

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Aloupis offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 32-55 and insert:

5 (d) A default judgment was entered against the defendant  
6 and the defendant has satisfied any monetary award included in  
7 the judgment. This paragraph does not apply if the action was  
8 brought under s. 83.56(2) (a) or s. 723.061(1) (b) or (c) for  
9 material noncompliance, other than nonpayment of rent, because  
10 of the tenant's intentional destruction, damage, or misuse of  
11 the landlord's property.

12 (e) A judgment was entered against the defendant on the  
13 merits at least 5 years before the motion was filed under this

272267

Approved For Filing: 4/9/2021 3:57:55 PM

Amendment No.

14 subsection and the defendant has satisfied any monetary award  
15 included in the judgment. This paragraph does not apply if the  
16 action was brought under s. 83.56(2) (a) or s. 723.061(1) (b) or  
17 (c) for material noncompliance, other than nonpayment of rent,  
18 because of the tenant's intentional destruction, damage, or  
19 misuse of the landlord's property.

20 (2) (a) The court shall grant such motion without a hearing  
21 if the requirements in paragraph (1) (a) or paragraph (1) (b) are  
22 satisfied.

23 (b) If the defendant files a motion on the basis of  
24 paragraph (1) (c), paragraph (1) (d), or paragraph (1) (e) being  
25 satisfied, the defendant must also serve a copy of the motion on  
26 all parties to the proceeding. If a written objection is filed  
27 within 30 days after such service, the court must schedule a  
28 hearing. If no written objection is filed within 30 days after  
29 service of the motion or the court determines after a hearing  
30 that the defendant is eligible for relief, the court must grant  
31 the motion.

32 (3) In an eviction proceeding under this part or s.  
33 723.061, the court must substitute a defendant's name on the  
34 progress docket with "tenant" if a judgment is entered in favor  
35 of the defendant.

36 (4) A defendant is not eligible for relief under this  
37 section if:

272267

Approved For Filing: 4/9/2021 3:57:55 PM

Amendment No.

38 (a) During any 12-month period, the defendant has had a  
39 judgment entered against him or her in two or more eviction  
40 proceedings; or

41 (b) During any 24-month period, the defendant has had a  
42 judgment entered against him or her in three or more eviction  
43 proceedings.

44 (5) This section applies to any judgment entered before,  
45

46 -----

47 **T I T L E A M E N D M E N T**

48 Remove lines 8-12 and insert:  
49 docket under certain conditions; providing  
50 applicability; requiring the court to grant such  
51 motions if certain requirements are met; requiring the  
52 court to substitute a defendant's name on the progress  
53 docket if a judgment is entered in favor of the  
54 defendant; providing exceptions; providing retroactive