

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 Judiciary

BILL: CS/CS/SB 1224

INTRODUCER: Criminal Justice Committee; Judiciary Committee; and Senator Rodriguez

SUBJECT: Fraudulent Entry of Residential Dwellings

DATE: February 12, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1224 creates the concept of fraudulent entry upon real property.

Fraudulent entry is the act of entering into and taking possession of a residential dwelling unit by making false statements regarding identity, presenting false identity documents or false financial documents to the landlord, or impersonating another person to execute a lease. The bill creates a third degree felony criminal offense for fraudulent entry into a residential property.

The bill also amends civil landlord tenant laws to add that a person in possession of a residential dwelling because of fraudulent entry is subject to the existing eviction procedures regarding matters that may not be cured by a tenant.

The bill takes effect October 1, 2026.

II. Present Situation:

Background

Florida, like other states, has suffered from problems related to various unauthorized persons such as transients, squatters, and other people who wrongfully try to live on someone else's property. The criminal laws of the state have long authorized law enforcement to arrest and

remove someone who is criminally trespassing on land. However, criminal trespass law is only a remedy where the offense is clear to the law enforcement officer.

Constitutional concepts of due process and property rights require that the state provide an individual with appropriate due process before removing the individual from private property using the power of the state. The due process that one is entitled to varies based on the individual's relationship to the property and the nature of the circumstance giving rise to the removal. So, for instance, a property owner facing foreclosure for nonpayment of monetary obligations is given substantial due process rights and protections that typically require months of legal process and numerous opportunities for the property owner to try to protect his or her right to possess the property. An ordinary tenant in these matters may legally remain in possession of the property until the civil courts finally determine that the tenant has lost the right to possession.

On the other hand, a person committing criminal trespass could be arrested which could land the dispute in criminal court.¹ For example, trespass in a structure or conveyance is committed when a person without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so.²

Somewhere between the long-time landowner and the temporary criminal trespasser is a grey area of circumstances by which someone may be wrongfully on the property of another. Until recently, in circumstances where law enforcement could not find probable cause to file a criminal trespass charge, the property owner facing an unwanted and unidentified guest would be left with using the civil court processes for ejectment or tenant eviction.³ These are costly and time-consuming, and often left the property subject to theft and vandalism.

Florida first addressed the gray area in regards to transient occupants by enacting s. 82.035, F.S. in 2015.⁴ A "transient occupant" is a person whose residency in real property intended for residential use has occurred for a brief length of time, is not pursuant to a lease, and whose occupancy was intended to be transient in nature.⁵ A law enforcement officer may remove a transient occupant upon receipt of an affidavit showing that an individual is a transient.⁶

Florida next addressed the gray area regarding squatters. In general, a squatter is a stranger to a property who moves into the property and acts as if he or she is the lawful owner or tenant. Squatters may cause significant damage to a property in a short period of time. Squatters evade arrest and removal as trespassers by asserting an ownership or leasehold interest in the property

¹ A law enforcement officer may arrest a person without a warrant when the person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance shall be made immediately or in fresh pursuit. s. 901.15(1), F.S.

² Section 810.08(1), F.S. Trespass in a structure or conveyance is a second degree misdemeanor, punishable by up to 60 days in jail and a \$500 fine. ss. 775.082 and 775.083, F.S.

³ See generally, ejectment in ch. 82, F.S., and eviction for residential tenancies in part II of ch. 83, F.S.

⁴ Chapter 2015-89, Laws of Fla.

⁵ Section 82.035(1), F.S.

⁶ Section 82.035(3), F.S.

often by commonly using false, misleading, or fraudulent documents and claims. Those claimed interests are rarely if ever based on facts and law. In 2024, Florida created s. 82.036, F.S., to provide a process to summarily remove an “unauthorized person” from residential property.⁷ In 2025, a similar process was enacted at s. 82.037, F.S., to summarily remove an unauthorized person from commercial real property.⁸ Note, however, that none of the newly created summary procedures apply to an individual who had peacefully gained access to a key freely provided by a landlord.

