

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Steele offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:  
Section 1. Section 82.036, Florida Statutes, is created to  
read:

82.036 Limited alternative remedy to remove unauthorized  
persons from residential real property.-

(1) The Legislature finds that the right to exclude others  
from entering, and the right to direct others to immediately  
vacate, residential real property are the most important real  
property rights. The Legislature further finds that existing  
remedies regarding unauthorized persons who unlawfully remain on

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14 residential real property fail to adequately protect the rights  
15 of the property owner and fail to adequately discourage theft  
16 and vandalism. The intent of this section is to quickly restore  
17 possession of residential real property to the lawful owner of  
18 the property when it is being unlawfully occupied and to thereby  
19 preserve property rights while limiting the opportunity for  
20 criminal activity.

21 (2) A property owner or his or her authorized agent may  
22 request from the sheriff of the county in which the property is  
23 located the immediate removal of a person or persons unlawfully  
24 occupying a residential dwelling pursuant to this section if all  
25 of the following conditions are met:

26 (a) The requesting person is the property owner or  
27 authorized agent of the property owner.

28 (b) The real property that is being occupied includes a  
29 residential dwelling.

30 (c) An unauthorized person or persons have unlawfully  
31 entered and remain or continue to reside on the property owner's  
32 property.

33 (d) The real property was not open to members of the  
34 public at the time the unauthorized person or persons entered.

35 (e) The property owner has become aware of occupants  
36 unlawfully occupying the property.

37 (f) The unauthorized person or persons are not immediate  
38 family members of the property owner.

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39 (g) There is no pending litigation related to the real  
40 property between the property owner and any known unauthorized  
41 person.

42 (3) To request the immediate removal of an unlawful  
43 occupant of a residential dwelling, the property owner or his or  
44 her authorized agent must submit a complaint by presenting a  
45 completed and verified Complaint to Remove Persons Unlawfully  
46 Occupying Residential Real Property to the sheriff of the county  
47 in which the real property is located. The submitted complaint  
48 must be in substantially the following form:

50 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING  
51 RESIDENTIAL REAL PROPERTY

53 I, the owner or authorized agent of the owner of the real  
54 property located at ...(Property Address)..., declare under the  
55 penalty of perjury that (initial each box):

- 56 1. .... I am the owner of the real property or the  
57 authorized agent of the owner of the real property.
- 58 2. .... I purchased the property on .....
- 59 3. .... The real property is a residential dwelling.
- 60 4. .... An unauthorized person or persons have unlawfully  
61 entered and are remaining or residing unlawfully on the real  
62 property.

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63 5. .... The real property was not open to members of the  
64 public at the time the unauthorized person or persons entered.

65 6. .... I have become aware of occupants unlawfully  
66 occupying the property.

67 7. .... The person or persons are not current or former  
68 tenants pursuant to any valid lease authorized by the property  
69 owner, and any lease that may be produced by an occupant is  
70 fraudulent.

71 8. .... The unauthorized person or persons sought to be  
72 removed are not an owner or a co-owner of the property and have  
73 not been listed on the title to the property unless the person  
74 or persons have engaged in title fraud.

75 9. .... The unauthorized person or persons are not  
76 immediate family members of the property owner.

77 10. .... There is no litigation related to the real  
78 property pending between the property owner and any person  
79 sought to be removed.

80 11. .... I understand that a person or persons removed  
81 from the property pursuant to this procedure may bring a cause  
82 of action against me for any false statements made in this  
83 complaint, or for wrongfully using this procedure, and that as a  
84 result of such action I may be held liable for actual damages,  
85 penalties, costs, and reasonable attorney fees.

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86 12. .... I am requesting the sheriff to immediately remove  
87 the unauthorized person or persons from the residential  
88 property.

89 13. .... A copy of my valid government-issued  
90 identification is attached, or I am an agent of the property  
91 owner, and documents evidencing my authority to act on the  
92 property owner's behalf are attached.

