590-1897-07

1   A bill to be entitled

2   An act relating to residential tenancies;

3   amending s. 83.59, F.S.; providing additional

4   circumstances under which a landlord may

5   recover possession of a unit; amending s.

6   83.67, F.S.; providing for recovery of

7   possession of a dwelling unit due to the death

8   of the tenant; providing an effective date.

9

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

11

12   Section 1. Subsection (3) of section 83.59, Florida

13 Statutes, is amended to read:

14   83.59 Right of action for possession.--

15   (3) The landlord shall not recover possession of a

16 dwelling unit except:

17   (a) In an action for possession under subsection (2)

18 or other civil action in which the issue of right of

19 possession is determined;

20   (b) When the tenant has surrendered possession of the

21 dwelling unit to the landlord; ~~or~~

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

23 In the absence of actual knowledge of abandonment, it shall be

24 presumed that the tenant has abandoned the dwelling unit if he

25 or she is absent from the premises for a period of time equal

26 to one-half the time for periodic rental payments. However,

27 this presumption <u>does</u> ~~shall~~ not apply if the rent is current

28 or the tenant has notified the landlord, in writing, of an

29 intended absence<u>; or</u>~~.~~

30   <u>(d) When the last remaining tenant of a dwelling unit</u>

31 <u>is deceased, personal property remains on the premises, rent</u>

                                 1

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

 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. This paragraph does not apply to
 5 | a dwelling unit occupied by a tenant participating in a
 6 | federally administered or regulated housing program, including
 7 | a program administered under s. 202, s. 221(d)(3) and (4), s.
 8 | 236, or s. 8 of the National Housing Act, as amended.
 9 | Section 2. Subsection (5) of section 83.67, Florida
10 | Statutes, is amended to read:
11 | 83.67 Prohibited practices.--
12 | (5) A landlord of any dwelling unit governed by this
13 | part shall not remove the outside doors, locks, roof, walls,
14 | or windows of the unit except for purposes of maintenance,
15 | repair, or replacement; and the landlord shall not remove the
16 | tenant's personal property from the dwelling unit unless such
17 | action is taken after surrender, abandonment, recovery of
18 | possession of the dwelling unit due to the death of the tenant
19 | in accordance with s. 83.59(3)(d), or a lawful eviction. If
20 | provided in the rental agreement or a written agreement
21 | separate from the rental agreement, upon surrender or
22 | abandonment by the tenant, the landlord is not required to
23 | comply with s. 715.104 and is not liable or responsible for
24 | storage or disposition of the tenant's personal property; if
25 | provided in the rental agreement, there must be printed or
26 | clearly stamped on such rental agreement a legend in
27 | substantially the following form:
28 |
29 | BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON
30 | SURRENDER, OR ABANDONMENT, OR RECOVERY OF POSSESSION OF THE
31 | DWELLING UNIT DUE TO THE DEATH OF THE TENANT, AS PROVIDED

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 ~~DEFINED~~ BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL

2 NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE

3 TENANT'S PERSONAL PROPERTY.

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5 For the purposes of this section, abandonment shall be as set

6 forth in s. 83.59(3)(c).

7   Section 3. This act shall take effect upon becoming a

8 law.

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10   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
                         COMMITTEE SUBSTITUTE FOR
11   <u>SB 400</u>

12

13 The committee substitute changes the underlying bill by making
    it inapplicable to dwelling units occupied by tenants
14 participating in certain federally administered or regulated
    housing programs.

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