

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1164

INTRODUCER: Senator Leek

SUBJECT: Delivery of Notices from Landlords to Tenants

DATE: March 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1164 allows a landlord to deliver any notice required by the Florida Residential Landlord and Tenant Act to a tenant by e-mail if:

- The tenant signs an addendum to his or her rental agreement agreeing to the delivery of notices by email; and
- The tenant provides a valid e-mail address for this purpose.

Under the bill, notices delivered by e-mail in accordance with the bill are deemed delivered when sent, unless the e-mail is returned to the landlord as undeliverable. The bill does not preclude the service of notices by any other means authorized by law.

Likewise, the bill allows a landlord to deliver notice to a nonresidential tenant via e-mail before removing the tenant from the premises for nonpayment of rent or for holding over without permission after failing to cure a material breach of the lease or oral agreement.

The bill takes effect July 1, 2025.

II. Present Situation:

Landlord and Tenant Relationship

Chapter 83, F.S., which governs landlord and tenant relations, is divided into three parts:

- Part I, which governs nonresidential tenancies not governed by Part II.¹
- Part II, the Florida Residential Landlord and Tenant Act, which governs residential tenancies.²

¹ Chapter 83, Part I, F.S. (encompassing ss. 83.001-83.251, F.S.); *see also* s. 83.001, F.S. (providing same).

² Chapter 83, Part II, F.S. (encompassing ss. 83.40-83.683, F.S.).

- Part III, the Self-Storage Facility Act, which governs self-service storage spaces.³

Florida Residential Landlord and Tenant Act

The Florida Residential Landlord and Tenant Act governs the rights and responsibilities of both landlords and tenants in connection with the rental of dwelling units (i.e. residential tenancies).⁴ For purposes of the Act, “dwelling unit” means:

- A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household;
- A mobile home rented by a tenant; or
- A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.⁵

Notably, the Act does not apply to:

- Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services.
- Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, in which the buyer has paid at least 12 months’ rent or a contract in which the buyer has paid at least one month’s rent and a deposit of at least 5 percent of the purchase price of the property.
- Transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or in a mobile home park.
- Occupancy by a holder of a proprietary lease in a cooperative apartment.
- Occupancy by an owner of a condominium unit.⁶

Significant provisions of the Act include provisions relating to:

- Unconscionable rental agreements or provisions.⁷
- Rent and duration of tenancies.⁸
- Prohibited provisions in rental agreements.⁹
- The landlord’s obligation to maintain the premises.¹⁰
- The tenant’s obligation to maintain the dwelling unit.¹¹
- The landlord’s access to a dwelling unit.¹²
- Termination of the tenancy.¹³

³ Chapter 83, Part III, F.S. (encompassing ss. 83.801-83.809, F.S.).

⁴ Section 83.41, F.S.; *but see* s. 83.42, F.S. (excluding from the Act’s scope certain kinds of residencies).

⁵ Section 83.43(5), F.S.; *but see* s. 83.42, F.S. (excluding certain facilities and occupancies).

⁶ Section 83.42, F.S.

⁷ Section 83.45, F.S.

⁸ Section 83.46, F.S.

⁹ Section 83.47, F.S.

¹⁰ Section 83.51, F.S.

¹¹ Section 83.52, F.S.

¹² Section 83.53, F.S.

¹³ Section 83.46(2) or (3), F.S., (providing for the durations of rental agreements); s. 83.57, F.S., (providing for the termination of tenancies without specific terms); s. 83.56(4) (providing additional notice requirements); and s. 83.575(1), F.S. (providing for the termination of tenancies with specific terms).

- Enforcement, damages, and attorney fees.¹⁴

Delivery of Notices

State law requires landlords to deliver written notice to tenants in several different situations.

