

1                                   A bill to be entitled  
2           An act relating to landlord and tenant;  
3           amending s. 83.67, F.S.; exempting certain  
4           landlords from a requirement to give notice to  
5           former tenants regarding personal property;  
6           amending s. 475.011, F.S.; providing an  
7           exemption from the real estate brokers and  
8           salespersons regulatory law; amending ss.  
9           715.105, 715.106, 715.109, F.S.; increasing the  
10          value of abandoned personal property that may  
11          be kept, sold, or destroyed by a landlord;  
12          conforming notice provisions; providing for  
13          termination of a rental agreement by a member  
14          of the United States Armed Forces; providing an  
15          effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (3) of section 83.67, Florida  
20 Statutes, is amended to read:

21           83.67 Prohibited practices.--

22           (3) No landlord of any dwelling unit governed by this  
23 part shall remove the outside doors, locks, roof, walls, or  
24 windows of the unit except for purposes of maintenance,  
25 repair, or replacement; nor shall the landlord remove the  
26 tenant's personal property from the dwelling unit unless said  
27 action is taken after surrender, abandonment, or a lawful  
28 eviction. If provided in the rental agreement or a written  
29 agreement separate from the rental agreement, upon surrender  
30 or abandonment by the tenant, the landlord is not required to  
31 comply with s. 715.104 and is ~~shall~~ not be liable or

1 responsible for storage or disposition of the tenant's  
2 personal property; if provided in the rental agreement there  
3 must ~~shall~~ be printed or clearly stamped on such rental  
4 agreement a legend in substantially the following form:

5  
6 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON  
7 SURRENDER OR ABANDONMENT, AS DEFINED BY THE FLORIDA STATUTES,  
8 CHAPTER 83,THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE  
9 FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

10  
11 For the purposes of this section, abandonment shall be as set  
12 forth in s. 83.59(3)(c).

13 Section 2. Subsection (13) is added to section  
14 475.011, Florida Statutes, to read:

15 475.011 Exemptions.--This part does not apply to:  
16 (13) Any property management firm or any property  
17 owner of an apartment community paying a finder's fee or  
18 referral fee to an unlicensed person who is a tenant in or an  
19 employee of that apartment complex or property management firm  
20 as long as the value of the finder's fee or referral fee does  
21 not exceed \$50 per transaction. This section does not permit  
22 an unlicensed person to advertise or otherwise promote the  
23 person's services in procuring or assisting to procure  
24 prospective lessors or tenants of apartment units. For the  
25 purposes of this subsection, the phrase, "finder's fee or  
26 referral fee" means a fee paid, rent credit, or something of  
27 value given to a person for introducing or arranging an  
28 introduction between the parties to a transaction involving  
29 the rental of an apartment unit.

30 Section 3. Section 715.105, Florida Statutes, is  
31 amended to read:

1 715.105 Form of notice to former tenant.--

2 (1) A notice to the former tenant which is in  
3 substantially the following form satisfies the requirements of  
4 s. 715.104:

5  
6 Notice of Right to Reclaim Abandoned Property

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

8 ...(Address of former tenant)...

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

13 You may claim this property at ...(address where  
14 property may be claimed)....

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

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

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

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

25 ...(Telephone number)...

26 ...(Address)...

27  
28 (2) The notice set forth in subsection (1) shall also  
29 contain one of the following statements:

30 (a) "If you fail to reclaim the property, it will be  
31 sold at a public sale after notice of the sale has been given

1 by publication. You have the right to bid on the property at  
2 this sale. After the property is sold and the costs of  
3 storage, advertising, and sale are deducted, the remaining  
4 money will be paid over to the county. You may claim the  
5 remaining money at any time within 1 year after the county  
6 receives the money."

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

11 Section 4. Section 715.106, Florida Statutes, is  
12 amended to read:

13 715.106 Form of notice to owner other than former  
14 tenant.--

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

20

21 Notice of Right to Reclaim Abandoned Property

22 To: ...(Name)...

23 ...(Address)...

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

28 If you own any of this property, you may claim it at  
29 ...(address where property may be claimed).... Unless you pay  
30 the reasonable costs of storage and advertising, if any, and  
31 take possession of the property to which you are entitled, not

1 later than ...(insert date not fewer than 10 days after notice  
2 is personally delivered or, if mailed, not fewer than 15 days  
3 after notice is deposited in the mail)..., this property may  
4 be disposed of pursuant to s. 715.109.

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

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

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

8 ...(Telephone number)...

9 ...(Address)...

10

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

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

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

25 Section 5. Subsection (1) of section 715.109, Florida  
26 Statutes, is amended to read:

27 715.109 Sale or disposition of abandoned property.--

28 (1) If the personal property described in the notice  
29 is not released pursuant to s. 715.108, it shall be sold at  
30 public sale by competitive bidding. However, if the landlord  
31 reasonably believes that the total resale value of the

1 property not released is less than ~~\$500~~<sup>\$250</sup>, she or he may  
2 retain such property for her or his own use or dispose of it  
3 in any manner she or he chooses. Nothing in this section  
4 shall be construed to preclude the landlord or tenant from  
5 bidding on the property at the public sale. The successful  
6 bidder's title is subject to ownership rights, liens, and  
7 security interests which have priority by law.

8       Section 6. (1) Any member of the United States Armed  
9 Forces who is required to move pursuant to permanent change of  
10 station orders to depart 50 miles or more from the location of  
11 a rental premise or is prematurely or involuntarily discharged  
12 or released from active duty with the United States Armed  
13 Forces, may terminate his rental agreement by providing the  
14 landlord with a written notice of termination to be effective  
15 on the date stated in the notice that is at least 30 days  
16 after the landlord's receipt of the notice. The notice to the  
17 landlord must be accompanied by either a copy of the official  
18 military orders or a written verification signed by the  
19 member's Commanding Officer.

20       (2) Upon termination of a rental agreement under this  
21 section, the tenant is liable for the rent due under the  
22 rental agreement prorated to the effective date of the  
23 termination payable at such time as would have otherwise been  
24 required by the terms of the rental agreement. The tenant is  
25 not liable for any other rent or damages due to the early  
26 termination of the tenancy except the liquidated damages  
27 provided in this section. If a member terminates the rental  
28 agreement pursuant to this section, 14 or more days prior to  
29 occupancy, no damages or penalties of any kind are due.

30       (3) In consideration of early termination of the  
31 rental agreement, the tenant is liable to the landlord for

1 liquidated damages provided the tenant has completed less than  
2 nine months of the tenancy and the landlord has suffered  
3 actual damages due to loss of the tenancy. The liquidated  
4 damages must be no greater than one month's rent if the tenant  
5 has completed less than six months of the tenancy as of the  
6 effective date of termination, or one-half of one month's rent  
7 if the tenant has completed at least six but not less than  
8 nine months of the tenancy as of the effective date of  
9 termination.

10 (4) The provisions of this section may not be waived  
11 or modified by the agreement of the parties under any  
12 circumstances.

13 Section 7. This act shall take effect July 1, 2001.