

Bill No. CS for SB's 2730 & 1596

Barcode 794938

CHAMBER ACTION

Senate

House

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Comm: WD
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The Committee on Judiciary (Joyner) recommended the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 18 and 19,

insert:

Section 3. Subsection (5) of section 83.56, Florida Statutes, is amended to read:

83.56 Termination of rental agreement.--

(5) If the landlord accepts rent with actual knowledge of a noncompliance by the tenant or accepts performance by the tenant of any other provision of the rental agreement that is at variance with its provisions, or if the tenant pays rent with actual knowledge of a noncompliance by the landlord or accepts performance by the landlord of any other provision of the rental agreement that is at variance with its provisions, the landlord or tenant waives his or her right to terminate the rental agreement or to bring a civil action for that noncompliance, but not for any subsequent or continuing noncompliance. Any tenant who wishes to defend against an

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1 action by the landlord for possession of the unit for
 2 noncompliance of the rental agreement or of relevant statutes
 3 shall comply with the provisions in s. 83.60(2). The court may
 4 not set a date for mediation or trial unless the provisions of
 5 s. 83.60(2) have been met, but shall enter a default judgment
 6 for removal of the tenant with a writ of possession to issue
 7 immediately if the tenant fails to comply with s. 83.60(2).
 8 This subsection does not apply to that portion of rent
 9 subsidies received from a local, state, or national government
 10 or an agency of local, state, or national government; however,
 11 waiver will occur if the landlord does not serve notice to the
 12 tenant of the noncompliance ~~an action has not been instituted~~
 13 within 45 days after the landlord has discovered or reasonably
 14 should have discovered of the noncompliance.

15
 16 (Redesignate subsequent sections.)

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 18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, line 16, after the semicolon,

22

23 insert:

24 amending s. 83.56, F.S.; providing that the
 25 right to terminate a rental agreement or bring
 26 a civil action for noncompliance therewith is
 27 waived under certain conditions;

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