

1 A bill to be entitled
2 An act relating to unlawful actions concerning real
3 property; creating s. 82.037, F.S.; authorizing a
4 property owner or his or her authorized agent to
5 request the sheriff in the county in which the owner's
6 commercial real property is located to immediately
7 remove persons unlawfully occupying the owner's
8 commercial real property, under certain conditions;
9 requiring such owners or agents to submit a specified
10 completed and verified complaint; specifying
11 requirements for the complaint; specifying
12 requirements for the sheriff; authorizing the sheriff
13 to arrest an unauthorized person for legal cause;
14 providing that sheriffs are entitled to a specified
15 fee for service of the required notice to vacate
16 immediately; authorizing the owner or agent to request
17 that the sheriff stand by while the owner or agent
18 takes possession of the commercial real property;
19 authorizing the sheriff to charge a reasonable hourly
20 rate; providing that the sheriff is not liable to any
21 party for loss, destruction, or damage; providing that
22 the property owner or agent is not liable to any party
23 for the loss or destruction of, or damage to, personal
24 property unless it was wrongfully removed; providing
25 civil remedies; providing construction; amending s.

26 806.13, F.S.; prohibiting unlawfully detaining, or
 27 occupying or trespassing upon, commercial real
 28 property intentionally and causing a specified amount
 29 of damage; providing criminal penalties; providing an
 30 effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 **Section 1. Section 82.037, Florida Statutes, is created to**
 35 **read:**

36 82.037 Limited alternative remedy to remove unauthorized
 37 persons from commercial real property.—

38 (1) A property owner or his or her authorized agent may
 39 request from the sheriff of the county in which the owner's
 40 commercial real property is located the immediate removal of any
 41 person unlawfully occupying the commercial real property
 42 pursuant to this section if all of the following conditions are
 43 met:

44 (a) The requesting person is the property owner or
 45 authorized agent of the property owner.

46 (b) The real property that is being occupied includes
 47 commercial property.

48 (c) An unauthorized person or persons have unlawfully
 49 entered and remain in or continue to occupy the property owner's
 50 commercial real property.

51 (d) The commercial real property was not open to members
 52 of the public at the time the unauthorized person or persons
 53 entered.

54 (e) The property owner has directed the unauthorized
 55 person or persons to leave the commercial real property.

56 (f) The unauthorized person or persons are not current or
 57 former tenants pursuant to a written or oral rental agreement
 58 authorized by the property owner.

59 (g) There is no litigation related to the commercial real
 60 property pending between the property owner and any known
 61 unauthorized person.

62 (2) To request the immediate removal of an unlawful
 63 occupant of commercial real property, the property owner or his
 64 or her authorized agent must submit a complaint by presenting a
 65 completed and verified Complaint to Remove Persons Unlawfully
 66 Occupying Commercial Real Property to the sheriff of the county
 67 in which the real property is located. The submitted complaint
 68 must be in substantially the following form:

69
 70 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
 71 COMMERCIAL REAL PROPERTY

72
 73 I, the owner or authorized agent of the owner of the
 74 commercial real property located at ... (address of property)
 75 ..., declare under penalty of perjury that (initial each box):

- 76 1.I am the owner of the commercial real property or
 77 the authorized agent of the owner of the commercial real
 78 property.
- 79 2.I purchased the commercial real property on ...
 80 (date of purchase)
- 81 3.An unauthorized person or persons have unlawfully
 82 entered and remain on the commercial real property.
- 83 4.The commercial real property was not open to
 84 members of the public at the time the unauthorized person or
 85 persons entered.
- 86 5.I have directed the unauthorized person or persons
 87 to leave the commercial real property, but they have not done
 88 so.
- 89 6.The unauthorized person or persons are not current
 90 or former tenants pursuant to any valid lease authorized by the
 91 property owner, and any lease that may be produced by an
 92 occupant is fraudulent.
- 93 7.The unauthorized person or persons sought to be
 94 removed are not an owner or co-owner of the commercial real
 95 property and have not been listed on the title to the commercial
 96 real property unless the person or persons have engaged in title
 97 fraud.
- 98 8.There is no litigation related to the commercial
 99 real property pending between the property owner and any person
 100 sought to be removed.

