

By Senator Latvala

20-00454-15

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1                                   A bill to be entitled  
2       An act relating to landlords and tenants; amending s.  
3       83.42, F.S.; excluding transient occupancy in a  
4       dwelling unit or premises from the regulation of  
5       residential tenancies; amending s. 83.43, F.S.;  
6       revising the definition of the term "transient  
7       occupancy"; 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. Present subsections (4) and (5) of section  
12   83.42, Florida Statutes, are redesignated as subsections (5) and  
13   (6), respectively, and a new subsection (4) is added to that  
14   section, to read:

15           83.42 Exclusions from application of part.—This part does  
16   not apply to:

17           (4) Transient occupancy in a dwelling unit or premises.

18           Section 2. Subsection (10) of section 83.43, Florida  
19   Statutes, is amended to read:

20           83.43 Definitions.—As used in this part, the following  
21   words and terms shall have the following meanings unless some  
22   other meaning is plainly indicated:

23           (10) "Transient occupancy" means occupancy that is intended  
24   by when it is the intention of the parties to that the occupancy  
25   will be temporary. There is a rebuttable presumption that, when  
26   the dwelling unit or premises is occupied by a person for 30  
27   days or less, the occupancy is transient and not subject to this  
28   act. If the dwelling unit or premises is occupied by a person  
29   for more than 30 days, factors that may be used in determining

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30 whether residency is transient include, but are not limited to:

31 (a) The length of time the person occupies the property.

32 (b) Whether the person has an ownership or financial  
33 interest in the property.

34 (c) Whether the person is a subscriber to any of the  
35 utilities that are used on the property.

36 (d) Whether the person uses the property address as an  
37 address of record with any governmental agency, including, but  
38 not limited to, the Department of Highway Safety and Motor  
39 Vehicles, the supervisor of elections, and the United States  
40 Postal Service.

41 (e) Whether the person routinely receives United States  
42 mail at the property.

43 (f) Whether the person has a written agreement or contract  
44 that entitles him or her to occupancy of the property.

45 (g) Whether the rent paid by the person for his or her stay  
46 at the property is paid at fair market value. A person who makes  
47 minor contributions to household expenses, such as groceries,  
48 does not establish residency that is regulated under this part.

49 (h) Whether the person has a designated space of his or her  
50 own, such as a room, on the property.

51 Section 3. This act shall take effect July 1, 2015.