

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Latosha Burkes v. Rama 80 LLC

Burkes · No. 3D24-1479 · Decided June 11, 2025

SUMMARY

The Third District Court of Appeal of Florida reversed orders striking a tenant’s answer, entering default, and entering a final judgment of eviction in a residential nonpayment-of-rent action. The court held that the trial court could not require payment into the court registry or enter judgment while the tenant’s motion to determine rent remained unresolved. On remand, the court directed that the corporate landlord be represented by counsel in the contested eviction proceeding.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Chief Judge Logue; Judge Scales; Judge Bokor
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 11, 2025
DOCKET	3D24-1479
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Tenant appealed from an order striking her answer and entering default, a final judgment of removal in a residential eviction action for nonpayment of rent, and an order denying rehearing.
STANDARD OF REVIEW	Not expressly stated in the opinion; the appellate court reviewed the trial court's orders and judgment for legal error.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Latosha Burkes v. Rama 80 LLC

TOPICS

- eviction
- landlord tenant
- default
- civil procedure
- appellate procedure

PRACTICE AREAS

- landlord-tenant law
- civil procedure
- appellate procedure
- legal ethics and unauthorized corporate representation

QUESTIONS PRESENTED

1. Whether the trial court could order the tenant to deposit \$647 into the court registry without first resolving the tenant's pending motion to determine rent under section 83.60(2), Florida Statutes.
2. Whether the trial court could strike the tenant's timely answer, enter default, and enter a final eviction judgment while the motion to determine rent remained unresolved.
3. Whether a corporate landlord must be represented by counsel in a contested residential eviction action for nonpayment of rent.

HOLDINGS

1. A trial court may not enter an order requiring a tenant to deposit a specified amount of rent into the court registry when the tenant's properly filed motion to determine rent has not been resolved by an evidentiary hearing or otherwise disposed of.
2. An unresolved tenant motion to determine rent precludes striking the tenant's answer, entering default, and entering a final judgment of eviction based on failure to deposit the disputed rent amount.
3. A corporate landlord must be represented by counsel in a contested residential eviction action for nonpayment of rent; the limited exception for designated property managers applies to uncontested residential evictions.

KEY QUOTATIONS

“Section 83.60(2) is not discretionary; it compels a tenant defending against an eviction to pay into the court registry either (i) the amount of rent alleged to be due, or (ii) the amount of rent determined by the court, plus all rent that accrues during the case’s pendency.” (at 4)

“Therefore, the unresolved motion to determine rent precluded the trial court from entering the order to deposit rent into the court registry.” (at 5)

“Moreover, the pending motion precluded the striking of the Tenant’s answer, entering a default against the Tenant, and the entry of the final judgment for removal of tenant.” (at 6)

“On remand, the trial court is directed to require that the corporate Landlord be represented by counsel in this contested residential eviction action for nonpayment of rent.” (at 6-7)

FACTUAL BACKGROUND

The landlord alleged that Burkes owed \$647 per month and had failed to pay rent for June and July 2024, but did not attach a written rental agreement. Burkes disputed the monthly amount and asserted that the landlord had agreed to accept \$200 per month, attaching receipts showing repeated \$200 payments. The landlord was a corporation whose complaint was not signed by an attorney, and the landlord was not represented by counsel in the contested eviction proceeding.

PROCEDURAL HISTORY

Rama 80 LLC filed a residential eviction complaint in Miami-Dade County Court. Burkes filed a timely answer, affirmative defenses, and motions to determine rent, followed by an amended answer and motion to dismiss. The trial court ordered her to deposit \$647 into the court registry, struck her answer, entered default, and entered a final judgment of removal without resolving her pending motion to determine rent. The trial court denied rehearing, and Burkes timely appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct further proceedings consistent with the opinion, resolve the tenant's motion to determine rent before requiring a rent deposit or entering default, and require the corporate landlord to be represented by counsel in the contested residential eviction action.

CASES CITED

- 1560-1568 Drexel Ave., LLC v. Dalton, 320 So. 3d 965, 969 (Fla. 3d DCA 2021)
- Kaufman v. High Seas, LLC, 383 So. 3d 509, 512 (Fla. 4th DCA 2024)
- Axen v. Poah Cutler Manor, LLC, 323 So. 3d 800, 800 n.1 (Fla. 3d DCA 2021)
- Prince v. MCR Apts. 1, LLC, 326 So. 3d 228, 228 (Fla. 3d DCA 2021)
- Ramirez v. Lopez, 357 So. 3d 1281, 1281 (Fla. 3d DCA 2023)
- Crawford v. Grubb, 337 So. 3d 521, 521 (Fla. 2d DCA 2022)
- Running Cars, LLC v. Miller, 333 So. 3d 1177, 1179 (Fla. 1st DCA 2022)
- Magnolias Nursing & Convalescent Ctr. v. Dep't of Health & Rehab. Servs., Off. of Licensure & Certification, 428 So. 2d 256, 257 (Fla. 1st DCA 1982)
- Pomales v. Aklipse Asset Mgmt., Inc., 336 So. 3d 785, 786 (Fla. 3d DCA 2022)
- Szteinbaum v. Kaes Inversiones y Valores, C.A., 476 So. 2d 247, 248 (Fla. 3d DCA 1985)
- Altamar 1, LLC v. Nolasco, 389 So. 3d 598, 598 (Fla. 3d DCA 2023)
- Fla. Bar re Advisory Opinion—Nonlawyer Preparation of & Representation of Landlord in Uncontested Residential Evictions, 627 So. 2d 485, 487 (Fla. 1993)