One prior form of deceit that enabled a squatter to delay removal from a residential dwelling was for the squatter to forge a deed or lease. The forged document was used to try to have law enforcement officers refuse to remove the squatter. The presentation of a false document to claim the right to possess real property was made a criminal offense in 2024.⁹

Fraud Issue

Another type of individual has emerged in the gray area of individuals who may be wrongfully in possession of real property they do not own. Their wrongful conduct is not addressed by the recent legislation. This type is an individual who is in possession by fraud. The current summary remedies for removal of a transient occupant or removal of an unauthorized person specifically do not apply to an individual who has an apparent leasehold interest in the real property. If an individual can show a facially valid lease, a law enforcement officer will generally decline summary removal and suggest that the landowner seek relief in the court system.

Fraud appears to occur within two common patterns: identity fraud and credit fraud. In identity fraud, a prospective tenant assumes the identity of another individual who would qualify to lease a property. Landlords report that identity fraud, once rare and difficult, is increasingly common.¹⁰ They typically discover the identity fraud months later when rent payments stop and eviction proceedings reveal no traceable real person behind the lease.¹¹ Credit fraud is similar. It occurs when a tenant gives the landlord his or her proper identity but makes a false statement or statements regarding his or her income, debts, or other financial matters. True documents might have shown a present inability to pay the periodic rent, in which case the landlord might have declined to lease the property.

Whether identity fraud or credit fraud is alleged, these tenants have a written lease, and therefore, the tenant cannot be removed pursuant to any of the current summary remedy procedures. In either situation, a landlord may suffer significant losses of time and money related to the fraudulent actions of another. Presumably, had the fraud not occurred the landlord would have leased to a responsible tenant who is likely to have paid the rent. On the other hand, there may be some tenants who obtain a lease by fraud, but who otherwise pay their rent, are never discovered, and cause no harm to the landlord.

⁷ Chapter 2024-44, Laws of Fla.

⁸ Chapter 2025-112, Laws of Fla.

⁹ Section 817.03(2), F.S., ch. 2024-44, Laws of Fla.

¹⁰ Florida Landlord Network, *Fake Identities, When the Applicant Isn't Who They Claim to Be*, available at <https://www.flal landlord.com/fake-identities-when-the-applicant-isnt-who-they-claim-to-be> (last visited February 10, 2026).

¹¹ *Id.*

Alternatives Under Current Laws

A landlord who discovers that a residential tenant has furnished a false identity or has lied on the application may evict the tenant under current law. However, existing law does not directly address these specific facts.¹² If the landlord prevails he or she may obtain a civil judgment for costs and for losses.¹³

The current eviction procedure for matters other than rent starts with the requirement that the landlord serve a 5 day letter to the tenant¹⁴ Then, there are two eviction tracks. One track applies to a tenant who should be given an opportunity to either cure a noncompliance or to surrender possession within the 5 days. The other track applies to problems where the tenant is not given an opportunity to cure and the track allows a landlord to demand that the tenant surrender possession within 5 days.

Examples of noncompliance that may be cured include, but are not limited to, activities in contravention of the lease such as having or permitting unauthorized pets, guests, or vehicles; parking in an unauthorized manner or permitting such parking; or failing to keep the premises clean and sanitary. Examples of noncompliance that are of a nature that the tenant should not be given an opportunity to cure include, but are not limited to, destruction, damage, or misuse of the landlord's or other tenants' property by intentional act or a subsequent or continued unreasonable disturbance.¹⁵ If the 5 day period runs without resolution, the landlord may file a civil eviction complaint. The court procedure is the same for either track. Current law does not address whether the actions described by the bill as fraudulent entry are something that the tenant should or should not be given the opportunity to cure.

