

FORM 76

MOTION FOR CLERK'S DEFAULT - RESIDENTIAL EVICTION

The Tenant will have five days, after service, to file a written response to a Complaint for eviction, and 20 days, after service, to file a written response to a complaint for back rent and damages. If the Tenant fails to file a written response in that time the Landlord is entitled to a judgment by default.

Obtaining the judgment is a two-step process. First, a Clerk's default should be obtained by delivering to the Clerk of the Court an executed Motion-for Clerk's Default. Form 76 should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and Form 77 should be used to obtain a Clerk's default when the Tenant has failed to respond to a complaint for back rent and damages. In order to be entitled to a default, Form 81, Nonmilitary Affidavit, must be filed with the Clerk.

Second, based on the Clerk's default, a default final judgment should be obtained from the judge handling the case. The default final judgment is obtained by delivering to the Court a Motion for Default Final judgment-Residential Eviction (Form 78) and/or a Motion for Default Final judgment - Damages (Residential Eviction) (Form 79) with an Affidavit of Damages (Form 80). If the Landlord is seeking a Default Final judgment - Damages (Residential Eviction), a copy of the motion and affidavit must be served on the Defendant. The forms provide a certificate of service to be completed establishing proper service of the motion and affidavit.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

IN THE COUNTY COURT, IN AND FOR  
\_\_\_\_\_ COUNTY, FLORIDA

[insert county in which rental property is located]

\_\_\_\_\_  
[insert name of Landlord]

Plaintiff,

vs.

\_\_\_\_\_  
[insert name of Tenant]

/

Defendant.

CASE NO. \_\_\_\_\_  
[insert case number assigned by  
Clerk of the Court]

**MOTION FOR CLERK'S DEFAULT –  
RESIDENTIAL EVICTION**

Plaintiff asks the Clerk to enter a default against \_\_\_\_\_ [name], Defendant, for failing to respond as required by law to Plaintiff's Complaint for residential eviction.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

**DEFAULT - RESIDENTIAL EVICTION**

A default is entered in this action against the Defendant for eviction for failure to respond as required by law.

DATE: \_\_\_\_\_

CLERK OF THE COURT

By: \_\_\_\_\_  
Deputy Clerk

cc: \_\_\_\_\_  
[insert name of Landlord]

\_\_\_\_\_  
[insert name and address of Tenant]

Approved for use under rule 10-2.1(a) of  
the Rules Regulating The Florida Bar

The Florida Bar 2010

This form was completed  
with the assistance of:  
Name:  
Address:  
Telephone Number: