

HB 1009

2004

1 A bill to be entitled
 2 An act relating to prohibited landlord practices; amending
 3 s. 83.67, F.S.; prohibiting landlords from prohibiting
 4 tenants from displaying certain United States flags
 5 regardless of certain rental agreement provisions;
 6 providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Section 83.67, Florida Statutes, is amended to
 11 read:

12 83.67 Prohibited practices.--

13 (1) A ~~No~~ landlord of any dwelling unit governed by this
 14 part may not ~~shall~~ cause, directly or indirectly, the
 15 termination or interruption of any utility service furnished the
 16 tenant, including, but not limited to, water, heat, light,
 17 electricity, gas, elevator, garbage collection, or
 18 refrigeration, whether or not the utility service is under the
 19 control of, or payment is made by, the landlord.

20 (2) A ~~No~~ landlord of any dwelling unit governed by this
 21 part may not ~~shall~~ prevent the tenant from gaining reasonable
 22 access to the dwelling unit by any means, including, but not
 23 limited to, changing the locks or using any bootlock or similar
 24 device.

25 (3) A ~~No~~ landlord of any dwelling unit governed by this
 26 part may not ~~shall~~ discriminate against a servicemember in
 27 offering a dwelling unit for rent or in any of the terms of the
 28 rental agreement.

HB 1009

2004

29 (4) A landlord of any dwelling unit governed by this part
 30 may not prohibit a tenant from displaying one portable,
 31 removable United States flag in a respectful manner in or on the
 32 dwelling unit, regardless of any declaration rules or
 33 requirements dealing with flags or decorations.

34 (5)(4) A ~~No~~ landlord of any dwelling unit governed by this
 35 part may not ~~shall~~ remove the outside doors, locks, roof, walls,
 36 or windows of the unit except for purposes of maintenance,
 37 repair, or replacement; and ~~nor shall~~ the landlord may not
 38 remove the tenant's personal property from the dwelling unit
 39 unless such ~~said~~ action is taken after surrender, abandonment,
 40 or a lawful eviction. If provided in the rental agreement or a
 41 written agreement separate from the rental agreement, upon
 42 surrender or abandonment by the tenant, the landlord is not
 43 required to comply with s. 715.104 and is not liable or
 44 responsible for storage or disposition of the tenant's personal
 45 property; if provided in the rental agreement, there must be
 46 printed or clearly stamped on such rental agreement a legend in
 47 substantially the following form:

48
 49 BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON
 50 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA
 51 STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR
 52 STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

53
 54 For the purposes of this section, abandonment shall be as set
 55 forth in s. 83.59(3)(c).

56 (6)(5) A landlord who violates any provision ~~the~~
 57 ~~provisions~~ of this section shall be liable to the tenant for

HB 1009

2004

58 actual and consequential damages or 3 months' rent, whichever is
59 greater, and costs, including attorney's fees. Subsequent or
60 repeated violations that ~~which~~ are not contemporaneous with the
61 initial violation shall be subject to separate awards of
62 damages.

63 (7)~~(6)~~ A violation of this section constitutes ~~shall~~
64 ~~constitute~~ irreparable harm for the purposes of injunctive
65 relief.

66 (8)~~(7)~~ The remedies provided by this section are not
67 exclusive and do ~~shall~~ not preclude the tenant from pursuing any
68 other remedy at law or equity that ~~which~~ the tenant may have.
69 The remedies provided by this section shall also apply to a
70 servicemember who is a prospective tenant who has been
71 discriminated against under subsection (3).

72 Section 2. This act shall take effect upon becoming a law.