

By Senators Crist and Miller

13-755-01

1 A bill to be entitled
 2 An act relating to nonresidential tenancies;
 3 amending s. 83.09, F.S.; removing an exemption
 4 from liens for rent; amending s. 83.231, F.S.,
 5 relating to judgments with respect to the
 6 removal of a tenant; providing that the court
 7 shall advance any hearings regarding issues of
 8 possession on its calendar; amending s. 83.232,
 9 F.S.; directing the clerk of the court to
 10 include certain information in the summons for
 11 actions of possession; providing that the court
 12 shall advance certain hearings on its calendar;
 13 providing an effective date.

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

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 17 Section 1. Section 83.09, Florida Statutes, is amended
 18 to read:

19 83.09 No exemptions from liens for rent.--No property
 20 of any tenant or lessee shall be exempt from distress and sale
 21 for rent, ~~except beds, bedclothes and wearing apparel.~~

22 Section 2. Section 83.231, Florida Statutes, is
 23 amended to read:

24 83.231 Removal of tenant; judgment.--The court shall
 25 advance on its calendar any hearings regarding issues of
 26 possession.If the issues are found for plaintiff, judgment
 27 shall be entered that plaintiff recover possession of the
 28 premises. If the plaintiff expressly and specifically sought
 29 money damages in the complaint, in addition to awarding
 30 possession of the premises to the plaintiff, the court shall
 31 also direct, in an amount which is within its jurisdictional

1 limitations, the entry of a money judgment in favor of the
2 plaintiff and against the defendant for the amount of money
3 found due, owing, and unpaid by the defendant, with costs.
4 However, no money judgment shall be entered unless service of
5 process has been effected by personal service or, where
6 authorized by law, by certified or registered mail, return
7 receipt, or in any other manner prescribed by law or the rules
8 of the court, and no money judgment may be entered except in
9 compliance with the Florida Rules of Civil Procedure. Where
10 otherwise authorized by law, the plaintiff in the judgment for
11 possession and money damages may also be awarded attorney's
12 fees and costs. If the issues are found for defendant,
13 judgment shall be entered dismissing the action.

14 Section 3. Subsections (1) and (3) of section 83.232,
15 Florida Statutes, are amended to read:

16 83.232 Rent paid into registry of court.--

17 (1) In an action by the landlord which includes a
18 claim for possession of real property, the tenant shall pay
19 into the court registry the amount alleged in the complaint as
20 unpaid, or if such amount is contested, such amount as is
21 determined by the court, and any rent accruing during the
22 pendency of the action, when due, unless the tenant has
23 interposed the defense of payment or satisfaction of the rent
24 in the amount the complaint alleges as unpaid. Unless the
25 tenant disputes the amount of accrued rent, the tenant must
26 pay the amount alleged in the complaint into the court
27 registry on or before the date on which his or her answer to
28 the claim for possession is due. The clerk of the court shall
29 notify the tenant of such requirement in the summons. If the
30 tenant contests the amount of accrued rent, the tenant must
31 pay the amount determined by the court into the court registry

1 on the day that the court makes its determination. The court
2 may, however, extend these time periods to allow for later
3 payment, upon good cause shown. Even though the defense of
4 payment or satisfaction has been asserted, the court, in its
5 discretion, may order the tenant to pay into the court
6 registry the rent that accrues during the pendency of the
7 action, the time of accrual being as set forth in the lease.
8 If the landlord is in actual danger of loss of the premises or
9 other hardship resulting from the loss of rental income from
10 the premises, the landlord may apply to the court for
11 disbursement of all or part of the funds so held in the court
12 registry.

13 (3) The court shall advance on its calendar any
14 hearings relating to cases to which this section applies, ~~on~~
15 ~~its own motion, shall notify the tenant of the requirement~~
16 ~~that rent be paid into the court registry by order, which~~
17 ~~shall be issued immediately upon filing of the tenant's~~
18 ~~initial pleading, motion, or other paper.~~

19 Section 4. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Revises provisions of law governing nonresidential
25 tenancies to:

26 1. Provide that no property of any tenant or lessee
is exempt from distress and sale for rent.

27 2. Provide that with respect to judgments
concerning the removal of a tenant the court shall
28 advance any hearings regarding possession on its
calendar.

29 3. Direct the clerk of the court to include
described information in the summons for actions of
30 possession.

31 (See bill for details.)