

By Representatives Reddick and Trovillion

1 A bill to be entitled
2 An act relating to affordable residential
3 accommodations establishments; creating ss.
4 510.011, 510.013, 510.021, 510.032, 510.033,
5 510.034, 510.036, 510.037, 510.038, 510.041,
6 510.042, 510.101, 510.105, 510.111, 510.121,
7 510.122, 510.123, 510.131, 510.132, 510.133,
8 510.134, 510.136, 510.138, 510.141, 510.142,
9 510.143, 510.151, 510.161, 510.162, 510.191,
10 510.201, 510.211, 510.212, 510.215, 510.221,
11 510.241, 510.245, 510.247, 510.251, 510.261,
12 510.262, 510.265, 510.281, 510.282, 510.285,
13 510.401, 510.402, 510.403, 510.404, 510.405,
14 510.406, 510.407, 510.408, 510.409, 510.411,
15 510.412, 510.413, 510.414, 510.415, 510.416,
16 and 510.417, F.S.; providing a short title;
17 providing definitions; providing application;
18 providing duties of the Department of Children
19 and Family Services; providing for
20 nondiscrimination; providing for form and
21 service of notices; providing for a right of
22 entry; specifying the relationship of resident
23 and proprietor; specifying certain rights;
24 providing for rules; providing for variances;
25 providing penalties; providing for state
26 preemption; providing for establishment of
27 certain rules; providing for notice; requiring
28 maintenance of a register; specifying an
29 obligation of good faith; providing for
30 disclosure; providing for rent; providing for
31 duration of tenancies; providing for rental

1 rates; providing for posting and advertising of
2 rates; providing penalties; providing for
3 access by residents; specifying a proprietor's
4 obligation to maintain premises; providing for
5 liability for property of residents; specifying
6 a resident's obligation to maintain a dwelling
7 unit; providing for proprietor's access to a
8 dwelling unit; providing for casualty damage;
9 providing a right of action for damages;
10 specifying conduct on certain premises;
11 providing for refusal of service; providing for
12 proprietor's rights relating to disorderly
13 conduct on premises; providing for detention
14 and arrest; providing certain immunity from
15 liability; prohibiting obtaining lodging
16 fraudulently; providing a penalty; providing
17 for rules of evidence in prosecutions;
18 providing for rights of a proprietor relating
19 to theft of property; providing for detention
20 and arrest; providing penalties; providing a
21 penalty for employee theft; providing for
22 disposition of unclaimed property; providing
23 for telephone surcharges under certain
24 circumstances; providing for firesafety;
25 specifying safety regulations; authorizing the
26 department to adopt rules for certain
27 buildings; providing for inspection; specifying
28 sanitary regulations; requiring a permit to
29 operate; providing penalties under certain
30 circumstances; specifying allocation of
31 proceeds; specifying permit as prerequisite for

1 certain local permits; providing for issuance
2 of permits; providing for permit fees;
3 providing for revocation of permits; providing
4 for fines; providing procedures; specifying
5 certain prohibited acts; providing for
6 application; providing for complaints by
7 aggrieved parties; providing for prosecution
8 for certain violations; providing duties of the
9 State Attorney; providing penalties; providing
10 for enforcement; providing for issuing
11 citations; requiring certain persons to assist
12 the department in enforcement; providing a
13 proprietor's right to lockout and interruption
14 of utilities under certain circumstances;
15 providing for a proprietor's right to recover
16 premises; providing for a writ of distress;
17 providing for venue and jurisdiction; providing
18 for certain complaints; providing requirements;
19 providing for a prejudgment writ of distress;
20 providing levy under a writ of distress;
21 specifying the form of such writ; providing for
22 inventory under such writ; providing exemptions
23 from such writ; providing for third party
24 claims under such writ; providing for judgment
25 for the plaintiff under certain circumstances;
26 providing for judgment for the defendant under
27 certain circumstances; providing for sale of
28 certain property under certain circumstances;
29 providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Sections 510.011, 510.013, 510.021,
2 510.032, 510.033, 510.034, 510.036, 510.037, 510.038, 510.041,
3 510.042, 510.101, 510.105, 510.111, 510.121, 510.122, 510.123,
4 510.131, 510.132, 510.133, 510.134, 510.136, 510.138, 510.141,
5 510.142, 510.143, 510.151, 510.161, 510.162, 510.191, 510.201,
6 510.211, 510.212, 510.215, 510.221, 510.241, 510.245, 510.247,
7 510.251, 510.261, 510.262, 510.265, 510.281, 510.282, 510.285,
8 510.401, 510.402, 510.403, 510.404, 510.405, 510.406, 510.407,
9 510.408, 510.409, 510.411, 510.412, 510.413, 510.414, 510.415,
10 510.416, and 510.417, Florida Statutes, are created to read:

11 510.011 Short title.--This chapter may be cited as the
12 "Florida Affordable Residential Accommodations Act."

13 510.013 Definitions.--As used in this chapter, unless
14 the context clearly indicates otherwise:

15 (1) "Advance rent" means moneys paid to the proprietor
16 to be applied to future rent payment periods, but does not
17 include rent paid in advance for a current rent payment
18 period.

19 (2)(a) "Affordable residential accommodations
20 establishment" means any permitted unit or group of units,
21 single complex of buildings, dwelling, building or group of
22 buildings, structure, barrack, or dormitory, and the land
23 appurtenant to such edifice, constructed, established, or
24 operated as housing which is affordable to low-income
25 individuals and families who are transient, migrant, seasonal,
26 or temporary workers.

27 (b) The following are excluded from the definition in
28 paragraph (a):

29 1. Any dormitory or other living or sleeping facility
30 maintained by a public or private school, college, or
31 university for the use of students, faculty, or visitors;

1 2. Any hospital, nursing home, sanitarium, assisted
2 living facility, adult congregate living facility, or other
3 similar place;

4 3. Any place renting four rental units or less, unless
5 the rental units are advertised or held out to the public to
6 be places that are affordable residential accommodations;

7 4. Any dwelling unit licensed under chapter 509,
8 provided, licensed public lodging facilities are presumed to
9 meet all requirements of rules adopted pursuant to ss.
10 510.212, 510.215, and 510.221 for purposes of obtaining a
11 permit to operate an affordable residential accommodation.

12 (3) "Building code," "housing code," and "health code"
13 means any law, ordinance, or governmental regulation
14 concerning health, safety, sanitation or fitness for
15 habitation, or the construction, maintenance, operation,
16 occupancy, use, or appearance of any dwelling unit.

17 (4) "Common areas" means that portion of an affordable
18 residential accommodation not included within private living
19 quarters and where residents of affordable residential
20 accommodations generally congregate.

21 (5) "Department" means the Department of Children and
22 Family Services and its representative county public health
23 units.

24 (6) "Deposit money" means any money held by the
25 proprietor on behalf of the resident, including, but not
26 limited to, a damage deposit, security deposit, advance rent
27 deposit, pet deposit, or any contractual deposit agreed to
28 between proprietor and resident, either in writing or orally.

29 (7) "Director" means the Secretary of the Department
30 of Children and Family Services.

31 (8) "Dwelling unit" means:

1 (a) A structure or part of a structure that is rented
2 for use as a home, residence, or sleeping place by one person
3 or by two or more persons who maintain a common household.

4 (b) A mobile home rented by a resident.

5 (c) A structure or part of a structure that is
6 furnished, with or without rent, as an incident of employment
7 for use as a home, residence, or sleeping place by one or more
8 persons.

9 (9) "Good faith" means honesty in fact in the conduct
10 or transaction concerned.

11 (10) "Invited resident" means any person who is
12 invited by a resident to an affordable residential
13 accommodation to visit that resident.

14 (11) "Other authorized visitors" means any person,
15 other than an invited resident, who is:

16 (a) A federal, state, county, or municipal government
17 official;

18 (b) A physician or other health care provider whose
19 sole purpose is to provide medical care or medical
20 information;

21 (c) A representative of a bona fide religious
22 organization who, during the visit, is engaged in the vocation
23 or occupation of a religious professional or worker such as a
24 minister, priest, or nun and visiting a person known to be a
25 resident;

26 (d) A representative of a nonprofit legal services
27 organization, who must comply with the Code of Professional
28 Conduct of The Florida Bar; or

29 (e) Any other person who provides services for
30 residents which are funded in whole or in part by local,
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1 state, or federal funds but who does not conduct or attempt to
2 conduct solicitations.

3 (12) "Personal hygiene facilities" means adequate
4 facilities for providing hot water at a minimum of 110 degrees
5 Fahrenheit for bathing and dishwashing purposes, and an
6 adequate and convenient approved supply of potable water
7 available at all times in each affordable residential
8 accommodation for drinking, culinary, bathing, dishwashing,
9 and laundry purposes.

10 (13) "Premises" means a dwelling unit and the
11 structure of which it is a part and the appurtenant facilities
12 and grounds, areas, facilities, and property held out for the
13 use of residents of affordable residential accommodations
14 generally.

15 (14) "Private living quarters" means a building or
16 portion of a building, dormitory, or barracks, including its
17 bathroom facilities, or a similar type of sleeping and
18 bathroom area, which is a home, residence, or sleeping place
19 for a resident of an affordable residential accommodation.

20 (15) "Proprietor" means the owner, proprietor,
21 licensee, lessor, manager, assistant manager, or appointed
22 agent of an affordable residential accommodation.

23 (16) "Rent" means the periodic payments due the
24 proprietor from the resident for a license for the use and
25 occupancy of an affordable residential accommodation under a
26 rental agreement and any other payments due the proprietor
27 from the resident as may be designated as rent in a written
28 rental agreement.

29 (17) "Rental agreement" means any written agreement,
30 or oral agreement providing for a license to use and occupy a
31 unit of the premises.

1 (18) "Resident" means any patron, customer, resident,
2 lodger, boarder, lessee, or occupant who has paid for a
3 license for the use and occupancy of an affordable residential
4 accommodation.

5 (19) "Security deposits" means any moneys held by the
6 proprietor as security for the performance of the rental
7 agreement, including, but not limited to, monetary damage to
8 the proprietor caused by the resident's breach of lease prior
9 to the expiration thereof.

10 (20) "Single complex of buildings" means all buildings
11 or structures that are owned, managed, controlled, or operated
12 under one business name and are situated on the same tract or
13 plot of land that is not separated by a public street or
14 highway.

15 (21) "Smoke detection device" means an electrical or
16 battery operated device which detects visible or invisible
17 particles of combustion and which is listed by Underwriters
18 Laboratories, Inc., Factory Mutual Laboratories, Inc., or any
19 other nationally recognized testing laboratory using
20 nationally accepted testing standards.

