

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to residential tenancies; creating s.
7 83.683, F.S.; providing definitions; providing for early
8 lease termination if a victim of domestic violence, repeat
9 violence, sexual violence, or dating violence elects to
10 leave a residential rental property; providing
11 requirements for termination; providing that a residential
12 lease shall continue in all terms and conditions for all
13 tenants except the victim; providing that all tenants,
14 including the victim and respondent, are responsible for
15 damage to the property exceeding ordinary wear and tear;
16 providing for repossession by the landlord in case of
17 abandonment by other tenants; providing that an agreement
18 between the victim and the respondent may not waive or
19 modify certain rights of victims; amending s. 83.59, F.S.;
20 providing conditions under which a landlord may reclaim
21 possession of a dwelling unit after the tenant has died;-
22 providing an effective date.

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

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26 Section 1. Section 83.683, Florida Statutes, is created to
27 read:

28 83.683 Termination of a rental agreement by a victim of
29 domestic violence, repeat violence, sexual violence, or dating
30 violence.--

31 (1) As used in this section, the term:

32 (a) "Permanent injunction" means an injunction for
33 protection against domestic violence, issued under s. 741.30(6),
34 or an injunction for protection against repeat violence, sexual
35 violence, or dating violence, issued under s. 784.046(7),
36 regardless of whether a motion for rehearing or a notice of
37 appeal is filed.

38 (b) "Respondent" means a person against whom a permanent
39 injunction for protection against domestic violence under s.
40 741.30(6) or a permanent injunction for protection against
41 repeat violence, sexual violence, or dating violence under s.
42 784.046(7) has been issued.

43 (c) "Victim" means an adult, or the parent or guardian of
44 a minor, who has been granted a permanent injunction against
45 domestic violence, as defined in s. 741.28(2), or who has been
46 granted a permanent injunction against sexual violence, dating
47 violence, or acts of repeat violence, as defined in s. 784.046,
48 and who has been granted by a court exclusive possession of a
49 dwelling unit that is subject to this part.

50 (2)(a) A victim may elect to terminate a rental agreement
51 and vacate the dwelling unit if the victim gives the landlord

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52 written notice of the victim's intent to terminate the lease and
 53 a copy of the permanent injunction. The victim must give the
 54 landlord the notice and copy of the injunction no later than 15
 55 days after the injunction is entered.

56 (b) The victim must vacate the dwelling unit on the date
 57 the lease expires or 30 days after the landlord receives notice
 58 of the termination, whichever comes first.

59 (c) The landlord shall mail the notice required by s.
 60 83.49 to both the victim and the respondent.

61 (3) The lease or tenancy shall continue in all respects
 62 subject to the terms and conditions of the lease or tenancy,
 63 except that the victim shall be released from all future
 64 obligations of the lease or tenancy; however, all tenants,
 65 including the victim, the respondent, and other tenants, are
 66 responsible for damages to the dwelling unit that exceed
 67 ordinary wear and tear.

68 (4) If the respondent or any other tenant who is a party
 69 to the rental agreement fails to retake possession of the
 70 dwelling unit within 15 days after the date the victim gave the
 71 landlord as the date the victim would vacate the dwelling unit
 72 and the rent is unpaid, the dwelling unit shall be considered
 73 abandoned and the landlord may retake possession and dispose of
 74 any abandoned property in any way the landlord sees fit.

75 (5) This section may not be waived or modified by
 76 agreement between the victim and the respondent.

77 (6) This section applies to all rental agreements subject
 78 to this part and executed on or after July 1, 2005.

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79 | Section 2. Paragraph (d) is added to subsection (3) of
80 | section 83.59, Florida Statutes, to read:

81 | 83.59 Right of action for possession.--

82 | (3) The landlord shall not recover possession of a
83 | dwelling unit except:

84 | (d) When, 45 days after the date of death of the tenant,
85 | the rent is unpaid and the landlord has not been notified of the
86 | existence of a probate estate or name and address of a personal
87 | representative.

88 | Section 3. This act shall take effect July 1, 2005.