

EVICTION, EJECTION, or UNLAWFUL DETAINER?

When you are trying to remove someone from your property, use:

EVICTION. Use eviction if . . .

- ...the person has an agreement (either oral or written) to pay rent to you.
- This action is filed in county court unless the lease is non-residential and you are seeking damages that exceed the jurisdictional amount pursuant to Florida Statute 34.01(c). See the eviction forms for more details.

Example: Someone agrees to pay you \$800 a month to live in your apartment. They stopped paying rent, and you gave them written notice to pay rent within three days or leave the apartment.

UNLAWFUL DETAINER. Use unlawful detainer if...

- ...the person does not have an agreement to pay rent, does not have permission to stay on the property, and does not claim to own the property.
- This action is filed in county court unless you are seeking damages that exceed the jurisdictional amount pursuant to Florida Statute 34.01(c). See the unlawful detainer forms for more details.

Example: You let your former significant other or relative live in your home. You have now told them to leave, and they refused.

EJECTMENT. Use ejectment if...

- ...you own the property, and someone else incorrectly claims that they own the property.
- This action is filed in circuit court. See the ejectment forms for more details.

Example: You legally purchase a piece of property from the owner and record the deed. The former owner then sells the same property again to someone else. The other person is residing on the property and claims that they own it because they bought it from the former owner.

THIS IS INTENDED AS A QUICK REFERENCE ONLY AND DOES NOT CONSTITUTE LEGAL ADVICE. This information may not be applicable to every situation and does not cover all circumstances. If you are unsure which category applies to you, or have any questions, you should consult a qualified attorney for assistance.