

**Kevin C. Karnes**

**Clerk & Comptroller**



**Eviction - Residential**

**Non-Payment of Rent**

**Pursuant to F.S. 454.18 & 28.215:** Florida Law prohibits the Clerk’s Office from assisting you with the management of your case. The Clerk’s office is without authority to advise or instruct a party in filing a case for tenant eviction. If you are not certain how to prepare these papers and file your case, you should seek legal assistance prior to proceeding. Please note that the forms referenced are for residential tenant evictions for non-payment of rent. If you have a commercial, agricultural, or personal property lease we suggest you consult with an attorney.

These documents are to serve as a guide only, and to assist pro se (self-represented) litigants with their cases. Any person using these instructions and/or forms does so at his or her own risk, and the Clerk shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

**Resources:**

Turbo Court <a href="http://www.Turbocourt.com">www.Turbocourt.com</a> (602) 452-3519 PASupport@courts.az.gov	Lee County Legal Aid Society <a href="http://www.leecountylegalaid.org">www.leecountylegalaid.org</a> (239) 334-6118	Clerk of Court Self- Help Center 2075 Monroe Street Fort Myers, FL 33901
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**Ways to file your eviction:**

- Turbo Court [www.Turbocourt.com](http://www.Turbocourt.com)
- Efile (electrically filing) - <https://www.myflcourtaccess.com/>
- By paper
  - Mail to: Lee County Clerk of Court at PO BOX 310 Fort Myers FL 33902
  - Walk in locations
    - ❖ Cape Coral  
1039 SE 9<sup>th</sup> Place 2<sup>nd</sup> Floor  
Cape Coral FL 33990
    - ❖ Lee County Justice Center  
2075 Martin Luther King BLVD  
Fort Myers FL 33901

**Fees:**

Clerk's Fees:

• Filing Fees	\$185.00
• Summons issuance fee per defendant	\$10.00 per Defendant
• Copy work self-service using our Self-Help Room	.15 cents per page
• Copy work	\$1.00 per page
• Certified Copies	\$2.00 per document
• Postage paid envelopes (standard size)	.75 cents per envelope
• Postage paid envelopes (manila)	\$1.50 per envelope
• Oath	\$3.50 per signature
• Notary	\$10.00 per signature

**Note:**

- Clerk's office accepts cash, personal checks, money order, and cashier's check. Checks are to be payable to the Lee County Clerk of Court.

Sheriff's Fee:

- Summons service fee           \$40.00 per defendant
- Writ of Possession           \$90.00 Serving Writ of Possession

**Note:**

- Sheriff's only accepts cash, money order or cashier's checks. Make payment payable to Lee County Sheriff. NO personal checks accepted.
- You may hire a private process server to serve the summons, but must have the sheriff's service the Writ of Possession.

# Checklist

## Landlord – Owner Eviction Non-payment of Rent

		Document Name	Form #	Form Location
<b>Step 1</b>	<input type="checkbox"/>	Notice From Landlord to Tenant – Termination for Failure to Pay Rent	Form 1	<a href="http://www.floridabar.org/">www.floridabar.org/</a>
	<input type="checkbox"/>	Complaint for Landlord to Evict Tenants ( <b>Possession ONLY</b> )	Form 5	<a href="http://www.floridabar.org/">www.floridabar.org/</a>
<b>OR</b>				
<b>Step 2</b>	<input type="checkbox"/>	Complaint for Landlord to Evict Tenants for Failure to Pay Rent and Recover Past Due Rent ( <b>Possession and Damages</b> ) “Count 2”	Form 5A	<a href="http://www.floridabar.org/">www.floridabar.org/</a>
	<input type="checkbox"/>	Affidavit of Ownership and Notice to Parties	Local Form TE-A	<a href="http://www.leeclerk.org">www.leeclerk.org</a>
<b>Select the Eviction Summons that applies</b>	<input type="checkbox"/>	Summons – Residential ( <b>Possession ONLY</b> )	Local Form	<a href="http://www.leeclerk.org">www.leeclerk.org</a>
	<input type="checkbox"/>	Summons – Action for Back Rent and Damages	Local Form	<a href="http://www.leeclerk.org">www.leeclerk.org</a>
	<input type="checkbox"/>	Summons for Possession and Damages ( <b>Possession &amp; Damages</b> )	Local Form	<a href="http://www.leeclerk.org">www.leeclerk.org</a>
	<input type="checkbox"/>	Motion for Clerk’s Default – Residential Eviction	Form 76	<a href="http://www.leeclerk.org">www.leeclerk.org</a>
	<input type="checkbox"/>	Motion for Default for Failure to Deposit Rent Residential Eviction	Local Form TE-B	<a href="http://www.leeclerk.org">www.leeclerk.org</a>
<b>Step 3</b>	<input type="checkbox"/>	Default as to Failure to Deposit Rent - Residential Eviction	Local Form TE-C	<a href="http://www.leeclerk.org">www.leeclerk.org</a>
	<input type="checkbox"/>	Nonmilitary Affidavit ( <b>May be required by the Judge</b> )	Form 81	<a href="http://www.leeclerk.org">www.leeclerk.org</a>
	<input type="checkbox"/>	Final Judgment – Eviction	Form 66	<a href="http://www.floridabar.org/">www.floridabar.org/</a>
<b>Step 4</b>	<input type="checkbox"/>	Writ of Possession	Form 11	<a href="http://www.floridabar.org/">www.floridabar.org/</a>
<b>Count 2 –Tenant must have been served with a 20 days summons</b>				
<b>Step 5</b>	<input type="checkbox"/>	Motion for Clerk’s Default – Damages	Form 77	<a href="http://www.floridabar.org/">www.floridabar.org/</a>
	<input type="checkbox"/>	Motion for Default Final Judgment – Damages	Form 79	<a href="http://www.floridabar.org/">www.floridabar.org/</a>
	<input type="checkbox"/>	Affidavit of Damages	Form 80	<a href="http://www.floridabar.org/">www.floridabar.org/</a>
	<input type="checkbox"/>	Final Judgement – Damages	Form 9	<a href="http://www.floridabar.org/">www.floridabar.org/</a>

### Copy & Envelope Requirements

**S.A.S.E required for all tenant(s)**

**S.A.S.E required for all Landlord and Tenant(s)**

Tenant(s)	Notice	Complaint & Attachments i.e. Lease Agreement	Affidavit of Ownership	Summons 	All Motions 	All Defaults	Final Judgment 	Writ of Possession
1	3	3	1	3	3	3	3	2
2	5	5	1	6 (3 per tenant)	4	4	4	2
3	7	7	1	9(3 per tenant)	5	5	5	2
4	9	9	1	12 (3 per tenant)	6	6	6	2
5	11	11	1	15 (3 per tenant)	7	7	7	2