

By Senator Rodriguez

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A bill to be entitled
An act relating to fraudulent entry of residential dwellings; amending s. 82.01, F.S.; defining the term "fraudulent entry"; amending s. 82.02, F.S.; revising applicability; amending s. 82.03, F.S.; providing a cause of action against a person who obtains possession of certain real property by fraudulent entry; requiring a court, under certain circumstances, to award certain damages beginning at the time of a fraudulent entry; amending s. 82.036, F.S.; authorizing a property owner to request that the sheriff remove a person unlawfully occupying a residential dwelling if the unauthorized person obtained possession through fraudulent entry; creating s. 817.537, F.S.; defining the term "fraudulent entry"; creating the crime of fraudulent entry of a residential dwelling unit; providing a criminal penalty; providing effective dates.

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

Section 1. Present subsections (2) through (5) of section 82.01, Florida Statutes, are redesignated as subsections (3) through (6), respectively, and a new subsection (2) is added to that section, to read:

82.01 Definitions.—As used in this chapter, the term:
(2) "Fraudulent entry" has the same meaning as in s. 817.537(1), regardless of whether the person who obtained possession of the residential dwelling by fraudulent entry is

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30 charged with or convicted of a criminal offense.

31 Section 2. Section 82.02, Florida Statutes, is amended to
32 read:

33 82.02 Applicability.—

34 ~~(1) This chapter does not apply to residential tenancies~~
35 ~~under part II of chapter 83.~~

36 ~~(2)~~ This chapter does not apply to the possession of real
37 property under chapter 513 or chapter 723.

38 Section 3. Subsections (1) and (2) of section 82.03,
39 Florida Statutes, are amended to read:

40 82.03 Remedies.—

41 (1) A person entitled to possession of real property,
42 including constructive possession by a record titleholder, has a
43 cause of action against a person who obtained possession of that
44 real property by forcible entry, fraudulent entry, unlawful
45 entry, or unlawful detention and may recover possession and
46 damages. The person entitled to possession is not required to
47 notify the prospective defendant before filing the action.

48 (2) If the court finds that the entry or detention by the
49 defendant is willful and knowingly wrongful, the court must
50 award the plaintiff damages equal to double the reasonable
51 rental value of the real property from the beginning of the
52 forcible entry, fraudulent entry, unlawful entry, or unlawful
53 detention until possession is delivered to the plaintiff. The
54 plaintiff may also recover other damages, including, but not
55 limited to, damages for waste.

56 Section 4. Paragraph (f) of subsection (2) and subsection
57 (3) of section 82.036, Florida Statutes, are amended to read:

58 82.036 Limited alternative remedy to remove unauthorized

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persons from residential real property.—

(2) A property owner or his or her authorized agent may request from the sheriff of the county in which the property is located the immediate removal of a person or persons unlawfully occupying a residential dwelling pursuant to this section if all of the following conditions are met:

(f) The unauthorized person or persons obtained possession of the residential dwelling by fraudulent entry or are not current or former tenants pursuant to a written or oral rental agreement authorized by the property owner.

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

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

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88 entered and are remaining or residing unlawfully on the real
89 property.

90 5. The real property was not open to members of the
91 public at the time the unauthorized person or persons entered.

92 6. I have directed the unauthorized person or persons
93 to leave the real property, but they have not done so.

94 7. The person or persons obtained possession of the
95 residential dwelling by fraudulent entry or are not current or
96 former tenants pursuant to any valid lease authorized by the
97 property owner, and any lease that may be produced by an
98 occupant is fraudulent or was obtained fraudulently.

99 8. The unauthorized person or persons sought to be
100 removed are not an owner or a co-owner of the property and have
101 not been listed on the title to the property unless the person
102 or persons have engaged in title fraud.

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

105 10. There is no litigation related to the real
106 property pending between the property owner and any person
107 sought to be removed.

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

114 12. I am requesting the sheriff to immediately remove
115 the unauthorized person or persons from the residential
116 property. I authorize the sheriff to enter the property using

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reasonably necessary force, to search the property, and to remove any unauthorized person or persons.

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

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

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

Section 5. Effective October 1, 2026, section 817.537, Florida Statutes, is created to read:

817.537 Fraudulent entry of a residential dwelling unit.—

(1) As used in this section, the term "fraudulent entry" means entering into and taking possession of a residential dwelling unit by making or causing to be made any false statement in writing relating to the person's identity, financial condition, assets, or liabilities in any rental application for a residential tenancy. The term includes, but is not limited to, the following fraudulent practices:

(a) Presenting forged, fictitious, or counterfeit documents to the landlord of the residential dwelling unit, including, but not limited to, a driver license, an identification card, a bank statement, or a paystub.

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146 (b) Executing a rental agreement, or taking possession of a
147 residential dwelling unit, while impersonating the person in
148 whose name the rental application is submitted to the landlord.

149 (2) A person who commits the offense of fraudulent entry
150 commits a felony of the third degree, punishable as provided in
151 s. 775.082, s. 775.083, or s. 775.084.

152 Section 6. Except as otherwise expressly provided in this
153 act, this act shall take effect July 1, 2026.