A landlord who discovers that a residential tenant has furnished a false identity or has furnished false documents regarding ability to pay the rent may also file a complaint with a local law enforcement agency. There are current criminal laws regarding fraudulent actions that may, based on the facts of the case, provide a basis for prosecution of a fraudulent entry under existing law, including:

- Obtaining property by false personation.¹⁶
- Making false statement(s) to obtain property or credit or using false document(s) to claim a possessory interest in real property.¹⁷
- Unlawful filing of false documents or records against real or personal property.¹⁸
- Criminal use of personal identification information.¹⁹
- Unlawful possession of the personal identification information of another person.²⁰

¹² Section 83.56, F.S.

¹³ Sections 83.55 and 83.625, F.S.

¹⁴ Section 83.56(2), F.S.

¹⁵ *Id.*

¹⁶ Section 817.02, F.S.

¹⁷ Section 817.03, F.S.

¹⁸ Section 817.535, F.S.

¹⁹ Section 817.568, F.S.

²⁰ Section 817.5685, F.S.

A criminal prosecution may result in an order awarding a victim monetary restitution.²¹

III. Effect of Proposed Changes:

Criminal Offense of Fraudulent Entry

Fraudulent entry of a residential dwelling unit is the entering into and taking possession of a residential dwelling unit by knowingly and willfully engaging in any of the following acts:

- Making or causing to be made any materially false statement, in writing, relating to the person's identity as a part of a rental application for a residential tenancy.
- Presenting forged, fictitious, or counterfeit documents to the landlord of the residential dwelling unit. Covered documents include but are not limited to a driver license, an identification card, a bank statement, or a paystub.
- Impersonating another person in whose name a rental application is submitted to a landlord for the purpose of executing the rental agreement or taking possession of the residential unit.

The bill creates a third degree felony offense for fraudulent entry into a residential dwelling unit. The offense is not classified in the Criminal Punishment Code Offense Severity Chart, and thus, defaults to Offense Level 1. In general, an individual committing a third degree felony offense may be imprisoned for up to 5 years,²² or fined up to \$5,000.²³ However, a single third degree nonviolent felony offense that falls in category 1 committed by an individual having no prior record falls within the category of "any nonstate prison sanction"²⁴ as the presumptive sentence.

The bill adopts definitions of the following terms currently found in s. 83.43, F.S. They are:

- "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.
 - Mobile home rented by a tenant.
 - 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.
- "Landlord" means the owner or lessor of a dwelling unit.
- "Rental agreement" means any written agreement, including amendments or addenda, or oral agreement for a duration of less than 1 year, providing for use and occupancy of premises.

Civil Remedies Related to Fraudulent Entry

CS/CS/SB 1244 amends residential landlord-tenant law in s. 83.56, F.S., to provide that the act of fraudulent entry as defined in the criminal statute created by the bill (see above) may be grounds for civil eviction under the current statutory procedure for noncompliance by a tenant for which the tenant need not be given an opportunity to cure the noncompliance.

The bill takes effect October 1, 2026.

²¹ Section 775.089, F.S.

²² Section 775.082, F.S.

²³ Section 775.083, F.S.

²⁴ Section 921.0024(2), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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:

To the extent that the bill discourages the fraudulent entry of residential dwelling units, the bill could reduce financial costs imposed on landlords who must address the practice.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 83.56 of the Florida Statutes.

This bill creates section 817.537 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 Judiciary on January 27, 2026:

The amendment clarifies the description of the actions that make one criminally liable for fraudulent entry, removes provisions for summary eviction outside of civil eviction process through the courts, and adds that fraudulent entry may warrant civil eviction procedures that currently apply to a tenant who need not be given the opportunity to cure certain acts of noncompliance with a rental agreement.

CS by Criminal Justice on February 11, 2026:

The amendment adopts the definitions of certain terms currently found in s. 83.43, F.S., revises an element of fraudulent entry to prohibit a person from impersonating another for the purpose of executing a rental agreement, and changes the effective date of the bill from July 1, 2026.

- B. **Amendments:**

None.