

1                   A bill to be entitled  
2           An act relating to property rights; amending s.  
3           82.036, F.S.; specifying a requirement for a complaint  
4           to remove an unauthorized person from residential real  
5           property; correcting a cross-reference in the  
6           complaint; creating s. 82.037, F.S.; authorizing a  
7           property owner or his or her authorized agent to  
8           request the sheriff in the county in which the owner's  
9           commercial real property is located to immediately  
10          remove persons unlawfully occupying the owner's  
11          commercial real property if specified conditions are  
12          met; requiring such owners or agents to submit a  
13          specified completed and verified complaint; specifying  
14          requirements for the complaint; specifying  
15          requirements for the sheriff upon receipt of the  
16          complaint; authorizing the sheriff to arrest an  
17          unauthorized person for legal cause; providing that  
18          sheriffs are entitled to a specified fee for service  
19          of the notice to vacate immediately; authorizing the  
20          owner or agent to request that the sheriff stand by  
21          while the owner or agent takes possession of the  
22          commercial real property; authorizing the sheriff to  
23          charge a reasonable hourly rate; providing that the  
24          sheriff is not liable to any party for the loss or  
25          destruction of, or damage to, certain personal

26 | property; providing that the property owner or agent  
 27 | is not liable to any party for the loss or destruction  
 28 | of, or damage to, personal property unless it was  
 29 | wrongfully removed; providing civil remedies;  
 30 | providing construction; amending s. 689.03, F.S.;  
 31 | making technical changes; amending s. 806.13, F.S.;  
 32 | prohibiting a person from unlawfully detaining or  
 33 | occupying or trespassing upon commercial real property  
 34 | and intentionally causing a specified amount of  
 35 | damage; providing criminal penalties; amending s.  
 36 | 817.0311, F.S.; prohibiting listing or advertising for  
 37 | sale, or renting or leasing, real property under  
 38 | certain circumstances; providing criminal penalties;  
 39 | reenacting ss. 775.0837(1)(c) and 895.02(8)(a), F.S.,  
 40 | relating to habitual misdemeanor offenders and  
 41 | definitions, respectively, to incorporate the  
 42 | amendments made to ss. 806.13 and 817.0311, F.S., in  
 43 | references thereto; providing an effective date.

44 |  
 45 | Be It Enacted by the Legislature of the State of Florida:  
 46 |

47 | **Section 1. Subsection (3) of section 82.036, Florida**  
 48 | **Statutes, is amended to read:**

49 | 82.036 Limited alternative remedy to remove unauthorized  
 50 | persons from residential real property.—

51 (3) To request the immediate removal of an unlawful  
 52 occupant of a residential dwelling, the property owner or his or  
 53 her authorized agent must submit a complaint by presenting a  
 54 completed and verified Complaint to Remove Persons Unlawfully  
 55 Occupying Residential Real Property to the sheriff of the county  
 56 in which the real property is located. The submitted complaint  
 57 must be in substantially the following form:

58  
 59 COMPLAINT TO REMOVE PERSONS UNLAWFULLY  
 60 OCCUPYING RESIDENTIAL REAL PROPERTY  
 61

62 I, the owner or authorized agent of the owner of the real  
 63 property located at ....., declare under the penalty of  
 64 perjury that (initial each box):

- 65 1. .... I am the owner of the real property or the  
 66 authorized agent of the owner of the real property.
- 67 2. .... I purchased the property on .....
- 68 3. .... The real property is a residential dwelling.
- 69 4. .... An unauthorized person or persons have unlawfully  
 70 entered and are remaining or residing unlawfully on the real  
 71 property.
- 72 5. .... The real property was not open to members of the  
 73 public at the time the unauthorized person or persons entered.
- 74 6. .... I have directed the unauthorized person or persons  
 75 to leave the real property, but they have not done so.

76           7. .... The person or persons are not current or former  
77 tenants pursuant to any valid lease authorized by the property  
78 owner, and any lease that may be produced by an occupant is  
79 fraudulent.

80           8. .... The unauthorized person or persons sought to be  
81 removed are not an owner or a co-owner of the property and have  
82 not been listed on the title to the property unless the person  
83 or persons have engaged in title fraud.

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

86           10. .... There is no litigation related to the real  
87 property pending between the property owner and any person  
88 sought to be removed.

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

95           12. .... I am requesting the sheriff to immediately remove  
96 the unauthorized person or persons from the residential  
97 property. I authorize the sheriff to enter the property using  
98 reasonably necessary force, to search the property, and to  
99 remove any unauthorized person or persons.