93  
94 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH  
95 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS  
96 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,  
97 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

98  
99 ...(Signature of Property Owner or Agent of Owner)...

100  
101 (4) Upon receipt of the complaint, the sheriff shall  
102 verify:

103 (a) That the person submitting the complaint is the record  
104 owner of the real property or the authorized agent of the owner  
105 and appears otherwise entitled to relief under this section.

106 (b) The unauthorized person cannot produce documentation,  
107 correspondence, or identification cards sent or issued by a  
108 government agency, including, but not limited to, the Department  
109 of Highway Safety and Motor Vehicles or the supervisor of  
110 elections, which show that the person used the property address

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111 as an address of record with the agency within the previous 12  
112 months.

113 (c) The unauthorized person cannot produce a notarized  
114 lease signed by the property owner.

115 (d) The unauthorized person or persons are not current or  
116 former tenants pursuant to a written or oral rental agreement  
117 authorized by the property owner.

118  
119 If verified, the sheriff must, without delay, serve a notice to  
120 immediately vacate on all the unlawful occupants and shall put  
121 the owner in possession of the real property. Service may be  
122 accomplished by hand delivery of the notice to an occupant or by  
123 posting the notice on the front door or entrance of the  
124 dwelling. The sheriff shall also attempt to verify the  
125 identities of all persons occupying the dwelling and note the  
126 identities on the return of service. If appropriate, the sheriff  
127 may arrest any person found in the dwelling for trespass,  
128 outstanding warrants, or any other legal cause.

129 (5) The sheriff is entitled to the same fee for service of  
130 the notice to immediately vacate as if the sheriff were serving  
131 a writ of possession under s. 30.231. After the sheriff serves  
132 the notice to immediately vacate, the property owner or  
133 authorized agent may request that the sheriff stand by to keep  
134 the peace while the property owner or agent of the owner changes  
135 the locks and removes the personal property of the unlawful

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136 occupants from the premises to or near the property line. When  
137 such a request is made, the sheriff may charge a reasonable  
138 hourly rate, and the person requesting the sheriff to stand by  
139 and keep the peace is responsible for paying the reasonable  
140 hourly rate set by the sheriff. The sheriff is not liable to the  
141 unlawful occupant or any other party for loss, destruction, or  
142 damage of property. The property owner or his or her authorized  
143 agent is not liable to an unlawful occupant or any other party  
144 for the loss, destruction, or damage to the personal property  
145 unless the removal was wrongful.

146 (6) A person may bring a civil cause of action for  
147 wrongful removal against the person who requested such removal  
148 under this section. A person harmed by a wrongful removal under  
149 this section may be restored to possession of the real property  
150 and may recover actual costs and damages incurred, statutory  
151 damages equal to triple the fair market rent of the dwelling,  
152 court costs, and reasonable attorney fees. The court shall  
153 advance the cause on the calendar.

154 (7) This section does not limit the rights of a property  
155 owner or limit the authority of a law enforcement officer to  
156 arrest an unlawful occupant for trespassing, vandalism, theft,  
157 or other crimes.

158 Section 2. Present subsections (4) through (11) of section  
159 806.13, Florida Statutes, are redesignated as subsections (5)  
160 through (12), respectively, a new subsection (4) is added to

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161 that section, and present subsection (10) of that section is  
162 amended, to read:

163 806.13 Criminal mischief; penalties; penalty for minor.-

164 (4) A person who unlawfully detains or occupies or  
165 trespasses upon a residential dwelling and who intentionally  
166 damages the dwelling causing \$1,000 or more in damages commits a  
167 felony of the second degree, punishable as provided in s.  
168 775.082, s. 775.083, or s. 775.084.

