

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to rent and repossession; amending s.
3 83.60, F.S.; requiring a court to conduct a trial
4 within a specified time for certain actions involving
5 repossession of a dwelling unit; authorizing the court
6 to order a tenant to pay certain rent into the
7 registry of the court during pendency of a proceeding
8 if the tenant requests a continuance of a certain
9 duration or a jury trial; requiring the court to
10 schedule the case for immediate trial if such payment
11 is not made; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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

17 83.60 Defenses to action for rent or possession;
18 procedure.—

19 (2) In an action by the landlord for possession of a
20 dwelling unit, the court shall conduct the trial within 30 days
21 after service of the complaint. If the tenant requests a
22 continuance of the trial to a date more than 30 days after
23 service of the complaint or requests a jury trial, the court may
24 enter an order requiring the tenant to pay into the registry of
25 the court the rent that accrues during the pendency of the
26 proceeding. If the tenant fails to comply with a court order
27 issued under this subsection, the court shall schedule an
28 immediate trial on the issue of possession, ~~if the tenant~~
29 ~~interposes any defense other than payment, including, but not~~
30 ~~limited to, the defense of a defective 3-day notice, the tenant~~
31 ~~shall pay into the registry of the court the accrued rent as~~
32 ~~alleged in the complaint or as determined by the court and the~~

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33 ~~rent that accrues during the pendency of the proceeding, when~~
34 ~~due. The clerk shall notify the tenant of such requirement in~~
35 ~~the summons. Failure of the tenant to pay the rent into the~~
36 ~~registry of the court or to file a motion to determine the~~
37 ~~amount of rent to be paid into the registry within 5 days,~~
38 ~~excluding Saturdays, Sundays, and legal holidays, after the date~~
39 ~~of service of process constitutes an absolute waiver of the~~
40 ~~tenant's defenses other than payment, and the landlord is~~
41 ~~entitled to an immediate default judgment for removal of the~~
42 ~~tenant with a writ of possession to issue without further notice~~
43 ~~or hearing thereon. If a motion to determine rent is filed,~~
44 ~~documentation in support of the allegation that the rent as~~
45 ~~alleged in the complaint is in error is required. Public housing~~
46 ~~tenants or tenants receiving rent subsidies are required to~~
47 ~~deposit only that portion of the full rent for which they are~~
48 ~~responsible pursuant to the federal, state, or local program in~~
49 ~~which they are participating.~~

50 Section 2. This act shall take effect July 1, 2017.