

1                                   A bill to be entitled  
 2       An act relating to residential tenancies; amending s.  
 3       83.59, F.S.; providing additional circumstances under  
 4       which a landlord may recover possession of a unit;  
 5       amending s. 83.67, F.S.; providing for recovery of  
 6       possession of a dwelling unit due to the death of the  
 7       tenant; providing an effective date.

8  
 9   Be It Enacted by the Legislature of the State of Florida:

10  
 11       Section 1. Subsection (3) of section 83.59, Florida  
 12       Statutes, is amended to read:

13       83.59 Right of action for possession.--

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

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

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

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

29           (d) When the last remaining tenant of a dwelling unit is  
 30 deceased, personal property remains on the premises, rent is  
 31 unpaid, at least 60 days have elapsed following the date of  
 32 death, and the landlord has not been notified in writing of the  
 33 existence of a probate estate or of the name and address of a  
 34 personal representative.

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

37           83.67 Prohibited practices.--

38           (5) A landlord of any dwelling unit governed by this part  
 39 shall not remove the outside doors, locks, roof, walls, or  
 40 windows of the unit except for purposes of maintenance, repair,  
 41 or replacement; and the landlord shall not remove the tenant's  
 42 personal property from the dwelling unit unless such action is  
 43 taken after surrender, abandonment, recovery of possession of  
 44 the dwelling unit due to the death of the tenant, or a lawful  
 45 eviction. If provided in the rental agreement or a written  
 46 agreement separate from the rental agreement, upon surrender or  
 47 abandonment by the tenant, the landlord is not required to  
 48 comply with s. 715.104 and is not liable or responsible for  
 49 storage or disposition of the tenant's personal property; if  
 50 provided in the rental agreement, there must be printed or  
 51 clearly stamped on such rental agreement a legend in  
 52 substantially the following form:

53  
 54 BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON  
 55 SURRENDER, ~~OR~~ ABANDONMENT, OR RECOVERY OF POSSESSION OF THE  
 56 DWELLING UNIT DUE TO THE DEATH OF THE TENANT, AS DEFINED BY

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57 | CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE  
58 | OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S  
59 | PERSONAL PROPERTY.

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

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