



Tenants' Rights: When Your Landlord Demands You Move Out

YOU HAVE RIGHTS AS A TENANT!

This document explains your basic rights when your landlord orally asks you to move from your rental, gives you a written notice demanding you move, or files an eviction lawsuit against you.

CAN MY LANDLORD JUST THROW ME OUT?

No! A landlord may not change your locks, remove your belongings, shut off your utilities or do anything else to force you out of your rental home. Those kinds of self-help eviction measures are illegal. If your landlord tries to do any of those things, you should immediately call the police.

To evict you lawfully, your landlord must file an eviction lawsuit in court and obtain a court order permitting eviction. State law limits the reasons your landlord can evict you. Also, your landlord may not evict you unless/until the judge enters an eviction judgment, and the Sheriff comes to the property to enforce the judgment.

MY LANDLORD GAVE ME A WRITTEN NOTICE ENDING MY LEASE AND/OR TELLING ME TO MOVE FROM THE RENTAL UNIT, NOW WHAT?

A notice of lease termination or a notice to vacate is the landlord's written demand that you move out of the rental home by a certain date. In most cases, a landlord has to give you a written notice before it can file an eviction lawsuit. Depending on the circumstances, the notice must include certain information.

Notice to Pay or Move ("3-Day Notice")

If the notice claims rent is past due, it has to be in writing and state exactly how much money you owe. The notice has to give you at least 3 business days to either pay the money or move out of the rental. If you have to pay via mail, the notice has to give you an additional 5 days for mailing. The notice has to have the landlord's contact information. In some kinds of rentals, like some public housing or HUD subsidized rentals, the landlord has to give you more than 3 days to come up with the money or leave. If your lease calls other charges "rent," your landlord can include those amounts in the notice. If you live in federally assisted housing, your landlord may not have the right to call other charges "rent."

If you do not move out or pay the rent in the required time period, your lease terminates, and your landlord can file the eviction lawsuit. JALA has a separate brochure available about eviction lawsuits for unpaid rent.

Notice To Move Due to Lease Violation

The notice must be in writing, and it must explain the specific reasons for termination of the lease. In some cases, your landlord may have to give you the opportunity to "cure" or fix the lease violation before terminating the lease.

If you believe that you have not done anything to deserve eviction and that you are likely to win an eviction case, you may decide to stay and fight the eviction case in court. On the other hand, if you believe you are likely to lose the eviction case because of something you, your family members, or a guest have done in violation of your lease, you may wish to move out before any eviction case is filed against you. That decision is yours to make.

Notice to Move Due to Lease Expiration or Nonrenewal

If you have a written lease, your landlord has to give the kind of notice that your lease requires.

If you do not have a written lease, the notice has to be in writing, and give you a minimum amount of days to move, but your landlord may not be required to prove that you did anything wrong. JALA has a separate brochure available about lease renewals.

WHAT HAPPENS IF I DON'T MOVE OUT?

If you do not move out as demanded in the landlord's notice, the landlord may file an eviction lawsuit in court. If the landlord files an eviction lawsuit, you will get served with court papers, called the "Summons" and the "Complaint." The court papers may come in the mail, be posted on your door, or handed to a person 15 years old or older that lives in the rental.

The Summons explains what you have to do to respond to the eviction lawsuit. The Complaint explains why the landlord is trying to evict you.

Once you get the court papers, you have to respond within 5 business days if you want to contest the eviction lawsuit. The time to respond does not include weekends or court holidays. For example, if you get the papers on Friday, your answer is probably due the next Friday (7 days minus 2 days for Saturday and Sunday).

To respond to the eviction lawsuit, you have to:

- **File your "Answer."** Your Answer is just an explanation of whether you agree or disagree with the statements made by your landlord in the lawsuit. It also needs to include any legal defenses you think you have (for example, you paid the rent, or you didn't violate the lease, or the notice is bad, or you lawfully withheld your rent for serious code violations in the rental, etc.). Defenses are the reasons why you should not be evicted.
- On the top part of your Answer, copy the information from the top of the "Summons," including the plaintiff's and defendant's names, the name of the court, the case number and the division.
- Title your writing ANSWER and then write out whether you agree or disagree with each statement in the Complaint. Write out your defenses. You have to sign your

name and then type or print your name, address, and telephone number, if any, at the end of your Answer.