21 (22) "Tenant" means a resident.

22 510.021 Affordable Residential Accommodations Trust
23 Fund; collection and disposition of moneys received.--The
24 Affordable Residential Accommodations Trust Fund created by HB
25 _____ shall be used for the administration and operation of
26 the department and the carrying out of all laws and rules
27 under the jurisdiction of the department pertaining to the
28 construction, maintenance, and operation of affordable
29 residential accommodations, including the inspection of
30 elevators as required under chapter 399. All funds collected
31 by the department and the amounts paid for permits and fees

1 shall be deposited in the State Treasury into the Affordable
2 Residential Accommodations Trust Fund.

3 510.032 Application.--This chapter applies solely to
4 affordable residential accommodations. The provisions of this
5 chapter may be used only for permitted dwelling units and
6 shall not be used to circumvent the requirements of part II of
7 chapter 83 or part I of chapter 509. This chapter shall not
8 be read in pari materia with part II of chapter 83 or part I
9 of chapter 509.

10 510.033 Duties.--

11 (1) GENERAL.--The department shall carry out all of
12 the provisions of this chapter and all other applicable laws
13 and rules relating to the inspection or regulation of
14 affordable residential accommodations for the purpose of
15 safeguarding the public health, safety, and welfare. The
16 department shall be responsible for ascertaining that a
17 proprietor permitted under this chapter does not engage in any
18 misleading advertising or unethical practices.

19 (2) INSPECTION OF PREMISES.--The department has
20 responsibility and jurisdiction for all inspections required
21 by this chapter. The department has responsibility for
22 quality assurance. Each permitted accommodation shall be
23 inspected at least biannually and at such other times as the
24 department determines is necessary to ensure the public's
25 health, safety, and welfare. The department shall establish a
26 system to determine inspection frequency. If, during the
27 inspection of an affordable residential accommodation, an
28 inspector identifies elderly or disabled individuals who
29 appear to be victims of neglect, as defined in s. 415.102, or,
30 in the case of a building that is not equipped with automatic
31 sprinkler systems, residents or clients who may be unable to

1 self-preserve in an emergency, the department shall convene
2 meetings with the following agencies as appropriate to the
3 individual situation: the Department of Elderly Affairs, the
4 area agency on aging, the local fire marshal, the proprietor
5 and affected residents and clients, and other relevant
6 organizations, to develop a plan which improves the prospects
7 for safety of affected residents and, if necessary, identifies
8 alternative living arrangements such as facilities permitted
9 under part II or part III of chapter 400.

10 (3) Reports required.--The department shall send the
11 Governor a written report at the end of each fiscal year,
12 which report shall state, but not be limited to, the total
13 number of inspections conducted by the department to ensure
14 the enforcement of the provisions of this chapter and any
15 recommendations for improved inspection procedures. The
16 department shall also keep accurate account of all expenses
17 arising out of the performance of its duties and all fees
18 collected under this chapter.

19 (4) Rulemaking authority.--The department shall adopt
20 such rules as are necessary to carry out the provisions of
21 this chapter.

22 510.034 Nondiscrimination.--

23 (1) The Legislature declares that it is the policy of
24 this state that each county and municipality must permit and
25 encourage the development and use of a sufficient number of
26 affordable residential accommodations to meet local needs.
27 The Legislature further finds that discriminatory practices
28 that inhibit the development of affordable residential
29 accommodations are a matter of state concern.

30 (2) Any proprietor of housing which has qualified for
31 a permit to operate, or who would qualify for a permit based

1 upon plans submitted to the department, or the residents or
2 intended residents of such housing may invoke the provisions
3 of this chapter.

4 (3) A municipality or county may not enact or
5 administer local land use ordinances to prohibit or
6 discriminate against the development and use of affordable
7 residential accommodations because of the occupation, race,
8 sex, color, religion, national origin, or income of the
9 intended residents.

10 (4) This chapter does not prohibit the imposition of
11 local property taxes, water service and garbage collection
12 fees, normal inspection fees, local bond assessments, or other
13 fees, charges, or assessments to which other dwellings of the
14 same type in the same zone are subject.

15 (5) This chapter does not prohibit a municipality or
16 county from extending preferential treatment to affordable
17 residential accommodations, including, without limitation, fee
18 reductions or waivers or changes in architectural
19 requirements, site development or property line requirements,
20 or vehicle parking requirements that reduce the development
21 costs of affordable residential accommodations.

22 (6) The collection of sales tax, tourist development
23 tax, or any other excise tax on the rents paid by residents of
24 affordable residential accommodations is prohibited. The
25 rental of an affordable residential accommodation dwelling
26 unit is not a taxable privilege. This subsection shall not be
27 used to otherwise circumvent the provisions of s. 212.03 by
28 facilities not permitted as affordable residential
29 accommodations, or other taxing statutes.

30 510.036 Notices; form and service.--Each notice served
31 by the department pursuant to this chapter must be in writing

1 and must be delivered personally by an agent of the department
2 or by registered or certified mail to the proprietor of the
3 affordable residential accommodation. If the proprietor
4 refuses to accept service or evades service or the agent is
5 otherwise unable to effect service after due diligence, the
6 department may post such notice in a conspicuous place at the
7 accommodation. Any person who willfully refuses to sign and
8 accept a citation issued by the department commits a
9 misdemeanor of the second degree, punishable as provided in s.
10 775.082 or s. 775.083.

11 510.037 Right of entry.--The department or its
12 inspectors may enter and inspect affordable residential
13 accommodations at reasonable hours and investigate such facts,
14 conditions, and practices or matters as are necessary or
15 appropriate to determine whether any person has violated any
16 provisions of applicable statutes or rules adopted pursuant
17 thereto by the department. The right of entry extends to any
18 premises that the department has reason to believe is being
19 established, maintained, or operated as an affordable
20 residential accommodation without a permit, but such entry may
21 not be made without the permission of the owner, person in
22 charge, or resident thereof, unless an inspection warrant is
23 first obtained from the circuit court authorizing the entry.
24 Any application for a permit made under s. 510.032 constitutes
25 permission for, and complete acquiescence in, any entry or
26 inspection of the premises for which the permit is sought, to
27 verify the information submitted on or in connection with the
28 application; to discover, investigate, and determine the
29 existence of any violation of this chapter or rules adopted
30 under this chapter; or to elicit, receive, respond to, and
31 resolve complaints. Any current valid permit constitutes

1 unconditional permission for, and complete acquiescence in,
2 any entry or inspection of the premises by authorized
3 personnel. The department may from time to time publish the
4 reports of such inspections.

5 510.038 Affordable residential accommodations;
6 relationship of resident and proprietor; rights as private
7 enterprises.--

8 (1) Affordable residential accommodations are private
9 enterprises, and the proprietor has the right to refuse
10 accommodations or service to any person who is objectionable
11 or undesirable to the proprietor, but such refusal may not be
12 based upon race, creed, color, sex, physical disability, or
13 national origin. A person aggrieved by a violation of this
14 chapter or a violation of a rule adopted under this chapter
15 has a right of action pursuant to s. 760.11.

16 (2) No landlord-tenant relationship exists between an
17 affordable residential accommodation and the resident.

18 (3) An affordable residential accommodation licenses
19 the use and occupancy of the premises. The relationship
20 between the resident and the proprietor is that of licensee
21 and licensor.

22 (4) The license provides the resident with a personal
23 privilege, not assignable, and does not operate to confer on,
24 or vest in, a licensee any title, interest, or estate in the
25 property of the proprietor.

26 (5) A resident shall not achieve the status of
27 residential tenant with property rights in the premises
28 regardless of the length of occupancy.

29 510.041 Rules; variances; penalties.--

30 (1) The department shall adopt rules necessary to
31 protect the health and safety of residents of affordable

1 residential accommodations and to implement the provisions of
2 this chapter. These rules must include provisions relating to
3 plan review of the construction of new, expanded, or remodeled
4 affordable residential accommodations, personal hygiene
5 facilities, lighting, sewage disposal, safety, minimum living
6 space per occupant, bedding, insect and rodent control,
7 garbage, heating equipment, water supply, maintenance and
8 operation of affordable residential accommodations, and such
9 other matters as the department finds to be appropriate or
10 necessary to protect the life and health of the residents.

11 (2) A proprietor may apply for a permanent structural
12 variance from the department's rules by filing a written
13 application and paying a fee set by the department, not to
14 exceed \$100. This application must:

15 (a) Clearly specify the standard from which the
16 variance is desired;

17 (b) Provide adequate justification that the variance
18 is necessary to obtain a beneficial use of an existing
19 facility and to prevent a practical difficulty or unnecessary
20 hardship; and

21 (c) Clearly set forth the specific alternative
22 measures that the proprietor has taken to protect the health
23 and safety of occupants and adequately show that the
24 alternative measures have achieved the same result as the
25 standard from which the variance is sought.

26
27 The provisions of this subsection shall be liberally
28 construed.

29 (3) Any variance granted by the department must be in
30 writing, must state the standard involved, and must state as
31 conditions of the variance the specific alternative measures

1 taken to protect the health and safety of the occupants. In
2 denying the request, the department must provide written
3 notice under ss. 120.569 and 120.57 of the applicant's right
4 to an administrative hearing to contest the denial within 21
5 days after the date of receipt of the notice.

6 (4) The department shall inspect affordable
7 residential accommodations whenever necessary to respond to an
8 emergency or epidemiological condition.

9 510.042 Preemption authority.--The regulation and
10 inspection of affordable residential accommodations is
11 preempted to the state.

12 510.101 Establishment of rules; posting of notice;
13 maintenance of resident register.--

14 (1) Any proprietor of an affordable residential
15 accommodation may establish reasonable rules and regulations
16 for the management of the accommodation and its residents and
17 employees; and each resident or employee staying, sojourning,
18 or employed in the accommodation shall conform to and abide by
19 such rules and regulations so long as the resident or employee
20 remains in or at the accommodation. Such rules and
21 regulations shall be deemed to be a special contract between
22 the proprietor and each resident or employee using the
23 services or facilities of the proprietor. Such rules and
24 regulations shall control the liabilities, responsibilities,
25 and obligations of all parties. Any rules or regulations
26 established pursuant to this chapter shall be printed and
27 posted in a prominent place within such affordable residential
28 accommodation. Such posting shall also include notice that a
29 current copy of this chapter is available in the office for
30 public review. The proprietor shall review the rules and
31 regulations with each registering tenant at the time of

1 registration and shall provide a copy of such rules and
2 regulations to the residents of each dwelling at the beginning
3 of their initial rental period. Rules and regulations must be
4 in writing, posted, and provided to residents of each dwelling
5 unit in order to be enforceable.

