

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1164

INTRODUCER: Community Affairs Committee and Senator Leek

SUBJECT: Electronic Delivery of Notices between Landlords and Tenants

DATE: April 7, 2025

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<b>Favorable</b>
2. <u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	<b>Fav/CS</b>
3. <u>Collazo</u>	<u>Yeatman</u>	<u>RC</u>	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1164 allows a landlord or tenant to deliver any notices required by the Florida Residential Landlord and Tenant Act to the other party electronically by e-mail if:

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

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

The bill makes additional conforming and clarifying changes and updates to terminology.

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.<sup>1</sup>
- Part II, the Florida Residential Landlord and Tenant Act, which governs residential tenancies.<sup>2</sup>
- Part III, the Self-Storage Facility Act, which governs self-service storage spaces.<sup>3</sup>

### ***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).<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

Significant provisions of the Act include provisions relating to:

- Unconscionable rental agreements or provisions.<sup>7</sup>
- Rent and duration of tenancies.<sup>8</sup>
- Prohibited provisions in rental agreements.<sup>9</sup>
- The landlord’s obligation to maintain the premises.<sup>10</sup>
- The tenant’s obligation to maintain the dwelling unit.<sup>11</sup>

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

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

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

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

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

<sup>6</sup> Section 83.42, F.S.

<sup>7</sup> Section 83.45, F.S.

<sup>8</sup> Section 83.46, F.S.

<sup>9</sup> Section 83.47, F.S.

<sup>10</sup> Section 83.51, F.S.

<sup>11</sup> Section 83.52, F.S.

- The landlord's access to a dwelling unit.<sup>12</sup>
- Termination of the tenancy.<sup>13</sup>
- Enforcement, damages, and attorney fees.<sup>14</sup>

### *Delivery of Notices*

State law requires landlords and tenants to deliver written notices to the other party in several different situations.

For example, with respect to residential tenancies, written notice 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.<sup>15</sup> 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.<sup>16</sup>
- 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.<sup>17</sup>
- Whenever a tenant must vacate the premises for the extermination of rats, mice, roaches, ants, wood-destroying organisms, and bedbugs for a period not to exceed 4 days. In such case, the landlord must provide 7 days' written notice.<sup>18</sup>
- Whenever a landlord or tenant terminates a rental agreement. Service of the written notice must be made by mailing or delivering a true copy of the notice, or if the tenant is absent from the premises, by leaving a copy at the premises.<sup>19</sup>
- Whenever a landlord notifies a tenant of their obligation to give notice when they vacate the premises at the end of a rental agreement with a specific term.

### **III. Effect of Proposed Changes:**

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

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

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<sup>12</sup> Section 83.53, F.S.

<sup>13</sup> 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).

<sup>14</sup> 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).

<sup>15</sup> 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.*

<sup>16</sup> Section 83.49(3), F.S.

<sup>17</sup> Section 83.50, F.S.

<sup>18</sup> Section 83.51(2)(a)1., F.S.

<sup>19</sup> Section 83.56(4), F.S.

The bill specifies the form to which the addendum must substantially conform. A party that has agreed to electronic delivery may revoke such agreement at any time or update their email address pursuant to written notice to the other party and the revocation or update takes effect upon delivery of written notice to the other party.

Under the bill, a notice delivered electronically in accordance with the new statute is deemed delivered when sent, unless the e-mail is returned to the sender as undeliverable. The sender must maintain a copy of any notice sent electronically, along with evidence of transmission. The bill does not preclude the service of notices by any other means authorized by law.

The bill makes conforming changes to the Act to allow for electronic delivery of notices, including amending:

- Section 83.49, F.S., related to the requirements for a landlord to give a tenant written notice confirming receipt of tenant's advance payment or security deposit, a change in how the landlord is holding the advance rent or security deposit, or the landlord's intent to impose a claim on a deposit upon termination of the rental agreement.
- Section 83.50, F.S., related to the requirement for the landlord to give a tenant written notice disclosing or changing the landlord's name and address.
- Section 83.51, F.S., related to the requirement for landlords to give a tenant written notice if a tenant must temporarily vacate for pest extermination.
- Section 83.56, F.S. related to requirements for a landlord or tenant to give written notice to the other party before terminating the rental agreement.
- Section 83.575, F.S., related to the requirements for written notice upon nonrenewal of a rental agreement or when the landlord informs a tenant of their obligation to give notice when vacating the premises to clarify that the delivery of such notices must be by mail, delivery of a true copy, or e-mail.

The bill makes additional conforming and clarifying changes and updates to terminology.

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 and tenants. If the parties agree to receive service of notices by e-mail, landlords and tenants will save the costs associated with delivering written notices in person or by mail.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 83.49, 83.50, 83.51, 83.56, and 83.575.

This bill creates section 83.505 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Community Affairs on March 31, 2025:**

The committee substitute:

- Allows for e-mail notices from tenants to landlords.
- Specifies the form of the rental agreement addendum that the landlord and tenant must sign.
- Allows either the tenant or landlord to revoke the agreement to electronic notices and update their email address.
- Removes the section from the bill proposing the amendment of s. 83.20, F.S., which would have allowed e-mail notices related to removal of nonresidential tenants.

- Adds a section amending s. 83.51, F.S., related to a landlord's obligation to maintain the premises, to allow for e-mail notices by landlords to tenants if a tenant must temporarily vacate for pest extermination.
- Adds a section amending s. 83.575, F.S., related to the termination of tenancies with specific terms, to clarify that the delivery of notices must be by mail, delivery of a true copy, or e-mail, when a rental agreement is not renewed or when the landlord informs a tenant of their obligation to give notice to a landlord when vacating the premises.
- Updates terminology and makes technical, clarifying, and conforming changes.

B. Amendments:

None.