



# MICHELLE R. MILLER

Clerk of the Circuit Court & Comptroller  
ST. LUCIE COUNTY, FLORIDA

## SELF-SERVICE CENTER

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**Department: County Civil**

**Packet #EV5-15: Complaint for Eviction**

*Eviction action for failure to comply with rental agreement  
(other than failure to pay rent).*

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**NonRefundable**



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Clerk of the Circuit Court & Comptroller  
ST. LUCIE COUNTY, FLORIDA

County Civil division  
250 N.W. Country Club Drive  
Port Saint Lucie, Florida 34986  
(772) 785-5880

## INSTRUCTIONS FOR FILING AN EVICTION (POSSESSION ONLY-NON COMPLIANCE WITH RENTAL AGREEMENT)

These forms should be used when a landlord desires possession of the premises from a tenant for noncompliance with the rental agreement. The landlord is referred to as the plaintiff and the tenant as the defendant. These forms should be typed or printed legibly. Please be sure to include a telephone number on the complaint for Eviction where the Clerk's Office or Sheriff's Department may reach you.

**Pursuant to F.S. 83.43(3), "landlord" is defined as the owner of a dwelling unit.**

**The plaintiff in a landlord/tenant action must be the owner of the property. The plaintiff must provide proof of ownership of the property when filing an eviction complaint. This proof may be a copy of the property record card from the St. Lucie County Property Appraiser's office at [www.paslc.org](http://www.paslc.org) or a warranty deed.**

**Failure to file proof of ownership of the property will result in the judge dismissing your complaint and loss of any filing fees.**

### STEP 1

The following paperwork and fees are required to process your Eviction case:

- PAPERWORK:
  - 7-Day Notice of Non-Compliance to Tenant
  - Copy of lease or rental agreement
  - Complaint for Eviction
  - Two (2) copies of all documents for **each** defendant (service & mailing)
  - One (1) copy of all documents for your records
  - Pre-Addressed Stamped Envelopes: one with each defendant's name and address
  - Proof of Ownership
  - Property Management Agreement
- FILING FEE: (payable to ST. LUCIE COUNTY CLERK OF COURT)
  - \$185.00 cash/money order/MasterCard or Visa
  - PLUS \$10.00 PER SUMMONS / PER DEFENDANT
- SERVICE FEE: (payable to St Lucie County Sheriff's Dept.)
  - \$40.00 per defendant, payable by money order, cashier's check or business check
  - \$90.00 Writ of Possession (paid after issuance of Judgment)

## **STEP TWO**

File the original, copies and envelopes with the Clerk of Courts County Civil Division. You may file your complaint at either of the following locations:

South County Courthouse Annex (Main Office)  
250 N.W. Country Club Drive, Room 115  
Port St Lucie, Florida 34986

Small Claims Department  
201 South Indian River Drive  
Fort Pierce, Florida 34950

**\*All court files are located and all hearings are held at the South County Annex.\***

Once the Clerk's Office has processed your complaint, an Eviction Summons will be issued and a Certificate of Mailing will be prepared (if a self-addressed stamped envelope was provided). Service of the Complaint and Summons may be perfected by sheriff's service or you may hire a private process server.

### For Service of Process:

St Lucie County Sheriff's Department - Civil Office  
218 South Second Street  
Fort Pierce, Florida 34950

St Lucie County Sheriff's Department (for service of evictions in Port St Lucie & Jensen Beach only)  
250 N.W. Country Club Drive  
Port St Lucie, Florida 34986

If you have questions in regards to the service of the summons, you may contact the sheriff's department at 772-462-3214 or 772-462-3271.

Once the defendant(s)/tenant(s) has been served, they will have five days (excluding the day of service, Saturdays, Sundays & legal holidays) to file a written response to your complaint.

## **STEP THREE**

If the defendant files a response within the required time, the judge assigned to your case will review the file and determine whether or not the case should be set for hearing. If a hearing is scheduled, all parties will be notified by mail. The owner or an attorney must appear at the hearing. If a hearing is not scheduled, the judge will issue a written decision and copies will be mailed to all parties.

