

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to actions for rent or possession;
3 amending s. 83.60, F.S.; requiring a court to conduct
4 a trial within a specified timeframe for certain
5 actions involving possession of a dwelling unit;
6 authorizing the court to order a tenant to pay certain
7 rent into the registry of the court during pendency of
8 a proceeding if the tenant requests a continuance
9 exceeding a specified number of days or a jury trial;
10 requiring the court to schedule the case for immediate
11 trial if such payment is not made; amending s. 83.56,
12 F.S.; deleting a requirement that a tenant who wishes
13 to defend against certain actions by a landlord comply
14 with a specified provision; deleting a requirement
15 that the court enter a default judgment in certain
16 circumstances; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (2) of section 83.60, Florida
21 Statutes, is amended to read:

22 83.60 Defenses to action for rent or possession;
23 procedure.—

24 (2) In an action by the landlord for possession of a
25 dwelling unit, the court shall conduct the trial within 30 days
26 after service of the complaint. If the tenant requests a
27 continuance of the trial to a date more than 30 days after
28 service of the complaint or requests a jury trial, the court may
29 enter an order requiring the tenant to pay into the registry of

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30 the court the rent that accrues during the pendency of the
31 proceeding. If the tenant fails to comply with a court order
32 issued under this subsection, the court shall schedule an
33 immediate trial on the issue of possession ~~if the tenant~~
34 ~~interposes any defense other than payment, including, but not~~
35 ~~limited to, the defense of a defective 3-day notice, the tenant~~
36 ~~shall pay into the registry of the court the accrued rent as~~
37 ~~alleged in the complaint or as determined by the court and the~~
38 ~~rent that accrues during the pendency of the proceeding, when~~
39 ~~due. The clerk shall notify the tenant of such requirement in~~
40 ~~the summons. Failure of the tenant to pay the rent into the~~
41 ~~registry of the court or to file a motion to determine the~~
42 ~~amount of rent to be paid into the registry within 5 days,~~
43 ~~excluding Saturdays, Sundays, and legal holidays, after the date~~
44 ~~of service of process constitutes an absolute waiver of the~~
45 ~~tenant's defenses other than payment, and the landlord is~~
46 ~~entitled to an immediate default judgment for removal of the~~
47 ~~tenant with a writ of possession to issue without further notice~~
48 ~~or hearing thereon. If a motion to determine rent is filed,~~
49 ~~documentation in support of the allegation that the rent as~~
50 ~~alleged in the complaint is in error is required. Public housing~~
51 ~~tenants or tenants receiving rent subsidies are required to~~
52 ~~deposit only that portion of the full rent for which they are~~
53 ~~responsible pursuant to the federal, state, or local program in~~
54 ~~which they are participating.~~

55 Section 2. Paragraph (b) of subsection (5) of section
56 83.56, Florida Statutes, is amended to read:

57 83.56 Termination of rental agreement.—

58 (5)

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59 ~~(b) Any tenant who wishes to defend against an action by~~
60 ~~the landlord for possession of the unit for noncompliance of the~~
61 ~~rental agreement or of relevant statutes must comply with s.~~
62 ~~83.60(2). The court may not set a date for mediation or trial~~
63 ~~unless the provisions of s. 83.60(2) have been met, but must~~
64 ~~enter a default judgment for removal of the tenant with a writ~~
65 ~~of possession to issue immediately if the tenant fails to comply~~
66 ~~with s. 83.60(2).~~

67 Section 3. This act shall take effect July 1, 2018.