

By Senator Torres

15-01585-20

20201528__

1 A bill to be entitled
2 An act relating to landlords and tenants; amending s.
3 83.60, F.S.; deleting a provision providing that the
4 failure to pay rent into a registry of the court under
5 certain circumstances constitutes an absolute waiver
6 of certain defenses and entitles the landlord to a
7 certain default judgment; providing an effective date.
8

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

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

13 83.60 Defenses to action for rent or possession;
14 procedure.—

15 (2) In an action by the landlord for possession of a
16 dwelling unit, if the tenant interposes any defense other than
17 payment, including, but not limited to, the defense of a
18 defective 3-day notice, the tenant shall pay into the registry
19 of the court the accrued rent as alleged in the complaint or as
20 determined by the court and the rent that accrues during the
21 pendency of the proceeding, when due. The clerk shall notify the
22 tenant of such requirement in the summons. ~~Failure of the tenant~~
23 ~~to pay the rent into the registry of the court or to file a~~
24 ~~motion to determine the amount of rent to be paid into the~~
25 ~~registry within 5 days, excluding Saturdays, Sundays, and legal~~
26 ~~holidays, after the date of service of process constitutes an~~
27 ~~absolute waiver of the tenant's defenses other than payment, and~~
28 ~~the landlord is entitled to an immediate default judgment for~~
29 ~~removal of the tenant with a writ of possession to issue without~~

15-01585-20

20201528__

30 ~~further notice or hearing thereon.~~ If a motion to determine rent
31 is filed, documentation in support of the allegation that the
32 rent as alleged in the complaint is in error is required. Public
33 housing tenants or tenants receiving rent subsidies are required
34 to deposit only that portion of the full rent for which they are
35 responsible pursuant to the federal, state, or local program in
36 which they are participating.

37 Section 2. This act shall take effect July 1, 2020.