

Bill No. CS for SB 2210

Amendment No. Barcode 423386

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Saunders moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 172, between lines 26 and 27

15
16 and insert:

17 Section 116. Subsection (3) of section 83.49, Florida
18 Statutes, is amended to read:

19 83.49 Deposit money or advance rent; duty of landlord
20 and tenant.--

21 (3)(a) Upon the vacating of the premises for
22 termination of the lease, if the landlord does not intend to
23 impose a claim on the security deposit,the landlord shall
24 have 15 days to return the security deposit together with
25 interest if otherwise required, or the landlord shall have 30
26 days in which to give the tenant written notice by certified
27 mail to the tenant's last known mailing address of his or her
28 intention to impose a claim on the deposit and the reason for
29 imposing the claim. The notice shall contain a statement in
30 substantially the following form:

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1 This is a notice of my intention to impose a claim for
 2 damages in the amount of upon your security deposit, due
 3 to It is sent to you as required by s. 83.49(3), Florida
 4 Statutes. You are hereby notified that you must object in
 5 writing to this deduction from your security deposit within 15
 6 days from the time you receive this notice or I will be
 7 authorized to deduct my claim from your security deposit.
 8 Your objection must be sent to ...(landlord's address)....

9
 10 If the landlord fails to give the required notice within the
 11 30-day ~~15-day~~ period, he or she forfeits the right to impose a
 12 claim upon the security deposit.

13 (b) Unless the tenant objects to the imposition of the
 14 landlord's claim or the amount thereof within 15 days after
 15 receipt of the landlord's notice of intention to impose a
 16 claim, the landlord may then deduct the amount of his or her
 17 claim and shall remit the balance of the deposit to the tenant
 18 within 30 days after the date of the notice of intention to
 19 impose a claim for damages.

20 (c) If either party institutes an action in a court of
 21 competent jurisdiction to adjudicate the party's right to the
 22 security deposit, the prevailing party is entitled to receive
 23 his or her court costs plus a reasonable fee for his or her
 24 attorney. The court shall advance the cause on the calendar.

25 (d) Compliance with this section by an individual or
 26 business entity authorized to conduct business in this state,
 27 including Florida-licensed real estate brokers and
 28 salespersons, shall constitute compliance with all other
 29 relevant Florida Statutes pertaining to security deposits held
 30 pursuant to a rental agreement or other landlord-tenant
 31 relationship. Enforcement personnel shall look solely to this

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1 section to determine compliance. This section prevails over
2 any conflicting provisions in chapter 475 and in other
3 sections of the Florida Statutes, and shall operate to permit
4 licensed real estate brokers to disburse security deposits and
5 deposit money without having to comply with the notice and
6 settlement procedures contained in s. 475.25(1)(d).

7 Section 117. Subsection (3) of section 83.67, Florida
8 Statutes, is amended to read:

9 83.67 Prohibited practices.--

10 (3) No landlord of any dwelling unit governed by this
11 part shall remove the outside doors, locks, roof, walls, or
12 windows of the unit except for purposes of maintenance,
13 repair, or replacement; nor shall the landlord remove the
14 tenant's personal property from the dwelling unit unless said
15 action is taken after surrender, abandonment, or a lawful
16 eviction. If provided in the rental agreement or a written
17 agreement separate from the rental agreement, upon surrender
18 or abandonment by the tenant, the landlord is not required to
19 comply with s. 715.104 and is ~~shall~~ not be liable or
20 responsible for storage or disposition of the tenant's
21 personal property; if provided in the rental agreement there
22 must ~~shall~~ be printed or clearly stamped on such rental
23 agreement a legend in substantially the following form:

24
25 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON
26 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83,~~THE~~
27 FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR
28 RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S
29 PERSONAL PROPERTY.

30

31 For the purposes of this section, abandonment shall be as set

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1 forth in s. 83.59(3)(c).

2 Section 118. Section 715.105, Florida Statutes, is
3 amended to read:

4 715.105 Form of notice to former tenant.--

5 (1) A notice to the former tenant which is in
6 substantially the following form satisfies the requirements of
7 s. 715.104:

8
9 Notice of Right to Reclaim Abandoned Property

10 To: ...(Name of former tenant)...

11 ...(Address of former tenant)...

