

By Senator Margolis

35-449-07

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to residential tenancies;
amending s. 83.59, F.S.; providing additional
circumstances under which a landlord may
recover possession of a unit; amending s.
83.67, F.S.; providing for recovery of
possession of a dwelling unit due to the death
of the tenant; providing an effective date.

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

Section 1. Subsection (3) of section 83.59, Florida
Statutes, is amended to read:

83.59 Right of action for possession.--

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

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

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

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

(d) When the last remaining tenant of a dwelling unit
is deceased, personal property remains on the premises, rent

1 is unpaid, at least 60 days have elapsed following the date of
2 death, and the landlord has not been notified in writing of
3 the existence of a probate estate or of the name and address
4 of a personal representative.

5 Section 2. Subsection (5) of section 83.67, Florida
6 Statutes, is amended to read:

7 83.67 Prohibited practices.--

8 (5) A landlord of any dwelling unit governed by this
9 part shall not remove the outside doors, locks, roof, walls,
10 or windows of the unit except for purposes of maintenance,
11 repair, or replacement; and the landlord shall not remove the
12 tenant's personal property from the dwelling unit unless such
13 action is taken after surrender, abandonment, recovery of
14 possession of the dwelling unit due to the death of the
15 tenant, or a lawful eviction. If provided in the rental
16 agreement or a written agreement separate from the rental
17 agreement, upon surrender or abandonment by the tenant, the
18 landlord is not required to comply with s. 715.104 and is not
19 liable or responsible for storage or disposition of the
20 tenant's personal property; if provided in the rental
21 agreement, there must be printed or clearly stamped on such
22 rental agreement a legend in substantially the following form:

23
24 BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON
25 SURRENDER, ~~OR~~ ABANDONMENT, OR RECOVERY OF POSSESSION OF THE
26 DWELLING UNIT DUE TO THE DEATH OF THE TENANT, AS DEFINED BY
27 CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE
28 OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S
29 PERSONAL PROPERTY.

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

3 Section 3. This act shall take effect upon becoming a
4 law.

5
6 *****

7 SENATE SUMMARY

8 Revises the exceptions under which the landlord may
9 recover possession of a residential unit. Provides for
10 recovery of possession of the dwelling unit due to the
11 death of the tenant.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31