6 (2) It is the duty of each proprietor of an affordable
7 residential accommodation to maintain at all times a register,
8 signed by or for residents who occupy rental units within the
9 accommodation, showing the dates upon which the rental units
10 were occupied by such residents and the rates charged for
11 their occupancy. This register shall be maintained in
12 chronological order and available for inspection by the
13 department at any time. Proprietors need not make available
14 registers which are more than 2 years old. Each proprietor
15 shall maintain at all times a current copy of this chapter in
16 the office of the permitted accommodation which shall be made
17 available to the public upon request. Written rental
18 agreements, if any, must be maintained in the same manner and
19 for the same term as, and must include all information on, the
20 registration.

21 510.105 Obligation of good faith.--Every rental
22 agreement or duty within this part imposes an obligation of
23 good faith in its performance or enforcement.

24 510.111 Disclosure.--

25 (1) The proprietor shall disclose in writing to the
26 residents of each unit, at or before the commencement of the
27 tenancy, the name and address of the proprietor or a person
28 authorized to receive notices and demands in the proprietor's
29 behalf. The person so authorized to receive notices and
30 demands retains authority until the resident is notified
31 otherwise. All notices of changes thereto shall be delivered

1 to the resident's residence or, if specified in writing by the
2 resident, to any other address. The disclosure may be made a
3 part of a rule adopted under s. 510.101(1).

4 (2) The proprietor, upon completion of construction of
5 a building exceeding three stories in height and containing
6 dwelling units, shall disclose to the residents initially
7 moving into the building the availability or lack of
8 availability of fire protection.

9 510.121 Rent; duration of tenancies.--Unless otherwise
10 agreed, rent is payable without demand or notice on the day
11 and hour agreed upon in the rental agreement, periodic rent is
12 payable at the beginning of each rent payment period, and rent
13 is uniformly apportionable from day to day when paid as
14 advance rent, otherwise a daily rate may be charged which may
15 be no more than twice the proportionate rent. Late payment
16 fees may be charged for untimely rent payments not exceeding
17 15 percent of the periodic rent. Late fees may not be applied
18 to daily rates or when a resident is renting by the day.

19 510.122 Room rental rates; posting; advertising;
20 penalties.--

21 (1) In each affordable residential accommodation
22 renting by the day or week there shall be posted in a plainly
23 legible fashion, in a conspicuous place in the rental office
24 of the accommodation, the rates at which each such unit is
25 rented. Such posting shall show the maximum amount charged
26 for occupancy per person; the amount charged for extra
27 conveniences, more complete accommodations, or additional
28 furnishings. Copies of the posted rate schedules for all
29 similar rental units in each accommodation shall be filed with
30 the department at least 5 days before such rates are to become
31 effective and shall be kept current. The rates posted in the

1 accommodation may not exceed those on file with the
2 department, and an accommodation may not charge more than the
3 rates posted in the accommodation and filed with the
4 department.

5 (2)(a) A proprietor may not display or cause to be
6 displayed any sign which may be seen from a public highway or
7 street, which sign includes a statement or numbers relating to
8 the rates charged at an affordable residential accommodation
9 renting by the day or week, unless such sign includes, in
10 letters and figures of similar size and prominence, the
11 following words: "Affordable Residential Accommodations." A
12 sign may not be displayed which includes a statement or
13 numbers which appear to relate to the rate charged at an
14 affordable residential accommodation when in fact the
15 statement or numbers do not relate to such rates. A sign may
16 not be displayed which uses the words, "motel," "hotel," or
17 other indications that the facility caters to the traveling
18 public or is licensed under chapter 509, unless there are
19 dwelling units on the premises properly licensed under chapter
20 509.

21 (b) An advertisement may not be published that
22 contains false or misleading statements about any affordable
23 residential accommodation.

24 (3) Any proprietor of any affordable residential
25 accommodation who violates, or causes to be violated, any of
26 the provisions of this section commits a misdemeanor of the
27 second degree, punishable as provided in s. 775.082 or s.
28 775.083. In addition to the criminal penalty, the permit of
29 any affordable residential accommodation may be suspended or
30 revoked by the department, or the department may impose fines
31 on the permit, in accordance with the provisions of s.

1 510.261, when the proprietor of such accommodation is
2 determined by the department to have violated any provision of
3 this section. It is not necessary that the offender be
4 convicted of violating this section as a condition precedent
5 to the suspension or revocation of such license or the
6 imposition of a civil penalty by the department.

7 510.123 Access to affordable residential
8 accommodations by guests.--

9 (1) RIGHT OF ACCESS OF INVITED GUEST.--A resident of
10 an affordable residential accommodation may decide who may
11 visit him or her in the resident's private living quarters. A
12 proprietor may not prohibit or attempt to prohibit an invited
13 guest access to or egress from the private living quarters of
14 the resident who invited the guest by the erection or
15 maintenance of any physical barrier, by physical force or
16 violence, by threat of force or violence, or by any verbal
17 order or notice given in any manner, except for any violation
18 by the guest of s. 510.143. Any invited guest must leave the
19 private living quarters upon the reasonable request of a
20 resident residing within the same private living quarters. No
21 resident shall invite a person onto the premises who has been
22 issued a trespass warrant by a law enforcement officer.

23 (2) RIGHT OF ACCESS OF OTHERS.--Other authorized
24 visitors have a right of access to or egress from the common
25 areas of an affordable residential accommodation as provided
26 in this subsection. A person may not prohibit or attempt to
27 prohibit other visitors access to or egress from the common
28 areas of an affordable residential accommodation by the
29 erection or maintenance of any physical barrier, by physical
30 force or violence, by threat of force or violence, or by any
31 verbal order or notice given in any manner, except as provided

1 in this chapter. Proprietors of affordable residential
2 accommodations may adopt reasonable rules regulating hours of
3 access to housing, if such rules permit at least 4 hours of
4 access each day during nonworking hours Monday through
5 Saturday and between the hours of 12 noon and 8 p.m. on
6 Sunday. Any other authorized visitor must leave the private
7 living quarters upon the reasonable request of a person who
8 resides in the same private living quarters.

9 (3) CIVIL ACTION.--Any person prevented from
10 exercising rights guaranteed by this chapter may bring an
11 action in the appropriate court of the county in which the
12 alleged infringement occurred; and, upon favorable
13 adjudication, the court shall enjoin the enforcement of any
14 rule, practice, or conduct that operates to deprive the person
15 of such rights.

16 (4) CIVIL LIABILITY.--Other visitors are licensees,
17 not residents or invitees, for purposes of any premises
18 liability.

19 (5) OTHER RULES.--The proprietor may require invited
20 residents and other visitors to check in before entry and to
21 present picture identification. An affordable residential
22 accommodation may adopt other rules regulating access to an
23 accommodation only if the rules are reasonably related to the
24 purpose of promoting the safety, welfare, or security of
25 residents, visitors, or the proprietor's business.

26 (6) POSTING REQUIRED.--Rules relating to access are
27 unenforceable unless the rules have been conspicuously posted
28 in the affordable residential accommodation, have been given
29 to each resident at the beginning of residency, and a copy has
30 been furnished to the department.

31

1 (7) LIMITATIONS.--This section does not create a
2 general right of solicitation in affordable residential
3 accommodations. This section does not prohibit the erection
4 or maintenance of a fence around an affordable residential
5 accommodation if one or more unlocked gates or gateways in the
6 fence are provided; nor does this section prohibit posting the
7 land adjacent to an affordable residential accommodation if
8 access to the accommodation is clearly marked; nor does this
9 section restrict residents residing within the same living
10 quarters from imposing reasonable restrictions on their fellow
11 residents to accommodate reasonable privacy and other concerns
12 of the residents.

13 510.131 Proprietor's obligation to maintain
14 premises.--

15 (1) The proprietor at all times during the tenancy
16 shall:

17 (a) Comply with the requirements of applicable
18 building, housing, and health codes; or

19 (b) Where there are no applicable building, housing,
20 or health codes, maintain the roofs, windows, screens, doors,
21 floors, steps, porches, exterior walls, foundations, and all
22 other structural components in good repair and capable of
23 resisting normal forces and loads and the plumbing in
24 reasonable working condition; and

25 (c) Comply with the requirements of this section.

26
27 The proprietor's obligations under this subsection may be
28 altered or modified in writing with respect to a single-family
29 home or duplex.

30 (2)(a) Unless otherwise agreed in writing, in addition
31 to the requirements of subsection (1), the proprietor of a

1 dwelling unit other than a single-family home or duplex shall,
2 at all times during the tenancy, make reasonable provisions
3 for:
4 1. Locks and keys.
5 2. The clean and safe condition of common areas.
6 3. Garbage removal and outside receptacles therefor.
7 4. Properly functioning facilities for heat during
8 winter, running water, and hot water.
9 5. Floor coverings in good condition for all floors of
10 vinyl, asphalt tile, carpet, or some other commercial floor
11 covering, but not including paint.
12 6. Curtains, drapes, or blinds in good operating
13 condition for all windows in the dwelling unit.
14 7. Adequate furniture for each room of each dwelling
15 unit with minimum requirements as follows:
16 a. Living room, if any: couch, end table, easy chair,
17 lamp.
18 b. Each bedroom: double bed or two single beds,
19 chest-of-drawers, bedside table with two drawers, lamp.
20 c. Kitchen, if any: dining table, seating facilities
21 for each resident in the unit, properly functioning electric
22 or gas range no smaller than 20 inches in width, properly
23 functioning refrigerator with no less than 10 cubic feet of
24 refrigerated area, adequate cabinets, and sink.
25
26 At the sole discretion of the proprietor, residents may
27 provide their own furniture upon request made by the resident.
28 8. The extermination of rats, mice, roaches, ants,
29 wood-destroying organisms, and bed bugs. When vacation of the
30 premises is required for such extermination, the proprietor
31 shall not be liable for damages but shall abate the rent. The

1 resident shall be required to temporarily vacate the premises
2 for a period of time not to exceed 4 days, on 7 days' written
3 notice, if necessary, for extermination pursuant to this
4 subparagraph.

5 (b) Unless otherwise agreed in writing, at the
6 commencement of the tenancy of a single-family home or duplex,
7 the proprietor shall install working smoke detection devices.

8 (c) Nothing in this section authorizes the resident to
9 raise a noncompliance by the proprietor with this subsection
10 as a defense to an action for possession under s. 510.141 or
11 any other provision of law.

