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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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04/28/2023 10:13 AM

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Senator Torres moved the following:

Senate Amendment (with title amendment)

Before line 37

insert:

Section 1. Section 83.67, Florida Statutes, is amended to read:

83.67 Prohibited practices.—

(1) A landlord of any dwelling unit governed by this part may ~~shall~~ not cause, directly or indirectly, the termination or interruption of any utility service furnished to the tenant, including, but not limited to, water, heat, light, electricity,



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12 gas, elevator, garbage collection, or refrigeration, regardless
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
33 established under 7 U.S.C. ss. 2011 et seq. and the Housing
34 Choice Voucher program established 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
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



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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
62 BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON
63 SURRENDER, ABANDONMENT, OR RECOVERY OF POSSESSION OF THE
64 DWELLING UNIT DUE TO THE DEATH OF THE LAST REMAINING TENANT, AS
65 PROVIDED BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT
66 BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE
67 TENANT'S PERSONAL PROPERTY.

68
69 For the purposes of this section, abandonment shall be as set



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70 forth in s. 83.59(3)(c).

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

78 ~~(8)(7)~~ A violation of this section constitutes irreparable
79 harm for the purposes of injunctive relief.

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

86

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

88 And the title is amended as follows:

89 Delete line 2

90 and insert:

91 An act relating to residential tenancies; amending s.
92 83.67, F.S.; prohibiting a landlord from
93 discriminating against a person based on the person's
94 source of income; defining the term "source of
95 income"; making technical changes;