12 When you vacated the premises at ...(address of
13 premises, including room or apartment number, if any)..., the
14 following personal property remained: ...(insert description
15 of personal property)....

16 You may claim this property at ...(address where
17 property may be claimed)....

18 Unless you pay the reasonable costs of storage and
19 advertising, if any, for all the above-described property and
20 take possession of the property which you claim, not later
21 than ...(insert date not fewer than 10 days after notice is
22 personally delivered or, if mailed, not fewer than 15 days
23 after notice is deposited in the mail)..., this property may
24 be disposed of pursuant to s. 715.109.

25 (Insert here the statement required by subsection (2))

26 Dated:.... ...(Signature of landlord)...

27 ...(Type or print name of landlord)...

28 ...(Telephone number)...

29 ...(Address)...

30

31 (2) The notice set forth in subsection (1) shall also

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1 contain one of the following statements:

2 (a) "If you fail to reclaim the property, it will be
3 sold at a public sale after notice of the sale has been given
4 by publication. You have the right to bid on the property at
5 this sale. After the property is sold and the costs of
6 storage, advertising, and sale are deducted, the remaining
7 money will be paid over to the county. You may claim the
8 remaining money at any time within 1 year after the county
9 receives the money."

10 (b) "Because this property is believed to be worth
11 less than ~~\$500~~^{\$250}, it may be kept, sold, or destroyed
12 without further notice if you fail to reclaim it within the
13 time indicated above."

14 Section 119. Section 715.106, Florida Statutes, is
15 amended to read:

16 715.106 Form of notice to owner other than former
17 tenant.--

18 (1) A notice which is in substantially the following
19 form given to a person who is not the former tenant and whom
20 the landlord reasonably believes to be the owner of any of the
21 abandoned personal property satisfies the requirements of s.
22 715.104:

23
24 Notice of Right to Reclaim Abandoned Property

25 To: ...(Name)...

26 ...(Address)...

27 When ...(name of former tenant)... vacated the premises
28 at ...(address of premises, including room or apartment
29 number, if any)..., the following personal property remained:
30 ...(insert description of personal property)....

31 If you own any of this property, you may claim it at

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1 ...(address where property may be claimed).... Unless you pay
 2 the reasonable costs of storage and advertising, if any, and
 3 take possession of the property to which you are entitled, not
 4 later than ...(insert date not fewer than 10 days after notice
 5 is personally delivered or, if mailed, not fewer than 15 days
 6 after notice is deposited in the mail)...., this property may
 7 be disposed of pursuant to s. 715.109.

8 (Insert here the statement required by subsection (2))
 9 Dated:.... ...(Signature of landlord)...
 10 ...(Type or print name of landlord)...
 11 ...(Telephone number)...
 12 ...(Address)...

13

14 (2) The notice set forth in subsection (1) shall also
 15 contain one of the following statements:

16 (a) "If you fail to reclaim the property, it will be
 17 sold at a public sale after notice of the sale has been given
 18 by publication. You have the right to bid on the property at
 19 this sale. After the property is sold and the costs of
 20 storage, advertising, and sale are deducted, the remaining
 21 money will be paid over to the county. You may claim the
 22 remaining money at any time within 1 year after the county
 23 receives the money."

24 (b) "Because this property is believed to be worth
 25 less than ~~\$500~~^{\$250}, it may be kept, sold, or destroyed
 26 without further notice if you fail to reclaim it within the
 27 time indicated above."

28 Section 120. Subsection (1) of section 715.109,
 29 Florida Statutes, is amended to read:

30 715.109 Sale or disposition of abandoned property.--

31 (1) If the personal property described in the notice

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1 is not released pursuant to s. 715.108, it shall be sold at
2 public sale by competitive bidding. However, if the landlord
3 reasonably believes that the total resale value of the
4 property not released is less than ~~\$500~~~~\$250~~, she or he may
5 retain such property for her or his own use or dispose of it
6 in any manner she or he chooses. Nothing in this section
7 shall be construed to preclude the landlord or tenant from
8 bidding on the property at the public sale. The successful
9 bidder's title is subject to ownership rights, liens, and
10 security interests which have priority by law.

