

1 A bill to be entitled
2 An act relating to landlords and tenants; amending s.
3 83.60, F.S.; removing a requirement that certain money
4 be paid into the registry of the court; providing an
5 effective date.

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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (2) of section 83.60, Florida
10 Statutes, is amended to read:

11 83.60 Defenses to action for rent or possession;
12 procedure.—

13 (2) In an action by the landlord for possession of a
14 dwelling unit, if the tenant interposes any defense other than
15 payment, including, but not limited to, the defense of a
16 defective 3-day notice, the tenant shall pay into the registry
17 of the court the accrued rent as alleged in the complaint or as
18 determined by the court and the rent that accrues during the
19 pendency of the proceeding, when due. The clerk shall notify the
20 tenant of such requirement in the summons. ~~Failure of the tenant~~
21 ~~to pay the rent into the registry of the court or to file a~~
22 ~~motion to determine the amount of rent to be paid into the~~
23 ~~registry within 5 days, excluding Saturdays, Sundays, and legal~~
24 ~~holidays, after the date of service of process constitutes an~~
25 ~~absolute waiver of the tenant's defenses other than payment, and~~

26 | ~~the landlord is entitled to an immediate default judgment for~~
27 | ~~removal of the tenant with a writ of possession to issue without~~
28 | ~~further notice or hearing thereon.~~ If a motion to determine rent
29 | is filed, documentation in support of the allegation that the
30 | rent as alleged in the complaint is in error is required. Public
31 | housing tenants or tenants receiving rent subsidies are required
32 | to deposit only that portion of the full rent for which they are
33 | responsible pursuant to the federal, state, or local program in
34 | which they are participating.

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