For example, with respect to residential tenancies, written notice to the tenant is required:

- Whenever a landlord confirms landlord's receipt of advance rent or a security deposit, or a change in the manner or location in which the landlord is holding the advance rent or security deposit. The notice must be given in person or by mail to the tenant.¹⁵ The landlord must also give written notice by certified mail to the tenant's last known mailing address if the landlord intends to impose a claim on tenant's security deposit.¹⁶
- Whenever a landlord discloses or changes name and address. The notice must be delivered to the tenant's residence or, if specified in writing by the tenant, to any other address.¹⁷
- Whenever a landlord terminates a rental agreement with the tenant. Service of the written notice must be made by mailing or delivering a true copy of the notice to the tenant, or if the tenant is absent from the premises, by leaving a copy at the premises.¹⁸

With respect to nonresidential tenancies, written notice to the tenant is required:

- Before a landlord may remove the tenant from the premises for nonpayment of rent. Service of the written notice must be by delivery of a true copy to the tenant, or if the tenant is absent from the rented premises, by leaving a copy at the premises.¹⁹
- Before a landlord may remove the tenant from the premises for holding over without permission after failing to cure a material breach of the lease or oral agreement, other than nonpayment of rent. In the absence of a lease provision prescribing the method for serving written notices, service must be by mail, hand delivery, or if the tenant is absent from the rental premises or the address designated by the lease, by posting.²⁰

III. Effect of Proposed Changes:

The bill creates s. 83.505, F.S., which authorizes a landlord to deliver any notice required by the Florida Residential Landlord and Tenant Act to a tenant by e-mail if the tenant:

- Signs an addendum to his or her rental agreement specifically agreeing to the delivery of notices by e-mail; and
- Provides a valid e-mail address for such purpose.

Under the bill, a notice delivered by e-mail in accordance with the new statute is deemed delivered when sent, unless the e-mail is returned to the landlord as undeliverable. The landlord

¹⁴ Section 83.54 (providing for the enforcement of rights and duties); s. 83.48, F.S., (providing for attorney fees); s. 83.55, F.S. (providing a right of recovery for damages).

¹⁵ Section 83.49(2), F.S. The requirement does not apply to any landlord who rents fewer than 5 individual dwelling units. *Id.* Additionally, the lease must include a disclosure advising the tenant regarding the written notice. *Id.*

¹⁶ Section 83.49(3), F.S.

¹⁷ Section 83.50, F.S.

¹⁸ Section 83.56(4), F.S.

¹⁹ Section 83.20(2), F.S.

²⁰ Section 83.20(3), F.S.

must maintain a copy of any notice sent by e-mail, along with evidence of transmission. The bill does not preclude the service of notices by any other means authorized by law.

In addition to making certain conforming changes to the Act,²¹ the bill also revises s. 83.20, F.S., regarding causes for the removal of tenants. As revised by the bill, that section allows a landlord to deliver notice to a nonresidential tenant via e-mail consistent with the new statute, before removing the tenant for nonpayment of rent or for holding over without permission after failing to cure a material breach of the lease or oral agreement.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have an indeterminate positive fiscal impact on landlords. If their tenants agree to receive service of notices by e-mail, landlords will save the costs associated with delivering written notices in person or by mail.

²¹ Specifically, the bill amends ss. 83.49 (requiring landlord to give tenant written notice confirming receipt of tenant's advance payment or security deposit, or a change in how the landlord is holding the advance rent or security deposit), 83.50 (requiring the landlord to give tenant written notice disclosing or changing landlord's name and address), 83.56 (requiring the landlord notice to give tenant written notice prior to terminating the rental agreement), F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Section 5 of the bill amends s. 83.56(4) to make a conforming change authorizing delivery of notices by e-mail related to termination of a rental agreement. However, this applies to subsection (1) which references a written notice by a *tenant* to a *landlord*. Depending on the intent, the allowance for e-mail delivery notices should be revised to allow tenants to also deliver notices by email, or s. 83.56(4) should be amended in a manner to preserve the mail or delivery requirements in existing law for written notices made pursuant to subsection (1).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 83.20, 83.49, 83.50, and 83.56.

This bill creates section 83.505 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.