

By the Committees on Rules; and Judiciary; and Senator Rodriguez

595-02330-25

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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;

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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:

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COMPLAINT TO REMOVE PERSONS UNLAWFULLY  
OCCUPYING RESIDENTIAL REAL PROPERTY

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

- 1. .... I am the owner of the real property or the authorized agent of the owner of the real property.
- 2. .... I purchased the property on .....
- 3. .... The real property is a residential dwelling.
- 4. .... An unauthorized person or persons have unlawfully entered and are remaining or residing unlawfully on the real property.
- 5. .... The real property was not open to members of the public at the time the unauthorized person or persons entered.
- 6. .... I have directed the unauthorized person or persons to leave the real property, but they have not done so.
- 7. .... The person or persons are not current or former tenants pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an occupant is fraudulent.
- 8. .... The unauthorized person or persons sought to be removed are not an owner or a co-owner of the property and have not been listed on the title to the property unless the person or persons have engaged in title fraud.
- 9. .... The unauthorized person or persons are not immediate family members of the property owner.
- 10. .... There is no litigation related to the real property pending between the property owner and any person

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88 sought to be removed.

89 11. .... I understand that a person or persons removed from  
90 the property pursuant to this procedure may bring a cause of  
91 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

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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 of  
130 the public at the time the unauthorized person or persons  
131 entered.

132 (e) The property owner has directed the unauthorized person  
133 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

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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 ... date  
158 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 members  
162 of the public at the time the unauthorized person or persons  
163 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

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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 identification  
191 is attached, or I am an agent of the property owner, and  
192 documents evidencing my authority to act on the property owner's  
193 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 verify  
203 that the person submitting the complaint is the record owner of

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204 the commercial real property or the authorized agent of the  
205 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



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

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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 misdemeanor  
283 offenses described in chapter 741, chapter 784, chapter 790,  
284 chapter 796, chapter 800, chapter 806, chapter 810, chapter 812,  
285 chapter 817, chapter 831, chapter 832, chapter 843, chapter 856,  
286 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-

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291 1, Laws of Florida, is reenacted to read:

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

293 (8) "Racketeering activity" means to commit, to attempt to

294 commit, to conspire to commit, or to solicit, coerce, or

295 intimidate another person to commit:

296 (a) Any crime that is chargeable by petition, indictment,

297 or information under the following provisions of the Florida

298 Statutes:

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

300 noncitizen in voting.

301 2. Section 210.18, relating to evasion of payment of

302 cigarette taxes.

303 3. Section 316.1935, relating to fleeing or attempting to

304 elude a law enforcement officer and aggravated fleeing or

305 eluding.

306 4. Chapter 379, relating to the illegal sale, purchase,

307 collection, harvest, capture, or possession of wild animal life,

308 freshwater aquatic life, or marine life, and related crimes.

309 5. Section 403.727(3)(b), relating to environmental

310 control.

311 6. Section 409.920 or s. 409.9201, relating to Medicaid

312 fraud.

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

314 8. Section 440.105 or s. 440.106, relating to workers'

315 compensation.

316 9. Section 443.071(4), relating to creation of a fictitious

317 employer scheme to commit reemployment assistance fraud.

318 10. Section 465.0161, relating to distribution of medicinal

319 drugs without a permit as an Internet pharmacy.

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- 320 11. Section 499.0051, relating to crimes involving  
321 contraband, adulterated, or misbranded drugs.
- 322 12. Part IV of chapter 501, relating to telemarketing.
- 323 13. Chapter 517, relating to sale of securities and  
324 investor protection.
- 325 14. Section 550.235 or s. 550.3551, relating to dogracing  
326 and horseracing.
- 327 15. Chapter 550, relating to jai alai frontons.
- 328 16. Section 551.109, relating to slot machine gaming.
- 329 17. Chapter 552, relating to the manufacture, distribution,  
330 and use of explosives.
- 331 18. Chapter 560, relating to money transmitters, if the  
332 violation is punishable as a felony.
- 333 19. Chapter 562, relating to beverage law enforcement.
- 334 20. Section 624.401, relating to transacting insurance  
335 without a certificate of authority, s. 624.437(4)(c)1., relating  
336 to operating an unauthorized multiple-employer welfare  
337 arrangement, or s. 626.902(1)(b), relating to representing or  
338 aiding an unauthorized insurer.
- 339 21. Section 655.50, relating to reports of currency  
340 transactions, when such violation is punishable as a felony.
- 341 22. Chapter 687, relating to interest and usurious  
342 practices.
- 343 23. Section 721.08, s. 721.09, or s. 721.13, relating to  
344 real estate timeshare plans.
- 345 24. Section 775.13(5)(b), relating to registration of  
346 persons found to have committed any offense for the purpose of  
347 benefiting, promoting, or furthering the interests of a criminal  
348 gang.

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- 349           25. Section 777.03, relating to commission of crimes by  
350 accessories after the fact.
- 351           26. Chapter 782, relating to homicide.
- 352           27. Chapter 784, relating to assault and battery.
- 353           28. Chapter 787, relating to kidnapping, human smuggling,  
354 or human trafficking.
- 355           29. Chapter 790, relating to weapons and firearms.
- 356           30. Chapter 794, relating to sexual battery, but only if  
357 such crime was committed with the intent to benefit, promote, or  
358 further the interests of a criminal gang, or for the purpose of  
359 increasing a criminal gang member's own standing or position  
360 within a criminal gang.
- 361           31. Former s. 796.03, former s. 796.035, s. 796.04, s.  
362 796.05, or s. 796.07, relating to prostitution.
- 363           32. Chapter 806, relating to arson and criminal mischief.
- 364           33. Chapter 810, relating to burglary and trespass.
- 365           34. Chapter 812, relating to theft, robbery, and related  
366 crimes.
- 367           35. Chapter 815, relating to computer-related crimes.
- 368           36. Chapter 817, relating to fraudulent practices, false  
369 pretenses, fraud generally, credit card crimes, and patient  
370 brokering.
- 371           37. Chapter 825, relating to abuse, neglect, or  
372 exploitation of an elderly person or disabled adult.
- 373           38. Section 827.071, relating to commercial sexual  
374 exploitation of children.
- 375           39. Section 828.122, relating to fighting or baiting  
376 animals.
- 377           40. Chapter 831, relating to forgery and counterfeiting.

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- 378           41. Chapter 832, relating to issuance of worthless checks  
379 and drafts.
- 380           42. Section 836.05, relating to extortion.
- 381           43. Chapter 837, relating to perjury.
- 382           44. Chapter 838, relating to bribery and misuse of public  
383 office.
- 384           45. Chapter 843, relating to obstruction of justice.
- 385           46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
386 s. 847.07, relating to obscene literature and profanity.
- 387           47. Chapter 849, relating to gambling, lottery, gambling or  
388 gaming devices, slot machines, or any of the provisions within  
389 that chapter.
- 390           48. Chapter 874, relating to criminal gangs.
- 391           49. Chapter 893, relating to drug abuse prevention and  
392 control.
- 393           50. Chapter 896, relating to offenses related to financial  
394 transactions.
- 395           51. Sections 914.22 and 914.23, relating to tampering with  
396 or harassing a witness, victim, or informant, and retaliation  
397 against a witness, victim, or informant.
- 398           52. Sections 918.12 and 918.13, relating to tampering with  
399 jurors and evidence.
- 400           Section 8. This act shall take effect July 1, 2025.