12 (d) Nothing contained in this subsection prohibits the
13 proprietor from providing in the rental agreement that the
14 resident is obligated for the costs or charges for garbage
15 removal, water, fuel, or utilities when in excess of the
16 allowable amount shown on the rental agreement as the
17 reasonable utility costs for the dwelling unit occupied by the
18 resident.

19 (3) The proprietor is not responsible to the resident
20 under this section for conditions created or caused by the
21 negligent or wrongful act or omission of the resident, a
22 member of his family, or other person on the premises with the
23 resident's consent.

24 510.132 Liability for property of residents.--

25 (1) The proprietor of an affordable residential
26 accommodation is not under any obligation to accept for
27 safekeeping any moneys, securities, jewelry, or precious
28 stones of any kind belonging to any resident, and, if such are
29 accepted for safekeeping, the proprietor is not liable for the
30 loss thereof unless such loss was the proximate result of
31 fault or negligence of the proprietor. However, the liability

1 of the proprietor shall be limited to \$1,000 for such loss, if
2 the affordable residential accommodation gave a receipt for
3 the property, stating the value, on a form which stated, in
4 type large enough to be clearly noticeable, that the
5 affordable residential accommodation was not liable for any
6 loss exceeding \$1,000 and was only liable for that amount if
7 the loss was the proximate result of fault or negligence of
8 the proprietor.

9 (2) The proprietor of an affordable residential
10 accommodation is not liable or responsible to any resident for
11 the loss of wearing apparel, goods, or other property, except
12 as provided in subsection (1), unless such loss occurred as
13 the proximate result of fault or negligence of such
14 proprietor, and, in case of fault or negligence, the
15 proprietor is not liable for a greater sum than \$500, unless
16 the resident, prior to the loss or damage, files with the
17 proprietor an inventory of his or her effects and the value
18 thereof and the proprietor is given the opportunity to inspect
19 such effects and check them against such inventory. The
20 proprietor of an affordable residential accommodation is not
21 liable or responsible to any resident for the loss of effects
22 listed in such inventory in a total amount exceeding \$1,000.

23 510.133 Resident's obligation to maintain dwelling
24 unit.--The resident at all times during the tenancy shall:

25 (1) Comply with all obligations imposed upon residents
26 by applicable provisions of building, housing, and health
27 codes and the rules of the department.

28 (2) Keep that part of the premises which he or she
29 occupies and uses clean and sanitary, especially the kitchen
30 and bath areas.

31

1 (3) Remove from the resident's dwelling unit all
2 garbage in a clean and sanitary manner.

3 (4) Keep all plumbing fixtures in the dwelling unit or
4 used by the resident clean and sanitary.

5 (5) Use and operate in a reasonable manner all
6 electrical, plumbing, sanitary, heating, ventilating,
7 air-conditioning, and other equipment, furniture, and
8 appliances, including elevators.

9 (6) Not destroy, deface, damage, impair, or remove any
10 part of the premises or property therein belonging to the
11 proprietor nor permit any person to do so.

12 (7) Conduct himself or herself, and require other
13 persons on the premises with his or her consent to conduct
14 themselves, in a manner that does not unreasonably disturb the
15 resident's neighbors, the management, or constitute a breach
16 of the peace.

17 510.134 Proprietor's access to dwelling unit.--

18 (1) The resident shall not unreasonably withhold
19 consent between the hours of 7:30 a.m. and 8:00 p.m. to the
20 proprietor to enter the dwelling unit from time to time or on
21 a daily basis in order to inspect the premises; make necessary
22 or agreed repairs, decorations, alterations, or improvements;
23 supply agreed services; or exhibit the dwelling unit to
24 prospective or actual purchasers, mortgagees, residents,
25 workers, or contractors.

26 (2) The proprietor may enter the dwelling unit at any
27 time for the protection or preservation of the premises. The
28 proprietor may enter the dwelling unit upon reasonable notice
29 to the resident and at a reasonable time for the purpose of
30 repair of the premises. "Reasonable notice" for the purpose
31 of repair is notice given at least 12 hours prior to the

1 entry, and reasonable time for the purpose of repair shall be
2 between the hours of 7:30 a.m. and 8:00 p.m. The proprietor
3 may enter the dwelling unit when necessary for the further
4 purposes set forth in subsection (1) under any of the
5 following circumstances:
6 (a) With the consent of the resident;
7 (b) In case of emergency;
8 (c) When the resident unreasonably withholds consent;
9 or
10 (d) If the resident is absent from the premises for a
11 period of time equal to one-half the time for periodic rental
12 payments. If the rent is current and the resident notifies the
13 proprietor of an intended absence, then the proprietor may
14 enter only for the purposes provided in subsection (1).
15 (e) To enforce the provisions of s. 509.141, s.
16 509.142, or s. 509.143.
17 (3) The proprietor shall not abuse the right of access
18 nor use it to harass the resident.
19 510.136 Casualty damage.--If the premises are damaged
20 or destroyed other than by the wrongful or negligent acts of
21 the resident so that the enjoyment of the premises is
22 substantially impaired, the resident may terminate the rental
23 agreement and immediately vacate the premises. The resident
24 may vacate the part of the premises rendered unusable by the
25 casualty, in which case the resident's liability for rent
26 shall be reduced by the fair rental value of that part of the
27 premises damaged or destroyed. If the rental agreement is
28 terminated, the proprietor shall have 15 days to return the
29 security deposit and the unused portion of the rent to the
30 resident.
31

1 510.138 Right of action for damages.--If either the
2 proprietor or the resident fails to comply with the
3 requirements of the rental agreement or this part, the
4 aggrieved party may recover the damages caused by the
5 noncompliance. Legal fees shall not be assessed against the
6 losing party for any action taken under this chapter.

7 510.141 Refusal of admission and ejection of
8 undesirable residents; notice; procedure; penalties for
9 refusal to leave.--

10 (1) The proprietor of any affordable residential
11 accommodation may remove or cause to be removed from such
12 accommodation, in the manner hereinafter provided, any
13 resident of the accommodation or any visitor who, while on the
14 premises of the accommodation, illegally possesses or deals in
15 controlled substances as defined in chapter 893 or is
16 intoxicated, profane, lewd, or brawling; who indulges in any
17 language or conduct which disturbs the peace and comfort of
18 other residents or which injures the reputation, dignity, or
19 standing of the accommodation; who, in the case of an
20 affordable residential accommodation, fails to make payment of
21 rent at the agreed-upon rental rate by the agreed-upon
22 checkout time; who fails to check out by the time agreed upon
23 in writing by the resident and affordable residential
24 accommodation at check-in unless an extension of time is
25 agreed to by the affordable residential accommodation and
26 resident prior to checkout; who, in the opinion of the
27 proprietor, is a person the continued entertainment of whom
28 would be detrimental to such accommodation. The admission to,
29 or the removal from, such accommodation shall be at the sole
30 discretion of the proprietor but shall not be based upon race,
31 creed, color, sex, physical disability, or national origin.

1 (2) The proprietor of any affordable residential
2 accommodation shall notify such resident or visitor that the
3 accommodation no longer desires to entertain the resident and
4 shall request that such resident or visitor immediately depart
5 from the accommodation. Such notice may be given orally or in
6 writing. If the notice is in writing, it shall be as follows:

7 "You are hereby notified that this accommodation no
8 longer desires to entertain you as (its resident or a visitor
9 on the premises), and you are requested to leave at once. To
10 remain after receipt of this notice is a misdemeanor under the
11 laws of this state."

12
13 If such resident has paid in advance, the accommodation shall,
14 at the time such notice is given, tender to such resident the
15 unused portion of the advance payment; however, the
16 accommodation may withhold payment for each full day that the
17 resident has been entertained at the accommodation for any
18 portion of the 24-hour period of such day. A resident's
19 occupancy of a dwelling until past 8:00 p.m. constitutes
20 occupancy for an entire day.

21 (3) Any resident or visitor who remains or attempts to
22 remain in any such accommodation after being requested to
23 leave commits a misdemeanor of the second degree, punishable
24 as provided in s. 775.082 or s. 775.083.

25 (4) If any person is illegally on the premises of any
26 affordable residential accommodation, the proprietor of such
27 accommodation may call upon any law enforcement officer of
28 this state for assistance. It is the duty of such law
29 enforcement officer, upon the request of such proprietor, to
30 place under arrest and take into custody for violation of this
31 section any resident who violates subsection (3) in the

1 presence of the officer. If a warrant has been issued by the
2 proper judicial officer for the arrest of any violator of
3 subsection (3), the officer shall serve the warrant, arrest
4 the person, and take the person into custody. Upon arrest,
5 with or without a warrant, or upon a request by the proprietor
6 to leave the premises, the resident will be deemed to have
7 given up any right to occupancy or to have abandoned such
8 right of occupancy of the premises, and the proprietor of the
9 accommodation may then make such premises available to other
10 residents. However, the proprietor of the accommodation shall
11 employ all reasonable and proper means to care for any
12 personal property which may be left on the premises by such
13 resident and shall refund any unused portion of moneys paid by
14 such resident for the occupancy of such premises. The taking
15 into custody and detention by a law enforcement officer at an
16 affordable residential accommodation, if done in compliance
17 with this subsection, does not render such law enforcement
18 officer criminally or civilly liable for false arrest, false
19 imprisonment, or unlawful detention.

20 510.142 Conduct on premises; refusal of service.--The
21 proprietor of an affordable residential accommodation may
22 refuse amenities or service to any person whose conduct on the
23 premises of the accommodation, in the sole opinion of the
24 proprietor, displays intoxication, profanity, lewdness, or
25 brawling; who indulges in language or conduct such as to
26 disturb the peace or comfort of other residents; who engages
27 in illegal or disorderly conduct; who illegally possesses or
28 deals in controlled substances as defined in chapter 893; or
29 whose conduct constitutes a nuisance. This provision applies
30 to guests, invitees, and licensees. Such refusal may not be
31

1 based upon race, creed, color, sex, physical disability, or
2 national origin.

3 510.143 Disorderly conduct on the premises of an
4 affordable residential accommodation; detention; arrest;
5 immunity from liability.--

6 (1) A proprietor may take a person into custody and
7 detain that person in a reasonable manner and for a reasonable
8 time if the proprietor has probable cause to believe that the
9 person was engaging in disorderly conduct in violation of s.
10 877.03 on the premises of the permitted accommodation and that
11 such conduct was creating a threat to the life or safety of
12 the person or others. The proprietor shall call a law
13 enforcement officer to the scene immediately after detaining a
14 person under this subsection.

15 (2) A law enforcement officer may arrest, either on or
16 off the premises of the permitted accommodation and without a
17 warrant, any person the officer has probable cause to believe
18 violated s. 877.03 on the premises of a permitted
19 accommodation and, in the course of such violation, created a
20 threat to the life or safety of the person or others.

