

Bill No. SB 2166

Barcode 773222

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Klein) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

(b) "Respondent" means a person against whom a permanent injunction for protection against domestic violence

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1 was issued under s. 741.30, or permanent injunction for
2 protection against repeat violence, sexual violence, or dating
3 violence, issued under s. 784.046(7), has been issued.

4 (c) "Victim" means an adult, or the parent or guardian
5 of a minor, who has been granted a permanent injunction
6 against domestic violence, as defined in s. 741.28, or who has
7 been granted a permanent injunction against sexual violence,
8 dating violence, or acts of repeat violence, as defined in s.
9 784.046, and who has been granted exclusive possession by a
10 court of a dwelling unit that is subject to this part.

11 (2)(a) A victim may elect to terminate a rental
12 agreement and vacate the dwelling unit if the victim gives the
13 landlord written notice of the victim's intent to terminate
14 the lease and a copy of the permanent injunction. The victim
15 must give the landlord the notice and injunction no later than
16 15 days after the injunction is entered.

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

20 (c) The landlord shall mail the notice required by s.
21 83.49 to both the victim and the respondent.

22 (3) The lease or tenancy shall continue in all
23 respects subject to the terms and conditions of the lease
24 except that the victim shall be released from all future
25 obligations of the lease; however, all tenants including the
26 victim, the respondent, and other tenants are responsible for
27 damages that exceed ordinary wear and tear.

28 (4) If the respondent or any other tenant on the
29 rental agreement fails to retake possession of the premises
30 within 15 days after the date victim gave the landlord as the
31 date the victim would vacate the premises and the rent is

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1 unpaid, the premises shall be considered abandoned and the
2 landlord may retake possession and dispose of any abandoned
3 property in any way the landlord sees fit.

4 (5) This section may not be waived or modified by
5 agreement of the victim and respondent.

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

8 Section 2. Subsection (3) of section 83.59, Florida
9 Statutes, is amended to read:

10 83.59 Right of action for possession.--

11 (3) The landlord shall not recover possession of a
12 dwelling unit except:

13 (a) In an action for possession under subsection (2)
14 or other civil action in which the issue of right of
15 possession is determined;

16 (b) When the tenant has surrendered possession of the
17 dwelling unit to the landlord; ~~or~~

18 (c) When the tenant has abandoned the dwelling unit.

19 In the absence of actual knowledge of abandonment, it shall be
20 presumed that the tenant has abandoned the dwelling unit if he
21 or she is absent from the premises for a period of time equal
22 to one-half the time for periodic rental payments. However,
23 this presumption shall not apply if the rent is current or the
24 tenant has notified the landlord, in writing, of an intended
25 absence; ~~or-~~

26 (d) Forty-five days after the date of death of the
27 tenant, if the rent is unpaid and the landlord has not been
28 notified of the existence of a probate estate or the name and
29 address of a personal representative.

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

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to residential tenancies;

8 creating s. 83.683, F.S.; providing

9 definitions; providing for an early termination

10 of a lease if a victim of domestic violence,

11 sexual violence, dating violence, or repeat

12 violence elects to leave a residential rental

13 property under certain circumstances; providing

14 effect of such termination; providing

15 landlord's rights under such termination;

16 providing that the rights of a victim may not

17 be waived; amending s. 83.59, F.S.; prescribing

18 landlord's right to recover possession of a

19 dwelling unit upon the death of a tenant;

20 providing an effective date.

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