

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Rafael Almendral v. J&C Property Management Corp.

Almendral · No. 3D24-2319 · Decided September 17, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed a non-final order requiring a tenant to deposit rent into the court registry before the trial court ruled on the tenant's motion to dismiss. The court held that section 83.232, Florida Statutes, mandates the deposit in an action seeking possession unless the tenant asserts a defense of payment or satisfaction of rent.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	GORDO, J.; LINDSEY, J.; MILLER, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 17, 2025
DOCKET	3D24-2319
DISPOSITION	affirmed
PROCEDURAL POSTURE	Tenant appealed a non-final order requiring him to deposit rent into the court registry during a commercial landlord's possession action.
PRECEDENTIAL VALUE	published
PARTIES	Rafael Almendral v. J&C Property Management Corp.

TOPICS

- landlord tenant
- eviction
- statutory interpretation
- appellate jurisdiction
- civil procedure

PRACTICE AREAS

- landlord-tenant law
- civil procedure
- appellate procedure
- real estate law

QUESTIONS PRESENTED

- Whether section 83.232, Florida Statutes, requires a tenant to deposit rent into the court registry before the trial court rules on the tenant's motion to dismiss.

HOLDINGS

1. When a landlord's action includes a claim for possession, section 83.232, Florida Statutes, mandates that the tenant pay rent into the court registry unless the tenant has asserted a defense of payment or satisfaction of the rent; therefore, the trial court may require the deposit before ruling on the tenant's motion to dismiss.

KEY QUOTATIONS

“Because the plain language of section 83.232 makes a rent deposit mandatory absent a defense of payment or satisfaction of the rent, we find no error in requiring such a deposit before ruling on the motion to dismiss.” (at 2)

“The court, on its own motion, shall notify the tenant of the requirement that rent be paid into the court registry by order, which shall be issued immediately upon filing of the tenant’s initial pleading, motion, or other paper.” (at 2)

FACTUAL BACKGROUND

J&C Property Management Corporation brought an action that included a claim for possession of real property and alleged that tenant Rafael Almendral owed unpaid rent. The trial court ordered Almendral to deposit rent into the court registry, and Almendral contended that the court should first decide his motion to dismiss.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered a non-final order requiring Rafael Almendral to deposit rent into the court registry. Almendral argued on appeal that the trial court should have ruled on his motion to dismiss before ordering the deposit. The Third District Court of Appeal denied rehearing and certification, withdrew its prior opinion, substituted this opinion, and affirmed.

DISPOSITION

affirmed

CASES CITED

- T.G. United, Inc. v. AADD Props., LLC, 371 So. 3d 396, 400 (Fla. 5th DCA 2023)
- Fabre v. 4647 Block, LLC, 401 So. 3d 523, 528 (Fla. 3d DCA 2024)
- Famsun Inv., LLC v. Therault, 95 So. 3d 961, 963 (Fla. 4th DCA 2012)

OPINION

Rafael Almendral v. J & C Property Management Corp.

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 17, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-2319 Lower Tribunal No. 24-19766-CA-01 _____ Rafael Almendral, Appellant, vs. J&C Property Management Corp., Appellee. An Appeal from a non-final order from the Circuit Court

for Miami-Dade County, Valerie R. Manno Schurr, Judge. Open Book Appeals and Erin Pogue Newell (Fort Lauderdale), for appellant. Mamone Villalon and Ramsey Villalon, for appellee. Before LINDSEY, MILLER and GORDO, JJ. GORDO, J.

ON MOTION FOR REHEARING AND CERTIFICATION

We deny the motion for rehearing and certification but withdraw our previous opinion and substitute the following opinion in its stead. Rafael Almendral (“Tenant”) appeals a non-final order entered in favor of J & C Property Management Corporation (“Landlord”) requiring him to deposit rent into the court registry. We have jurisdiction. Fla. R. App. P 9.130(a)(3)(C)(ii). We affirm. On appeal, the Tenant argues the trial court should have first ruled on his motion to dismiss before requiring a deposit into the court registry. The plain language of section 83.232, Florida Statutes, mandates a rent deposit absent a “defense of payment or satisfaction of the rent.” § 83.232(1), Fla. Stat. “The court, on its own motion, shall notify the tenant of the requirement that rent be paid into the court registry by order, which shall be issued immediately upon filing of the tenant’s initial pleading, motion, or other paper.” § 83.232(3), Fla. Stat. Because the plain language of section 83.232 makes a rent deposit mandatory absent a defense of payment or satisfaction of the rent, we find no error in requiring such a deposit before ruling on the motion to dismiss. See *T.G. United, Inc. v. AADD Props., LLC*,

371 So. 3d 396, 400 (Fla. 5th DCA 2023) (“Section 83.232 establishes a procedure for payment of rent during the pendency of a commercial 2 landlord’s claim for possession.”); § 83.232(1), Fla. Stat. (“In an action by the landlord which includes a claim for possession of real property, the tenant shall pay into the court registry the amount alleged in the complaint as unpaid, or if such amount is contested, such amount as is determined by the court, and any rent accruing during the pendency of the action, when due, unless the tenant has interposed the defense of payment or satisfaction of the rent in the amount the complaint alleges as unpaid.”); *Fabre v. 4647 Block, LLC*, 401 So. 3d 523, 528 (Fla. 3d DCA 2024) (“Section 83.232 is designed to protect a commercial landlord from irreparable harm where a tenant holds over during eviction proceedings without paying rent.” (quoting *Famsun Inv., LLC v. Therault*, 95 So. 3d 961, 963 (Fla. 4th DCA 2012))). Affirmed. 3