

HB 1007

2018

1                   A bill to be entitled  
2                   An act relating to actions for rent or possession;  
3                   amending s. 83.60, F.S.; requiring a court to conduct  
4                   a trial within a specified timeframe for certain  
5                   actions involving possession of a dwelling unit;  
6                   authorizing the court to order a tenant to pay certain  
7                   rent into the registry of the court during pendency of  
8                   a proceeding if the tenant requests a continuance  
9                   exceeding a specified number of days or a jury trial;  
10                  requiring the court to schedule the case for immediate  
11                  trial if such payment is not made; amending s. 83.56,  
12                  F.S.; deleting a requirement that a tenant who wishes  
13                  to defend against certain actions by a landlord comply  
14                  with a specified provision; deleting a requirement  
15                  that the court enter a default judgment in certain  
16                  circumstances; providing an effective date.  
17

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

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

22                  83.60 Defenses to action for rent or possession;  
23 procedure.—

24                  (2) In an action by the landlord for possession of a  
25 dwelling unit, the court shall conduct the trial within 30 days

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26       after service of the complaint. If the tenant requests a  
27       continuance of the trial to a date more than 30 days after  
28       service of the complaint or requests a jury trial, the court may  
29       enter an order requiring the tenant to pay into the registry of  
30       the court the rent that accrues during the pendency of the  
31       proceeding. If the tenant fails to comply with a court order  
32       issued under this subsection, the court shall schedule an  
33       immediate trial on the issue of possession if the tenant  
34       interposes any defense other than payment, including, but not  
35       limited to, the defense of a defective 3-day notice, the tenant  
36       shall pay into the registry of the court the accrued rent as  
37       alleged in the complaint or as determined by the court and the  
38       rent that accrues during the pendency of the proceeding, when  
39       due. The clerk shall notify the tenant of such requirement in  
40       the summons. Failure of the tenant to pay the rent into the  
41       registry of the court or to file a motion to determine the  
42       amount of rent to be paid into the registry within 5 days,  
43       excluding Saturdays, Sundays, and legal holidays, after the date  
44       of service of process constitutes an absolute waiver of the  
45       tenant's defenses other than payment, and the landlord is  
46       entitled to an immediate default judgment for removal of the  
47       tenant with a writ of possession to issue without further notice  
48       or hearing thereon. If a motion to determine rent is filed,  
49       documentation in support of the allegation that the rent as  
50       alleged in the complaint is in error is required. Public housing

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51 tenants or tenants receiving rent subsidies are required to  
52 deposit only that portion of the full rent for which they are  
53 responsible pursuant to the federal, state, or local program in  
54 which they are participating.

55       Section 2. Paragraph (b) of subsection (5) of section  
56 83.56, Florida Statutes, is amended to read:

57       83.56 Termination of rental agreement.—

58       (5)

59       (b) Any tenant who wishes to defend against an action by  
60 the landlord for possession of the unit for noncompliance of the  
61 rental agreement or of relevant statutes must comply with s.  
62 83.60(2). The court may not set a date for mediation or trial  
63 unless the provisions of s. 83.60(2) have been met, but must  
64 enter a default judgment for removal of the tenant with a writ  
65 of possession to issue immediately if the tenant fails to comply  
66 with s. 83.60(2).

67       Section 3. This act shall take effect July 1, 2018.