

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to prohibited landlord practices; amending
7 s. 83.67, F.S.; prohibiting landlords from prohibiting
8 tenants from displaying certain United States flags
9 regardless of certain rental agreement provisions;
10 relieving landlords of liability for any damages caused by
11 displaying flags; prohibiting tenants from displaying
12 flags in a manner that infringes upon other tenants'
13 property; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 83.67, Florida Statutes, is amended to
18 read:

19 83.67 Prohibited practices.--

20 (1) A ~~No~~ landlord of any dwelling unit governed by this
21 part shall not cause, directly or indirectly, the termination or
22 interruption of any utility service furnished the tenant,
23 including, but not limited to, water, heat, light, electricity,

HB 1009

2004
CS

24 | gas, elevator, garbage collection, or refrigeration, whether or
 25 | not the utility service is under the control of, or payment is
 26 | made by, the landlord.

27 | (2) A ~~No~~ landlord of any dwelling unit governed by this
 28 | part shall not prevent the tenant from gaining reasonable access
 29 | to the dwelling unit by any means, including, but not limited
 30 | to, changing the locks or using any bootlock or similar device.

31 | (3) A ~~No~~ landlord of any dwelling unit governed by this
 32 | part shall not discriminate against a servicemember in offering
 33 | a dwelling unit for rent or in any of the terms of the rental
 34 | agreement.

35 | (4) A landlord shall not prohibit a tenant from displaying
 36 | one portable, removable, cloth or plastic United States flag,
 37 | not larger than 4 and one-half feet by 6 feet, in a respectful
 38 | manner in or on the dwelling unit regardless of any declaration
 39 | rules or requirements dealing with flags or decorations. The
 40 | United States flag shall be displayed in accordance with s.
 41 | 83.52(6). The landlord shall not be liable for damages caused by
 42 | a United States flag displayed by a tenant. Any United States
 43 | flag may not infringe upon the space rented by any other tenant.

44 | ~~(5)~~(4) A ~~No~~ landlord of any dwelling unit governed by this
 45 | part shall not remove the outside doors, locks, roof, walls, or
 46 | windows of the unit except for purposes of maintenance, repair,
 47 | or replacement; and ~~nor shall~~ the landlord shall not remove the
 48 | tenant's personal property from the dwelling unit unless such
 49 | ~~said~~ action is taken after surrender, abandonment, or a lawful
 50 | eviction. If provided in the rental agreement or a written
 51 | agreement separate from the rental agreement, upon surrender or

HB 1009

2004
CS

52 | abandonment by the tenant, the landlord is not required to
 53 | comply with s. 715.104 and is not liable or responsible for
 54 | storage or disposition of the tenant's personal property; if
 55 | provided in the rental agreement, there must be printed or
 56 | clearly stamped on such rental agreement a legend in
 57 | substantially the following form:

58 |
 59 | BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON
 60 | SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA
 61 | STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR
 62 | STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

63 |
 64 | For the purposes of this section, abandonment shall be as set
 65 | forth in s. 83.59(3)(c).

66 | (6)(5) A landlord who violates any provision the
 67 | ~~provisions~~ of this section shall be liable to the tenant for
 68 | actual and consequential damages or 3 months' rent, whichever is
 69 | greater, and costs, including attorney's fees. Subsequent or
 70 | repeated violations that ~~which~~ are not contemporaneous with the
 71 | initial violation shall be subject to separate awards of
 72 | damages.

73 | (7)(6) A violation of this section constitutes ~~shall~~
 74 | ~~constitute~~ irreparable harm for the purposes of injunctive
 75 | relief.

76 | (8)(7) The remedies provided by this section are not
 77 | exclusive and do ~~shall~~ not preclude the tenant from pursuing any
 78 | other remedy at law or equity that ~~which~~ the tenant may have.
 79 | The remedies provided by this section shall also apply to a

HB 1009

2004
CS

80 | servicemember who is a prospective tenant who has been
81 | discriminated against under subsection (3).

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