101 9.I understand that any person removed from the
 102 commercial real property pursuant to this procedure may bring a
 103 cause of action against me for any false statements made in this
 104 complaint, or for wrongfully using this procedure, and that as a
 105 result of such action I may be held liable for actual damages,
 106 penalties, costs, and reasonable attorney fees.

107 10.I request that the sheriff immediately remove the
 108 unauthorized person or persons from the commercial real
 109 property.

110 11.A copy of my valid government-issued
 111 identification is attached, or I am an agent of the property
 112 owner, and documents evidencing my authority to act on the
 113 property owner's behalf are attached.

114
 115 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT, AND EACH
 116 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
 117 MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY OF PERJURY,
 118 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

119
 120 ...(Signature of the Property Owner or Agent of Owner)...
 121

122 (3) Upon receipt of the complaint, the sheriff shall
 123 verify that the person submitting the complaint is the record
 124 owner of the commercial real property or the authorized agent of
 125 the owner and appears otherwise entitled to relief under this

126 section. If verified, the sheriff must, without delay, serve a
127 notice to vacate immediately on all the unlawful occupants and
128 must put the owner in possession of the commercial real
129 property. Service may be accomplished by hand delivery of the
130 notice to an occupant or by posting the notice on the front door
131 or entrance of the commercial real property. The sheriff shall
132 also attempt to verify the identities of all persons occupying
133 the commercial real property and note their identities on the
134 return of service. If appropriate, the sheriff may arrest any
135 person found in the commercial real property for trespass,
136 outstanding warrants, or any other legal cause.

137 (4) The sheriff is entitled to the same fee for service of
138 the notice to vacate immediately as if the sheriff were serving
139 a writ of possession under s. 30.231. After the sheriff serves
140 the notice to vacate immediately, the property owner or
141 authorized agent may request that the sheriff stand by to keep
142 the peace while the property owner or agent of the owner changes
143 the locks and removes the personal property of the unauthorized
144 person or persons to or near the property line. When such a
145 request is made, the sheriff may charge a reasonable hourly
146 rate, and the person requesting the sheriff is responsible for
147 paying such hourly rate. The sheriff is not liable to the
148 unauthorized person or persons or any other party for loss,
149 destruction, or damage to their personal property. The property
150 owner or his or her authorized agent is not liable to an

151 unauthorized person or persons or any other party for the loss,
 152 destruction, or damage to their personal property unless the
 153 removal was not in accordance with this section.

154 (5) A person may bring a civil cause of action for
 155 wrongful removal under this section. A person harmed by a
 156 wrongful removal under this section may be restored to
 157 possession of the commercial real property and may recover
 158 actual costs and damages incurred, statutory damages equal to
 159 triple the fair market rent of the commercial real property,
 160 court costs, and reasonable attorney fees. The court shall
 161 advance the cause on the calendar.

162 (6) This section does not limit the rights of a property
 163 owner or limit the authority of a law enforcement officer to
 164 arrest any unauthorized person for trespassing, vandalism,
 165 theft, or other crimes.

166 **Section 2. Subsection (4) of section 806.13, Florida**
 167 **Statutes, is amended to read:**

168 806.13 Criminal mischief; penalties; penalty for minor.—

169 (4) A person who unlawfully detains or occupies or
 170 trespasses upon a residential dwelling or commercial real
 171 property and who intentionally damages the dwelling or the
 172 commercial real property causing \$1,000 or more in damages
 173 commits a felony of the second degree, punishable as provided in
 174 s. 775.082, s. 775.083, or s. 775.084.

175 **Section 3. Section 817.0311, Florida Statutes, is amended**

176 **to read:**

177 817.0311 Fraudulent sale or lease of ~~residential~~ real
178 property.—A person who lists or advertises ~~residential~~ real
179 property for sale knowing that the purported seller has no legal
180 title or authority to sell the property, or rents or leases the
181 property to another person knowing that he or she has no lawful
182 ownership in the property or leasehold interest in the property,
183 commits a felony of the first degree, punishable as provided in
184 s. 775.082, s. 775.083, or s. 775.084.

185 **Section 4.** This act shall take effect July 1, 2025.