

GENERAL INFORMATION LANDLORD AND TENANT EVICTIONS

“prepared by Clerk of Court In and For Escambia County, Florida”

Filing Fee: \$84.50 (Checks made payable to Ernie Lee Magsha, Clerk)

Sheriff Fee: \$20.00 per person (Business check or money order payable to the Escambia County Sheriff or you can take cash to the Sheriff Dept.)

PROCEDURES TO FILE LANDLORD/TENANT EVICTIONS

There are four different types of notices given to tenants for evictions. Each one is very specific in what it requires. Listed below are the different types of notices. You must give the tenant one of the following notices by either **hand delivery to tenant or posting the notice to the tenants door**. After the required time has passed you will bring in the filing fees. Along with five copies of one of the notices listed below, together with a stamped envelope addressed to each tenant. If there is a written lease agreement, bring five copies of it along with the notice and envelope to start the eviction procedures.

THREE DAY NOTICE

If a tenant has not paid his rent, the landlord is required to give his tenant a three day notice in writing to vacate the premises or pay the rent (please state the full amount of rent only that is due). After three full days (Excluding Saturdays, Sundays, and legal holidays) have elapsed from the date of the notice (not counting the date the notice is delivered to the tenant), if the tenant has not complied with the notice, the landlord then comes to the Clerk's office and files his complaint for eviction of the tenant.

SEVEN DAY NOTICE (WITH CURE)

If the landlord has a tenant who is undesirable but the situation could be remedied within seven days (i.e. unauthorized pets, guest, or parking, etc.), a notice should be given seven days prior to the rent coming due. The notice should state the non-compliance and give the tenant seven days to correct the problem or to vacate the premises. The tenant would be allowed to stay if he complied. If he does not comply, then the landlord would file a complaint for eviction based on the notice given. If this same conduct or conduct of a similar nature is repeated within twelve (12) months, the landlord can terminate the lease by giving a seven day notice without cure.

SEVEN DAY NOTICE (WITHOUT CURE)

If a tenant is undesirable with a serious non-compliance (i.e. destruction, damage or misuse of property, unreasonable disturbance, etc.) a seven day notice prior to the rent being due is given. The notice informs the tenant the rental agreement is terminated and that no further rent will be accepted. It also lists the items of non-compliance. If the tenant has not moved in seven days, the landlord would file eviction proceedings.

FIFTEEN DAY NOTICE

If the landlord needs possession of his property and it is not for any of the above reasons and the rent is paid on a month to month basis, he would give the tenant a fifteen day written notice to vacate the premises. The notice would state that the rental agreement is terminated and no further rent would be accepted. **This notice should be given fifteen days prior to the rent being due.** If the tenant does not vacate, the landlord would file his complaint for eviction, if a written lease agreement has been entered into, this section does not apply.

PROCEDURE AFTER INITIAL FILING OF EVICTION COMPLAINT

When the eviction complaint is filed, the clerk will issue a five day summons and send to the sheriff for service on the tenant. The tenant will have five working days in which to file a written response to the summons with the Court or to vacate. If a written response is made, a hearing will be set before the judge assigned to the case and hearing notices will be sent to each party. If no response is made, the landlord may come back to the Clerk's office, sign a default, and pay another \$70.00 (Business check or money order payable to the Escambia County Sheriff or you can take cash to Sheriff Dept.) to the Sheriff. After the judge signs the Judgment for Possession, a Writ of Possession will be issued by the Clerk's office. The Sheriff's Department will serve the tenant with a notice to vacated. If the tenant does not vacate the premises, the Sheriff will then proceed to evict the tenants.

If the tenant should vacate the premises or pay the rent prior to the landlord signing a default, the landlord should notify the Clerk's office in writing so that the case may be dismissed.

Questions regarding eviction of mobile homes or inquires concerning individual cases or problems should be directed to the Clerk's office. Telephone number: (850) 595-4170