

1 A bill to be entitled
2 An act relating to a landlord's obligation to maintain
3 residential premises; amending s. 83.51, F.S.;
4 requiring certain landlords to provide functioning
5 facilities for air-conditioning; requiring certain
6 state or local agencies to provide a landlord with
7 written notice of certain deficiencies within a
8 dwelling unit or its premises; requiring such agency
9 to provide a certain written notice to certain tenants
10 upon request; requiring the landlord to provide a
11 tenant with written notice of certain deficiencies;
12 requiring a landlord to bring certain deficiencies
13 into compliance with code within a specified time;
14 providing that a tenant is entitled to withhold rent
15 until such deficiency is brought into compliance with
16 code; providing that a tenant is liable for a certain
17 amount of rent for a specified period after the
18 deficiency is brought into compliance; providing that
19 rent is suspended and a tenant is not liable for
20 certain rent if the agency requires a tenant to vacate
21 the premises or dwelling unit until certain
22 deficiencies are brought into compliance with code;
23 providing that a landlord is liable for a certain
24 percentage of a tenant's expenses to vacate the
25 premises or dwelling unit for a certain period of

26 | time; providing that rent is suspended and that a
 27 | tenant is liable for a certain amount of rent for a
 28 | specified period after the deficiency is brought into
 29 | compliance; specifying how the date of compliance is
 30 | determined, which must be confirmed by the agency, and
 31 | if it is not confirmed the tenant's rent remains
 32 | discounted; authorizing a tenant to provide written
 33 | notice to the landlord within a specified time that
 34 | includes quotes in order to complete or contract to
 35 | complete repairs and maintenance under certain
 36 | circumstances; authorizing a tenant to withhold rent,
 37 | after providing written notice to the landlord, until
 38 | the landlord takes certain actions; specifying methods
 39 | of providing written notice; providing an effective
 40 | date.

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42 | Be It Enacted by the Legislature of the State of Florida:

43 |

44 | Section 1. Paragraph (a) of subsection (2) of section
 45 | 83.51, Florida Statutes, is amended, and subsections (5), (6),
 46 | and (7) are added to that section, to read:

47 | 83.51 Landlord's obligation to maintain premises.—

48 | (2)(a) Unless otherwise agreed in writing, in addition to
 49 | the requirements of subsection (1), the landlord of a dwelling
 50 | unit other than a single-family home or duplex shall, at all

51 times during the tenancy, make reasonable provisions for:

52 1. The extermination of rats, mice, roaches, ants, wood-
53 destroying organisms, and bedbugs. When vacation of the premises
54 is required for such extermination, the landlord is not liable
55 for damages but shall abate the rent. The tenant must
56 temporarily vacate the premises for a period of time not to
57 exceed 4 days, on 7 days' written notice, if necessary, for
58 extermination pursuant to this subparagraph.

59 2. Locks and keys.

60 3. The clean and safe condition of common areas.

61 4. Garbage removal and outside receptacles therefor.

62 5. Functioning facilities for air-conditioning, heat
63 during winter, running water, and hot water.

64 (5) If the state or local agency responsible for making
65 inspections or enforcing the codes within its jurisdiction finds
66 that a dwelling unit or the premises are not in compliance with
67 applicable building, housing, or health codes as required under
68 paragraph (1)(a), the agency must provide to the landlord
69 written notice identifying the deficiencies. Upon request by a
70 tenant who has executed a written rental agreement for a term of
71 45 days or longer or a tenant whose tenancy is month to month
72 after the expiration of a rental agreement that was for a term
73 of at least 1 year, the agency must provide to the tenant a
74 written notice identifying the deficiencies that affect the
75 habitability of the dwelling unit or premises that he or she

76 | occupies.

77 | (a) After receipt of a notice from the appropriate state
 78 | or local agency, the landlord must provide written notice to the
 79 | tenant of any deficiencies identified in the notice. If a
 80 | deficiency does not pose an immediate threat to the safety and
 81 | welfare of the tenant, the landlord has 30 days after receipt of
 82 | the notice from the agency to bring the deficiency into
 83 | compliance with the applicable code. Notwithstanding any
 84 | provision in the rental agreement to the contrary, if the
 85 | deficiency is not brought into compliance within that time, rent
 86 | is automatically suspended and the tenant is not liable for any
 87 | future rent or charges until the landlord brings the deficiency
 88 | into compliance with code. However, after the landlord has
 89 | brought the deficiency into compliance with code, as determined
 90 | by the agency that issued the violation, the tenant becomes
 91 | liable for up to 50 percent of the rent that was due during the
 92 | period of time when the landlord was correcting the deficiency.

93 | (b) If the appropriate state or local agency determines
 94 | that the deficiency poses an immediate threat to the tenant's
 95 | safety and welfare, the agency must state so in the written
 96 | notice to the landlord. After receipt of the notice, the
 97 | landlord must provide written notice to the tenant of the
 98 | deficiency.

99 | 1. If the agency determines that the tenant must vacate
 100 | the premises or dwelling unit because of the deficiency, the

101 tenant's rent is suspended and the tenant is not liable for
102 future rent or charges until the deficiency is brought into
103 compliance with code, as determined by the agency that issued
104 the notice to vacate. The landlord is liable for up to 50
105 percent of the cost incurred, including moving expenses and rent
106 to secure a new dwelling unit, by the tenant to vacate the
107 premises or dwelling unit until the date that the deficiency is
108 brought into compliance or the expiration of the rental
109 agreement, whichever is earlier.

110 2. If the agency determines that the tenant does not need
111 to vacate the premises or dwelling unit because of the
112 deficiency, rent is automatically suspended and after the
113 landlord has brought the deficiency into compliance with code,
114 as determined by the agency that issued the violation, the
115 tenant is liable for up to 25 percent of the rent that was due
116 during the period of time when the landlord was correcting the
117 deficiency.

118 (c) For purposes of this subsection, the date of
119 compliance begins on the date that the tenant receives written
120 notice by the landlord that the deficiency is corrected, which
121 must be confirmed by the agency. If the agency determines that
122 the deficiency has not been corrected, then the tenant only
123 remains liable for the amount of the discounted rent until the
124 agency confirms that the deficiency is corrected.

125 (6) If the premises or dwelling unit is in need of repair

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126 or maintenance for which the landlord is responsible under this
127 section and the landlord has failed or refused to make such
128 repairs or maintenance, the tenant may provide written notice to
129 the landlord within 15 days after the tenant is aware of the
130 problem and include quotes to complete such repairs or
131 maintenance. Upon providing such written notice to the landlord,
132 the tenant may withhold payment of rent for the next rental
133 period and thereafter until the landlord:

134 (a) Completes the repairs or maintenance needed and
135 required, if necessary.

136 (b) Reimburses the tenant for any expenses the tenant
137 spent completing or contracting to complete the repairs or
138 maintenance.

139 (7) For purposes of this section, written notice may be
140 provided by certified mail, return receipt requested, or in the
141 form of communication most regularly used by the parties,
142 including, but not limited to, e-mail, facsimile, or messages
143 delivered via text message or some other messaging application.

144 Section 2. This act shall take effect July 1, 2022.