, a DUI conviction received while the owner was a resident of the park would be seriously considered, especially if there was proof that the owner drove back to his mobile home in that condition.

Notice of Eviction for Violation of Park Rule (Serious)

If you wish to evict an owner for violating a rule, lease provision or statute (Ch.723) which endangered the life, health, safety or property or park residents of their peaceful enjoyment of the park, you must serve on the owner by registered or certified mail, return receipt requested, a notice in substantially the following form:

NOTICE TO QUIT

To: _____

You are hereby notified that you have committed an act which has endangered the life, health, safety, or property of the park residents or the peaceful enjoyment of the park by the residents, to wit:

(explain circumstances)

You are hereby notified that I have elected to terminate your rental agreement, pursuant to 723.061(1)(c)1., Florida Statutes, for the lot located at _____ Santa Rosa County, Florida, and you have seven (7) days, counting Saturdays, Sundays and Legal Holidays, from the date this notice is delivered to vacate the premises (delivery date is determined by adding five (5) calendar days to the date on the postmark); To Wit, on or before

_____ .

Date of Mailing: _____.

Date of Posting: _____.

Landlord’s Name, Address and Phone Number:

Read the paragraphs following the Notice to Quit for unpaid rent evictions for information regarding service and posting.

Complaint for Serious Rule Violation Eviction

Use complaint form on page 22 if you are seeking to evict under the “serious” rule violation provision. In paragraph 3, be sure and attach a copy of the rule, regulation, lease provision or statute you are counting on. Also attach a copy of the notice you deliver.

**Notices for Eviction for Repeated Violation of Park Rule
(Non-Serious)**

If you wish to evict a mobile home owner for violation of any park rule, lease provision or section of Chapter 723 which does not fall into the “serious” category above, you must engage in a two step process: serve the owner with a notice to cure, and then (if the problem is not cured) with a notice to quit. Both notices must be delivered in the manner described in the two paragraphs following the Notice to Quit for unpaid rent eviction (above). The Notice to Cure should take substantially the following form:

NOTICE TO CURE

To: _____

You are hereby notified that, within the last thirty (30) days, you have violated a rule, regulation or lease provision of this mobile home park or a section of Chapter 723, Florida Statutes, To Wit:

_____ (cite the rule or statute)

Specifically, you have _____
_____ (state the circumstances constituting the violation).

I therefore demand, pursuant to 723.061(1)(c)2, Florida Statutes, that you either correct the condition described above within seven (7) days (counting Saturdays, Sundays and Holidays) of the date of delivery of this notice (delivery is computed by adding five (5) calendar days to the postmark date);

To Wit, on or before _____ or vacate the lot that you now rent, located at _____ . Failure to cure the condition, or repeating a cured violation within one year of the date of delivery of this notice will result in your being evicted from the premises.

Date of Mailing: _____.

Date of Posting: _____.

Landlord's Name, Address and Phone Number:

If the violation continues even one day past the seven days (and, again, you can count week-ends and holidays) given in the notice to cure, you may consider this a second violation and may then deliver a notice to quit. Delivery should be by mail as described above. The notice should take substantially the following form:

NOTICE TO QUIT

To: _____

You are hereby notified that you are required to vacate the premises located at _____ because you have committed a second violation of a park rule, regulation, lease provision or section of Chapter 723, Florida Statutes, To Wit:

(cite the rule, provision or statute)

Within one year of the first violation by engaging in the following:
(describe the prohibited activity)

You are required, pursuant to 723.061(1)(c)2, Florida Statute to vacate no later than thirty (30) days from the date of delivery of this notice (which is determined by adding five calendar days to the date on the postmark of this letter); To Wit: on or before _____.

Date of Mailing: _____.

Date of Posting: _____.

Landlord's Name, Address and Phone Number:

Complaint for Non-Serious Rule Violation Eviction

Use complaint form on page 21 if you are seeking to evict a mobile home owner from a mobile home park after giving the two notices set forth above for non serious violations. Note that you must attach copies of BOTH NOTICES, so that the judge can look at the file and see that you have complied with all requirements before filing. Be sure and attach also a copy of the rule, provision or statute number upon which you are relying.

