

By the Committee on Criminal Justice; and Senators Rich and Fasano

591-08241-08

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1 A bill to be entitled

2 An act relating to residential tenancies; creating s.
3 83.683, F.S.; defining terms; prohibiting a landlord from
4 terminating, failing to renew, or refusing to enter into a
5 residential rental agreement because the tenant,
6 applicant, or family or household member is a victim of
7 domestic violence, dating violence, repeat violence, or
8 sexual violence; prohibiting a landlord from including in
9 a residential rental agreement a provision that authorizes
10 the landlord to terminate a rental agreement or impose a
11 penalty on a tenant for calling for assistance from a law
12 enforcement agency or other emergency assistance in
13 response to domestic violence, dating violence, repeat
14 violence, or sexual violence; providing for evidence of
15 the domestic violence, dating violence, repeat violence,
16 or sexual violence which may be provided to the landlord;
17 requiring a landlord to change door and other locks of the
18 dwelling unit of a victim of domestic violence, dating
19 violence, repeat violence, or sexual violence under
20 certain circumstances within a specified period; requiring
21 the protected tenant to pay the costs of changing the door
22 and other locks of the dwelling unit; prohibiting waiver
23 of the provisions of the act; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 83.683, Florida Statutes, is created to
28 read:

29 83.683 Discrimination against victims of domestic violence,

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30 dating violence, repeat violence, or sexual violence
31 prohibited.--

32 (1) DEFINITIONS.--As used in this section, the term:

33 (a) "Dating violence" has the same meaning as provided in
34 s. 784.046(1).

35 (b) "Domestic violence" has the same meaning as provided in
36 s. 741.28.

37 (c) "Family or household member" has the same meaning as
38 provided in s. 741.28.

39 (d) "Repeat violence" has the same meaning as provided in
40 s. 784.046(1).

41 (e) "Sexual violence" has the same meaning as provided in
42 s. 784.046(1).

43 (2) VICTIM PROTECTION; NONDISCRIMINATION.--

44 (a) A landlord may not terminate a tenancy, fail to renew a
45 tenancy, refuse to enter into a rental agreement, or otherwise
46 retaliate in the rental of a dwelling unit because the tenant,
47 applicant, or a household member is a victim of domestic
48 violence, dating violence, repeat violence, or sexual violence.

49 (b) A landlord may not include in a residential rental
50 agreement a provision that authorizes a landlord to terminate the
51 agreement or to impose a penalty upon a tenant for calls made by
52 the tenant for assistance from a law enforcement agency or other
53 emergency assistance in response to domestic violence, dating
54 violence, repeat violence, or sexual violence. A rental agreement
55 may not waive a tenant's right to call for assistance from a law
56 enforcement agency or other emergency assistance.

57 (3) EVIDENCE.--Evidence provided to a landlord to prove the
58 occurrence of domestic violence, dating violence, repeat

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59 violence, or sexual violence may include any of the following:

60 (a) Records, orders, or files of a court, law enforcement
61 agency, or state or federal agency;

62 (b) Documentation from a domestic violence or sexual
63 assault protection program; or

64 (c) Documentation from a medical professional.

65 (4) VICTIM PROTECTION; CHANGING DOOR AND OTHER LOCKS.--

66 (a) If the respondent of domestic violence, dating
67 violence, repeat violence, or sexual violence is not a tenant in
68 the same dwelling unit as the protected tenant, the protected
69 tenant may give oral or written notice to the landlord that he or
70 she is a victim of domestic violence, dating violence, repeat
71 violence, or sexual violence and may request that the door and
72 other locks to the dwelling unit be changed. A protected tenant
73 is not required to provide documentation of the domestic
74 violence, dating violence, repeat violence, or sexual violence to
75 initiate the changing of the door and other locks. A landlord who
76 receives a request under this paragraph must change the door and
77 other locks to the protected tenant's dwelling unit or give the
78 protected tenant permission to change the door and other locks
79 within 72 hours.

80 (b) If the respondent of the domestic violence, dating
81 violence, repeat violence, or sexual violence is a tenant in the
82 same dwelling unit as the victim, any tenant or protected tenant
83 of the dwelling unit may give oral or written notice to the
84 landlord that a protected tenant is a victim of domestic
85 violence, dating violence, repeat violence, or sexual violence
86 and may request that the door and other locks to the dwelling
87 unit be changed. Before the landlord or tenant changes the door

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88 and other locks under this paragraph, the tenant must provide the
89 landlord with a copy of a court order excluding the respondent
90 from the dwelling unit of the protected tenant. A landlord who
91 receives a request to change the door and other locks to the
92 protected tenant's dwelling unit under this paragraph must change
93 the door and other locks within 72 hours.

94 (c) The protected tenant shall bear the expense of changing
95 the door and other locks. If a landlord fails to act within the
96 required time, the protected tenant may change the door and other
97 locks without the landlord's permission. If the protected tenant
98 changes the locks, the protected tenant must give a key to the
99 new locks to the landlord within 48 hours after the door and
100 other locks are changed.

101 (d) If a landlord has been provided with a court order
102 excluding the respondent from the dwelling unit of the protected
103 tenant, the landlord may not grant the respondent access to the
104 dwelling unit, provide keys to the respondent, or provide the
105 respondent access to the respondent's personal property within
106 the dwelling unit. If the respondent has a court order allowing
107 the respondent to return to the dwelling unit to retrieve
108 personal belongings, the landlord may grant him or her access to
109 the dwelling unit. If a landlord complies with this paragraph,
110 the landlord is not liable for civil damages to a respondent
111 excluded from the dwelling unit, for loss of use of the dwelling
112 unit, or for loss of use or damage to the respondent's personal
113 property.

114 (5) NONWAIVER OF RENTAL TERMS.--Pursuant to s. 83.47, the
115 provisions of this section may not be waived or modified by
116 agreement of the parties.

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Section 2. This act shall take effect July 1, 2008.