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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.
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10 Be It Enacted by the Legislature of the State of Florida:
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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 does ~~shall~~ not apply if the rent is current
28 or the tenant has notified the landlord, in writing, of an
29 intended absence; ~~or-~~

30 (d) When the last remaining tenant of a dwelling unit
31 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. This paragraph does not apply to
5 a dwelling unit used in connection with a federally
6 administered or regulated housing program, including programs
7 under s. 202, s. 221(d)(3) and (4), s. 236, or s. 8 of the
8 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 last
19 remaining tenant in accordance with s. 83.59(3)(d), or a
20 lawful eviction. If provided in the rental agreement or a
21 written agreement separate from the rental agreement, upon
22 surrender or abandonment by the tenant, the landlord is not
23 required to comply with s. 715.104 and is not liable or
24 responsible for storage or disposition of the tenant's
25 personal property; if provided in the rental agreement, there
26 must be printed or clearly stamped on such rental agreement a
27 legend in substantially the following form:

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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 LAST REMAINING TENANT,

1 AS PROVIDED ~~DEFINED~~ BY CHAPTER 83, FLORIDA STATUTES, THE
2 LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR
3 DISPOSITION OF THE 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 2. This act shall take effect upon becoming a
8 law.

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