

By Senator Rodriguez

40-01337-26

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

22 Section 1. Present subsections (2) through (5) of section
23 82.01, Florida Statutes, are redesignated as subsections (3)
24 through (6), respectively, and a new subsection (2) is added to
25 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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59 persons from residential real property.-

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

COMPLAINT TO REMOVE PERSONS UNLAWFULLY
OCCUPYING RESIDENTIAL REAL PROPERTY

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

83 1. I am the owner of the real property or the
84 authorized agent of the owner of the real property.

85 2. I purchased the property on

86 3. The real property is a residential dwelling.

87 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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117 reasonably necessary force, to search the property, and to
118 remove any unauthorized person or persons.

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

123
124 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
125 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
126 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
127 PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

128
129 ... (Signature of Property Owner or Agent of Owner) ...
130
131

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

134 817.537 Fraudulent entry of a residential dwelling unit.—
135 (1) As used in this section, the term "fraudulent entry"
136 means entering into and taking possession of a residential
137 dwelling unit by making or causing to be made any false
138 statement in writing relating to the person's identity,
139 financial condition, assets, or liabilities in any rental
140 application for a residential tenancy. The term includes, but is
141 not limited to, the following fraudulent practices:

142 (a) Presenting forged, fictitious, or counterfeit documents
143 to the landlord of the residential dwelling unit, including, but
144 not limited to, a driver license, an identification card, a bank
145 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.