100           13. .... A copy of my valid government-issued

101 identification is attached, or I am an agent of the property  
 102 owner, and documents evidencing my authority to act on the  
 103 property owner's behalf are attached.

104  
 105 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH  
 106 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS  
 107 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,  
 108 PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~, FLORIDA  
 109 STATUTES.

110  
 111 ... (Signature of Property Owner or Agent of Owner) ...

112 **Section 2. Section 82.037, Florida Statutes, is created to**  
 113 **read:**

114 82.037 Limited alternative remedy to remove unauthorized  
 115 persons from commercial real property.-

116 (1) A property owner or his or her authorized agent may  
 117 request from the sheriff of the county in which the owner's  
 118 commercial real property is located the immediate removal of any  
 119 person or persons unlawfully occupying the commercial real  
 120 property pursuant to this section if all of the following  
 121 conditions are met:

122 (a) The requesting person is the property owner or  
 123 authorized agent of the property owner.

124 (b) The real property that is being occupied includes  
 125 commercial property.

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

129 (d) The commercial real property was not open to members  
 130 of the public at the time the unauthorized person or persons  
 131 entered.

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

134 (f) The unauthorized person or persons are not current or  
 135 former tenants pursuant to a written or an oral rental agreement  
 136 authorized by the property owner.

137 (g) There is no litigation related to the commercial real  
 138 property pending between the property owner and any known  
 139 unauthorized person.

140 (2) To request the immediate removal of an unlawful  
 141 occupant of commercial real property, the property owner or his  
 142 or her authorized agent must submit a complaint by presenting a  
 143 completed and verified Complaint to Remove Persons Unlawfully  
 144 Occupying Commercial Real Property to the sheriff of the county  
 145 in which the real property is located. The submitted complaint  
 146 must be in substantially the following form:

147  
 148 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING  
 149 COMMERCIAL REAL PROPERTY

150

151 I, the owner or authorized agent of the owner of the  
152 commercial real property located at ... address of property ...,  
153 declare under penalty of perjury that (initial each box):

154 1. ....I am the owner of the commercial real property or  
155 the authorized agent of the owner of the commercial real  
156 property.

157 2. ....I purchased the commercial real property on ...  
158 date of purchase ....

159 3. ....An unauthorized person or persons have unlawfully  
160 entered and remain on the commercial real property.

161 4. ....The commercial real property was not open to  
162 members of the public at the time the unauthorized person or  
163 persons entered.

164 5. ....I have directed the unauthorized person or persons  
165 to leave the commercial real property, but they have not done  
166 so.

167 6. ....The unauthorized person or persons are not current  
168 or former tenants pursuant to any valid lease authorized by me  
169 or one of my agents, and any lease that may be produced by an  
170 occupant is fraudulent.

171 7. ....The unauthorized person or persons sought to be  
172 removed are not owners or co-owners of the commercial real  
173 property and have not been listed on the title to the commercial  
174 real property unless the person or persons have engaged in title  
175 fraud.

176 8. ....There is no litigation related to the commercial  
177 real property pending between any person sought to be removed  
178 and myself or my agent.

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

185 10. ....I request that the sheriff immediately remove the  
186 unauthorized person or persons from the commercial real  
187 property. I authorize the sheriff to enter the property using  
188 reasonably necessary force, to search the property, and to  
189 remove any unauthorized person or persons.

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

194  
195 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT, AND EACH  
196 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS  
197 MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY OF PERJURY,  
198 PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

199  
200 ...(Signature of the Property Owner or Agent of Owner...)



201  
202       (3) Upon receipt of the complaint, the sheriff shall  
203 verify that the person submitting the complaint is the record  
204 owner of the commercial real property or the authorized agent of  
205 the owner and appears otherwise entitled to relief under this  
206 section. If verified, the sheriff must, without delay, serve a  
207 notice to vacate immediately on any unlawful occupant or  
208 occupants and must put the owner in possession of the commercial  
209 real property. Service of the notice may be accomplished by hand  
210 delivery to an unlawful occupant or occupants or by posting the  
211 notice on the front door or entrance of the commercial real  
212 property. The sheriff shall also attempt to verify the  
213 identities of all persons occupying the commercial real property  
214 and note their identities on the return of service. If  
215 appropriate, the sheriff may arrest any person found in the  
216 commercial real property for trespass, outstanding warrants, or  
217 any other legal cause.

