

IN THE CIRCUIT COURT OF
THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA,
IN AND FOR CITRUS COUNTY

ADMINISTRATIVE ORDER
NUMBER: C96-38

ORDER PERTAINING TO RESIDENTIAL EVICTIONS

WHEREAS, it is necessary to standardize the procedures that are required for residential evictions to be followed in the County Court in and for Citrus County, Florida.

WHEREAS, the Florida Supreme Court has authorized "property managers" to complete, sign, and file complaints for eviction and motions for default and to obtain final judgments and writs of possession on behalf of landlords in uncontested residential evictions for nonpayment of rent.

WHEREAS, proper delivery of the notice required by Chapter 83 Fla. Stat., (1995) is a prerequisite to the court's ability to act. It is, therefore,

ORDERED AND ADJUDGED that the following directives shall be followed by property managers, landlords and tenants in residential evictions.

1. Procedures and requirements for all residential landlord/tenant actions.

A. All complaints shall have a copy of the following attached to them:

- (i) The eviction notice as required in Chapter 83 Fla. Stat., (1995), with proof of service ;
- (ii) Lease (if in writing).

B. When the time permitted for the Defendant's answer has run and the Defendant has not filed an answer, paid money into the Court Registry nor raised an issue regarding the amount due, the case file will be brought to the Judge for disposition.

- (i) When the case file indicates compliance with Chapter 83 Fla. Stat., (1995), as amended, and the proper pleadings are supplied by the Plaintiff to the court, a Final Judgment for Possession will be issued.
- (ii) When the case file indicates compliance with Chapter 83 Fla. Stat., (1995) and proper pleadings are not supplied, NO ACTION will be taken until the proper pleadings are supplied or the case is dismissed for lack of prosecution in accord with the Florida Rules of Civil Procedure. It is the Plaintiff's responsibility to prosecute the case.

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(iii). When the file indicates that the notice requirements of Chapter 83 Fla. Stat., (1995) are not complied with, the case will be dismissed without further notice.

C. When Defendant has paid the amount claimed into the Court Registry or filed an answer raising an issue regarding the amount due, the case file will be brought to the Judge for such determination. When allegations of the Defendant require a hearing under Chapter 83 Fla. Stat., (1995), the Court shall set the matter for hearing within 10 days of receipt of notice of such action by Defendant.

2. Requirements for complaints filed by Property Managers.

A. The term "property manager" is defined as a natural person or corporation who has been hired by the landlord to be responsible for the rental and management of the residential property with responsibilities for the day-to-day management of residential property as evidenced by, but not limited to the renting of units, maintenance of rental property, and collection of rent.

B. The case shall be brought by, and styled with the landlord as the plaintiff.

C. The complaint shall be signed by the "property manager" as property manager for the plaintiff.

D. Corporations in the business of property management may be represented by an officer or employee authorized by an officer of the corporation.

E. Documentation from the landlord authorizing the "property manager" to act on their behalf shall be attached to the complaint.

F. Once an aforementioned case becomes contested, i.e., when a hearing is required, the landlord must either represent himself/herself or retain an attorney.

3. The Clerk is hereby directed to provide a copy of this Administrative Order to each Landlord or Property Manager filing a complaint for eviction and to each Tenant filing an answer or paying money into the Court Registry.

4. This Administrative Order supersedes and replaces Administrative Order number C95-5.

3 DONE AND ORDERED in Chambers at Inverness, Citrus County, Florida, this day of October, 1996.


MARK J. YERMAN
County Court Judge