Title VI

Chapter 48

View Entire Chapter

Civil Practice And Procedure

Process And Service Of Process

48.183 Service of process in action for possession of premises.

(1) In an action for possession of residential premises or nonresidential premises, if the tenant cannot be found in the county or there is no person 15 years of age or older residing at the tenant's usual place of abode in the county after at least two attempts to obtain service as provided above in this subsection, summons may be served by attaching a copy to a conspicuous place on the property described in the complaint or summons. The minimum time delay between the two attempts to obtain service shall be 6 hours. Nothing herein shall be construed as prohibiting service of process on a tenant as is otherwise provided on defendants in civil cases.

(2) If a landlord causes or anticipates causing a defendant to be served with a summons and complaint solely by attaching them to some conspicuous place on the property described in the complaint or summons, the landlord shall provide the Clerk of the Court with an additional copy of the complaint and a prestamped envelope addressed to the defendant at the premises involved in the proceeding. The Clerk of the Court shall immediately mail the copy of the summons and complaint by first-class mail, note the fact of mailing in the docket, and file a certificate in the court file of the fact and date of mailing. Service shall be effective on the date of posting or mailing, whichever occurs later, and at least 5 days must elapse from the date of service before a judgment for final removal of the defendant may be entered.

History.—s. 4, ch. 73-330; s. 1, ch. 75-34; s. 1, ch. 83-39; s. 2, ch. 84-339; s. 4, ch. 87-405; s. 1, ch. 88-379; s. 3, ch. 94-170; s. 2, ch. 98-410.

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● [Statutes and Constitution](#) ● [Lobbyist Information](#)

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NOTICE TO QUIT

(Non Payment of Rent)

TO: _____

You are hereby notified that you are indebted to me in the sum of \$_____ for the rent of lot located at _____

_____ Santa Rosa County, Florida, now occupied by you and that I demand payment of the rent or possession of the premises within five (5) days (not including Saturdays, Sundays or Legal Holidays) from the date of delivery of this notice (which is determined by adding five calendar days to the date on the postmark),

To Wit: on or before _____.

Date of Mailing: _____

Date of Posting: _____

Landlord's Name, Address and Phone Number:

NOTICE TO QUIT
(Serious Rule Violation Eviction)

TO: _____

You are hereby notified that you have committed an act which has endangered the life, health, safety, or property of the park residents or the peaceful enjoyment of the park by the residents, to wit: _____

(explain circumstances)

You are hereby notified that I have elected to terminate your rental agreement, pursuant to 723.061(1)(c)1., Florida Statutes, for the lot located at _____

_____ Santa Rosa County, Florida,

and you have seven (7) days, counting Saturdays, Sundays and Legal Holidays, from the date this notice is delivered to vacate the premises (delivery date is determined by adding five (5) calendar days to the date on the postmark);

To Wit: on or before _____.

Date of Mailing: _____

Date of Posting: _____

Landlord's Name, Address and Phone Number:

NOTICE TO CURE
(Non Serious Violation of Park Rule Eviction)

TO: _____

You are hereby notified that, within the last thirty (30) days, you have violated a rule, regulation or lease provision of this mobile home park or a section of chapter 723, Florida Statutes, To Wit:

(cite the rule or statute)

Specifically, you have _____

(state the circumstances constituting the violation.)

I therefore demand, pursuant to 723.061.(1)(c)2., Florida Statutes, that you either correct the condition described above within seven (7) days (counting Saturdays, Sundays and Holidays) of the date of delivery of this notice (delivery is computed by adding five (5) calendar days to the postmark date);

To Wit, on or before _____ or vacate the lot that you now rent, located at _____ . Failure to cure the condition, or repeating a cured violation within one year of the date of delivery of this notice will result in your being evicted from the premises.

DATE OF MAILING: _____

DATE OF POSTING: _____

LANDLORD'S NAME: _____

ADDRESS: _____

PHONE: _____

NOTICE TO QUIT
(Non Serious Violation of Park Rule Eviction)

TO: _____

You are hereby notified that you are required to vacate the premises located at

in Santa Rosa County, Florida, because you have committed a second violation of a park rule, regulation, lease provision or section of Chapter 723, Florida Statutes,

To Wit: _____

(cite the rule, provision or statute)

Within one year of the first violation by engaging in the following:

(describe the prohibited activity) _____

You are required, pursuant to 723.061(1)(c)2., Florida Statute to vacate no later than thirty (30) days from the date of delivery of this notice (which is determined by adding five calendar days to the date on the postmark of this letter);

To Wit: on or before _____.

Date of mailing: _____

Date of Posting: _____

Landlord's Name, Address and Phone Number:

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

Plaintiff(s)

VS CASE NO: 57- - CC - _____

Defendant(s)

**COMPLAINT FOR EVICTION
MOBILE HOME PARK EVICTION
(RENT)**

Plaintiff(s) _____ **sues**

Defendant(s) _____ **and alleges:**

1. This is an action to evict a tenant from a Mobile Home Park in Santa Rosa County, Florida pursuant to 723.061(1)(a), Florida Statutes.
2. Plaintiff(s) owns the following described real property in Santa Rosa County, wherein is located a Mobile Home Park containing 10 or more mobile home lots;

(Street address of rental property including lot number City, State & Zip Code)

3. Defendant(s) has possession of the property under written agreement, copy attached, or oral agreement, to pay rent of \$ _____ payable each _____.
(Rental Amount) (Monthly, Weekly, etc...)
4. Defendant(s) failed to pay rent due _____, 20 _____.
(Date Defendant failed to pay rent)
5. Plaintiff(s) 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 which notice is attached hereto.
6. Defendant(s) owes Plaintiff(s) past due rent of \$ _____ as of _____ which continues to accrue at the rate of \$ _____ per month, plus court cost.

Wherefore, Plaintiff(s) demands judgement for possession of the property against Defendant(s)

Plaintiff, Attorney or Agent

Address

City and State, Zip Code Phone Number

COUNT II

- 7. This is an action for damages that do not exceed \$15,000.00.
- 8. Plaintiff (s) restates those allegations contained in paragraphs 1 through 6 above.
- 9. Defendant(s) owes Plaintiff(s) \$_____ That is due with interest since _____, for unpaid rent and \$_____

For damages to the premises, plus court costs.

Wherefore, Plaintiff(s) demands judgement for damages against Defendant(s).

Plaintiff, Attorney, or Agent

Address

City and State, Zip Code

Phone Number

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

Plaintiff(s)

VS CASE NO: 57 - - CC - _____

Defendant(s)

**COMPLAINT
MOBILE HOME PARK EVICTION
(Repeat Rule Violations)**

Plaintiff(s) _____ sues

Defendant(s) _____ and alleges.

- 1). This is an action to evict a tenant from a Mobile Home Park in Santa Rosa County, Florida, pursuant to 723.061(1)(c)1, Florida Statutes.
- 2. Plaintiff(s) owns the following described real property in Santa Rosa County, wherein is located a Mobile home park contains 10 or more mobile home lots:

(Street address of rental property including lot number, City, State and Zip Code)

- 3. Defendant(s) has continued to violate the following park rule(s), lease provision or section of Chapter 723, Florida Statutes. Below identify rule or lease provision or statute number and attach a copy of applicable lease or rules.

- 4. Specifically, the defendant (state circumstances causing violation) _____
- 5. Defendant(s) act endangered the life, health, safety or property of the park residents, or it interfered with the peaceful enjoyment of the park by the residents.
- 6. As a result, Plaintiff(s) elected to terminate the rental agreement and served Defendant(s) with a notice to vacate, which Defendant(s) refuses to do. A copy of the notice is attached.

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

Plaintiff(s), Attorney or Agent

Address

City and State, Zip Code Phone Number

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

Plaintiff(s)
VS CASE NO: 57 - - CC - _____

Defendant(s)

**COMPLAINT
MOBILE HOME PARK EVICTION
(Serious Rule Violation)**

Plaintiff(s) _____sues
Defendant(s) _____ and alleges:

- 1. This is an action to evict a tenant from a Mobile Home Park in Santa Rosa County, Florida, pursuant to 723.061(1)(c)1, Florida Statutes.
- 2. Plaintiff(s) owns the following described real property in Santa Rosa County, wherein is located a Mobile home park contains 10 or more mobile home lots:

(Street address of rental property including lot number, City, State and Zip Code)

- 3. Defendant(s) has violated the following park rule, lease provision or section of Chapter 723, Florida Statutes. Below identify rule or lease provision or statute number and attach a copy of applicable lease or rules.

- 4. Specifically, the defendant (state circumstances causing violation) _____

- 5. Defendant(s) act endangered the life, health, safety or property of the park residents, or it interfered with the peaceful enjoyment of the park by the residents.
- 6. As a result, Plaintiff(s) elected to terminate the rental agreement and served Defendant(s) with a notice to vacate, which Defendant(s) refuses to do. A copy of the notice is attached.

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

Plaintiff(s), Attorney or Agent

Address

City and State, Zip Code Phone Number

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

_____ Plaintiff(s)

VS CASE NO: 57 - - CC - _____

_____ Defendant(s)

**COMPLAINT
MOBILE HOME PARK EVICTION
(Conviction of Crime)**

Plaintiff(s) _____ sues
Defendant(s) _____ and alleges:

1. This is an action to evict a tenant from a Mobile Home Park in Santa Rosa County, Florida, pursuant to 723.061(1)(c)1, Florida Statutes.
2. Plaintiff(s) owns the following described real property in Santa Rosa County, wherein is located a Mobile Home Park contains 10 or more mobile home lots:

(Street address of rental property including lot number, City, State and Zip Code)

3. Defendant(s) was convicted of the crime of _____ in _____ on _____.
(Describe Court) (Date of Conviction)
the judgment of conviction is attached.

4. The crime of which defendant was convicted constitutes a detriment to the health, safety or welfare of the park residents.

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

Plaintiff(s), Attorney or Agent

Address

City and State, Zip Code Phone Number

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

Plaintiff(s)
vs CASE NO: 57 - - CC -

Defendant(s)

To: _____
Defendant(s)
_____ Lot _____

EVICTION SUMMONS/MOBILE HOME LOT * * * * * **PLEASE READ CAREFULLY**

You are being sued by _____
to require you to move out of the place where you are living for the reasons given in the attached complaint.

You are entitled to a trial to determine 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 Saturday, Sunday, or any legal holiday) 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 ARE AS FOLLOWS:

(1) Write down the reason(s) why you think you should not be forced to move. The written reason(s) must be given to the Clerk of the Court at Santa Rosa County Courthouse, 6865 Caroline Street, Milton, Florida 32570.

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

Plaintiff/Plaintiff's Attorney: _____

Address: _____

(3) Pay to the Clerk of the Court the amount of rent that the attached complaint claims to be due and any rent that becomes due until the lawsuit is over. Rent money deposited into the Registry of Court must be paid by Cash, Cashier's Check, or Money Order with a Registry Fee of 3% of the first \$500.00 and 1.5% over \$500.00. If you believe that the amount claimed in the complaint is incorrect, you should file with the Clerk of the Court a motion to have the court determine the amount to be paid. If you file a motion, you must attach to the motion any documents supporting your position and mail or give a copy of the motion to the plaintiff/plaintiff's attorney.

(4) If you file a motion to have the court determine the amount of rent to be paid to the clerk of the court, you must immediately contact the office of the judge to whom the case is assigned to schedule a hearing to decide what amount should be paid to the clerk of the court while the lawsuit is pending.

IF YOU DO NOT DO ALL OF THE THINGS SPECIFIED ABOVE WITHIN 5 WORKING DAYS AFTER THE DATE THAT THESE PAPERS WERE GIVEN TO YOU OR TO A PERSON WHO LIVES WITH YOU OR WERE POSTED AT YOUR HOME, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE

(5) If the attached complaint also contains a claim for money damages (such as unpaid rent), you must respond to that claim separately. You must write down the reasons why you believe that you do not owe the money claimed. The written reasons must be given to the Clerk of the Court at the address specified in paragraph (1) above, and you must mail or give a copy of your written reasons to the plaintiff/plaintiff's attorney at the address specified in paragraph (2) above. This must be done within 20 days after the date these papers were given to you or to a person who lives with you or were posted at your home. This obligation is separate from the requirement of answering the claim for eviction within 5 working days after these papers were given to you or to a person who lives with you or were posted at your home.

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 _____, 20_____.

Mary M. Johnson
Clerk of the County Court

By: _____
As Deputy Clerk

NOTIFICACION DE DESALOJO/RESIDENCIAL

SIRVASE LEER CON CUIDADO

_____ Usted esta siendo demandado por _____ para exigirle que desaloje el lugar donde reside por los motivos que se expresan en la demanda adjunta.

Usted tiene derecho a ser sometido a juicio para determinar si se le puede exigir que se mude, pero ES NECESARIO que haga TODO lo que se le pide a continuacion en un plazo de 5 dias (no incluidos los sabados, domingos, ni dias feriados) a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se colocaron en su casa.

USTED DEBERA HACER LO SIGUIENTE:

(1) Escribir el (los) motivo(s) por el (los) cual(es) cree que no se le debe obligar a mudarse. El (Los) motivo(s) debera(n) entregarse por escrito al secretario del tribunal en el Edificio de los Tribunales de Condado de _____, Florida.

