

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

Amendment (with title amendment)

Remove lines 85-201 and insert:

(b) That the tenant may, at any time, terminate the agreement to pay the fee in lieu of the security deposit and instead pay the security deposit in the amount provided for in a rental agreement between the landlord and tenant or, if an amount for a security deposit was not agreed to in a rental agreement between the landlord and tenant, a security deposit in the amount that is otherwise offered to new tenants for a substantially similar dwelling unit on the date that the tenant 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. A landlord may not
33 charge the tenant a fee that is more than the reasonable cost of
34 obtaining and administering the insurance purchased under this
35 section.

36 (4) (a) If a tenant decides to pay a fee in lieu of a
37 security deposit, a written agreement to collect the fee must be
38 signed by the landlord, or the landlord's agent, and the tenant.

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39 The written agreement must, at a minimum, specify the amount of
40 the fee and how and when the fee is to be collected.

41 (b) The written agreement specified under paragraph (a)
42 must also include a disclosure in substantially the following
43 form:

44
45 FEE IN LIEU OF SECURITY DEPOSIT

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

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64 THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83,
65 FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND
66 OBLIGATIONS.

67
68 (5) A fee in lieu of a security deposit may be:

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

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

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

75 (7) A fee collected under this section may be used to
76 purchase insurance coverage for damages and charges for which
77 the tenant is legally liable under the rental agreement or as a
78 result of breaching the rental agreement. A landlord may not
79 charge the tenant a fee that is more than the reasonable cost of
80 obtaining and administering the insurance purchased under this
81 section.

82 (8) A landlord has exclusive discretion whether to offer
83 tenants the option to pay a fee in lieu of a security deposit
84 and is not required to offer the fee option to tenants. However,
85 if a landlord offers a tenant the option to pay a fee in lieu of
86 a security deposit, the landlord must also offer all new tenants
87 renting a dwelling unit on the same premises the option to pay a

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88 fee in lieu of a security deposit, unless the landlord chooses
89 to terminate the fee option for all tenants.

90 (9) This section applies to rental agreements entered into
91 or renewed on or after July 1, 2023.

92 (10) The Office of Insurance Regulation shall adopt rules
93 to implement this section. This section shall take effect upon
94 the Office of Insurance Regulation's implementation of such
95 rules.

96
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98 **T I T L E A M E N D M E N T**

99 Remove lines 23-33 and insert:

100 and surety bonds are not security deposits;
101 prohibiting a landlord from charging a tenant a fee
102 that is more than the reasonable cost of obtaining and
103 administering insurance; specifying that landlords
104 have exclusive discretion as to whether to offer
105 tenants the option to pay a fee in lieu of a security
106 deposit; prohibiting a landlord from approving or
107 denying an application for occupancy based on a
108 prospective tenant's choice to pay a fee in lieu of a
109 security deposit; requiring that landlords who offer a
110 tenant the fee option offer such option to all new
111 tenants renting a dwelling unit on the same premises;
112 providing an exception; providing construction;

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113 | providing applicability; requiring the Office of
114 | Insurance Regulation to adopt rules; providing that
115 | the section takes effect upon the implementation of
116 | such rules; providing an

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