218       (4) The sheriff is entitled to the same fee for service of  
219 the notice to vacate immediately as if the sheriff were serving  
220 a writ of possession under s. 30.231. After the sheriff serves  
221 the notice to vacate immediately, the property owner or  
222 authorized agent may request that the sheriff stand by to keep  
223 the peace while the property owner or agent of the owner changes  
224 the locks and removes the personal property of the unauthorized  
225 person or persons to or near the property line. When such a

226 request is made, the sheriff may charge a reasonable hourly  
227 rate, and the person requesting the sheriff is responsible for  
228 paying such hourly rate. The sheriff is not liable to the  
229 unauthorized person or persons or any other party for the loss  
230 or destruction of, or damage to, their personal property. The  
231 property owner or his or her authorized agent is not liable to  
232 an unauthorized person or persons or any other party for the  
233 loss or destruction of, or damage to, their personal property  
234 unless the removal was not in accordance with this section.

235 (5) A person may bring a civil cause of action for  
236 wrongful removal under this section. A person harmed by a  
237 wrongful removal under this section may be restored to  
238 possession of the commercial real property and may recover  
239 actual costs and damages incurred, statutory damages equal to  
240 triple the fair market rent of the commercial real property,  
241 court costs, and reasonable attorney fees. The court shall  
242 advance the cause on the calendar.

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

247 **Section 3. Section 689.03, Florida Statutes, is amended to**  
248 **read:**

249 689.03 Effect of such deed.—A conveyance executed  
250 substantially in the ~~foregoing~~ form provided in s. 689.02 must

251 ~~shall~~ be held to be a warranty deed with full common-law  
252 covenants, and must ~~shall~~ just as effectually bind the grantor,  
253 and the grantor's heirs, as if such ~~said~~ covenants were  
254 specifically set out therein. And this form of conveyance when  
255 signed by a married woman must ~~shall~~ be held to convey whatever  
256 interest in the property conveyed which she may possess.

257 **Section 4. Subsection (4) of section 806.13, Florida**  
258 **Statutes, is amended to read:**

259 806.13 Criminal mischief; penalties; penalty for minor.—

260 (4) A person who unlawfully detains or occupies or  
261 trespasses upon a residential dwelling or a commercial real  
262 property and who intentionally damages the dwelling or the  
263 commercial real property causing \$1,000 or more in damages  
264 commits a felony of the second degree, punishable as provided in  
265 s. 775.082, s. 775.083, or s. 775.084.

266 **Section 5. Section 817.0311, Florida Statutes, is amended**  
267 **to read:**

268 817.0311 Fraudulent sale or lease of ~~residential~~ real  
269 property.—A person who lists or advertises ~~residential~~ real  
270 property for sale knowing that the purported seller has no legal  
271 title or authority to sell the property, or rents or leases the  
272 property to another person knowing that he or she has no lawful  
273 ownership in the property or leasehold interest in the property,  
274 commits a felony of the first degree, punishable as provided in  
275 s. 775.082, s. 775.083, or s. 775.084.

276           **Section 6.** For the purpose of incorporating the amendments  
 277 made by this act to sections 806.13 and 817.0311, Florida  
 278 Statutes, in references thereto, paragraph (c) of subsection (1)  
 279 of section 775.0837, Florida Statutes, is reenacted to read:

280           775.0837 Habitual misdemeanor offenders.—

281           (1) As used in this section, the term:

282           (c) "Specified misdemeanor offense" means those  
 283 misdemeanor offenses described in chapter 741, chapter 784,  
 284 chapter 790, chapter 796, chapter 800, chapter 806, chapter 810,  
 285 chapter 812, chapter 817, chapter 831, chapter 832, chapter 843,  
 286 chapter 856, chapter 893, or chapter 901.

287           **Section 7.** For the purpose of incorporating the amendments  
 288 made by this act to sections 806.13 and 817.0311, Florida  
 289 Statutes, in references thereto, paragraph (a) of subsection (8)  
 290 of section 895.02, Florida Statutes, as amended by chapter 2025-  
 291 1, Laws of Florida, is reenacted to read:

292           895.02 Definitions.—As used in ss. 895.01-895.08, the  
 293 term:

294           (8) "Racketeering activity" means to commit, to attempt to  
 295 commit, to conspire to commit, or to solicit, coerce, or  
 296 intimidate another person to commit:

297           (a) Any crime that is chargeable by petition, indictment,  
 298 or information under the following provisions of the Florida  
 299 Statutes:

300           1. Section 104.155(2), relating to aiding or soliciting a

301 noncitizen in voting.

302       2. Section 210.18, relating to evasion of payment of  
303 cigarette taxes.

304       3. Section 316.1935, relating to fleeing or attempting to  
305 elude a law enforcement officer and aggravated fleeing or  
306 eluding.

307       4. Chapter 379, relating to the illegal sale, purchase,  
308 collection, harvest, capture, or possession of wild animal life,  
309 freshwater aquatic life, or marine life, and related crimes.