169 ~~(11)~~~~(10)~~ A minor whose driver license or driving privilege  
170 is revoked, suspended, or withheld under subsection (10) ~~(9)~~ may  
171 elect to reduce the period of revocation, suspension, or  
172 withholding by performing community service at the rate of 1 day  
173 for each hour of community service performed. In addition, if  
174 the court determines that due to a family hardship, the minor's  
175 driver license or driving privilege is necessary for employment  
176 or medical purposes of the minor or a member of the minor's  
177 family, the court shall order the minor to perform community  
178 service and reduce the period of revocation, suspension, or  
179 withholding at the rate of 1 day for each hour of community  
180 service performed. As used in this subsection, the term  
181 "community service" means cleaning graffiti from public  
182 property.

183 Section 3. Section 817.03, Florida Statutes, is amended to  
184 read:

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185           817.03 Making false statement to obtain property or credit  
186 or to detain real property.-

187           (1) Any person who shall make or cause to be made any  
188 false statement, in writing, relating to his or her financial  
189 condition, assets or liabilities, or relating to the financial  
190 condition, assets or liabilities of any firm or corporation in  
191 which such person has a financial interest, or for whom he or  
192 she is acting, with a fraudulent intent of obtaining credit,  
193 goods, money or other property, and shall by such false  
194 statement obtain credit, goods, money or other property, commits  
195 ~~shall be guilty of~~ a misdemeanor of the first degree, punishable  
196 as provided in s. 775.082 or s. 775.083.

197           (2) Any person who, with the intent to detain or remain  
198 upon real property, knowingly and willfully presents to another  
199 person a false document purporting to be a valid lease  
200 agreement, deed, or other instrument conveying real property  
201 rights commits a misdemeanor of the first degree, punishable as  
202 provided in s. 775.082 or s. 775.083.

203           Section 4. Section 817.0311, Florida Statutes, is created  
204 to read:

205           817.0311 Fraudulent sale or lease of residential real  
206 property.-A person who lists or advertises residential real  
207 property for sale knowing that the purported seller has no legal  
208 title or authority to sell the property, or rents or leases the  
209 property to another person knowing that he or she has no lawful

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210 ownership in the property or leasehold interest in the property,  
211 commits a felony of the first degree, punishable as provided in  
212 s. 775.082, s. 775.083, or s. 775.084.

213 Section 5. This act shall take effect July 1, 2024.

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

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Remove everything before the enacting clause and insert:

219

A bill to be entitled

220

An act relating to property rights; creating s.

221

82.036, F.S.; providing legislative findings;

222

authorizing property owners or their authorized agents

223

to request assistance from the sheriff from where the

224

property is located for the immediate removal of

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unauthorized occupants from a residential dwelling

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under certain conditions; requiring such owners or

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agents to submit a specified completed and verified

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complaint; specifying requirements for the complaint;

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providing requirements for the sheriff; authorizing a

230

sheriff to arrest an unauthorized occupant for legal

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cause; providing that sheriffs are entitled to a

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specified fee for service of such notice; authorizing

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the owner or agent to request that the sheriff stand

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by while the owner or agent takes possession of the

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235 property; authorizing the sheriff to charge a  
236 reasonable hourly rate; providing that the sheriff is  
237 not liable to any party for loss, destruction, or  
238 damage; providing that the property owner or agent is  
239 not liable to any party for the loss or destruction  
240 of, or damage to, personal property unless it was  
241 wrongfully removed; providing civil remedies;  
242 providing construction; amending s. 806.13, F.S.;  
243 prohibiting unlawfully detaining, or occupying or  
244 trespassing upon, a residential dwelling intentionally  
245 and causing a specified amount of damage; providing  
246 criminal penalties; amending s. 817.03, F.S.;  
247 providing criminal penalties for any person who  
248 knowingly and willfully presents a false document  
249 purporting to be a valid lease agreement, deed, or  
250 other instrument conveying real property rights;  
251 creating s. 817.0311, F.S.; prohibiting listing or  
252 advertising for sale, or renting or leasing,  
253 residential real property under certain circumstances;  
254 providing criminal penalties; providing an effective  
255 date.  
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