21 (3) A proprietor or a law enforcement officer who
22 detains a person under subsection (1) or makes an arrest under
23 subsection (2) is not civilly or criminally liable for false
24 arrest, false imprisonment, or unlawful detention on the basis
25 of any action taken in compliance with subsection (1) or
26 subsection (2).

27 (4) A person who resists the reasonable efforts of a
28 proprietor or a law enforcement officer to detain or arrest
29 that person in accordance with this section commits a
30 misdemeanor of the first degree, punishable as provided in s.
31 775.082 or s. 775.083, unless the person did not know or did

1 not have reason to know that the person seeking to make such
2 detention or arrest was the proprietor of the accommodation or
3 a law enforcement officer.

4 510.151 Obtaining lodging with intent to defraud;
5 penalty.--

6 (1) Any person who obtains lodging or other amenities
7 having a value of less than \$300 at any affordable residential
8 accommodation, with intent to defraud the proprietor thereof,
9 commits a misdemeanor of the second degree, punishable as
10 provided in s. 775.082 or s. 775.083; if such lodging or other
11 amenities have a value of \$300 or more, such person commits a
12 felony of the third degree, punishable as provided in s.
13 775.082, s. 775.083, or s. 775.084.

14 (2) This section does not apply where there has been
15 an agreement in writing for delay in payments.

16 510.161 Rules of evidence in prosecutions.--In
17 prosecutions under s. 510.151, proof that lodging or other
18 amenities were obtained by false pretense; by false or
19 fictitious show of baggage or other property; by absconding
20 without paying or offering to pay for such lodging or
21 amenities; or by surreptitiously removing or attempting to
22 remove baggage shall constitute prima facie evidence of
23 fraudulent intent. If the proprietor of the accommodation has
24 probable cause to believe, and does believe, that any person
25 has obtained food, lodging, or other amenities at such
26 accommodation with intent to defraud the proprietor thereof,
27 the failure to make payment upon demand therefor, there being
28 no dispute as to the amount owed, shall constitute prima facie
29 evidence of fraudulent intent in such prosecutions.

30 510.162 Theft of personal property; detaining and
31 arrest of violator; theft by employee.--

1 (1) Any law enforcement officer or proprietor of an
2 affordable residential accommodation who has probable cause to
3 believe that theft of personal property belonging to such
4 accommodation has been committed by a person and that the
5 officer or proprietor can recover such property or the
6 reasonable value thereof by taking the person into custody
7 may, for the purpose of attempting to effect such recovery or
8 for prosecution, take such person into custody on the premises
9 and detain such person in a reasonable manner and for a
10 reasonable period of time. If the proprietor takes the person
11 into custody, a law enforcement officer shall be called to the
12 scene immediately. The taking into custody and detention by a
13 law enforcement officer or proprietor of an affordable
14 residential accommodation, if done in compliance with this
15 subsection, does not render such law enforcement officer or
16 proprietor criminally or civilly liable for false arrest,
17 false imprisonment, or unlawful detention.

18 (2) Any law enforcement officer may arrest, either on
19 or off the premises and without warrant, any person if there
20 is probable cause to believe that person has committed theft
21 in an affordable residential accommodation.

22 (3) Any person who resists the reasonable effort of a
23 law enforcement officer or proprietor of an affordable
24 residential accommodation to recover property which the law
25 enforcement officer or proprietor had probable cause to
26 believe had been stolen from the affordable residential
27 accommodation, and who is subsequently found to be guilty of
28 theft of the subject property, commits a misdemeanor of the
29 first degree, punishable as provided in s. 775.082 or s.
30 775.083, unless such person did not know, or did not have
31 reason to know, that the person seeking to recover the

1 property was a law enforcement officer or the proprietor. For
2 purposes of this section, the charge of theft and the charge
3 of resisting apprehension may be tried concurrently.

4 (4) Theft of any property belonging to a resident of
5 an accommodation permitted under this chapter, or of property
6 belonging to such accommodation, by an employee of the
7 accommodation or by an employee of a person, firm, or entity
8 which has contracted to provide services to the accommodation
9 constitutes a felony of the third degree, punishable as
10 provided in s. 775.082 or s. 775.083.

11 510.191 Unclaimed property.--Any property with an
12 identifiable owner which is left in an affordable residential
13 accommodation, other than property belonging to a resident who
14 has vacated the premises without notice to the proprietor and
15 with an outstanding account, which property remains unclaimed
16 after being held by the establishment for 90 days after
17 written notice to the resident or owner of the property, shall
18 become the property of the accommodation. Property without an
19 identifiable owner which is found in an affordable residential
20 accommodation is subject to the provisions of chapter 705. An
21 affordable residential accommodation may charge a reasonable
22 storage and handling fee for any property which must be
23 stored.

24 510.201 Telephone surcharges by affordable residential
25 accommodations.--

26 (1) An affordable residential accommodation which
27 imposes a surcharge for any telephone call must post notice of
28 such surcharge in a conspicuous place located by each
29 telephone from which a call which is subject to a surcharge
30 may originate. Such notice must be plainly visible and
31 printed on a sign that is not less than 3 inches by 5 inches

1 in size, and such notice shall clearly state if the surcharge
2 applies whether or not the telephone call has been attempted
3 or completed. An affordable residential accommodation which
4 imposes a charge for delivering phone messages to residents
5 must state the charges in the rules of the accommodation.

6 (2) The department may, pursuant to s. 510.261,
7 suspend or revoke the permit of, or impose a fine against, any
8 affordable residential accommodation that violates subsection
9 (1).

10 510.211 Safety regulations.--

11 (1) Each bedroom or apartment in each affordable
12 residential accommodation shall be equipped with an approved
13 locking device on each door opening to the outside, to an
14 adjoining room or apartment, or to a hallway.

15 (2) The department, or its agent, shall immediately
16 notify the local firesafety authority or the State Fire
17 Marshal of any major violation of a rule adopted under chapter
18 633 which relates to affordable residential accommodations.
19 The department may impose administrative sanctions for
20 violations of these rules pursuant to s. 510.261 or may refer
21 such violations to the local firesafety authorities for
22 enforcement.

23 (3)(a) It is unlawful for any person to use within any
24 affordable residential accommodation any fuel-burning
25 wick-type equipment for space heating unless such equipment is
26 vented so as to prevent the accumulation of toxic or injurious
27 gases or liquids.

28 (b) Any person who violates the provisions of
29 paragraph (a) commits a misdemeanor of the second degree,
30 punishable as provided in s. 775.082 or s. 775.083.

31

1 (4) Each affordable residential accommodation three or
2 more stories in height must have safe and secure railings on
3 all balconies, platforms, and stairways, and all such railings
4 must be properly maintained and repaired. The department may
5 impose administrative sanctions for violations of this
6 subsection pursuant to s. 510.261.

7 510.212 Affordable residential accommodations three or
8 more stories in height; inspection rules.--The department is
9 directed to provide rules to require that:

10 (1) Every affordable residential accommodation three
11 or more stories in height in the state file a certificate
12 stating that any and all balconies, platforms, stairways, and
13 railways have been inspected by a person competent to conduct
14 such inspections and are safe, secure, and free of defects.

15 (2) The information required under subsection (1) be
16 filed commencing with licensing, and every 3 years thereafter
17 on January 31, with the department and the applicable county
18 or municipal authority responsible for building and zoning
19 permits.

20 (3) If an affordable residential accommodation three
21 or more stories in height fails to file the information
22 required in subsection (1), the department shall impose
23 administrative sanctions pursuant to s. 510.261.

24 510.215 Firesafety.--

25 (1) Any affordable residential accommodation three or
26 more stories in height shall be equipped with an automatic
27 sprinkler system installed in compliance with the provisions
28 prescribed in the National Fire Protection Association
29 publication NFPA No. 13, "Standards for the Installation of
30 Sprinkler Systems." The sprinkler installation may be omitted
31 in closets which are not over 24 square feet in area and in

1 bathrooms which are not over 55 square feet in area, which
2 closets and bathrooms are located in resident rooms. Each
3 resident room shall be equipped with an approved listed
4 single-station smoke detector meeting the minimum requirements
5 of the National Fire Protection Association NFPA 74 "Standards
6 for the Installation, Maintenance and Use of Household Fire
7 Warning Equipment," powered from the building electrical
8 service, notwithstanding the number of stories in the
9 structure or type or means of egress. Single-station smoke
10 detection is not required when resident rooms contain smoke
11 detectors connected to a central alarm system which also
12 alarms locally.

13 (2) Any affordable residential accommodation three or
14 more stories in height shall be equipped with:

15 (a) A system which complies with subsection (1); or

16 (b) An approved sprinkler system for all interior
17 corridors, public areas, storage rooms, closets, kitchen
18 areas, and laundry rooms, less individual resident rooms, if
19 the following conditions are met:

20 1. There is a minimum 1-hour separation between each
21 resident room and between each resident room and a corridor.

22 2. The building is constructed of noncombustible
23 materials.

24 3. The egress conditions meet the requirements of the
25 National Fire Protection Association, Life Safety Code, NFPA
26 101, s. 5-3.

27 4. The building has a complete automatic fire
28 detection system which meets the requirements of the National
29 Fire Protection Association NFPA 72A and NFPA 72E, including
30 smoke detectors in each resident room individually
31 annunciating to a panel at a supervised location.

1 (3) The provisions for installation of single-station
2 smoke detectors required in subsection (1) and subparagraph
3 (2)(b)4. shall be waived by the Division of State Fire Marshal
4 for any accommodation for which the construction contract was
5 let before October 1, 1983, and which is under three stories
6 in height, if each individual resident room is equipped with a
7 smoke detector approved by the Division of State Fire Marshal
8 and the schedule for compliance is not later than October 1,
9 1986.

10 (4) Notwithstanding any other provision of law to the
11 contrary, this section applies only to those affordable
12 residential accommodations in a building wherein more than 50
13 percent of the units in the building are advertised or held
14 out to the public as available for affordable residential
15 accommodation occupancy.

16 (5)(a) Special exceptions to the provisions of this
17 section shall be made for affordable residential
18 accommodations that are listed in the National Register of
19 Historic Places as determined by the United States Department
20 of the Interior or that are of historical significance to this
21 state as determined by the State Historic Preservation
22 Officer, designated pursuant to s. 267.061(5), after
23 consultation with the chair of the local historic preservation
24 board or commission, if such board or commission exists. For
25 such structures, provisions shall be made for a system of fire
26 protection and lifesafety support that would meet the intent
27 of the National Fire Protection Association standards and be
28 acceptable to, and approved by, a commission composed of the
29 director of the department, the director of the Division of
30 State Fire Marshal, and the State Historic Preservation
31 Officer. The director of the Division of State Fire Marshal

1 shall be designated chair of the commission and shall record
2 the minutes of each commission meeting.

