COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 921 (2012)

Amendment No. 5

COMMITTEE/SUBCOMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	(Y/N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Committee/Subcommittee hearing bill: Civil Justice Subcommittee Representative Kiar offered the following:

Amendment (with title amendment)

Between lines 562 and 563, insert:

Section 16. Subsection (1) of section 723.063, Florida Statutes, is amended to read:

723.063 Defenses to action for rent or possession; procedure.-

(1) (a) In any action based upon nonpayment of rent or seeking to recover unpaid rent, or a portion thereof, the mobile home owner may defend upon the ground of a material 12 13 noncompliance with any portion of this chapter or may raise any other defense, whether legal or equitable, which he or she may 14 15 have. The mobile home park owner must be given an opportunity to cure a deficiency in a notice or in the pleadings prior to 16 17 dismissal of the action. (b) The defense of material noncompliance may be raised by 18

9 the mobile home owner only if 7 days have elapsed after he or 432633 - h0921-line562.docx Published On: 1/18/2012 10:55:32 AM

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20	Amendment No. 5 she has notified the park owner in writing of his or her
21	intention not to pay rent, or a portion thereof, based upon the
22	park owner's noncompliance with portions of this chapter,
23	specifying in reasonable detail the provisions in default. A
24	material noncompliance with this chapter by the park owner is a
25	complete defense to an action for possession based upon
26	nonpayment of rent, or a portion thereof, and, upon hearing, the
27	court or the jury, as the case may be, shall determine the
28	amount, if any, by which the rent is to be reduced to reflect
29	the diminution in value of the lot during the period of
30	noncompliance with any portion of this chapter. After
31	consideration of all other relevant issues, the court shall
32	enter appropriate judgment.
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37	TITLE AMENDMENT
38	Remove line 47 and insert:
39	for a tenant to terminate a lease; amending s. 723.063, F.S.;
40	providing that a landlord may cure a deficiency in any notice or
41	pleadings prior to dismissal of an eviction action; providing an
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