If the defendant does not file a response within the required time, you may then file for a default.

## **STEP FOUR**

Complete and file the following:

Original Motion for Clerk's Default – Residential Eviction with copies for defendant(s) and yourself  
Original Non Military Affidavit  
Original Motion for Default Final Judgment – Residential Eviction  
Original proposed Final Judgment for Possession with copies for defendant(s) and yourself  
Self-addressed stamped envelopes with each defendant's name and address and your name and address.

Once the Judge enters your Final Judgment for Possession, you will need a Writ of Possession to remove the tenants from the property

## **STEP FIVE**

Issuance of the Writ of Possession is not an automatic process. To obtain the Writ of Possession, you may call the Clerk of Court, County Civil Division at 772-785-5880. Deliver the Writ to the sheriff's department (at either address located above) along with the service fee of \$90.00. The sheriff's department will schedule a date and time to meet you at the premises to remove any persons remaining and deliver possession back to you.

**If the defendant vacates the premises or settlement is reached, the Plaintiff may file a Voluntary Dismissal which is available on the Clerk of Court's website at [www.stlucieclerk.gov](http://www.stlucieclerk.gov)**

**NOTICE FROM LANDLORD TO TENANT NOTICE OF  
NONCOMPLIANCE FOR MATTERS OTHER THAN FAILURE TO PAY RENT  
INSTRUCTIONS**

Violations of a rental agreement which may entitle the Landlord to send this Notice include, the material failure of Tenant to comply with its statutory obligations to maintain the dwelling unit under Florida Statute 83.52 or material provisions of the rental agreement (other than the failure to pay rent), or reasonable rules and regulations. For the notice necessary to terminate the rental agreement under circumstances where the Tenant must be given the opportunity to remedy the violation, see Florida Statutes 83.56(2)(b).

Under some situations, such as the Tenant's intentional destruction of property of the Landlord or other Tenants, the Landlord may be able to terminate the rental agreement without giving the Tenant an opportunity to remedy the violation. For the notice necessary to terminate the rental agreement under these circumstances, see Florida Statute 83.56(2)(a).

The delivery of this written notice may be by mailing or delivering a true copy to the dwelling unit, or, if the Tenant is absent from the dwelling unit, by leaving a copy of the notice at the dwelling unit.

This written notice must be delivered, and the seven day time period must run, prior to any termination of the rental agreement or any lawsuit for eviction.

SOURCE: Sections 83.52 and 83.56 Florida Statutes (2007).

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**NOTICE FROM LANDLORD TO TENANT NOTICE OF  
NONCOMPLIANCE FOR MATTERS OTHER THAN FAILURE TO PAY RENT**

TO:

\_\_\_\_\_  
Tenant's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

From: \_\_\_\_\_

Date: \_\_\_\_\_

You are hereby notified that you are not complying with your rental agreement in that \_\_\_\_\_  
\_\_\_\_\_ [insert noncompliance, default or violation]. Demand is hereby made  
that you remedy the noncompliance, default or violation within seven days of receipt of this notice or your rental  
agreement shall be deemed terminated and you shall vacate the premises upon such termination. If this same  
conduct or conduct of a similar nature is repeated within twelve months, your tenancy is subject to termination  
without your being given an opportunity to cure the noncompliance, default or violation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Landlord/Property Manager [circle one]

\_\_\_\_\_  
Address [street address]

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

Hand Delivered On: \_\_\_\_\_

Posted On: \_\_\_\_\_

In the County Court of the Nineteenth Judicial Circuit,  
in and for St. Lucie County, Florida

Case No:

PLAINTIFF(S),

VS

DEFENDANT(S).

DESIGNATION OF E-MAIL ADDRESS FOR PARTY NOT  
REPRESENTED BY AN ATTORNEY

Pursuant to Florida Rules of General Practice and Judicial Administration 2.516, I, \_\_\_\_\_  
\_\_\_\_\_, designate the below e-mail address(es) for electronic service of all  
documents related to this case.

