

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Diamond offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 78-150 and insert:

5 (b) That the tenant may, at any time, terminate the
6 agreement to pay the fee in lieu of the security deposit and
7 instead pay the security deposit in the amount provided for in a
8 rental agreement between the landlord and tenant or, if an
9 amount for a security deposit was not agreed to in a rental
10 agreement between the landlord and tenant, a security deposit in
11 the amount that is otherwise offered to new tenants for a
12 substantially similar dwelling unit on the date that the tenant
13 terminates the agreement.

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14 (c) Whether any additional charges apply for the options
15 provided in paragraphs (a) and (b).

16 (d) The amount of the payments required for each option
17 the landlord offers.

18 (e) That the fee is nonrefundable, if applicable.

19 (f) That the fee is only for securing occupancy without
20 paying a required security deposit.

21 (g) That the fee payment does not limit or change the
22 tenant's obligation to pay rent and fees, if any, under the
23 rental agreement or limit or change the tenant's obligation to
24 pay the costs of repairing damage to the premises beyond normal
25 wear and tear.

26 (h) That if the landlord uses any portion of the fee to
27 purchase insurance, the tenant is not insured and is not a
28 beneficiary of the landlord's insurance coverage, and that the
29 insurance does not limit or change the tenant's obligations to
30 pay rent and fees, if any, under the rental agreement or change
31 the tenant's obligation to pay the costs of repairing damage to
32 the premises beyond normal wear and tear.

33 (4) (a) If a tenant decides to pay a fee in lieu of a
34 security deposit, a written agreement to collect the fee must be
35 signed by the landlord, or the landlord's agent, and the tenant.
36 The written agreement must, at a minimum, specify the amount of
37 the fee and how and when the fee is to be collected.

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38 (b) The written agreement specified under paragraph (a)
39 must also include a disclosure in substantially the following
40 form:

41
42 FEE IN LIEU OF SECURITY DEPOSIT

43 THIS AGREEMENT HAS BEEN ENTERED INTO VOLUNTARILY BY BOTH PARTIES
44 AND THE TENANT AGREES TO PAY THE LANDLORD A FEE IN LIEU OF A
45 SECURITY DEPOSIT AS AUTHORIZED UNDER SECTION 83.491, FLORIDA
46 STATUTES. THIS FEE IS NOT A SECURITY DEPOSIT AND PAYMENT OF THE
47 FEE DOES NOT ABSOLVE THE TENANT OF ANY OBLIGATIONS UNDER THE
48 RENTAL AGREEMENT, INCLUDING THE OBLIGATION TO PAY RENT AS IT
49 BECOMES DUE AND ANY COSTS AND DAMAGES BEYOND NORMAL WEAR AND
50 TEAR THAT THE TENANT OR HIS OR HER GUESTS MAY CAUSE. IF THE
51 LANDLORD USES ANY PORTION OF THE TENANT'S FEE TO PURCHASE
52 INSURANCE, THE TENANT IS NOT INSURED AND IS NOT A BENEFICIARY OF
53 SUCH COVERAGE. SUCH INSURANCE DOES NOT LIMIT OR CHANGE THE
54 TENANT'S OBLIGATION TO PAY RENT AND FEES, IF ANY, UNDER THE
55 RENTAL AGREEMENT OR TO PAY THE COSTS AND DAMAGES BEYOND NORMAL
56 WEAR AND TEAR THAT THE TENANT OR HIS OR HER GUESTS MAY CAUSE.
57 THE TENANT MAY TERMINATE THIS AGREEMENT AT ANY TIME AND STOP
58 PAYING THE FEE AND INSTEAD PAY A SECURITY DEPOSIT AS PROVIDED IN
59 SECTION 83.491, FLORIDA STATUTES.

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61 THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83,
62 FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND
63 OBLIGATIONS.

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65 (5) A fee in lieu of a security deposit may be:

66 (a) A recurring monthly fee, payable on the same date that
67 the rent payment is due under the rental agreement; or

68 (b) Payable upon a schedule that the landlord and tenant
69 choose and as specified in the written agreement.

70 (6) A fee collected under this section is not a security
71 deposit as defined in s. 83.43(12).

72 (7) A landlord has exclusive discretion whether to offer
73 tenants the option to pay a fee in lieu of a security deposit
74 and is not required to offer the fee option to tenants. However,
75 if a landlord offers a tenant the option to pay a fee in lieu of
76 a security deposit, the landlord must also offer all new tenants
77 renting a dwelling unit on the same premises the option to pay a
78 fee in lieu of a security deposit, unless the landlord chooses
79 to terminate the fee option for all tenants.

80 (8) This section applies to rental agreements entered into
81 or renewed on or after July 1, 2022.

82 (9) The Office of Insurance Regulation shall adopt rules
83 to implement this section. This section shall take effect upon
84 the Office of Insurance Regulation's implementation of such
85 rules.

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T I T L E A M E N D M E N T

Between lines 25 and 26, insert:
requiring the Office of Insurance Regulation to adopt
rules; providing that the section takes effect upon
the implementation of such rules;