

Many people get behind in their rent because of illness, loss of employment, or loss of other benefits. If you are in this situation, here are a few things you should know:

- Your landlord may choose to accept partial payments of rent, but is not required to do so. If you are able to pay at least part of your rent, get a receipt from your landlord.
- If your landlord agrees to let you make payments on your back rent, get the agreement in writing.
- There are charitable agencies in your town that may be able to help you. Your local United Way office usually has a list of all the places you can call for help. You may also dial 211 for information in many Florida counties.



EVICCTIONS

If you are still unable to pay your rent, your landlord has to do certain things before you can be evicted for not paying. **NOTE:** This information applies only to rental of a house, apartment or mobile home AND lot. If you own your mobile home and rent the lot only, different laws apply.

The first thing the landlord has to do is give you a written notice telling you how much rent is owed and giving you time to pay it.

The Notice:

- **Must give you 3 days to pay the rent or move.** Weekends, holidays when the Clerk's Office is closed, and the day you get the notice are not included in counting the 3 days.
- **Must contain the name, address and telephone number of the landlord.**
- **Can only demand payment of rent.** Charges for late fees, security deposits and repairs are usually not allowed unless your written lease agreement says they can be considered rent.

Your landlord must take the rent if you offer to pay the entire amount demanded within the 3-day deadline.

Your landlord does not have to take less than the entire amount and does not have to accept any money you offer to pay after the 3-day deadline has passed.

If your landlord accepts any money from you after you are given a 3-day notice, you cannot be evicted unless you are given another notice.

You should always get a receipt signed by the landlord for any money you pay.

If you do not pay the money within the 3-day deadline, the second step for the landlord is to file a lawsuit for eviction at the courthouse.

The Lawsuit:

- **Must be served on you.** This is usually done by having a Sheriff's Deputy hand-deliver a copy of the lawsuit papers (the "summons" and "complaint") to you. If you cannot be found for service, your landlord can

have you served by having a copy of the lawsuit taped to your door and a copy mailed to you by the Clerk's Office (called service by "posting").

- **Gives you 5 days to respond.** The 5 days does not include weekends, holidays when the Clerk's Office is closed, or the day you are served with the summons and complaint.

You must pay the rent you owe to the Clerk's Office within the 5 days or the Judge can evict you without a court hearing.

If you do not agree with the amount the landlord says you owe, you must ask the Judge in writing to decide how much money you have to pay to the Clerk's Office. This is called a "Motion to Determine Rent" and must be filed with the Clerk's Office within the 5-day deadline. If you have already paid all the rent claimed by your landlord, you should attach your receipts to your response to the lawsuit.

IT IS ILLEGAL for your landlord to try to evict you without filing a lawsuit. Florida law says that a landlord cannot:

- ***Turn off the utilities**
- ***Change the locks**
- ***Remove a tenant's personal property;**
- or**
- ***Otherwise restrict access to the home**

to try to get the tenant to move out, even if the tenant has not paid rent. Such actions are called "prohibited practices." A tenant whose landlord attempts to illegally evict through a prohibited practice can sue the landlord for their actual damages or 3 times' the monthly rent, whichever is greater. A tenant can also get an order from the Judge requiring the landlord to stop the illegal behavior.

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FloridaLawHelp.org

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www.floridalawhelp.org

Your local legal aid or legal services office can be located through either the “Find Local Help” or “Directory” links at the top of the page.

If you don't have access to the internet, consult your local Directory Assistance for the number of the legal aid or legal services office nearest to you.

Special thanks to Community Legal Services of Mid-Florida, Inc.

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WHAT HAPPENS IF YOU CAN'T PAY YOUR RENT?