3 (6) The Division of State Fire Marshal shall adopt, in
4 accordance with the provisions of chapter 120, any rules
5 necessary for the implementation and enforcement of this
6 section. The Division of State Fire Marshal shall enforce this
7 section in accordance with the provisions of chapter 633, and
8 any establishment licensed under this chapter in violation of
9 this section may be subject to administrative sanctions by the
10 department pursuant to s. 510.261.

11 (7) Specialized smoke detectors for the deaf and
12 hearing impaired shall be available upon request by residents
13 in affordable residential accommodations at a rate of at least
14 one such smoke detector per 50 dwelling units or portions
15 thereof, not to exceed five such smoke detectors per
16 affordable residential accommodation.

17 (8) The National Fire Protection Association
18 publications referenced in this section are the ones most
19 recently adopted by rule of the Division of State Fire Marshal
20 of the Department of Insurance.

21 510.221 Sanitary regulations.--

22 (1) Each affordable residential accommodation shall be
23 supplied with potable water and shall provide adequate
24 sanitary facilities for the accommodation of its employees and
25 residents. Such facilities may include, but are not limited
26 to, showers, handwash basins, toilets, and bidets. Such
27 sanitary facilities shall be connected to approved plumbing.
28 Such plumbing shall be sized, installed, and maintained in
29 accordance with applicable state and local plumbing codes.
30 Wastewater or sewage shall be properly treated onsite or
31

1 discharged into an approved sewage collection and treatment
2 system.

3 (2) Each affordable residential accommodation shall
4 maintain not less than one public bathroom for each sex,
5 properly designated, unless otherwise provided by rule. The
6 department shall establish by rule categories of
7 accommodations not subject to the bathroom requirement of this
8 paragraph. Each affordable residential accommodation that does
9 not provide private or connecting bathrooms shall maintain one
10 public bathroom on each floor for every 15 residents, or major
11 fraction of that number, rooming on that floor.

12 (3) Each affordable residential accommodation
13 permitted under this chapter shall be properly lighted,
14 heated, cooled, and ventilated and shall be operated with
15 strict regard to the health, comfort, and safety of the
16 residents. Such proper lighting shall be construed to apply
17 to both daylight and artificial illumination.

18 (4) Each bedroom in an affordable residential
19 accommodation shall have an opening to the outside of the
20 building, air shafts, or courts sufficient to provide adequate
21 ventilation. Where ventilation is provided mechanically, the
22 system shall be capable of providing at least two air changes
23 per hour in all areas served. Where ventilation is provided by
24 windows, each room shall have at least one window opening
25 directly to the outside.

26 (5) The proprietor of any affordable residential
27 accommodation permitted under this chapter shall take
28 effective measures to protect the accommodation against the
29 entrance and the breeding on the premises of all vermin. Any
30 room in such accommodation infested with such vermin shall be
31

1 fumigated, disinfected, or renovated, or other corrective
2 action shall be taken, until the vermin are exterminated.

3 (6) A person, while suffering from any contagious or
4 communicable disease, while a carrier of such disease, or
5 while afflicted with boils or infected wounds or sores, may
6 not be employed by any accommodation licensed under this
7 chapter in any capacity whereby there is a likelihood such
8 disease could be transmitted to other individuals. A
9 proprietor that has reason to believe that an employee may
10 present a public health risk shall immediately notify the
11 proper health authority.

12 510.241 Permit required to operate an affordable
13 residential accommodation; penalties for unlawful
14 establishment or operation; allocation of proceeds.--

15 (1) AFFORDABLE RESIDENTIAL ACCOMMODATIONS; PERMIT
16 REQUIREMENT.--A person who establishes, maintains, or operates
17 an affordable residential accommodation in this state without
18 first having obtained a permit from the department and who
19 fails to post such permit and keep such permit posted in the
20 accommodation to which it applies at all times during
21 maintenance or operation of the accommodation commits a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083. Such permit may not be transferred
24 from one place or individual to another. Local law
25 enforcement agencies shall provide immediate assistance in
26 prosecuting an illegally operating accommodation.

27 (2) PERMITS; ANNUAL RENEWALS.--The department may
28 refuse a permit, or a renewal thereof, to any establishment
29 that is not constructed and maintained in accordance with law
30 and with the rules of the department. The department may
31 refuse to issue a permit, or a renewal thereof, to any

1 affordable residential accommodation a proprietor of which,
2 within the preceding 5 years, has been adjudicated guilty of,
3 or has forfeited a bond when charged with, any crime
4 reflecting on professional character, including soliciting for
5 prostitution, pandering, letting premises for prostitution,
6 keeping a disorderly place, or illegally dealing in controlled
7 substances as defined in chapter 893, whether in this state or
8 in any other jurisdiction within the United States, or has had
9 a permit denied, revoked, or suspended pursuant to s. 400.414.
10 Permits shall be renewed annually, and the department shall
11 adopt a rule establishing a staggered schedule for permit
12 renewals. If any permit expires while administrative charges
13 are pending against the permit, the proceedings against the
14 permit shall continue to conclusion as if the permit were
15 still in effect.

16 (3) APPLICATION FOR PERMIT TO OPERATE AN AFFORDABLE
17 RESIDENTIAL ACCOMMODATION.--Application for a permit to
18 establish, operate, or maintain an affordable residential
19 accommodation must be made to the department in writing on a
20 form and under rules prescribed by the department. The
21 application must state the location of the existing or
22 proposed affordable residential accommodation; the approximate
23 number of persons to be accommodated; and any other
24 information the department requires.

25 (4) DISPLAY OF PERMIT.--Any permit issued by the
26 department shall be conspicuously displayed in the office or
27 lobby of the permitted establishment.

28 (5) AFFORDABLE RESIDENTIAL ACCOMMODATIONS; HEALTH AND
29 SANITATION.--A person who establishes, maintains, or operates
30 any affordable residential accommodation in this state without
31 providing adequate personal hygiene facilities, lighting,

1 sewage disposal, and garbage disposal, and without first
2 having obtained the required permit from the department,
3 commits a felony of the third degree, punishable as provided
4 in s. 775.082, s. 775.083, or s. 775.084.

5 (6) FINE.--The department may impose a fine of up to
6 \$1,000 for each violation of this section. If the owner of
7 land on which a violation of this section occurs is other than
8 the person committing the violation and the owner knew or
9 should have known upon reasonable inquiry that this section
10 was being violated on the land, the fine may be applied
11 against such owner. In determining the amount of the fine to
12 be imposed, the department shall consider any corrective
13 actions taken by the violator and any previous violations.

14 (7) SEIZURE.--

15 (a) In addition to other penalties provided by this
16 section, the buildings, personal property, and land used in
17 connection with a felony violation of this section may be
18 seized and forfeited pursuant to the Contraband Forfeiture
19 Act.

20 (b) After satisfying any liens on the property, the
21 remaining proceeds from the sale of the property seized under
22 this section shall be allocated as follows if the department
23 participated in the inspection or investigation leading to
24 seizure and forfeiture under this section:

25 1. One-third of the proceeds shall be allocated to the
26 law enforcement agency involved in the seizure, to be used as
27 provided in s. 932.7055.

28 2. One-third of the proceeds shall be allocated to the
29 department, to be used for purposes of enforcing the
30 provisions of this section.

31

1 3. One-third of the proceeds shall be deposited in the
2 Affordable Residential Accommodations Trust Fund.

3 (c) After satisfying any liens on the property, the
4 remaining proceeds from the sale of the property seized under
5 this section shall be allocated equally between the law
6 enforcement agency involved in the seizure and the Affordable
7 Residential Accommodations Trust Fund if the department did
8 not participate in the inspection or investigation leading to
9 seizure and forfeiture.

10 510.245 Prerequisite for issuance of municipal or
11 county occupational permit.--A municipality or county may not
12 issue an occupational permit to any business coming under the
13 provisions of this chapter until a permit has been procured
14 for such business from the department.

15 510.247 Issuance of permit to operate affordable
16 residential accommodations.--If the department is satisfied,
17 after causing an inspection to be made, that the affordable
18 residential accommodation meets the minimum standards of
19 construction, sanitation, equipment, and operation required by
20 rules issued under ss. 510.212-510.221 and that the applicant
21 has paid the application fees required by s. 510.251, it shall
22 issue in the name of the department the necessary permit in
23 writing on a form to be prescribed by the department. The
24 permit, unless sooner revoked, shall expire on September 30
25 next after the date of issuance, and it shall not be
26 transferable. An application for a permit shall be filed with
27 the department 30 days prior to operation. In the case of a
28 facility owned or operated by a public housing authority, or a
29 facility already licensed as a public lodging establishment by
30 the Department of Business and Professional Regulation, an
31 annual satisfactory sanitation inspection of the living units

1 by the Department of Housing and Urban Development shall
2 substitute for the prepermitting inspection required by the
3 department.

4 510.251 Permit fees.--

5 (1) The department shall adopt, by rule, a schedule of
6 fees to be paid by each affordable residential accommodation
7 as a prerequisite to issuance or renewal of a permit. Such
8 fees shall be based on the number of rental units in the
9 accommodation but shall not exceed \$1,000. The fee schedule
10 shall require an accommodation which applies for an initial
11 permit to pay the full permit fee if application is made
12 during the annual renewal period or more than 6 months prior
13 to the next such renewal period and one-half of the fee if
14 application is made 6 months or less prior to such period.

15 (a) Upon making an initial application or an
16 application for change of ownership, the applicant shall pay
17 to the department a fee as prescribed by rule, not to exceed
18 \$50, in addition to any other fees required by law, which
19 shall cover all costs associated with initiating regulation of
20 the accommodation.

21 (b) A permit renewal filed with the department within
22 30 days after the expiration date shall be accompanied by a
23 delinquent fee as prescribed by rule, not to exceed \$50, in
24 addition to the renewal fee and any other fees required by
25 law. Thereafter, a new application is required, accompanied
26 by a reinstatement fee as prescribed by rule, not to exceed
27 \$100, and any other fees required by law.

28 (2)(a) Upon making initial application or an
29 application for change of ownership, the applicant shall pay
30 to the department a fee as prescribed by rule, not to exceed
31 \$50, in addition to any other fees required by law, which

1 shall cover all costs associated with initiating regulation of
2 the accommodation.

