

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 providing exceptions; amending s. 83.67, F.S.; providing
 6 for recovery of possession of a dwelling unit due to the
 7 death of the tenant; providing an effective date.

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

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 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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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. This paragraph does not apply to a
 35 dwelling unit used in connection with a federally administered
 36 or regulated housing program, including programs under s. 202,
 37 s. 221(d) (3) and (4), s. 236, or s. 8 of the National Housing
 38 Act, as amended.

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

41 83.67 Prohibited practices.--

42 (5) A landlord of any dwelling unit governed by this part
 43 shall not remove the outside doors, locks, roof, walls, or
 44 windows of the unit except for purposes of maintenance, repair,
 45 or replacement; and the landlord shall not remove the tenant's
 46 personal property from the dwelling unit unless such action is
 47 taken after surrender, abandonment, recovery of possession of
 48 the dwelling unit due to the death of the last remaining tenant
 49 in accordance with s. 83.59(3) (d), or a lawful eviction. If
 50 provided in the rental agreement or a written agreement separate
 51 from the rental agreement, upon surrender or abandonment by the
 52 tenant, the landlord is not required to comply with s. 715.104
 53 and is not liable or responsible for storage or disposition of
 54 the tenant's personal property; if provided in the rental
 55 agreement, there must be printed or clearly stamped on such
 56 rental agreement a legend in substantially the following form:

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57
58 BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON
59 SURRENDER, ~~OR~~ ABANDONMENT, OR RECOVERY OF POSSESSION OF THE
60 DWELLING UNIT DUE TO THE DEATH OF THE LAST REMAINING TENANT, AS
61 PROVIDED ~~DEFINED~~ BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD
62 SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF
63 THE TENANT'S PERSONAL PROPERTY.

64
65 For the purposes of this section, abandonment shall be as set
66 forth in s. 83.59(3)(c).

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