

By Senator Torres

15-01764-21

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1                   A bill to be entitled  
2           An act relating to payments made into the registry of  
3           the court; amending s. 83.60, F.S.; removing a  
4           provision that waives a tenant's defenses other than  
5           payment and entitles a landlord to an immediate  
6           default judgment for removal of a tenant if the tenant  
7           fails to take certain actions in an action by the  
8           landlord for possession of a dwelling unit; providing  
9           an effective date.

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

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

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

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

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

39 Section 2. This act shall take effect July 1, 2021.