- If you have any documents that prove what you say in your Answer (like receipts), you should attach copies of those to your Answer.
- **Deposit the rent money the landlord said is owed in the Complaint into the court registry.** If the tenant’s Answer states a defense other than “my rent has already been paid,” the tenant must also deposit into the court’s registry the amount of rent that the Complaint states is owed to the landlord.
 - If another month of rent becomes due while the case is still going, you have to put the money for that month’s rent into the court registry on the due date. You have to keep doing this until the lawsuit ends.
- **File a “Motion to Determine Rent” if you disagree with the amount of rent the Complaint states is owed to the landlord.** A Motion to Determine Rent explains that there is a dispute about how much rent you owe and it asks the court to determine the correct amount you should put into the court registry. For example, if the landlord lists the wrong rent amount or if the Complaint includes amounts that you have paid already. You have to include together with your Motion documents proving what you are saying (like your lease showing your rent is a different amount, or receipts showing the rent that you already paid). A tenant who is filing a Motion to Determine Rent should go ahead and deposit into the court registry the amount of rent the tenant believes is owed.

For help drafting your response to the lawsuit, you can go to www.floridaevictionhelp.org. Our guided interview will help you draft your response.

Your Answer and Motion have to be filed with the Clerk of the Court in the county where the lawsuit was filed. In Duval County, the Clerk of the Court is located on the ground floor of the courthouse at 501 W. Adams Street, Jacksonville, Florida.

Make two copies of your Answer and Motion. Mail one copy to the landlord or their attorney, whose name and address is on the Summons you got. You keep a copy. If you want to e-file your response, you can set up an account at: <https://www.myflcourtaccess.com>.

If you do not both: 1) file your answer, and 2) either put the money in the court registry or file your Motion within 5 business days, the court can enter a “Default Judgment” against you. This means you automatically lose the case and can be evicted without even speaking to a judge.

HOW LONG DOES AN EVICTION CASE TAKE?

It depends on whether you properly respond to the eviction lawsuit. If you properly respond as described above, the judge should schedule a hearing. The hearing is usually scheduled within a few weeks after the case is filed.

At the hearing, each party gets a chance to speak to the judge and present evidence. After the hearing, the judge decides whether or not eviction is appropriate.

If the judge refuses to grant the eviction, the court will enter an order dismissing the case and you can remain as a tenant in the rental.

If the judge grants the landlord’s request to evict you, the court will enter an “Eviction Judgment.” After the judgment is entered, your landlord can ask for a “Writ of Possession.” Once they get the Writ of Possession, it will be given to the sheriff. The sheriff will give you a copy or will put it on the door of the rental. It will explain that you have 24 hours to leave. If you do not leave by the deadline, the sheriff will come back and remove you. The sheriff will allow the landlord to change the locks and your landlord may put your things out by the curb.

Even if you do not properly respond to the eviction summons as described above, the eviction process in court usually takes at least 10 days from the date you receive the Eviction Summons and Complaint.

- You should be aware that an eviction case is a public record. Other landlords can see the case in the court’s records, and that might make it difficult for you to find another place to rent.
- You should also be aware that in an eviction case, the losing party may be ordered to pay the winning party’s court costs and attorney fees.

SPECIAL NOTE:

The information in this document applies to normal landlord-tenant situations, such as the rental of a house, a mobile home, or an apartment. It does NOT apply to some other situations, such as temporary occupancy in a hotel room or in a treatment facility. If you are not sure if you are covered by the landlord-tenant laws, you should apply for services at JALA or contact another attorney.

This fact sheet is for general education only it is not intended to be used to solve individual problems. If you have specific questions contact a lawyer. The laws described here may change without notice. You may find additional resources at: <https://www.jaxlegalaid.org/get-help/self-help/pamphlets-videos/>. Revised December 2023.

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