

66.021 ~~Procedure~~ Ejectment.—

(1) RIGHT OF ACTION.—A plaintiff with a superior claim to an interest in land may maintain an ejectment action against a defendant with an inferior interest to recover possession, and the plaintiff may obtain a declaration of its interest in the land relative to the defendant.

(2) JURISDICTION Jurisdiction for ejectment actions are held by the circuit courts.

(3) PROCEDURE.—

(A) NOTICE.—A plaintiff shall not be required to provide any pre-suit notice or demand to the defendant as a condition to maintaining an action under this part.

~~(1)(B)~~ (B) LANDLORD NOT A DEFENDANT.—When it appears before trial that a defendant in ejectment is in possession as a tenant and that his or her landlord is not a party, the landlord shall be made a party before further proceeding unless otherwise ordered by the court.

~~(2)(C)~~ (C) DEFENSE MAY BE LIMITED.—A defendant in an action of ejectment may limit his or her defense to a part of the property mentioned in the complaint, describing such part with reasonable certainty.

~~(3)(D)~~ (D) WRIT OF POSSESSION; EXECUTION TO BE JOINT OR SEVERAL.—When plaintiff recovers in ejectment, he or she may have one writ for possession, damages and costs or, if the plaintiff elects, have separate writs for possession and damages.

~~(4)(E)~~ (E) CHAIN OF TITLE.—Plaintiff with his or her complaint and defendant with his or her answer shall ~~serve~~ include a statement setting forth chronologically the chain of title on which he or she will rely at trial. ~~If any part of the chain of title is recorded, the~~ The statement shall set forth the names of the grantors and the grantees, the dates for each instrument, and if the instrument is recorded, the statement shall set forth the book and page of the record or instrument number of the record thereof; if an unrecorded instrument is relied on, a copy shall be attached. Copies of each instrument relied upon by a party in the action shall be attached to each party's pleading. The court may require the original to be submitted to the opposite party for inspection. If the party relies on a claim or right without color of title, the statement shall specify how and when the claim originated and the facts on which the claim is based. If defendant and plaintiff claim under a common source, the statement need not deraign title before the common source.

~~(5)(F)~~ (F) TESTING SUFFICIENCY.—If either party wants to test the legal sufficiency of any instrument or court proceeding in the chain of title of the opposite party, the party shall do so before trial by motion setting up his or her objections with a copy of the instrument or court proceedings attached. The motion shall be disposed of before trial. If either party determines that he or she will be unable to maintain his or her claim by reason of the order, that party may so state in the record and final judgment shall be

entered for the opposite party.

(4) OPERATION.—This section is cumulative to other existing remedies and shall not be construed to limit other remedies available under Florida law.