

# Eviction

## Frequently Asked Questions (FAQ)

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**WHAT IS A RESIDENTIAL LANDLORD OR TENANT ACTION?**

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An action which applies to the rental of a non-commercial dwelling unit, filed by a landlord against a tenant or a tenant against a landlord on common disputes such as payment of rent, non-compliance or breach of a lease or rental agreement.

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**WHO CAN FILE A RESIDENTIAL LANDLORD OR TENANT ACTION?**

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A landlord (the owner or leaser of a dwelling) OR a tenant (a person entitled to occupy a dwelling unit under a rental agreement) may file.

If you have a commercial, agricultural or personal property lease, you should consult an attorney for the proper procedures to resolve disputes.

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**DO I NEED AN ATTORNEY?**

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You may consult with an attorney or familiarize yourself with the procedures for enforcing your rights under your lease.

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**WHAT DO I HAVE TO DO TO FILE A RESIDENTIAL LANDLORD/TENANT ACTION?**

A

Before you file, proper written notice must first be given to the landlord or the tenant.

The notice form used will depend upon the landlord's or tenant's reason for terminating the lease.

**Q****WHERE CAN I GET COPIES OF THE DIFFERENT NOTICE FORMS REQUIRED?****A**

The Clerk's Offices have notice forms designed for use in the event of common residential/ landlord disputes.

**Q****AFTER I GIVE PROPER WRITTEN NOTICE, WHAT HAPPENS NEXT?****A**

To file a landlord action, you must file a petition to request the Clerk to issue a summons, which is then served by the Sheriff's Office.

When you come to the Clerk's Office you need the following documents:

- One copy of the notice for the file
- Two copies of the notice for each tenant named in the case
- One copy of the notice for yourself
- A copy of the lease for the file and two copies for each tenant named in the case
- A legal size envelope, addressed to each tenant, with postage

**Q****WHEN WILL I GO TO COURT?****A**

The party that is served the summons will have a specific period of time to respond, depending upon the type of summons issued.

If a response is filed, or if monies are deposited with the court registry, you must contact the office of the Judge assigned to schedule a court date. If no response is received, or no monies deposited with the court registry, you may file a Motion for Default with the Clerk's Office.

**Q****IF THE COURT ENTERS A DEFAULT, WHAT HAPPENS?****A**

If the Court issues a final judgment of eviction against a party in default, you may the ask the Clerk to execute a Writ of Possession if you expect to forcibly remove the tenant or tenant's possessions.

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**HOW DO I COLLECT ON THE FINAL JUDGMENT?**

**A**

The court does not collect money damages for you. You may consult with an attorney for advice on how to collect your judgment.

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**WHAT IF I NEED MORE INFORMATION?**

**A**

For more information, visit the public library, the law libraries at the Courthouse or read the [Florida Statutes](#).

Supreme Court Approved forms and information are available on the web and in the Clerk's Office for individuals filing actions on their own behalf.

The Collier County Clerk of Courts has a Self-Help Center with forms available and computers to prepare them on.