310       5. Section 403.727(3)(b), relating to environmental  
311 control.

312       6. Section 409.920 or s. 409.9201, relating to Medicaid  
313 fraud.

314       7. Section 414.39, relating to public assistance fraud.

315       8. Section 440.105 or s. 440.106, relating to workers'  
316 compensation.

317       9. Section 443.071(4), relating to creation of a  
318 fictitious employer scheme to commit reemployment assistance  
319 fraud.

320       10. Section 465.0161, relating to distribution of  
321 medicinal drugs without a permit as an Internet pharmacy.

322       11. Section 499.0051, relating to crimes involving  
323 contraband, adulterated, or misbranded drugs.

324       12. Part IV of chapter 501, relating to telemarketing.

325       13. Chapter 517, relating to sale of securities and

326 investor protection.

327 14. Section 550.235 or s. 550.3551, relating to dogracing  
328 and horseracing.

329 15. Chapter 550, relating to jai alai frontons.

330 16. Section 551.109, relating to slot machine gaming.

331 17. Chapter 552, relating to the manufacture,  
332 distribution, and use of explosives.

333 18. Chapter 560, relating to money transmitters, if the  
334 violation is punishable as a felony.

335 19. Chapter 562, relating to beverage law enforcement.

336 20. Section 624.401, relating to transacting insurance  
337 without a certificate of authority, s. 624.437(4)(c)1., relating  
338 to operating an unauthorized multiple-employer welfare  
339 arrangement, or s. 626.902(1)(b), relating to representing or  
340 aiding an unauthorized insurer.

341 21. Section 655.50, relating to reports of currency  
342 transactions, when such violation is punishable as a felony.

343 22. Chapter 687, relating to interest and usurious  
344 practices.

345 23. Section 721.08, s. 721.09, or s. 721.13, relating to  
346 real estate timeshare plans.

347 24. Section 775.13(5)(b), relating to registration of  
348 persons found to have committed any offense for the purpose of  
349 benefiting, promoting, or furthering the interests of a criminal  
350 gang.

- 351           25. Section 777.03, relating to commission of crimes by  
 352 accessories after the fact.
- 353           26. Chapter 782, relating to homicide.
- 354           27. Chapter 784, relating to assault and battery.
- 355           28. Chapter 787, relating to kidnapping, human smuggling,  
 356 or human trafficking.
- 357           29. Chapter 790, relating to weapons and firearms.
- 358           30. Chapter 794, relating to sexual battery, but only if  
 359 such crime was committed with the intent to benefit, promote, or  
 360 further the interests of a criminal gang, or for the purpose of  
 361 increasing a criminal gang member's own standing or position  
 362 within a criminal gang.
- 363           31. Former s. 796.03, former s. 796.035, s. 796.04, s.  
 364 796.05, or s. 796.07, relating to prostitution.
- 365           32. Chapter 806, relating to arson and criminal mischief.
- 366           33. Chapter 810, relating to burglary and trespass.
- 367           34. Chapter 812, relating to theft, robbery, and related  
 368 crimes.
- 369           35. Chapter 815, relating to computer-related crimes.
- 370           36. Chapter 817, relating to fraudulent practices, false  
 371 pretenses, fraud generally, credit card crimes, and patient  
 372 brokering.
- 373           37. Chapter 825, relating to abuse, neglect, or  
 374 exploitation of an elderly person or disabled adult.
- 375           38. Section 827.071, relating to commercial sexual

376 exploitation of children.

377 39. Section 828.122, relating to fighting or baiting  
378 animals.

379 40. Chapter 831, relating to forgery and counterfeiting.

380 41. Chapter 832, relating to issuance of worthless checks  
381 and drafts.

382 42. Section 836.05, relating to extortion.

383 43. Chapter 837, relating to perjury.

384 44. Chapter 838, relating to bribery and misuse of public  
385 office.

386 45. Chapter 843, relating to obstruction of justice.

387 46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
388 s. 847.07, relating to obscene literature and profanity.

389 47. Chapter 849, relating to gambling, lottery, gambling  
390 or gaming devices, slot machines, or any of the provisions  
391 within that chapter.

392 48. Chapter 874, relating to criminal gangs.

393 49. Chapter 893, relating to drug abuse prevention and  
394 control.

395 50. Chapter 896, relating to offenses related to financial  
396 transactions.

397 51. Sections 914.22 and 914.23, relating to tampering with  
398 or harassing a witness, victim, or informant, and retaliation  
399 against a witness, victim, or informant.

400 52. Sections 918.12 and 918.13, relating to tampering with



401 jurors and evidence.

402 **Section 8.** This act shall take effect July 1, 2025.