11 Section 121. (1)(a) Any member of the United States
12 Armed Forces who is required to move pursuant to permanent
13 change of station orders to depart 35 miles or more from the
14 location of a rental premises or who is prematurely or
15 involuntarily discharged or released from active duty with the
16 United States Armed Forces may terminate his or her rental
17 agreement by providing the landlord with a written notice of
18 termination to be effective on the date stated in the notice
19 that is at least 30 days after the landlord's receipt of the
20 notice. The notice to the landlord must be accompanied by
21 either a copy of the official military orders or a written
22 verification signed by the member's commanding officer.

23 (b) In the event a member of the United States Armed
24 Forces dies during active duty, an adult member of his
25 immediate family may terminate his rental agreement by
26 providing the landlord with a written notice of termination to
27 be effective on the date stated in the notice that is at least
28 30 days after the landlord's receipt of the notice. The notice
29 to the landlord must be accompanied by either a copy of the
30 official military orders or a written verification signed by
31 the member's Commanding Officer.

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1 (2) Upon termination of a rental agreement under this
 2 section, the tenant is liable for the rent due under the
 3 rental agreement prorated to the effective date of the
 4 termination payable at such time as would have otherwise been
 5 required by the terms of the rental agreement. The tenant is
 6 not liable for any other rent or damages due to the early
 7 termination of the tenancy except the liquidated damages
 8 provided in this section. If a tenant terminates the rental
 9 agreement pursuant to this section 14 or more days prior to
 10 occupancy, no damages or penalties of any kind are due.

11 (3) In consideration of early termination of the
 12 rental agreement, the tenant is liable to the landlord for
 13 liquidated damages provided the tenant has completed less than
 14 9 months of the tenancy and the landlord has suffered actual
 15 damages due to loss of the tenancy. The liquidated damages
 16 must be no greater than 1 month's rent if the tenant has
 17 completed less than 6 months of the tenancy as of the
 18 effective date of termination, or one-half of 1 month's rent
 19 if the tenant has completed at least 6 but not less than 9
 20 months of the tenancy as of the effective date of termination.

21 (4) The provisions of this section may not be waived
 22 or modified by the agreement of the parties under any
 23 circumstances.

24 Section 122. Subsection (13) is added to section
 25 475.011, Florida Statutes, to read:

26 475.011 Exemptions.--This part does not apply to:

27 (13) Any property management firm or any owner of an
 28 apartment complex for the act of paying a finder's fee or
 29 referral fee to an unlicensed person who is a tenant in such
 30 apartment complex provided the value of the fee does not
 31 exceed \$50 per transaction. Nothing in this subsection

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1 authorizes an unlicensed person to advertise or otherwise
2 promote the person's services in procuring or assisting in
3 procuring prospective lessees or tenants of apartment units.
4 For purposes of this subsection, "finder's fee" or "referral
5 fee" means a fee paid, credit towards rent, or some other
6 thing of value provided to a person for introducing or
7 arranging an introduction between parties to a transaction
8 involving the rental or lease of an apartment unit. It is a
9 violation of s. 475.25(1)(h) and punishable under s. 475.42
10 for a property management firm or any owner of an apartment
11 complex to pay a finder's fee or a referral fee to an
12 unlicensed person unless expressly authorized by this
13 subsection.

14
15 (Redesignate subsequent sections.)

16
17

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 7, line 12, after the semicolon

21

22 insert:

23 amending s. 83.49, F.S.; increasing the time
24 period within which a landlord must notify a
25 tenant of the intention to impose a claim on a
26 security deposit; amending s. 83.67, F.S.;
27 exempting certain landlords from a requirement
28 to give notice to former tenants regarding
29 personal property; amending ss. 715.105,
30 715.106, and 715.109, F.S.; increasing the
31 value of abandoned personal property that may

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1 be kept, sold, or destroyed by a landlord;
2 conforming notice provisions; providing for
3 termination of a rental agreement by a member
4 of the United States Armed Forces; amending s.
5 475.011, F.S.; providing an additional
6 exemption for certain activities;
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