

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 the failure of a tenant to make certain
 5 payments into the registry of the court within a
 6 certain timeframe constitutes an absolute waiver of
 7 specified defenses, entitling the landlord to a writ
 8 of possession without further action; amending s.
 9 83.56, F.S.; conforming provisions to changes made by
 10 the act; providing an effective date.

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

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

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

18 (2) In an action by the landlord for possession of a
 19 dwelling unit, if the tenant interposes any defense other than
 20 payment, including, but not limited to, the defense of a
 21 defective 3-day notice, the tenant shall pay into the registry
 22 of the court the accrued rent as alleged in the complaint or as
 23 determined by the court and the rent that accrues during the
 24 pendency of the proceeding, when due. The clerk shall notify the
 25 tenant of such requirement in the summons. ~~Failure of the tenant~~

26 | ~~to pay the rent into the registry of the court or to file a~~
 27 | ~~motion to determine the amount of rent to be paid into the~~
 28 | ~~registry within 5 days, excluding Saturdays, Sundays, and legal~~
 29 | ~~holidays, after the date of service of process constitutes an~~
 30 | ~~absolute waiver of the tenant's defenses other than payment, and~~
 31 | ~~the landlord is entitled to an immediate default judgment for~~
 32 | ~~removal of the tenant with a writ of possession to issue without~~
 33 | ~~further notice or hearing thereon.~~ If a motion to determine rent
 34 | is filed, documentation in support of the allegation that the
 35 | rent as alleged in the complaint is in error is required. Public
 36 | housing tenants or tenants receiving rent subsidies are required
 37 | to deposit only that portion of the full rent for which they are
 38 | responsible pursuant to the federal, state, or local program in
 39 | which they are participating.

40 | Section 2. Paragraph (b) of subsection (5) of section
 41 | 83.56, Florida Statutes, is amended to read:

42 | 83.56 Termination of rental agreement.—

43 | (5)

44 | (b) Any tenant who wishes to defend against an action by
 45 | the landlord for possession of the unit for noncompliance of the
 46 | rental agreement or of relevant statutes must comply with s.
 47 | 83.60(2). The court may not set a date for mediation or trial
 48 | unless the provisions of s. 83.60(2) have been met, ~~but must~~
 49 | ~~enter a default judgment for removal of the tenant with a writ~~
 50 | ~~of possession to issue immediately if the tenant fails to comply~~

HB 6005

2022

51 | ~~with s. 83.60(2).~~

52 | Section 3. This act shall take effect July 1, 2022.