

Lee County Eviction Docket Practices & Procedures

Mission

To ensure residential eviction and unlawful detainer actions are processed promptly and predictably in compliance with the Florida Statutes and the Florida Rules of Civil Procedure while also providing resources to the community.

Vision

Improve efficiency and increase access to community resources in Lee County residential eviction and unlawful detainer cases by early case intervention and collaboration with community resource providers.

Program Summary

The Court will establish an Eviction Docket for Lee County residential eviction and unlawful detainer actions to take place every Monday afternoon at 1:00 p.m. via Zoom.

During the Eviction Docket, the Court will address pending motions and take judicial actions to progress the case, including but not limited to issuing default final judgments, ruling on motions to determine rent, disposing of cases in which tenants are no longer in possession, and approving agreements between the parties to resolve their disputes.

Representatives from Lee County Legal Aid Society and local housing resource providers will be present during the Eviction Docket and available in breakout rooms to assist parties who qualify for their services. Parties will also have the opportunity to speak with each other in an effort to resolve their case amicably.

Program Goals

Within the first month of implementation:

- Reduce the time between service of process and closing of cases by 20%.
- Reduce emergency post-judgment motions by 50%.
- Increase the number of people served by Legal Aid and housing resource service providers by 40 persons per month.

Program Details

I. Scope

1. Cases Included: All residential eviction and unlawful detainer cases filed in Lee County, Florida.
2. Cases Excluded: Commercial evictions. If scheduled in error, the hearing will be treated as a status conference to discuss how the case should proceed, whether mediation would be helpful, or whatever else is needed.
3. Judicial Coverage: Lee County Judges serving in the Civil Division will preside over the Eviction Docket on a rotational basis.
4. A designated Clerk will be assigned to the docket.

II. Case Flow & Scheduling

1. Automatic Scheduling:

- Every residential eviction and unlawful detainer action will be set on the Eviction Docket no sooner than 5 days from the date of service on the last defendant to be served.
- This ensures tenants have the statutory 5 days to file an answer before the hearing.
- The Clerk of Courts will generate and serve a notice of hearing after the return of service is filed for the last defendant to be served.

2. Non-Negotiable Hearing Date.

- Hearings are not advanced for convenience; Monday is the standard.
- If the statutory period has passed and no answer or rent deposit is filed, and upon landlord's request with proposed order, a default and final judgment will be entered, and the case will be removed from the docket.
- If an answer is filed, the case remains on Monday docket.

3. Defaults, Motions & Emergency Filings

- Defaults: Granted upon proper motion and proposed order; otherwise heard on Monday.
- Motions to Determine Rent: All pending motions will be heard on the Monday docket.
- Emergency Motions: The Court can also schedule emergency motions for

this docket, ensuring an expedited hearing.

III. Courtroom Procedure

1. Introduction: the judge opens with a brief explanation to:

- Outline possible outcomes.
- Encourage negotiation.
- Explain statutory limits and defenses.

2. Case Order

- Cases are called one by one with priority to private counsel.
- Parties wishing to negotiate may be sent to a virtual breakout room, and their case is recalled later in the docket.
- Continuances to the following Monday may be granted upon agreement.

3. Anticipated Case Volume

- Average: Approximately 30 to 40 cases per Monday.
- Duration: Typically completed within one afternoon, 1:00 p.m. to 4:30 p.m.

IV. Legal Aid and Resource Provider Integration

1. Advance Docket Access: Legal Aid may access docket before the hearing date.
2. In-Court Presence: One Legal Aid attorney plus 2-3 volunteer housing resource providers attend every Monday.
3. Volunteer Incentive: Pro bono hours eligible for CLE credit for attorneys outside of Legal Aid who wish to participate. Attorneys appreciate the fixed schedule and no post-court follow-up.

V. Settlement & Order Templates

1. Consent / Agreed Orders

- Standard form language includes:
 - o Move-out date or payment plan terms.
 - o Affidavit of Default provision allowing immediate judgment for possession without further hearing.

- o Attorneys may submit their own draft for review and approval.

2. Common Settlement Types

- Tenant remains in property in exchange for payment plan.
- Tenant vacates by a specific date.
- Conditional dismissal to avoid eviction judgment on record.

VI. Benefits of the Monday Docket

1. For Landlords

- Faster resolution.
- Reduced property damage.
- Avoidance of multiple scheduling calls/emails.
- Elimination of writ service delays.

2. For Tenants

- Increased opportunity for settlement.
- Access to legal aid every week.
- Access to housing resource providers every week.
- Ability to avoid an eviction judgment on record.

3. For the Court

- Ensure eviction and unlawful detainer cases are heard quickly and predictably to facilitate early resolution and closing of cases.
- Streamlined scheduling process.
- Predictable calendar management.
- Efficiency for judicial assistants- no back-and-forth on scheduling.

4. For the Clerk of Courts

- Clear directions for window clerks to provide to parties.
- Efficiency and predictability in process.
- Fewer resources spent on processing defaults

5. For Legal Aid and Resource Providers

- Access to people who need services, resources, and guidance.
- Efficient use of resources to increase access to legal aid and community resources for indigent tenants.