

By the Committee on Comprehensive Planning; and Senator Geller

316-2287-04

1 A bill to be entitled
2 An act relating to residential tenancies;
3 amending s. 83.67, F.S.; prohibiting a landlord
4 from preventing a tenant from displaying a
5 United States flag in or on the dwelling unit
6 regardless of certain rental agreement
7 provisions; relieving landlords of liability
8 for any damages caused by displaying a United
9 States flag; prohibiting tenants from
10 displaying a United States flag in a manner
11 that infringes upon other tenant's property;
12 providing for injunctive relief; providing an
13 effective date.

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

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

19 83.67 Prohibited practices.--

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

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

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

5 (4) A landlord may not prohibit a tenant from
6 displaying one portable, removable, cloth or plastic United
7 States flag, not larger than 4 and one-half feet by 6 feet, in
8 a respectful manner in or on the dwelling unit, regardless of
9 any provision in the rental agreement dealing with flags or
10 decorations. The United States flag shall be displayed in
11 accordance with s. 83.52(6). The landlord is not liable for
12 damages caused by a United States flag displayed by a tenant.
13 Any United States flag may not infringe upon the space rented
14 by any other tenant.

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

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30 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON
31 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA

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

3

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

6 (6)~~(5)~~ A landlord who violates any provision ~~the~~
7 ~~provisions~~ of this section shall be liable to the tenant for
8 actual and consequential damages or 3 months' rent, whichever
9 is greater, and costs, including attorney's fees. Subsequent
10 or repeated violations that ~~which~~ are not contemporaneous with
11 the initial violation shall be subject to separate awards of
12 damages.

13 (7)~~(6)~~ A violation of this section constitutes ~~shall~~
14 ~~constitute~~ irreparable harm for the purposes of injunctive
15 relief.

16 (8)~~(7)~~ The remedies provided by this section are not
17 exclusive and do ~~shall~~ not preclude the tenant from pursuing
18 any other remedy at law or equity which the tenant may have.
19 The remedies provided by this section shall also apply to a
20 servicemember who is a prospective tenant who has been
21 discriminated against under subsection (3).

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1682

The committee substitute prevents a landlord from prohibiting a tenant from displaying a United States flag that does not exceed a certain size, regardless of any provision in the rental agreement dealing with flags or decorations. It requires the display of a United States flag by a tenant to be in accordance with s. 83.52(6), F.S. It provides that a landlord is not liable for damages caused by a United States flag displayed by a tenant. Finally, the committee substitute provides that a United States flag may not infringe upon the space rented by another tenant.