

For More Information...

To view a current Clerk of the Circuit Court and County Comptroller FEE SCHEDULE, go to www.SarasotaClerk.com

Citizens Dispute 941.861.7833

Family Law Self Help Center and Law Library

Judge Lynn N. Silvertooth Judicial Center
2002 Ringling Blvd, 1st floor
Sarasota, FL 34237 941.861.8191

Sarasota County Sheriff's Department

www.sarasotasheriff.org 941.861.4110

Florida Department of Agriculture and Consumer Services

Landlord/Tenant law in Florida

<https://www.freshfromflorida.com/Consumer-Resources/Consumer-Rights-and-Responsibilities/Landlord-Tenant-Law-in-Florida> 800.435.7352

The Florida Bar Referral Service

www.floridabar.org 800.342.8011

United Way 2-1-1 of Manasota, Inc. ©

1445 2nd St Sarasota, FL 34236
www.uw211manasota.net 941.308.HELP

Online Sunshine

Official Internet Site of the Florida Legislature
www.leg.state.fl.us (See Florida Statutes, Chapter 83 Landlord and Tenant).

Other publications available :

A Step-By-Step Guide to Residential Eviction, Non-Compliance of Lease

A Step-By-Step Guide to Residential Eviction, Non-Payment of Rent, Possession/Damages



THE CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER OFFERS

TWO OFFICES TO SERVE YOU:

Main Office
Historic Courthouse
2000 Main Street , Sarasota, FL 34230

Venice Full Service Branch Office
Robert L. Anderson Administration Center
4000 S. Tamiami Trail, Venice, FL 34293

Hours of Operation:
Monday through Friday
8:30 a.m. to 5 p.m.
www.SarasotaClerk.com

941.861.7400

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
and COUNTY COMPTROLLER

FAQ

FREQUENTLY ASKED QUESTIONS:

A GUIDE TO RESIDENTIAL EVICTION

NON-PAYMENT OF RENT, POSSESSION ONLY



WHAT IS AN EVICTION?

An eviction is the legal procedure a landlord must follow to have a tenant removed from the landlord's property.

The two most common types of evictions are eviction for non-payment of rent and eviction for non-compliance with lease, but all evictions start with a notice and the filing of a complaint. Notice and complaint forms are available from the Clerk of the Circuit Court.

The information provided in this brochure is made available for your convenience, and is not intended to serve as legal advice or take the place of a consultation with an attorney. Following, you will find information on which documents must be filed, the cost involved in a simple eviction case and resources for more information on the topic of eviction.

Please note that the Clerk of the Circuit Court is prohibited from giving legal advice. Chapter 83 of the Florida Statutes provides general information on evictions, which can be accessed through the official Internet website of the Florida Legislature at www.leg.state.fl.us.

If after reading the information provided you have additional questions, please contact an attorney of your choice.

GUIDELINES FOR RESIDENTIAL EVICTION NON-PAYMENT OF RENT, POSSESSION ONLY

STEP ONE: Prepare and serve the Notice

All evictions start with a notice. A Three Day Notice gives the tenant three business days, from the day after the notice is given, to make payment or deliver possession of the premises to the landlord. Service may be accomplished by mail, hand delivery or posting.

STEP TWO: File the Complaint

After three days, the landlord may file the Complaint for Eviction with the Clerk of Court. The complaint must be signed by the landlord or property manager. When the original Complaint and any supporting documents (Three Day Notice and copy of lease) are filed, two identical copies of each document filed must also be provided for service to each tenant. The Court may consider the proof of service of the notice when making a ruling on a residential eviction.

STEP THREE: Issuance of Summons

After the complaint is filed and filing fee paid, a clerk will issue the Eviction Summons for each tenant. For the most current schedule of fees, go to www.SarasotaClerk.com or call the Clerk's office at 941-861-7400 and select the prompt for Small Claims, Evictions, Civil Lawsuits, etc. and then select *Residential Tenant Landlord Issues*. The Eviction Summons gives the tenant five business days from the day after the summons was served to respond. The landlord must provide three summons for each tenant named in the complaint. The summons must be served by the Sheriff or a private process server; contact the Sheriff's Civil Office at 941-861-4110 for fee information.

STEP FOUR: Certificate of Mailing

The Sheriff or process server is required to make two attempts, six hours apart, to serve the summons. If the tenant is not able to be served, the summons can be served by posting to a conspicuous part of the building. If this occurs, the landlord must request the Clerk mail a summons and copy of the complaint to each tenant. Individual envelopes with postage should be provided to the Clerk at time of filing the complaint.

STEP FIVE: Default

After five days have passed and no answer has been filed, the landlord may file the appropriate Motion for Default. The landlord must come into the Clerk's office to complete Default and Final Judgment for Possession documents. After completion, the Clerk will forward these documents to the Judge for action.

STEP SIX: Writ of Possession

After the Judge has signed the Final Judgment for Possession, the landlord or representative must come to the Clerk's office to request a Writ of Possession. The Clerk will prepare the document. The landlord or representative must deliver the Writ of Possession to the Sheriff's office, with a fee payable to the Sheriff (Contact the Sheriff's Civil Office at 941-861-4110 for fees). The Sheriff will post the Writ of Possession on the subject property; after 24-hours have passed, the Sheriff will return to the property to evict the tenant. ♦

"To Meet the Needs and Exceed the Expectations of Those We Serve, in Fulfilling Our Constitutional Obligations."

—Mission Statement, Karen E. Rushing, Clerk of the Circuit Court and County Comptroller