

1                                   A bill to be entitled  
 2           An act relating to landlords and tenants; amending s.  
 3           83.60, F.S.; revising requirements relating to  
 4           defenses to action for possession of a dwelling unit;  
 5           revising conditions under which the court may require  
 6           a tenant to pay rent into the registry of the court;  
 7           deleting provisions relating to summons notices and  
 8           waivers of defenses; providing an effective date.

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

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

14           83.60 Defenses to action for rent or possession;  
 15 procedure.—

16           (2) In an action by the landlord for possession of a  
 17 dwelling unit, the court must conduct the trial within 30 days  
 18 after service of the complaint. If the tenant requests a  
 19 continuance of the trial to a date more than 30 days after  
 20 service of the complaint, or if tenant requests a jury trial,  
 21 the court may enter an order requiring ~~if the tenant interposes~~  
 22 ~~any defense other than payment, including, but not limited to,~~  
 23 ~~the defense of a defective 3-day notice,~~ the tenant to shall pay  
 24 into the registry of the court the ~~accrued rent as alleged in~~  
 25 ~~the complaint or as determined by the court and the rent that~~

HB 1015

2017

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

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