

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           relieving landlords of liability for any damages caused by  
 7           displaying flags; prohibiting tenants from displaying  
 8           flags in a manner that infringes upon other tenants'  
 9           property; providing an effective date.

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

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

83.67 Prohibited practices.--

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

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

(3) A ~~No~~ landlord of any dwelling unit governed by this part shall not discriminate against a servicemember in offering

29 | a dwelling unit for rent or in any of the terms of the rental  
 30 | agreement.

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

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

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 55 | BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON  
 56 | SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA

57 | STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR  
 58 | STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

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

62 |        (6)(5) A landlord who violates any provision ~~the~~  
 63 | ~~provisions~~ of this section shall be liable to the tenant for  
 64 | actual and consequential damages or 3 months' rent, whichever is  
 65 | greater, and costs, including attorney's fees. Subsequent or  
 66 | repeated violations that ~~which~~ are not contemporaneous with the  
 67 | initial violation shall be subject to separate awards of  
 68 | damages.

69 |        (7)(6) A violation of this section constitutes ~~shall~~  
 70 | ~~constitute~~ irreparable harm for the purposes of injunctive  
 71 | relief.

72 |        (8)(7) The remedies provided by this section are not  
 73 | exclusive and do ~~shall~~ not preclude the tenant from pursuing any  
 74 | other remedy at law or equity that ~~which~~ the tenant may have.  
 75 | The remedies provided by this section shall also apply to a  
 76 | servicemember who is a prospective tenant who has been  
 77 | discriminated against under subsection (3).

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