By completing this form, I am authorizing the court, clerk of court, and all parties to send  
copies of notices, orders, judgments, motions, pleadings, or other written communications to me  
by e-mail or through the Florida Courts E-filing Portal.

I will file a written notice with the clerk of court if my current e-mail address changes.

Designated e-mail address: \_\_\_\_\_

Secondary designated e-mail address(es) (if any) \_\_\_\_\_

I certify that a copy hereof has been furnished to the clerk of court for St. Lucie County and  
\_\_\_\_\_ by  
(e-mail) (hand delivery) (mail) \_\_\_\_\_

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(e-mail address)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(phone number)



**MICHELLE R. MILLER**  
 Clerk of the Circuit Court & Comptroller  
**ST. LUCIE COUNTY, FLORIDA**  
 County Civil division  
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 Port Saint Lucie, Florida 34986  
 (772) 785-5880

In the County Court, Nineteenth Judicial  
 Circuit, in and for County of St. Lucie, State  
 of Florida – Civil Division

Case No. \_\_\_\_\_

\_\_\_\_\_  
 [insert name of Landlord]  
 Plaintiff,  
 vs.

\_\_\_\_\_  
 [insert name of Tenant]  
 Defendant.

**COMPLAINT FOR EVICTION**

Plaintiff, \_\_\_\_\_ [insert name of Landlord], sues Defendant, \_\_\_\_\_  
 \_\_\_\_\_ [insert name of Tenant] and alleges:

1. This is an action to evict a Tenant from real property in St. Lucie County, Florida.
2. Plaintiff owns the following described real property in the County: \_\_\_\_\_  
 \_\_\_\_\_ [insert legal or street  
 description of the property including, if applicable, unit number].
3. Defendant has possession of the property under a (oral/written) agreement. A copy of the written agreement, if any, is attached as Exhibit "A."
4. Plaintiff served Defendant with a notice on \_\_\_\_\_, 20 [insert date of notice] giving written notice to the Defendant that the Defendant was in violation of its rental agreement. A copy of the notice, setting forth the violation of the rental agreement, is attached as Exhibit "B".
5. Defendant has failed to correct or discontinue the conduct set forth in the above-mentioned notice.

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

\_\_\_\_\_  
 Landlord's Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
 Phone Number \_\_\_\_\_



IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

CASE NO. \_\_\_\_\_  
[insert case number assigned by Clerk of the Court]

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**MOTION FOR CLERK’S DEFAULT -  
RESIDENTIAL EVICTION**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

Plaintiff asks the Clerk to enter a default against \_\_\_\_\_,  
[insert defendants name]

Defendant, for failing to respond as required by law to the Plaintiff’s Complaint for residential eviction.

\_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

**DEFAULT – RESIDENTIAL EVICTION**

A default is entered against the above named Defendant(s) for failure to respond as required by law.

DATED: \_\_\_\_\_

Michelle R. Miller  
Clerk & Comptroller, St. Lucie County

By \_\_\_\_\_  
Deputy Clerk

IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

CASE NO. \_\_\_\_\_  
[insert case number assigned by Clerk of the Court]

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**NON-MILITARY AFFIDAVIT**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

On this day personally appeared before me, the undersigned authority, \_\_\_\_\_,  
who, after being first duly sworn, says:

Defendant, \_\_\_\_\_, is known by Affiant not to be in the  
military service or any governmental agency or branch subject to the provisions of the Soldiers' and Sailors'  
Civil Relief Act.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

Sworn and subscribed before me on \_\_\_\_\_ [date], by \_\_\_\_\_  
[name], who \_\_\_\_\_ is personally known to me \_\_\_\_\_ produced \_\_\_\_\_  
[document] as identification and who took an oath.

\_\_\_\_\_  
NOTARY PUBLIC-STATE OF FLORIDA  
Name: \_\_\_\_\_  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

I CERTIFY that I \_\_\_\_\_ mailed, \_\_\_\_\_ faxed and mailed, or \_\_\_\_\_ hand delivered a copy of  
this motion and attached affidavit to the Defendant at \_\_\_\_\_  
[insert address at which Tenant was served and fax number if sent by fax].

