

You can be evicted if you do not pay your rent. But your landlord must first get a court order and must follow all the steps under the law before you can be evicted.

The first step the landlord must take is to give you a **3-day notice**. The notice must:

- Be **in writing**.
- Tell you that **you did not pay rent** when it was due.
- Tell you the **exact amount** of rent due.
- Give you **3 days** to pay the rent or vacate (move). The three days **does not** include weekends, legal holidays, or the day the notice was delivered to you.
- Include the **name, address, and telephone number** of the landlord.

It is not necessary to have the sheriff deliver the notice to you. The law allows the landlord to **hand-deliver** the notice, **tape it to your door** (called posting), or **mail** it to you. If the notice is mailed, the landlord **must add 5 days** to the deadline to pay rent or move. The landlord must also add the 5 days if the notice tells you to pay the rent to a **post office box** or **out-of-town address**.

The notice can only demand payment of **rent**, not other charges. A charge is considered *rent* under the law if your **written lease** says that the charge is considered to be *rent* or *additional rent*. If you do not have a written lease, or if your lease does not include a charge as *rent*, your landlord cannot include that charge in the amount demanded in the 3-day notice.

If you pay only some of the rent due within the 3 days and your landlord takes it, **you cannot be evicted for nonpayment of rent**. But your landlord can **refuse partial payments** because the law says that the landlord **does not have to take less than the full amount of rent due**.

You should buy a money order with the date already printed on it to show that you tried to make the payment within the 3-day period. Then, you should **take a friend** with you when you are trying to pay the rent. If your landlord **does not give a receipt** or **will not accept the rent** even if you try to pay the full amount, you will have a receipt and a **witness** that you can take to court with you.

If you do not pay the rent or move within the 3 days, the landlord can **file an eviction lawsuit** against you in county court.

If your landlord files for eviction, you will receive a copy of the eviction papers (the "summons" and complaint") from a deputy sheriff. If the deputy cannot find you after at least two tries, the law allows him or her to tape the eviction papers to your door (called service by posting). If the papers are posted, the clerk's office must also mail you a copy by regular mail.

Once you are served with the eviction papers, you will have **5 days to file a response** at the clerk's office. The 5 days **does not include** weekends, legal holidays, or the day you were served. The 5-day period begins from

the time the sheriff (not the clerk) personally serves you or posts the notice on your door.

Also, **within the 5 days you must pay the clerk's office the rent the landlord says you owe** or, if you don't agree with the amount your landlord claims you owe, **you should put the amount you say you owe in the court's registry and ask the judge in writing to decide which amount is the correct amount you have to pay**. This is called a ***Motion to Determine Rent***.

If you do not pay the rent money or file the Motion to Determine Rent within the 5 days, the judge can evict you without a hearing. If this happens, you will be served with a ***Writ of Possession***, and **you will have to move within 24 hours**.

If you are forced to move within 24 hours and cannot move all your personal belongings, you should rent a storage unit or at least move your belongings from the landlord's property, even to the other side of the sidewalk. If you do not, your landlord can do the following:

- Put your belongings at the curb;
- Keep your belongings as payment for the rent money you owe (called a *landlord's lien*); or
- Store your belongings and make you pay the storage fees to get them back.

You may be able to get some of your property back if your landlord decides to keep it. You can file for an ***exemption*** from the landlord's lien in the eviction case. **You are allowed to get up to \$1,000 worth of your property back**, but you will have to go in front of a judge

About Community Legal Services of Mid-Florida (CLSMF)

The mission of CLSMF is to provide access to justice through high quality legal assistance to low-income persons.

Community Legal Services of Mid-Florida, Inc. provides free legal assistance to eligible low-income persons in civil matters (we do not provide legal assistance in criminal or traffic matters).

CLSMF provides community education seminars and detailed informational brochures on major areas of law we practice.

The Florida Bar Foundation, with Interest on Trust Accounts program funding, provides support for this service.



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Community Legal Services of Mid-Florida Offices:

***BREVARD: 1-866-469-7444**

CITRUS & SUMTER
 106 N. Osceola Ave., Inverness, FL 34450
 (352) 726-6592 – CITRUS
 1-800-984-2918– SUMTER

FLAGLER: 1-800-405-1417

HERNANDO: 1-866-801-5566

LAKE– (352) 343-6351
 226 West Main St., Tavares, FL 32778

MARION– (352) 629-6257
 2300 SE 17th St. Suite 201
 Ocala, FL 34471

***ORANGE – (407) 841-7777**
 122 E. Colonial Drive, Suite 200
 Orlando, FL 32801

OSCEOLA – (407) 933-1791
 800 No. Main St., Kissimmee, FL 34744

PUTNAM: (386) 385-0928
 216 S. 6th Street, Palatka, FL 32177

***SEMINOLE: (407) 322-6673**

VOLUSIA – (386) 258-5600
 128 Orange Ave., Suite 100,
 Daytona Beach, FL 32114
 Client toll-free number: 1-800-363-2357

ADMINISTRATIVE OFFICE:
 (386)506-5396

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***Offices currently not offering Family Law services**



Community Legal Services of Mid-Florida

Help! I Just Got a 3-Day Notice!