(2) Enviar por correo o darle su(s) motivo(s) por escrito a:
Demandante/Abogado del Demandante: _____
Direccion: _____

(3) Pagarle al secretario del tribunal el monto del alquiler que la demanda adjunta reclama como adeudado, asi como cualquier alquiler pagadero hasta que concluya el litigio. Si usted considera que el monto reclamado en la demanda es incorrecto, debera presentarle al secretario del tribunal una mocion para que el tribunal determine el monte que deba pagarse. Si usted presenta una mocion, debera adjuntarle a esta cualesquiera documentos que respalden su posicion, y enviar por correo o entregar una copia de la misma al demandante/abogado del demandante.

(4) Si usted presenta una mocion para que el tribunal determine el monto del alquiler que deba pagarse al secretario del tribunal, debera comunicarse de inmediato con la oficina del juez al que se le haya asignado el caso para que programe una audiencia con el fin de determinar el monto que deba pagarse al secretario del tribunal mientras el litigio este pendiente.

SI USTED NO LLEVA A CABO LAS ACCIONES QUE SE ESPECIFICAN ANTERIORMENTE EN UN PLAZO DE 5 DIAS LABORABLES A PARTIR DE LA FECHA EN QUE ESTOS DOCUMENTOS SE LE ENTREGARON A USTED O A UNA PERSONA QUE VIVE CON USTED, O SE COLOQUEN EN SU CASA, SE LE PODRA DESALOJAR SIN NECESIDAD DE CELEBRAR UNA AUDIENCIA NI CURSARSELE OTRO AVISO.

(5) Si la demanda adjunta tambien incluye una reclamacion por danos y perjuicios pecunarios (tales como el incumplimiento de pago del alquiler), usted debera responder a dicha reclamacion por separado. Debera exponer por escrito los motivos por los cuales considera que usted no debe la suma reclamada, y entregarlos al secretario del tribunal en la direccion que se especifica en el parrafo (1) anterior, asi como enviar por correo o entregar una copia de los mismos al demandante/abogado del demandante en la direccion que se especifica en el parrafo (2) anterior. Esto debera Llevarse a cabo en un plazo de 20 dias a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se coloquen en su casa. Esta obligacion es aparte del requisito de responder a la demanda de desalojo en un plazo de 5 dias a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se coloquen en su casa.

CITATION D'EVICITION/RESIDENTIELLE

LISEZ ATTENTIVEMENT

_____ Vous etes poursuivi par _____ pour exiger que vous evacuez les lieux de votre residence pour les raisons enumerees dans la plainte ci-dessous.

Vous avez droit a un proces pour determiner si vous devez demenager, mais vous devez, au prealable, suivre les instructions enumerees ci-dessous, pendant les 5 jours (non compris le samedi, le dimanche, ou un jour ferie) a partir de la date ou ces documents ont ete donnes a vous ou a la personne vivant avec vous, ou ont ete affichees a votre residence.

LISTE DES INSTRUCTIONS A SUIVRE:

(1) Enumerer par ecrit les raisons pour lesquelles vous pensez ne pas avoir a demenager. Elles doivent etre remises au clerc du tribunal a Santa Rosa County Courthouse, 6865 Caroline Street, Milton, Florida 32570.

(2) Envoyer ou donner une copie au:
Plaignant/Avocat du Plaignant: _____
Adresse: _____

(3) Payer au clerc du tribunal le montant des loyers dus comme etabli dans la plainte et le montant des loyers dus jusqu'a la fin du proces. Si vous pensez que le montant etabli dans la plainte est incorrect, vous devez presenter au clerc du tribunal une demande en justice pour determiner la somme a payer. Pour cela vous devez attacher a la demande tous les documents soutenant votre position et faire parvenir une copie de la demande au plaignant/avocat du plaignant.

(4) Si vous faites une demande en justice pour determiner la somme a payer au clerc du tribunal, vous devrez immediatement prevenir le bureau de juge qui presidera au proces pour fixer la date de l'audience qui decidera quelle somme doit etre payee au clerc du tribunal pendant que le proces est en cours.

SI VOUS NE SUIVEZ PAS CES INSTRUCTIONS A LA LETTRE DANS LES 5 JOURS QUE SUIVENT LA DATE OU CES DOCUMENTS ONT ETE REMIS A VOUS OU A LA PERSONNE HABITANT AVEC VOUS, OU ONT ETE AFFICHES A VOTRE RESIDENCE, VOUS POUVEZ ETRE EXPULSES SANS AUDIENCE OU SANS AVIS PREALABLE.

