



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

**SELF-SERVICE CENTER**

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**Department: County Civil**

**Packet #UD1-10: Unlawful Detainer**

*Action for removal of someone (not a tenant and without rent being due) from your home.*

The Self Service Center Packet ("Packet") you are purchasing is hereby deemed a license for the purchaser. Any reproduction or redistribution of the Packet not in accordance with the terms delineated herein is expressly prohibited.

**NonRefundable**



# MICHELLER. MILLER

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) 462-6900

## INSTRUCTIONS FOR FILING AN UNLAWFUL DETAINER ACTION

Unlawful Detainer is a county court lawsuit, filed pursuant to Florida Statute Chapter 82. These forms should be used when the owner or legal tenant of the dwelling desires to remove someone from the property. The person that is being removed does not have a legal right to reside in the property (they are not an owner or a legal tenant). Additionally, there cannot be an agreement for rent (verbal or in writing) between the party filing and the party that is being removed. These forms should be typed or printed legibly. Please be sure to include a telephone number on the Unlawful Detainer where the Clerk's Office or Sheriff's Department may reach you.

### STEP 1

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

- **PAPERWORK:**
  - Complaint for Unlawful Detainer
  - Three (3) 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
  
- **FEES:** (acceptable forms of payment include cash/money order/MasterCard or Visa, make checks payable to ST. LUCIE COUNTY CLERK OF COURT)
  - \$185.00 filing fee
  - \$10.00 per summons / per defendant

**\*Additional fees may apply\***

- **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 Court. You may file your complaint at either of the following locations:

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

Clerk of the Circuit Court & Comptroller (Main Office)  
201 South Indian River Drive, First Floor  
Fort Pierce, Florida 34950

**\*All hearings are held at the South County Annex.\***

Once the Clerk's Office has processed your complaint, a Summons will be issued, and a Certificate of Mailing will be prepared (if a self-addressed stamped envelope and copies were provided). Service of the Complaint and each Summons may be perfected by the 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 regarding the service of the summons, you may contact the sheriff's department at 772-462-3214 or 772-462-3271.

Once the defendant(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. 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 – Unlawful Detainer with copies for defendant(s) and yourself  
Original Non-Military Affidavit  
Original Motion for Default Final Judgment – Unlawful Detainer  
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 defendant(s) 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 Department at 772-462-6900. You are required to 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)**

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)



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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) 462-6900

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

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

\_\_\_\_\_  
 Plaintiff(s),  
 vs.

\_\_\_\_\_  
 Defendant(s).

**COMPLAINT FOR UNLAWFUL DETAINER**

COUNT ONE - POSSESSION

Plaintiff(s) \_\_\_\_\_,  
 sues Defendant(s) \_\_\_\_\_  
 and alleges:

1. This is a cause of action for unlawful detainer pursuant to Chapter 82, Florida Statutes.
2. On or about [date] \_\_\_\_\_ Defendant took possession of the dwelling located at [address/description of mobile home] \_\_\_\_\_ St. Lucie County, Florida with permission of Plaintiff.
3. On or about [date] \_\_\_\_\_ Plaintiff revoked his/her consent for Defendant to be in possession of the dwelling and, on that date, so informed Defendant and demanded that Defendant vacate the premises.
4. However, Defendant refused to vacate the premises and continues in possession of the dwelling against the consent of the Plaintiff, contrary to §82.04, Florida Statutes.
5. In accordance with §82.04(1), Florida Statutes, Plaintiff is entitled by this lawsuit to have Defendant removed from possession of the premises; and Plaintiff is entitled to the summary procedure set forth in §51.011, Florida Statutes.

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

COUNT TWO – DAMAGES

This is optional. Please check the box if you wish to proceed with this count.

6. This is a cause of action for damages which do not exceed \$50,000.00
7. Plaintiff restates those allegations contained in paragraph 1 through 5 above.

8. Defendant owes Plaintiff the cost of action and service of process.

9. Defendant owes Plaintiff \$ \_\_\_\_\_ [insert damages amount] that is due.

WHEREFORE, the Plaintiff demands judgment for damages against the Defendant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Telephone number

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

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

\_\_\_\_\_  
Plaintiff,

Vs.

**MOTION FOR CLERK'S DEFAULT -  
UNLAWFUL DETAINER**

\_\_\_\_\_  
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 Unlawful Detainer.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

**DEFAULT – UNLAWFUL DETAINER**

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

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

MICHELLE R. MILLER  
CLERK OF THE CIRCUIT COURT AND  
COMPTROLLER

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]

\_\_\_\_\_  
Plaintiff,

Vs.

**NON-MILITARY AFFIDAVIT**

\_\_\_\_\_  
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]

\_\_\_\_\_  
Plaintiff,

Vs.

**MOTION FOR DEFAULT FINAL  
JUDGMENT – UNLAWFUL DETAINER**

\_\_\_\_\_  
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 unlawful detainer 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 Unlawful Detainer against  
Defendant.

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

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

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

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

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

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

\_\_\_\_\_  
Plaintiff(s),  
Vs

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

**FINAL JUDGMENT – UNLAWFUL DETAINER**

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

1. Judgment for unlawful detainer is hereby granted in favor of Plaintiff(s), \_\_\_\_\_.
2. Plaintiff(s) or through Plaintiff's agent is to be put into possession of the premises described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
[insert street address of premises including, if applicable, unit number]

3. The Plaintiff(s) is awarded court costs in the amount of \$ \_\_\_\_\_. The Court may reserve jurisdiction to enter a money judgment against the Defendant(s) in accordance with section §83.625, Florida Statutes, if applicable when proceeding with Count II.
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 Plaintiff]

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

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

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

\_\_\_\_\_  
Plaintiff,

Vs.

\_\_\_\_\_  
Defendant.

**AFFIDAVIT OF DAMAGES -  
UNLAWFUL DETAINER**

\*This form **MUST** be mailed to the defendant(s) on the same day that it is filed or it will not be considered.

STATE OF FLORIDA    )  
COUNTY OF ST. LUCIE)

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_  
\_\_\_\_\_ [name] who being first duly sworn, states as follows:

1. I am the Plaintiff in this case and I am authorized to make this affidavit.
2. The affidavit is based on my own personal knowledge.
3. Defendant owes Plaintiff \$ \_\_\_\_\_ [amount of other damages] as alleged in the Complaint. Alleged damages are listed below: [itemize amounts due and attach documentation/receipts paid for repairs]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

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  
or DEPUTY CLERK

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

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

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

\_\_\_\_\_  
Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_



**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.