

## House Bill No. 1009

An act relating to prohibited landlord practices; amending s. 83.67, F.S.; prohibiting landlords from prohibiting tenants from displaying certain United States flags regardless of certain rental agreement provisions; relieving landlords of liability for any damages caused by displaying flags; prohibiting tenants from displaying flags in a manner that infringes upon other tenants' property; providing an effective date.

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

Section 1. Section 83.67, Florida Statutes, is amended to read:

83.67 Prohibited practices.—

(1) ~~A No~~ landlord of any dwelling unit governed by this part shall not cause, directly or indirectly, the termination or interruption of any utility service furnished the tenant, including, but not limited to, water, heat, light, electricity, gas, elevator, garbage collection, or refrigeration, whether or not the utility service is under the control of, or payment is made by, the landlord.

(2) ~~A No~~ landlord of any dwelling unit governed by this part shall not prevent the tenant from gaining reasonable access to the dwelling unit by any means, including, but not limited to, changing the locks or using any bootlock or similar device.

(3) ~~A No~~ landlord of any dwelling unit governed by this part shall not discriminate against a servicemember in offering a dwelling unit for rent or in any of the terms of the rental agreement.

(4) A landlord shall not prohibit a tenant from displaying one portable, removable, cloth or plastic United States flag, not larger than 4 and one-half feet by 6 feet, in a respectful manner in or on the dwelling unit regardless of any provision in the rental agreement dealing with flags or decorations. The United States flag shall be displayed in accordance with s. 83.52(6). The landlord is not liable for damages caused by a United States flag displayed by a tenant. Any United States flag may not infringe upon the space rented by any other tenant.

(5)(4) ~~A No~~ landlord of any dwelling unit governed by this part shall not remove the outside doors, locks, roof, walls, or windows of the unit except for purposes of maintenance, repair, or replacement; and nor shall the landlord shall not remove the tenant's personal property from the dwelling unit unless such said action is taken after surrender, abandonment, or a lawful eviction. If provided in the rental agreement or a written agreement separate from the rental agreement, upon surrender or abandonment by the tenant, the landlord is not required to comply with s. 715.104 and is not liable or responsible for storage or disposition of the tenant's personal property; if provided in the rental agreement, there must be printed or clearly

stamped on such rental agreement a legend in substantially the following form:

BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

For the purposes of this section, abandonment shall be as set forth in s. 83.59(3)(c).

~~(6)(5)~~ A landlord who violates any provision ~~the provisions~~ of this section shall be liable to the tenant for actual and consequential damages or 3 months' rent, whichever is greater, and costs, including attorney's fees. Subsequent or repeated violations ~~that which~~ are not contemporaneous with the initial violation shall be subject to separate awards of damages.

~~(7)(6)~~ A violation of this section constitutes ~~shall constitute~~ irreparable harm for the purposes of injunctive relief.

~~(8)(7)~~ The remedies provided by this section are not exclusive and do ~~shall~~ not preclude the tenant from pursuing any other remedy at law or equity ~~that which~~ the tenant may have. The remedies provided by this section shall also apply to a servicemember who is a prospective tenant who has been discriminated against under subsection (3).

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 25, 2004.

Filed in Office Secretary of State May 25, 2004.