(5) Si la plainte ci-dessus contient une demande pour dommages pecuniaires, tels des loyers arrieres, vous devez y repondre separement. Vous devez enumerer par ecrit les raisons pour lesquelles vous estimez ne pas devoir le montant demande. Ces raisons ecrites doivent etre donnees au clerc du tribunal a l'adresse specifiee dans le paragraphe (1) et une copie de ces raisons donnee ou envoyee au plaignant/avocat du plaignant a l'adresse specifiee dans le paragraphe (2). Cela doit etre fait dans les 20 jours suivant la date ou ces documents ont ete presentes a vous ou a la personne habitant avec vous, ou affichees a votre residence. Cette obligation ne fait pas partie des instructions a suivre en reponse au proces d'eviction dans les 5 jours suivant la date ou ces documents ont ete presentes a vous ou a la personne habitant avec vous, ou affichees a votre residence.

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

Plaintiff(s)
VS CASE NO: 57 - - CC -

Defendant(s)

NOTICE OF PERMANENT MAILING ADDRESS

I, _____, the Plaintiff/Defendant in the above styled cause of action hereby certify that my permanent mailing address is as follows:

Phone #: _____

I 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 hearing in this case, and
- b. Any Court documents and papers pertaining to this case.

I understand that all notices and court papers in this case will be sent to me 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 notify the court of my new address. I also understand that if I change my permanent mailing address or residence address, I must notify the Clerk of Court of my 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 the County Court in and for
Santa Rosa County Florida
County Civil/Evictions Division
6865 Caroline Street, Suite L
Milton Florida 32570

I have read this document and I understand that it is my responsibility to keep the Court informed of any change in my current address. I understand that copies of any court documents and notice of all future hearing which are mailed to my 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 do not appear for said hearing.

MEMO

TO Attorneys and Pro Se Parties

FROM Mary M. Johnson, Clerk of Courts, Santa Rosa County, Florida
County Civil / Small Claims / Landlord - Tenant
PO Box 472 Milton, Florida 32572
Phone: 850 983 4661 850 983 4637 850 983 4630

SUBJECT (1) Two Sided Pleading
(2) Letter Size Paper

- 1) Prepare Pleadings or Documents for Case Filing with print on one side of each sheet of paper.

We docket and scan each item submitted for case filing.

- 2) Submit Pleadings or Documents for Case Filing on Standard Letter Size Paper which is (8 ½ x 11).

Thank you in advance for your consideration and compliance to our request.

**IN THE COUNTY COURT IN AND FOR
SANTA ROSA COUNTY, FLORIDA**

Plaintiff(s)

vs.

CASE NO: 57 - - CC - _____

Defendant(s)

MOTION FOR DEFAULT

_____ Plaintiff(s), _____,
moves for entry of a default by the Clerk against the Defendant(s) _____
_____ for failure to serve any paper
on the undersigned or file any paper as required by law.

Dated this _____ day of _____, 20 ____.

Owner, Attorney or Agent

DEFAULT

_____ A default is entered in this action against the Defendant(s) named in the foregoing motion for failure to
serve or file any paper as required bylaw.

Dated this _____ day of _____, 20 ____.

MARY M. JOHNSON,
CLERK, CIRCUIT AND COUNTY COURTS

BY: _____

Deputy Clerk,

IN THE COUNTY COURT IN AND FOR
SANTA ROSA COUNTY, FLORIDA

Plaintiff(s)

vs.

CASE NO: 57 - - CC -

Defendant(s)

PLAINTIFF'S REQUEST FOR DISMISSAL OF EVICTION COMPLAINT

PLEASE ADVISE OUR OFFICE OF THE STATUS ON THE ABOVE CASE BY CHECKING ONE OF THE CATEGORIES LISTED BELOW AND MAIL THIS FORM BACK TO OUR OFFICE SO THAT WE CAN DISMISS THIS ACTION:

_____ THE TENANT HAS VACATED THE PREMISES AND I REQUEST THAT THIS ACTION BE DISMISSED.

_____ THE TENANT HAS PAID THE RENT ARREARAGE IN FULL AND I REQUEST THAT THIS ACTION BE DISMISSED.

Date

Plaintiff(s), Agent, or Attorney

Print Name

MAIL TO: MARY M. JOHNSON, CLERK OF COURT
ATTN: LANDLORD / TENANT DIVISION
P.O. BOX 472
MILTON, FLORIDA 32572