

By Senator Geller

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A bill to be entitled
An act relating to residential tenancies;
amending s. 83.67, F.S.; prohibiting a landlord
from preventing a tenant from displaying a
United States flag in or on the dwelling unit;
providing for injunctive relief; providing an
effective date.

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 may not ~~shall~~ 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 may not ~~shall~~ 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 may not ~~shall~~ discriminate against a servicemember
in offering a dwelling unit for rent or in any of the terms of
the rental agreement.

(4) A landlord of any dwelling unit governed by this
part may not prohibit a tenant from displaying one portable,

1 removable United States flag in a respectful manner in or on
2 the dwelling unit, regardless of any declaration rules or
3 requirements dealing with flags or decorations.

4 (5)~~(4)~~ A No landlord of any dwelling unit governed by
5 this part may not ~~shall~~ remove the outside doors, locks, roof,
6 walls, or windows of the unit except for purposes of
7 maintenance, repair, or replacement; and ~~nor shall~~ the
8 landlord may not remove the tenant's personal property from
9 the dwelling unit unless the ~~said~~ action is taken after
10 surrender, abandonment, or a lawful eviction. If provided in
11 the rental agreement or a written agreement separate from the
12 rental agreement, upon surrender or abandonment by the tenant,
13 the landlord is not required to comply with s. 715.104 and is
14 not liable or responsible for storage or disposition of the
15 tenant's personal property; if provided in the rental
16 agreement there must be printed or clearly stamped on such
17 rental agreement a legend in substantially the following form:

18
19 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON
20 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA
21 STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR
22 STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

23
24 For the purposes of this section, abandonment shall be as set
25 forth in s. 83.59(3)(c).

26 (6)~~(5)~~ A landlord who violates any provision ~~the~~
27 ~~provisions~~ of this section shall be liable to the tenant for
28 actual and consequential damages or 3 months' rent, whichever
29 is greater, and costs, including attorney's fees. Subsequent
30 or repeated violations that ~~which~~ are not contemporaneous with

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1 the initial violation shall be subject to separate awards of
2 damages.

3 (7)~~(6)~~ A violation of this section constitutes ~~shall~~
4 ~~constitute~~ irreparable harm for the purposes of injunctive
5 relief.

6 (8)~~(7)~~ The remedies provided by this section are not
7 exclusive and do ~~shall~~ not preclude the tenant from pursuing
8 any other remedy at law or equity which the tenant may have.
9 The remedies provided by this section shall also apply to a
10 servicemember who is a prospective tenant who has been
11 discriminated against under subsection (3).

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

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15 SENATE SUMMARY

16 Prohibits a landlord from preventing a tenant from
17 displaying a United States flag in or on the dwelling
18 unit.

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