

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.

10

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

12

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

15 83.67 Prohibited practices.--

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

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

27 (3) A ~~No~~ landlord of any dwelling unit governed by this
 28 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 provision in
 35 | the rental agreement dealing with flags or decorations. The
 36 | United States flag shall be displayed in accordance with s.
 37 | 83.52(6). The landlord is not liable for damages caused by a
 38 | United States flag displayed by a tenant. Any United States flag
 39 | 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:

54 |
 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.

59 |
 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.