

FORM 5A

COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR
FAILURE TO PAY RENT AND TO RECOVER PAST DUE RENT

INSTRUCTIONS

Form 5 should be used if only eviction of the Tenant is sought. Form 5A should be used to evict the Tenant and recover damages (past due rent).

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,

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

vs.

[insert name of Tenant]

Defendant.

**COMPLAINT FOR EVICTION
AND DAMAGES**

Plaintiff, [insert name of Landlord], sues Defendant, _____
[insert name of Tenant] and alleges:

**COUNT I
Tenant Eviction**

1. This is an action to evict the Tenant from real property in _____ [insert county in which the property is located] County, Florida.

2. Plaintiff owns the following described real property in the County:
_____ [insert legal or street description of property including, if applicable, unit number].

3. Defendant has possession of the real property under a (oral/written) agreement to pay rent of \$ _____ [insert rental amount] payable _____ [insert terms of rental payments, i.e., weekly, monthly, etc.]. A copy of the written agreement, if any, is attached as Exhibit "A."

4. Defendant failed to pay the rent due _____, 20__ [insert date of payment Tenant has failed to make].

5. Plaintiff served Defendant with a notice on _____, 20__ [insert date of notice], to pay the rent or deliver possession but Defendant refuses to do either. A copy of the notice is attached as Exhibit "B."

WHEREFORE, Plaintiff demands judgment for possession of the property against Defendant.

**COUNT II
Damages**

6. This is an action for damages that do not exceed \$15,000.

7. Plaintiff restates those allegations contained in paragraphs 1 through 5 above.

8. Defendant owes Plaintiff \$ _____ that is due with interest [insert past due rent amount] since _____, 20__ [insert date of last rental payment Tenant failed to make].

WHEREFORE, Plaintiff demands judgment for damages against Defendant.

Landlord's Name
Address, Unit Number _____

Phone Number _____

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: