

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

LARRY J. HAMPTON,
Appellant,

v.

**Ref. No. 14-000065AP-88B
UCN: 522014AP000065XXXXCV**

**2636 5TH STREET SOUTH LAND TRUST
ASSET PRESERVATION TRUST SERVICES, INC.,**
Appellee.

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ORDER AND OPINION

Appellant, Larry Hampton, appeals a default final judgment for possession entered in favor of Appellee. In the proceedings below, Appellee filed a complaint for eviction and past due rent against its tenant, Mr. Hampton. Appellant filed a motion to determine rent pursuant to § 83.60 (2) Fla. Stat. The court found that Appellant owed \$1,550.00, and ordered Appellant to deposit this amount into the court registry. Appellant did not deposit the required amount into the court registry, and as a result, the trial court entered a default final judgment for possession.

On appeal, Appellant claims that he was not obligated to pay rent because the landlord failed to satisfactorily maintain the premises. The law is clear that under §83.60(2), Fla. Stat., in any action for possession of a dwelling unit, if a tenant interposes any defense other than payment, the tenant must pay into the court registry the rent amount alleged in the complaint or determined to be due by the court. *See Kendrick v. Corser*, 19 Fla. L. Weekly Supp. 72a (Fla. 11th Cir. App. Ct. Oct. 31, 2011). Failure of the tenant to pay this amount into the registry constitutes an absolute waiver of the tenant's defenses other than payment, and entitles the landlord to immediate judgment of possession. *See Carolyn Jones v. Myrtis Jones*, (Fla. 6th Cir.

App. Ct. Nov. 20, 2009). Although Appellant claims that he should not be obligated to pay rent because his landlord failed to maintain the premises, his failure to comply with the court's order of deposit constituted a waiver of any defenses other than payment, and entitled the landlord to an immediate default judgment for possession. *Stanley v. Quest Intern. Inv., Inc.*, 50 So. 3d 672 (Fla. 4th DCA 2010).

Accordingly, it is

ORDERED that the trial court's default final judgment for possession is AFFIRMED.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, on this 24th day of February 2015.

Original Order entered on February 24, 2015 by Circuit Judges Jack Day, Peter Ramsberger, and Pamela A.M. Campbell.

Copies furnished to:

LARRY J. HAMPTON
P.O. BOX 20485
TAMPA, FL 33622

CHRISTOPHE FIORI, ESQ
1936 W. MARTIN LUTHER KING BLVD.
SUITE 208
TAMPA, FL 33607

THE HONORABLE WALTER FULLERTON
545 1ST AVENUE NORTH
ST. PETERSBURG, FL 33701