3 (b) A permit renewal filed with the department within
4 30 days after the expiration date shall be accompanied by a
5 delinquent fee as prescribed by rule, not to exceed \$50, in
6 addition to the renewal fee and any other fees required by
7 law. Thereafter, a new application is required, accompanied
8 by a reinstatement fee as prescribed by rule, not to exceed
9 \$100, and any other fees required by law.

10 510.261 Revocation or suspension of permits; fines;
11 procedure.--

12 (1) Any affordable residential accommodation that has
13 operated or is operating in violation of this chapter or the
14 rules of the department, operating without a permit, or
15 operating with a suspended or revoked permit may be subject by
16 the department to:

17 (a) Fines not to exceed \$500 per offense.

18 (b) The suspension, revocation, or refusal of a permit
19 issued pursuant to this chapter.

20 (2) For the purposes of this section, the department
21 may regard as a separate offense each day or portion of a day
22 on which an accommodation is operated in violation of a
23 critical law or rule, as that term is defined by rule.

24 (3) The department shall post a prominent
25 closed-for-operation sign on any affordable residential
26 accommodation the permit of which has been suspended or
27 revoked. The department shall also post such sign on any
28 accommodation judicially or administratively determined to be
29 operating without a permit. It is a misdemeanor of the second
30 degree, punishable as provided in s. 775.082 or s. 775.083,
31 for any person to deface or remove such closed-for-operation

1 sign or for any affordable residential accommodation to open
2 for operation without a permit or to open for operation while
3 its permit is suspended or revoked. The department may impose
4 administrative sanctions for violations of this section.

5 (4) All funds received by the department as
6 satisfaction for administrative fines shall be paid into the
7 State Treasury to the credit of the Affordable Residential
8 Accommodations Trust Fund and may not subsequently be used for
9 payment to any entity performing required inspections under
10 contract with the department.

11 (5)(a) A permit may not be suspended under this
12 section for a period of more than 12 months. At the end of
13 such period of suspension, the accommodation may apply for
14 reinstatement or renewal of the permit. An affordable
15 residential accommodation, the permit for which is revoked,
16 may not apply for another permit for that location prior to
17 the date on which the revoked permit would have expired.

18 (b) The department may fine, suspend, or revoke the
19 permit of any affordable residential accommodation if the
20 proprietor knowingly lets, leases, or gives space for unlawful
21 gambling purposes or permits unlawful gambling in such
22 accommodation or in or upon any premises which are used in
23 connection with, and are under the same charge, control, or
24 management as, such accommodation.

25 (6) The department may fine, suspend, or revoke the
26 permit of any affordable residential accommodation when:

27 (a) Any person with a direct financial interest in the
28 permitted accommodation, within the preceding 5 years in this
29 state, any other state, or the United States, has been
30 adjudicated guilty of or forfeited a bond when charged with
31 soliciting for prostitution, pandering, letting premises for

1 prostitution, keeping a disorderly place, illegally dealing in
2 controlled substances as defined in chapter 893, or any other
3 crime reflecting on professional character.

4 (b) Such accommodation has been deemed an imminent
5 danger to the public health and safety by the department or
6 local health authority for failure to meet sanitation
7 standards or the premises have been determined by the
8 department or local authority to be unsafe or unfit for human
9 occupancy.

10 (7) A person is not entitled to the issuance of a
11 permit for any affordable residential accommodation except in
12 the discretion of the director when the department has
13 notified the current permitholder for such premises that
14 administrative proceedings have been or will be brought
15 against such current permittee for violation of any provision
16 of this chapter or rule of the department.

17 510.262 Prohibited acts; application.--

18 (1) A proprietor of housing subject to the provisions
19 of this chapter may not, for the purpose of retaliating
20 against a resident of that housing, discriminatorily terminate
21 or discriminatorily modify a tenancy by increasing the
22 resident's rent; decreasing services to the resident; bringing
23 or threatening to bring against the resident an action for
24 eviction or possession or another civil action; refusing to
25 renew the resident's tenancy; or intimidating, threatening,
26 restraining, coercing, blacklisting, or discharging the
27 resident. Examples of conduct for which the proprietor may
28 not retaliate include, but are not limited to, situations in
29 which:

30 (a) The resident has registered a complaint pursuant
31 to s. 510.265.

1 (b) The resident has complained in good faith, orally
2 or in writing, to the proprietor of the housing or any
3 government agency charged with the responsibility of enforcing
4 the provisions of this chapter.

5 (c) The resident has exercised any legal right
6 provided in this chapter with respect to the housing.

7 (d) The resident has organized, encouraged, or
8 participated in a residents' organization.

9 (2) A resident who brings an action for or raises a
10 defense of retaliatory conduct must have acted in good faith.

11 (3) This section does not apply if the proprietor of
12 housing proves that the eviction or other action is for good
13 cause, including, without limitation, a good faith action for
14 nonpayment of rent, a violation of the resident's rental
15 agreement, a violation of reasonable rules of the proprietor
16 of the housing, or a violation of this chapter.

17 (4) "Discrimination" under this section means that a
18 resident is being treated differently as to the rent charged,
19 the services rendered, or the action being taken by the
20 proprietor, which shall be a prerequisite to a finding of
21 retaliatory conduct.

22 510.265 Complaints by aggrieved parties.--Any person
23 who believes that an affordable residential accommodation
24 violates any provision of this chapter or rules adopted
25 thereunder may file a complaint with the department. Upon
26 receipt of the complaint, if the department finds there are
27 reasonable grounds to believe that a violation exists and that
28 the nature of the alleged violation could pose a serious and
29 immediate threat to public health, the department shall
30 conduct an inspection as soon as practicable. In all other
31 cases where the department finds there are reasonable grounds

1 to believe that a violation exists, the department shall
2 notify the proprietor that a complaint has been received and
3 the nature of the complaint. The department shall also advise
4 the proprietor that the alleged violation must be remedied
5 within 20 business days. The department shall conduct an
6 inspection as soon as practicable following such 20-day
7 period. The department shall notify the proprietor and the
8 complainant in writing of the results of the inspection and
9 the action taken. Upon request of the complainant, the
10 department shall conduct the inspection so as to protect the
11 confidentiality of the complainant. The department shall
12 adopt rules to implement this section.

13 510.281 Prosecution for violation; duty of state
14 attorney; penalties.--

15 (1) The department or an agent of the department, upon
16 ascertaining by inspection that any affordable residential
17 accommodation is being operated contrary to the provisions of
18 this chapter, shall make complaint and cause the arrest of the
19 violation, and the state attorney, upon request of the
20 department or agent, shall prepare all necessary papers and
21 conduct the prosecution. The department shall proceed in the
22 courts by mandamus or injunction whenever such proceedings may
23 be necessary to the proper enforcement of the provisions of
24 this chapter, of the rules adopted pursuant hereto, or of
25 orders of the department.

26 (2) Any proprietor who obstructs or hinders any agent
27 of the department in the proper discharge of his or her
28 duties; who fails, neglects, or refuses to obtain a permit or
29 pay the permit fee required by law; or who fails or refuses to
30 perform any duty imposed upon it by law or rule commits a
31 misdemeanor of the second degree, punishable as provided in s.

1 775.082 or s. 775.083. Each day that an affordable residential
2 accommodation is operated in violation of law or rule is a
3 separate offense.

4 510.282 Enforcement; citations.--

5 (1) Department personnel may issue citations that
6 contain an order of correction or an order to pay a fine, or
7 both, for violations of this chapter or the field sanitation
8 facility rules adopted by the department when a violation of
9 those sections or rules is enforceable by an administrative or
10 civil remedy, or when a violation of those sections or rules
11 is a misdemeanor of the second degree. A citation issued
12 under this section constitutes a notice of proposed agency
13 action.

14 (2) Citations must be in writing and must describe the
15 particular nature of the violation, including specific
16 reference to the provision of statute or rule allegedly
17 violated.

18 (3) The fines imposed by a citation issued by the
19 department may not exceed \$500 for each violation. Each day
20 the violation exists constitutes a separate violation for
21 which a citation may be issued.

22 (4) The citing official shall inform the recipient, by
23 written notice pursuant to ss. 120.569 and 120.57, of the
24 right to an administrative hearing to contest the citation of
25 the agency within 21 days after the date of receipt of the
26 citation. The citation must contain a conspicuous statement
27 that if the citation recipient fails to pay the fine within
28 the time allowed, or fails to appear to contest the citation
29 after having requested a hearing, the recipient is deemed to
30 have waived the right to contest the citation and must pay an
31 amount up to the maximum fine or penalty.

1 (5) The department may reduce or waive the fine
2 imposed by the citation. In determining whether to reduce or
3 waive the fine, the department must give due consideration to
4 such factors as the gravity of the violation, the good faith
5 of the person who has allegedly committed the violation, and
6 the person's history of previous violations, including
7 violations for which enforcement actions were taken under this
8 section or other provisions of state law.

9 (6) The department shall deposit all fines collected
10 under this chapter in the Affordable Residential
11 Accommodations Trust Fund.

12 510.285 Enforcement; city and county officers to
13 assist.--Any state or county attorney, sheriff, police
14 officer, and any other appropriate municipal and county
15 official shall, upon request, assist the department or any of
16 its agents in the enforcement of this chapter.

17 510.401 Proprietor's right to lockout.--

18 (1) If, upon a reasonable determination by a
19 proprietor of an affordable residential accommodation, a
20 resident has accumulated a large outstanding account at such
21 accommodation, the proprietor may lock the resident out of the
22 resident's dwelling unit and interrupt any utility service for
23 the purpose of requiring the resident to confront the
24 proprietor and pay the outstanding balance of the account or
25 arrange for payment on the account. Such arrangement must be
26 in writing, and a copy must be furnished to the resident.

27 (2) Once the resident has confronted the proprietor
28 and paid the outstanding balance or made arrangements for
29 payment on the account, the proprietor shall provide the
30 resident with unrestricted access to the resident's dwelling
31 unit and shall resume furnishing utility service.

1 (3) The proprietor shall at all times permit the
2 resident to remove from the dwelling unit any items of
3 personal property essential to the health of the resident.

4 (4) Anyone who breaks into a dwelling unit that has
5 been locked in accordance with subsection (1) commits a felony
6 of the third degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084. In any prosecution under this
8 subsection, proof that a resident has entered a dwelling unit
9 which has been locked in accordance with subsection (1) and is
10 delinquent in rental payments constitutes prima facie evidence
11 of such a break-in.

12 (5) A proprietor shall not be held criminally or
13 civilly liable in any action arising out of a lockout or
14 interruption in utility service in accordance with subsection
15 (1).

