

**82.01** “Unlawful entry and forcible entry” defined.—

No person shall enter into any ~~lands or tenements~~ possession of any property, except when entry is given by law, the person entitled to possession thereof, nor shall any person, when entry is given by law the person entitled to possession thereof, enter with strong hand or with multitude of people, but only in a peaceable, easy and open manner.

History.—s. 1, ch. 1630, 1868; RS 1687; GS 2152; RGS 3456; CGL 5309; s. 33, ch. 67-254.

**82.02** “Unlawful entry and unlawful detention” defined.—

(1) No person who enters into possession without consent ~~in a peaceable, easy and open manner into any lands or tenements shall hold them~~ of the person entitled to possession of said property shall hold possession afterwards against the consent of the party entitled to possession.

(2) This section shall not apply with regard to residential tenancies as defined in Chapter 83, Florida statutes between the possessor SOUGHT TO BE REMOVED and the record title holder of the property or an assignee of the record title holder. (OR A person entitled to POSSESSION UNDER THE RECORD TITLE HOLDER.)

IS A TENANT AN ASSIGNEE.

History.—s. 2, ch. 1630, 1868; RS 1688; GS 2153; RGS 3457; CGL 5310; s. 33, ch. 67-254; s. 13, ch. 73-330; s. 19, ch. 77-104.

**82.03** Remedy for unlawful entry and forcible entry.—

~~If any person enters or has entered into lands or tenements when entry is not given by law, or if any person enters or has entered into any lands or tenements with strong hand or with multitude of people, even when entry is given by law, the party turned out or deprived of possession by the unlawful or forcible entry, by whatever right or title the party held possession, or whatever estate the party held or claimed in the lands or tenements of which he or she was so dispossessed~~  
Before any person is removed from possession under this Chapter said person is entitled to the summary procedure under s. 51.011 within 3 years thereafter.

History.—s. 3, ch. 1630, 1868; RS 1689; GS 2154; RGS 3458; CGL 5311; s. 33, ch. 67-254; s. 423, ch. 95-147.

**82.04** Remedy for unlawful detention.—

(1) If any person enters or has entered in a peaceable manner into any ~~lands or tenements~~ property when the entry is lawful and after the expiration of the person’s right continues to hold them against the consent of the party entitled to possession, the party so entitled to possession is entitled to the summary procedure under s. 51.011, at any time within 3 years after the possession has been withheld from the party against his or her consent.

(2) This section shall not apply with regard to residential tenancies in which there is a rental agreement as defined in Chapter 83, Florida statutes between the possessor and the record title holder of the property or an assigned of the record title holder.

History.—s. 4, ch. 1630, 1868; RS 1690; GS 2155; RGS 3459; CGL 5312; s. 33, ch. 67-254; s. 13, ch. 73-330; s. 19, ch. 77-104; s. 424, ch. 95-147.

**82.05** Questions involved in this proceeding.—

In actions under this chapter, the court shall determine the right of possession and damages and  
No no question of title of the property shall be determined, other than as necessary to determine  
the ,but only right of possession and damages, is involved in the action.

History.—s. 20, ch. 1630, 1868; RS 1691; GS 2156; RGS 3460; CGL 5313; s. 33, ch. 67-254.

**82.061** Process.—

If no person can be found at the usual place of residence of defendant, summons may be served by posting a copy in a conspicuous place on the property, described in the complaint and summons.

History.—ss. 9, 24, ch. 1630, 1868; RS 1694; GS 2159; RGS 3463; CGL 5316; s. 33, ch. 67-254.

Note.—Former s. 82.08.

**82.071** Trial; evidence as to damages.—

At trial evidence shall may be admitted about the ~~monthly~~ reasonable rental value of the premises and if plaintiff recovers possession, ~~the jury shall fix~~ the plaintiff's damages shall be set at double the rental value of the premises ~~from for~~ for the time of from the beginning of the unlawful or wrongful holding of possession if the trier of fact finds that ~~the but the damages in no action~~ of detainer shall be fixed at more than rental value of the premises unless the jury is satisfied that such detention is willful and knowingly wrongful, otherwise the damages shall be the reasonable rental value of the premises.

History.—s. 14, ch. 1630, 1868; RS 1700; GS 2165; RGS 3469; CGL 5322; s. 33, ch. 67-254; s. 425, ch. 95-147.

Note.—Former s. 82.14.

**82.081** Trial; form of verdict.—

(1) ~~Trial as to the issue of possession shall be by judge alone. Either party may request trial by jury as to damages. The actions for possession and damages may be bifurcated. IN CASES OF FORCIBLE OR UNLAWFUL ENTRY. In forcible or unlawful entry the form of verdict shall be substantially as follows~~

~~We, the jury, find that defendant did (or did not), within 3 years next before the filing of the complaint, forcibly (or unlawfully) enter upon the real estate mentioned in the complaint and turn plaintiff out of possession; that defendant did (or did not) continue to hold possession at the date of the complaint; and we assess the damages of plaintiff at —dollars.~~

(2) If the defendant did forcibly or unlawfully enter upon the property mentioned in the complaint and turn plaintiff out of possession and continued to hold possession at the date of the complaint or if the defendant did, at the time of filing the complaint, wrongfully hold possession

of the property mentioned in the complaint against the consent of plaintiff, and the plaintiff has a right of possession, possession and damages shall be awarded to plaintiff. IN CASES OF UNLAWFUL DETAINER.— The form of verdict in unlawful detainer shall be substantially as follows:

~~We, the jury, find that the defendant did (or did not), at the time of filing the complaint, wrongfully hold possession of the real estate mentioned in the complaint against the consent of plaintiff that defendant has (or has not) so held possession thereof against the consent of plaintiff, within 3 years next before the filing of the complaint; and that plaintiff has (or has not) the right of possession in the real estate, and we assess the damage of plaintiff at —dollars.~~

~~This subsection shall not apply with regard to residential tenancies.~~

History.—s. 13, ch. 1630, 1868; RS 1701; GS 2166; RGS 3470; CGL 5323; s. 33, ch. 67-254; s. 13, ch. 73-330; s. 19, ch. 77-104.

Note.—Former s. 82.15.

#### **82.091** Judgment and execution.—

If ~~the verdict is in favor of plaintiff,~~ the court shall enter judgment for that plaintiff, plaintiff shall recover possession of the property described in the complaint with his or her damages and costs, and the judgment shall award a writ of possession to be executed without delay and execution for plaintiff's damages and costs. If the ~~verdict~~ judgment is for defendant, the court shall enter judgment against plaintiff ~~dismissing the complaint~~ and order that defendant recover costs.

History.—s. 15, ch. 1630, 1868; RS 1702; GS 2167; RGS 3471; CGL 5324; s. 33, ch. 67-254; s. 426, ch. 95-147.

Note.—Former s. 82.16.

#### **82.101** Effect of judgment.—

No judgment rendered either for plaintiff or defendant bars any action of trespass for injury to the property or ejectment between the same parties respecting the same property. No ~~verdict~~ judgment is conclusive of as to the facts therein ~~found~~ in any future action of trespass or ejectment.

History.—s. 20, ch. 1630, 1868; RS 1703; GS 2168; RGS 3472; CGL 5325; s. 33, ch. 67-254.

Note.—Former s. 82.17.