

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Nixon offered the following:

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

4 Between lines 150 and 151, insert:

5 Section 2. Section 83.67, Florida Statutes, is amended to  
6 read:

7 83.67 Prohibited practices.—

8 (1) A landlord of any dwelling unit governed by this part  
9 may ~~shall~~ not cause, directly or indirectly, the termination or  
10 interruption of any utility service furnished to the tenant,  
11 including, but not limited to, water, heat, light, electricity,  
12 gas, elevator, garbage collection, or refrigeration, regardless

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13 of whether ~~or not~~ the utility service is under the control of,  
14 or payment is made by, the landlord.

15 (2) A landlord of any dwelling unit governed by this part  
16 may ~~shall~~ not prevent the tenant from gaining reasonable access  
17 to the dwelling unit by any means, including, but not limited  
18 to, changing the locks or using any bootlock or similar device.

19 (3) A landlord of any dwelling unit governed by this part  
20 may ~~shall~~ not discriminate against a servicemember in offering a  
21 dwelling unit for rent or in any of the terms of the rental  
22 agreement.

23 (4) A landlord of any dwelling unit governed by this part  
24 may not discriminate against a person in offering a dwelling  
25 unit for rent or in any of the terms of the rental agreement  
26 based on the person's source of income. For purposes of this  
27 subsection, the term "source of income" means the legal gain or  
28 recurrent benefit, often measured in money or currency, paid to  
29 a person or a representative of the person, including, but not  
30 limited to, any form of federal, state, or local public, food,  
31 or housing assistance or subsidy, including assistance provided  
32 through the Supplemental Nutrition Assistance Program under 7  
33 U.S.C. ss. 2011 et seq. and the Housing Choice Voucher Program  
34 under 24 C.F.R. part 982.

35 (5)~~(4)~~ A landlord may ~~shall~~ not prohibit a tenant from  
36 displaying one portable, removable, cloth or plastic United  
37 States flag, not larger than 4 and 1/2 feet by 6 feet, in a

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38 respectful manner in or on the dwelling unit regardless of any  
39 provision in the rental agreement dealing with flags or  
40 decorations. The United States flag shall be displayed in  
41 accordance with s. 83.52(6). The landlord is not liable for  
42 damages caused by a United States flag displayed by a tenant.  
43 Any United States flag may not infringe upon the space rented by  
44 any other tenant.

45 ~~(6)-(5)~~ A landlord of any dwelling unit governed by this  
46 part may ~~shall~~ not remove the outside doors, locks, roof, walls,  
47 or windows of the unit except for purposes of maintenance,  
48 repair, or replacement; and the landlord may ~~shall~~ not remove  
49 the tenant's personal property from the dwelling unit unless  
50 such action is taken after surrender, abandonment, recovery of  
51 possession of the dwelling unit due to the death of the last  
52 remaining tenant in accordance with s. 83.59(3)(d), or a lawful  
53 eviction. If provided in the rental agreement or a written  
54 agreement separate from the rental agreement, upon surrender or  
55 abandonment by the tenant, the landlord is not required to  
56 comply with s. 715.104 and is not liable or responsible for  
57 storage or disposition of the tenant's personal property; if  
58 provided in the rental agreement, there must be printed or  
59 clearly stamped on such rental agreement a legend in  
60 substantially the following form:

61 BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON  
62 SURRENDER, ABANDONMENT, OR RECOVERY OF POSSESSION OF THE

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63 DWELLING UNIT DUE TO THE DEATH OF THE LAST REMAINING TENANT, AS  
64 PROVIDED BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT  
65 BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE  
66 TENANT'S PERSONAL PROPERTY.

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

69 ~~(7)-(6)~~ A landlord who violates any provision of this  
70 section is ~~shall be~~ liable to the tenant for actual and  
71 consequential damages or 3 months' rent, whichever is greater,  
72 and costs, including attorney ~~attorney's~~ fees. Subsequent or  
73 repeated violations that are not contemporaneous with the  
74 initial violation are ~~shall be~~ subject to separate awards of  
75 damages.

76 ~~(8)-(7)~~ A violation of this section constitutes irreparable  
77 harm for the purposes of injunctive relief.

78 ~~(9)-(8)~~ The remedies provided by this section are not  
79 exclusive and do not preclude the tenant from pursuing any other  
80 remedy at law or equity that the tenant may have. The remedies  
81 provided by this section shall also apply to a servicemember or  
82 person who is a prospective tenant who has been discriminated  
83 against under subsection (3) or subsection (4).

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

87 Remove lines 2-25 and insert:

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88 An act relating to residential tenancies; creating s.  
89 83.491, F.S.; authorizing a landlord to offer a tenant  
90 the option to pay a fee in lieu of a security deposit;  
91 requiring the landlord to notify the tenant of certain  
92 unpaid fees and costs within a specified time after  
93 the conclusion of the tenancy; prohibiting the  
94 landlord from filing an insurance claim within a  
95 specified period of time; providing requirements for  
96 the landlord and insurer if an insurance claim to  
97 recover certain losses is filed; prohibiting the  
98 landlord from accepting certain payments; requiring  
99 the landlord to provide certain written notice to the  
100 tenant; requiring a written agreement signed by the  
101 landlord, or the landlord's agent, and the tenant if  
102 the tenant decides to pay a fee in lieu of the  
103 security deposit; requiring a specified disclosure in  
104 the written agreement; providing options for paying  
105 the fee; specifying that the fee is not a security  
106 deposit; specifying that landlords have exclusive  
107 discretion whether to offer tenants the option to pay  
108 a fee in lieu of a security deposit; requiring a  
109 landlord to offer the fee option to all new tenants  
110 under certain circumstances; providing an exception;  
111 providing applicability; amending s. 83.67, F.S.;

112 prohibiting a landlord from discriminating against a

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113 | person based on the person's source of income;  
114 | defining the term "source of income"; making technical  
115 | changes;

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