

IN THE COUNTY COURT IN AND FOR _____ COUNTY, FLORIDA

CASE NO.: _____
CIVIL DIVISION

Plaintiff(s),

vs.

Defendant(s).

_____ /

**ANSWER TO EVICTION,
DEFENSES, AND MOTION TO DETERMINE RENT**

ANSWER

1. I ADMIT paragraphs _____ of the Plaintiff's Complaint for Eviction.
2. I DENY paragraphs _____ of the Plaintiff's Complaint for Eviction.
3. I am without knowledge of paragraphs _____ of the Plaintiff's Complaint for Eviction.
4. (If applicable) I was unable to pay my rent due to COVID-19 because:
 - Losing my job
 - Employer reducing my hours
 - Not yet receiving Reemployment Assistance I have applied for
 - Other: _____
5. I want to recover my attorney's fees and costs under Fla. Stat. 83.48 and 83.59 if I prevail.

DEFENSES

- I live in Federally Subsidized Housing (examples: Public Housing, Section 8, Low-Income Housing Tax Credit properties, and other types of subsidized housing) and I am protected by the CARES Act. I cannot be evicted for non-payment of rent between March 28 and July 25, 2020. After July 25, 2020, the landlord must send me a 30-day notice to pay rent before the landlord can file an eviction.
- My Landlord has a federally backed mortgage and I am protected by the CARES Act. I cannot be evicted for non-payment of rent between March 28 and July 25, 2020. After July 25, 2020, the landlord must send me a 30-day notice to pay rent before the landlord can file an eviction.
- I do not know whether I live in federally subsidized housing, whether my landlord has a federally backed mortgage, or whether this is a “covered” property, but I demand proof from the landlord that my property is exempt from the CARES Act.
- I paid the rent that is due and owing, but my landlord charged me fees or penalties related to the late rent. Pursuant to the CARES Act, a landlord is prohibited from charging fees, penalties, or other charges related to non-payment of rent from March 28 through July 25, 2020.
- My landlord is evicting me for non-payment. Pursuant to Executive Order 20-121, evictions for non-payment of rent are suspended through June 2, 2020.
- I asserted my rights under the CARES Act and have not paid rent since March 28, 2020. As a result, the Landlord is retaliating against me and filing this eviction in violation of Florida Statute §83.64.
- I organized with other tenants around our protections and rights under the CARES Act. As a result, the Landlord is misrepresenting the basis of this eviction to circumvent those protections or to retaliate against me.
- This case is motivated by non-payment protected by the CARES Act and/or Executive Order 20-121 and my landlord is misrepresenting the basis for eviction in an attempt to circumvent those protections.

Other Defenses:

MOTION TO DETERMINE RENT AND REQUEST FOR HEARING

I am respectfully requesting that this Court determine how much rent I should deposit into the Court Registry and to set a hearing on the same because (check all that apply):

- I already paid my rent. Attached are receipts.
- I live in a property covered by the CARES Act, so under federal law, I cannot be evicted for non-payment of rent at this time and, as a result, have no obligation under state law to deposit rent into the Court Registry.
- I am unsure whether the CARES Act applies to my property so I am demanding a hearing to determine CARES Act eligibility.
- Pursuant to the Executive Order 121-20, all evictions for non-payment of rent due to Covid 19 have been suspended through June 2, 2020 and I should not be required to deposit any rent.
- The amount of money the Plaintiff is demanding is incorrect, because:

- There are bad conditions in my rental unit and my rent should be reduced. I have attached photographs and/or described the conditions below:

- Other:

WHEREFORE, I respectfully request that this Court set a hearing to determine how much money I should deposit into the Court Registry, and for all other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

- I am demanding a jury trial.
- I am not demanding a jury trial.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I sent a copy of this Answer, Defenses, and Motion to Determine Rent to Plaintiff via First Class U.S. Mail at _____, on this ____ day of _____, 2020.

Defendant's Name: _____

Address: _____

Telephone: _____