

**County Civil Court:** LANDLORD/TENANT – Court Registry – Trial court properly entered Final Judgment of Eviction for Appellee/landlord when Appellant/residential tenant failed to pay past-due rental payments into court registry. See § 83.60(2), Fla. Stat. (2014) – Final Judgment affirmed. Toni Seitz v. Anka Rudman, No. 14-000058AP-88A (Fla. 6th Cir. App. Ct. Dec. 19, 2014).

**NOT FINAL UNTIL TIME EXPIRES FOR REHEARING AND, IF FILED, DETERMINED**

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
APPELLATE DIVISION**

**TONI SEITZ,  
Appellant,**

**Case No.: 14-000058AP-88A  
UCN: 522014AP000058XXXXCI**

**v.**

**ANKA RUDMAN,  
Appellee.**

\_\_\_\_\_ /

Opinion Filed \_\_\_\_\_

Appeal from Final Judgment  
Pinellas County Court  
Judge John Carassas

Toni Seitz, pro se

No appearance by Appellee

**PER CURIAM.**

Toni Seitz, the Tenant, appeals the "Final Judgment – Eviction" entered by the trial court on July 18, 2014, in favor of Anka Rudman, the Landlord. Affirmed.

**Timeline:**

07/02/2014	Two-count complaint filed by Landlord to recover possession of the apartment and for damages for failure to pay rent. (R. 1-2)
07/02/2014	Tenant served by substituted service on July 2, 2014. (Ex. A)
07/07/2014	Tenant filed Motion to Determine Amount of Rent to Deposit Into Registry of Court and filed Answer. (R. 5, 6-41).
07/14/2014	Landlord filed Motion for Court Default for failure to place rent

	money into the registry of the court. (R. 42)
07/14/2014	Landlord filed Motion for Default Final Judgment – Residential Eviction. (R. 44)
07/18/2014	Default entered against Tenant for failure to place money in registry of the court. (R. 46)
07/18/2014	Order Denying Defendant's Motion to Determine Rent "for failure to deposit into the registry of the court any rent as alleged in the complaint and required by section 83.60(2) of the Florida Statutes." (R. 47)
07/18/2014	Default entered against Tenant for failure to place money in registry of the court. (R. 46)
07/18/2014	Final Judgment – Eviction entered by Court. (R. 45)

In the Complaint for Eviction and Damages, the Landlord asserts that the Tenant has possession of the property at issue under an oral agreement to pay \$700.00 monthly. The Complaint alleges the Tenant owes the Landlord \$1,400.00 in past due rental payments.

In the Motion to Determine Amount of Rent to Deposit Into Registry of Court, the Tenant states that Landlord "has in her possession \$1,135.00 cash of mine, plus theft of my electricity over several months." The Tenant does not state in the Motion that that the rent as alleged in the complaint is in error. Further, the Tenant does not claim in her Answer that she paid the rental payments alleged to be due for the apartment that is the subject of the eviction action. The Tenant did not deposit any funds into the registry of the court.

Section 83.60(2), Florida Statutes (2014), states in part:

In an action by the landlord for possession of a dwelling unit, if the tenant interposes any defense other than payment, including, but not limited to, the defense of a defective 3-day notice, the tenant shall pay into the registry of the court the accrued rent as alleged in the complaint or as determined by the court and the rent that accrues during the pendency of the proceeding, when due. The clerk shall notify the tenant of such requirement in the summons. Failure of the tenant to pay the rent into the registry of the court or to file a motion to determine the amount of rent to be paid into the registry within 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of service of process constitutes an absolute waiver of the tenant's defenses other than payment, and the landlord is entitled to an immediate default judgment for removal of the tenant with a writ of possession to issue without further notice or hearing thereon. If a motion to determine rent is filed, documentation in support of the allegation that the rent as alleged in the complaint is in error is required.

The trial court denied the motion to determine rent and the Final Judgment for eviction was entered because the Tenant failed to deposit any funds into the registry of the court. The trial court did not err in entering the Final Judgment based on the requirements of section 83.60(2).

Affirmed.

**DONE AND ORDERED** in Chambers in Clearwater, Pinellas County, Florida, this 19<sup>th</sup> day of December, 2014.

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**LINDA R. ALLAN**  
Circuit Judge, Appellate Division

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**JOHN A. SCHAEFER**  
Circuit Judge, Appellate Division

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**JACK R. ST. ARNOLD**  
Circuit Judge, Appellate Division

Copies furnished to:

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2883 State Rd. 590, Apt. C  
Clearwater, FL 33759

Anka Rudman, Manager/Owner  
500 Windward Passage  
Clearwater FL 33767

Hon. John Carassas