16 510.402 Proprietor's right to recover premises.--If
17 the resident of an affordable residential accommodation
18 vacates the premises without notice to the proprietor and the
19 proprietor reasonably believes the resident does not intend to
20 satisfy the outstanding account, the proprietor may recover
21 the premises. Upon recovery of the premises, the proprietor
22 shall make an itemized inventory of any property belonging to
23 the resident and store such property until a settlement or a
24 final court judgment is obtained on the resident's outstanding
25 account. Such inventory shall be conducted by the proprietor
26 and at least one other person.

27 510.403 Proprietor's writ of distress.--If, after a
28 lockout has been imposed pursuant to s. 510.401, a resident
29 fails to make agreed-upon payments on an outstanding account,
30 or, notwithstanding s. 510.401, if a resident vacates the
31 premises without making payment on an outstanding account, a

1 proprietor may proceed to prosecute a writ of distress against
2 the resident and the resident's property. The writ of
3 distress shall be predicated on the lien created by s. 713.67
4 or s. 713.68.

5 510.404 Writ of distress; venue and jurisdiction.--The
6 action under s. 510.403 shall be brought in a court of
7 appropriate jurisdiction in the county where the property is
8 located. When property consists of separate articles, the
9 value of any one of which is within the jurisdictional amount
10 of a lower court but which, taken together, exceed that
11 jurisdictional amount, the proprietor may not divide the
12 property to give jurisdiction to the lower court so as to
13 enable the proprietor to bring separate actions therefor.

14 510.405 Complaint; requirements.--To obtain an order
15 authorizing the issuance of a writ of distress upon final
16 judgment, the proprietor must first file with the clerk of the
17 court a complaint reciting and showing the following
18 information:

19 (1) A statement as to the amount of the resident's
20 account at the affordable residential accommodation.

21 (2) A statement that the plaintiff is the proprietor
22 of the affordable residential accommodation in which the
23 resident has an outstanding account. If the proprietor's
24 interest in such account is based on written documents, a copy
25 of such documents shall be attached to the complaint.

26 (3) A statement that the proprietor has reasonably
27 attempted to obtain payment from the resident for an
28 outstanding account, either by confronting the resident or by
29 a lockout pursuant to s. 510.401, and that the resident has
30 failed to make any payment or that the resident has vacated
31 the premises without paying the outstanding account.

1 (4) A statement that the account is outstanding and
2 unpaid by the resident; a statement of the services provided
3 to the resident for which the outstanding account was
4 accumulated; and the cause of such nonpayment according to the
5 best knowledge, information, and belief of the proprietor.

6 (5) A statement as to what property the proprietor is
7 requesting levy against, including the inventory conducted as
8 prescribed by s. 510.402 if the proprietor has recovered the
9 premises, and the authority under which the proprietor has a
10 lien against such property.

11 (6) A statement, to the best of the proprietor's
12 knowledge, that the claimed property has not been taken for a
13 tax, assessment, or fine pursuant to law or taken under an
14 execution or attachment by order of any court.

15 510.406 Prejudgment writ of distress.--

16 (1) A prejudgment writ of distress may issue and the
17 property seized may be delivered forthwith to the plaintiff
18 when the nature of the claim, the amount thereof, and the
19 grounds relied upon for the issuance of the writ clearly
20 appear from specific facts shown by the verified petition or
21 by separate affidavit of the plaintiff.

22 (2) The prejudgment writ of distress may issue if the
23 court finds, pursuant to subsection (1), that the defendant is
24 engaging in, or is about to engage in, conduct that may place
25 the claimed property in danger of destruction, concealment,
26 removal from the state, removal from the jurisdiction of the
27 court, or transfer to an innocent purchaser during the
28 pendency of the action and that the defendant has failed to
29 make payment as agreed.

30 (3) The plaintiff shall post bond in the amount of
31 twice the estimated value of the goods subject to the writ or

1 twice the balance of the outstanding account, whichever is the
2 lesser as determined by the court, as security for the payment
3 of damages the defendant may sustain if the writ is wrongfully
4 obtained.

5 (4) The defendant may obtain release of the property
6 seized under a prejudgment writ of distress by posting bond
7 with surety within 10 days after service of the writ, in the
8 amount of one and one-fourth the claimed outstanding account,
9 for the satisfaction of any judgment which may be rendered
10 against the defendant, conditioned upon delivery of the
11 property if the judgment should require it.

12 (5) A prejudgment writ of distress shall issue only
13 upon a signed order of a circuit court judge or a county court
14 judge. The prejudgment writ of distress shall include a
15 notice of the defendant's right to an immediate hearing before
16 the court issuing the writ.

17 (6) As an alternative to the procedure prescribed in
18 subsection (4), the defendant, by motion filed with the court
19 within 10 days after service of the writ, may obtain the
20 dissolution of a prejudgment writ of distress, unless the
21 plaintiff proves the grounds upon which the writ was issued.
22 The court shall set such motion for an immediate hearing.

23 510.407 Writ of distress; levy of writ.--The officer
24 of the court to whom a final judgment writ of distress is
25 directed shall execute the writ of distress by service on
26 defendant and by levy on property distrainable for services
27 rendered, if found within the area of the officer's
28 jurisdiction. If the property is not so found but is in
29 another jurisdiction, the officer shall deliver the writ to
30 the proper authority in the other jurisdiction. The writ
31 shall be executed by levying on such property and delivering

1 it to the officer of the court in which the action is pending,
2 to be disposed of according to law, unless the officer is
3 ordered by such court to hold the property and dispose of it
4 according to law. If the defendant cannot be found, the levy
5 on the property suffices as service if the plaintiff and the
6 officer each file a sworn statement stating that the
7 whereabouts of the defendant are unknown.

8 510.408 Prejudgment writ; form; return.--The
9 prejudgment writ issued under s. 510.406 shall command the
10 officer to whom it may be directed to distrain the described
11 personal property of defendant and hold such property until
12 final judgment is rendered.

13 510.409 Writ; inventory.--When the officer seizes
14 distrainable property, either under s. 510.407 or s. 510.408,
15 and such property is seized on the premises of an affordable
16 residential accommodation, the officer shall inventory the
17 property, hold those items which, upon appraisal, would appear
18 to satisfy the plaintiff's claim, and return the remaining
19 items to the defendant. If the defendant cannot be found, the
20 officer shall hold all items of property. The officer shall
21 release the property only pursuant to law or a court order.

22 510.411 Exemptions from writ of distress.--The
23 following property of a resident is exempt from distress and
24 sale under this chapter:

25 (1) From final distress and sale: clothing and items
26 essential to the health and safety of the resident.

27 (2) From prejudgment writ of distress: clothing,
28 items essential to the health and safety of the resident, and
29 any tools of the resident's trade or profession, business
30 papers, or other items directly related to such trade or
31 profession.

1 510.412 Writ; claims by third persons.--Any third
2 person claiming any property distrained pursuant to this
3 chapter may interpose and prosecute a claim for the property
4 in the same manner as is provided in similar cases of claim to
5 property levied on under execution.

6 510.413 Judgment for plaintiff when goods not
7 delivered to defendant.--If it appears that the account stated
8 in the complaint is wrongfully unpaid and the property
9 described in such complaint is the defendant's and was held by
10 the officer executing the prejudgment writ, the plaintiff
11 shall have judgment for damages sustained by the plaintiff,
12 which may include reasonable attorney's fees and costs, by
13 taking title to the defendant's property in the officer's
14 possession or by having the property sold as prescribed in s.
15 510.417.

16 510.414 Judgment for plaintiff when goods retained by
17 or redelivered to defendant.--

18 (1) If it appears that the property was retained by,
19 or redelivered to, the defendant on the defendant's
20 forthcoming bond, either under s. 510.406(4) or (6), the
21 plaintiff shall take judgment for the property, which may
22 include reasonable attorney's fees and costs, and against the
23 defendant and the surety on the forthcoming bond for the value
24 of the outstanding account, and the judgment, which may
25 include reasonable attorney's fees and costs, shall be
26 satisfied by the recovery and sale of the property or the
27 amount adjudged against the defendant and the defendant's
28 surety.

29 (2) After the judgment is rendered, the plaintiff may
30 seek a writ of possession for the property and execution for
31 the plaintiff's costs or have execution against the defendant

1 and the defendant's surety for the amount recovered and costs.
2 If the plaintiff elects to have a writ of possession for the
3 property and the officer is unable to find the property, the
4 plaintiff may immediately have execution against the defendant
5 and the defendant's surety for the whole amount recovered less
6 the value of any property found by the officer. If the
7 plaintiff has execution for the whole amount, the officer
8 shall release all property taken under the writ of possession.

9 (3) In any proceeding to ascertain the value of the
10 property so that judgment for the value may be entered, the
11 value of each article shall be found.

12 510.415 Judgment for defendant when goods are retained
13 by or redelivered to the defendant.--When property has been
14 retained by, or redelivered to, the defendant on the
15 defendant's forthcoming bond or upon the dissolution of a
16 prejudgment writ and the defendant prevails, the defendant
17 shall have judgment against the plaintiff for any damages due
18 for the taking of the property, which may include reasonable
19 attorney's fees and costs. The remedies provided in this
20 section and s. 510.416 do not preclude any other remedies
21 available under the laws of this state.

22 510.416 Judgment for defendant when goods are not
23 retained by or redelivered to the defendant.--If the property
24 has not been retained by, or redelivered to, the defendant and
25 the defendant prevails, judgment shall be entered against the
26 plaintiff for possession of the property. Such judgment may
27 include reasonable attorney's fees and costs. The remedies
28 provided in s. 510.415 and this section do not preclude any
29 other remedies available under the laws of this state.

30 510.417 Writ; sale of property distrained.--
31

1 (1) If the judgment is for the plaintiff, the property
2 in whole or in part shall, at the plaintiff's option pursuant
3 to s. 510.413 or s. 510.414, be sold and the proceeds applied
4 on the payment of the judgment.

5 (2) At the time any property levied on is sold, it
6 must be advertised two times, the first advertisement being at
7 least 10 days before the sale. All property so levied on may
8 be sold on the premises of the affordable residential
9 accommodation or at the courthouse door.

10 (3) If the defendant appeals and obtains a writ of
11 supersedeas before sale of the property has occurred, the
12 property shall be held by the officer executing the writ, and
13 there may not be a sale or disposition of the property until
14 final judgment is had on appeal.

15 Section 2. This act shall take effect October 1 of the
16 year in which enacted.

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HOUSE SUMMARY

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21 Creates the "Florida Affordable Residential
22 Accommodations Act." Provides for affordable housing for
23 the poor. See bill for details.

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