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Fax No. \_\_\_\_\_

IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

CASE NO. \_\_\_\_\_  
[insert case number assigned by Clerk of the Court]

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**MOTION FOR DEFAULT FINAL -  
JUDGMENT - RESIDENTIAL EVICTION**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

Plaintiff asks the Clerk to enter a default judgment against \_\_\_\_\_

[name], Defendant(s), for failure to respond as required by law to Plaintiff's Complaint for Eviction.

1. Plaintiff filed a Complaint alleging grounds for residential eviction of Defendant.
2. A Default was entered by the Clerk of this Court on \_\_\_\_\_  
[date].

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for Residential Eviction against  
Defendant.

\_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

cc: \_\_\_\_\_  
[insert name and address of Tenant]

IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL  
CIRCUIT IN AND FOR ST. LUCIE COUNTY, FLORIDA

\_\_\_\_\_  
[insert name of landlord/owner]

Case no: \_\_\_\_\_  
[insert case number assigned by Clerk of the Circuit Court]

Plaintiff(s),  
Vs

\_\_\_\_\_  
[insert name of tenant]

Defendant(s),  
\_\_\_\_\_ /

**FINAL JUDGMENT – EVICTION**

**THIS ACTION** came before the Court upon Plaintiff's Complaint for Eviction. On the evidence presented, and **IT IS ADJUDGED**, that:

1. Judgment for eviction is hereby granted in favor of Plaintiff(s), \_\_\_\_\_.  
[insert name of landlord/owner]
2. Plaintiff(s) or through Plaintiff's agent is to be put into possession of the premises described as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
[insert street address of rental premises including, if applicable, unit number]
3. The Plaintiff(s) is awarded court costs in the amount of \$ \_\_\_\_\_.
4. At the request of the Plaintiff, the Clerk of the Circuit Court is ordered to issue forthwith a Writ of Possession that shall be valid for thirty (30) days from the date of this judgment.

DONE AND ORDERED in St. Lucie County, Florida on \_\_\_\_\_.

\_\_\_\_\_  
County Judge

CC: \_\_\_\_\_  
[insert name of landlord/owner]

\_\_\_\_\_  
[insert name of tenant]



**MICHELLE R. MILLER**  
CLERK OF THE CIRCUIT COURT & COMPTROLLER  
ST. LUCIE COUNTY, FLORIDA

## **DISCLAIMER**

We encourage the electronic filing (e-filing) of all court related forms. Through e-filing, the court system has become more efficient and accessible to the citizens of the State of Florida. In addition to dramatically reducing paperwork in Florida's courts, the portal allows for immediate access to case information and the ability for you to file documents and access case information from the comfort of your home.

DIY (Do-It-Yourself) Florida is a free-to-use program to assist in completing official court forms and filing them with the Clerk's office. Accessed within the Florida Courts E-Filing Portal, DIY Florida uses interview questions to walk you through the steps and automatically prepare the forms. Once completed, the forms can be sent through the E-Filing Portal to electronically file the forms with our office. Standard filing fees and convenience fees may apply.

To register for an E-Filing Portal account which allows you to electronically file your forms, and to get more information regarding what forms are available, please visit [www.myfloridacourtaccess.com/authority/diy](http://www.myfloridacourtaccess.com/authority/diy).

If you choose not to utilize the DIY service, the following forms are provided as a courtesy. The use of these forms is not intended as a substitute for legal advice from an attorney. The provided forms are meant to serve as a guide and to assist pro se (self-represented) litigants in preparing documents. The use of these forms does not mean that a judge will accept your documents. You may be required to re-do your documents or obtain and file additional documents once the judge has reviewed your case. Each case has its own particular set of circumstances, and an attorney may advise you of what is best for you in your individual situation. If you have questions or concerns regarding your legal rights, it is strongly recommended that you talk to an attorney. If you do not know an attorney, you may request a copy of the Legal Resources brochure.