

## CHAPTER 82

## FORCIBLE ENTRY AND UNLAWFUL DETAINER

- 82.01 "Unlawful entry and forcible entry" defined.  
 82.02 "Unlawful entry and unlawful detention" defined.  
 82.03 Remedy declared for unlawful entry and forcible entry.  
 82.04 Remedy declared for unlawful detention.  
 82.05 Questions involved in this proceeding.  
 82.061 Process.  
 82.071 Trial; evidence as to damages.  
 82.081 Trial; form of verdict.  
 82.091 Judgment and execution.  
 82.101 Effect of judgment.

**82.01 "Unlawful entry and forcible entry" defined.**

No person shall enter into any lands or tenements except when entry is given by law, nor shall any person, when entry is given by law, 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 without consent in a peaceable, easy and open manner into any lands or tenements shall hold them afterwards against the consent of the party entitled to possession.

(2) This section shall not apply with regard to residential tenancies.

**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 declared 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, 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 declared for unlawful detention.—**

(1) If any person enters or has entered in a peaceable manner into any lands or tenements 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.

**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.—**No question of title, 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 be admitted about the monthly rental value of the premises and if plaintiff recovers, the jury shall fix the plaintiff's damages at double the rental value of the premises from the time of the unlawful or wrongful holding, 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.

**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) 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) 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 that plaintiff recover possession of the property described in

the complaint with his or her damages and costs, and shall award a writ of possession to be executed without delay and execution for plaintiff's damages and costs. If the verdict 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 ejection between the same parties respecting the same property. No verdict is conclusive of the facts therein found in any action of trespass or ejection.

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

**Note.**—Former s. 82.17.