

CHAPTER 2025-112

Committee Substitute for Committee Substitute for Senate Bill No. 322

An act relating to property rights; amending s. 82.036, F.S.; specifying a requirement for a complaint to remove an unauthorized person from residential real property; correcting a cross-reference in the complaint; creating s. 82.037, F.S.; authorizing a property owner or his or her authorized agent to request the sheriff in the county in which the owner's commercial real property is located to immediately remove persons unlawfully occupying the owner's commercial real property if specified conditions are met; requiring such owners or agents to submit a specified completed and verified complaint; specifying requirements for the complaint; specifying requirements for the sheriff upon receipt of the complaint; authorizing the sheriff to arrest an unauthorized person for legal cause; providing that sheriffs are entitled to a specified fee for service of the notice to vacate immediately; authorizing the owner or agent to request that the sheriff stand by while the owner or agent takes possession of the commercial real property; authorizing the sheriff to charge a reasonable hourly rate; providing that the sheriff is not liable to any party for the loss or destruction of, or damage to, certain personal property; providing that the property owner or agent is not liable to any party for the loss or destruction of, or damage to, personal property unless it was wrongfully removed; providing civil remedies; providing construction; amending s. 689.03, F.S.; making technical changes; amending s. 806.13, F.S.; prohibiting a person from unlawfully detaining or occupying or trespassing upon commercial real property and intentionally causing a specified amount of damage; providing criminal penalties; amending s. 817.0311, F.S.; prohibiting listing or advertising for sale, or renting or leasing, real property under certain circumstances; providing criminal penalties; reenacting ss. 775.0837(1)(c) and 895.02(8)(a), F.S., relating to habitual misdemeanor offenders and definitions, respectively, to incorporate the amendments made to ss. 806.13 and 817.0311, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (3) of section 82.036, Florida Statutes, is amended to read:

82.036 Limited alternative remedy to remove unauthorized persons from residential real property.—

(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 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 sought to be removed.

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

12. I am requesting the sheriff to immediately remove the unauthorized person or persons from the residential property. I authorize the sheriff to enter the property using 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 92.525 837.02, FLORIDA STATUTES.

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

Section 2. Section 82.037, Florida Statutes, is created to read:

82.037 Limited alternative remedy to remove unauthorized persons from commercial real property.—

(1) A property owner or his or her authorized agent may request from the sheriff of the county in which the owner's commercial real property is located the immediate removal of any person or persons unlawfully occupying the commercial real property pursuant to this section if all of the following conditions are met:

(a) The requesting person is the property owner or authorized agent of the property owner.

(b) The real property that is being occupied includes commercial property.

(c) An unauthorized person or persons have unlawfully entered and remain in or continue to occupy the property owner's commercial real property.

(d) The commercial real property was not open to members of the public at the time the unauthorized person or persons entered.

(e) The property owner has directed the unauthorized person or persons to leave the commercial real property.

(f) The unauthorized person or persons are not current or former tenants pursuant to a written or an oral rental agreement authorized by the property owner.

(g) There is no litigation related to the commercial real property pending between the property owner and any known unauthorized person.

(2) To request the immediate removal of an unlawful occupant of commercial real property, 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 Commercial 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 COMMERCIAL REAL PROPERTY

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

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

2.I purchased the commercial real property on ...date of purchase....

3.An unauthorized person or persons have unlawfully entered and remain on the commercial real property.

4.The commercial real property was not open to members of the public at the time the unauthorized person or persons entered.

5.I have directed the unauthorized person or persons to leave the commercial real property, but they have not done so.

6.The unauthorized person or persons are not current or former tenants pursuant to any valid lease authorized by me or one of my agents, and any lease that may be produced by an occupant is fraudulent.

7.The unauthorized person or persons sought to be removed are not owners or co-owners of the commercial real property and have not been listed on the title to the commercial real property unless the person or persons have engaged in title fraud.

8.There is no litigation related to the commercial real property pending between any person sought to be removed and myself or my agent.

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

10.I request that the sheriff immediately remove the unauthorized person or persons from the commercial real property. I authorize the sheriff to enter the property using reasonably necessary force, to search the property, and to remove any unauthorized person or persons.

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

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

(3) Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the commercial real property or the authorized agent of the owner and appears otherwise entitled to relief under this section. If verified, the sheriff must, without delay, serve a notice to vacate immediately on any unlawful occupant or occupants and must put the owner in possession of the commercial real property. Service of the notice may be accomplished by hand delivery to an unlawful occupant or occupants or by posting the notice on the front door or entrance of the commercial real property. The sheriff shall also attempt to verify the identities of all persons occupying the commercial real property and note their identities on the return of service. If appropriate, the sheriff may arrest any person found in the commercial real property for trespass, outstanding warrants, or any other legal cause.

(4) The sheriff is entitled to the same fee for service of the notice to vacate immediately as if the sheriff were serving a writ of possession under s. 30.231. After the sheriff serves the notice to vacate immediately, the property owner or authorized agent may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unauthorized person or persons to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff is responsible for paying such hourly rate. The sheriff is not liable to the unauthorized person or persons or any other party for the loss or destruction of, or damage to, their personal property. The property owner or his or her authorized agent is not liable to an unauthorized person or persons or any other party for the loss or destruction of, or damage to, their personal property unless the removal was not in accordance with this section.

(5) A person may bring a civil cause of action for wrongful removal under this section. A person harmed by a wrongful removal under this section may be restored to possession of the commercial real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the commercial real property, court costs, and reasonable attorney fees. The court shall advance the cause on the calendar.

(6) This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest any unauthorized person for trespassing, vandalism, theft, or other crimes.

Section 3. Section 689.03, Florida Statutes, is amended to read:

689.03 Effect of such deed.—A conveyance executed substantially in the ~~foregoing~~ form provided in s. 689.02 ~~must shall~~ be held to be a warranty deed with full common-law covenants, and ~~must shall~~ just as effectually bind the grantor, and the grantor's heirs, as if such said covenants were specifically set out therein. And this form of conveyance when signed by a married woman ~~must shall~~ be held to convey whatever interest in the property conveyed which she may possess.

Section 4. Subsection (4) of section 806.13, Florida Statutes, is amended to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(4) A person who unlawfully detains or occupies or trespasses upon a residential dwelling or a commercial real property and who intentionally damages the dwelling or the commercial real property causing \$1,000 or more in damages commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 817.0311, Florida Statutes, is amended to read:

817.0311 Fraudulent sale or lease of ~~residential~~ real property.—A person who lists or advertises ~~residential~~ real property for sale knowing that the purported seller has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he or she has no lawful ownership in the property or leasehold interest in the property, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. For the purpose of incorporating the amendments made by this act to sections 806.13 and 817.0311, Florida Statutes, in references thereto, paragraph (c) of subsection (1) of section 775.0837, Florida Statutes, is reenacted to read:

775.0837 Habitual misdemeanor offenders.—

(1) As used in this section, the term:

(c) "Specified misdemeanor offense" means those misdemeanor offenses described in chapter 741, chapter 784, chapter 790, chapter 796, chapter 800, chapter 806, chapter 810, chapter 812, chapter 817, chapter 831, chapter 832, chapter 843, chapter 856, chapter 893, or chapter 901.

Section 7. For the purpose of incorporating the amendments made by this act to sections 806.13 and 817.0311, Florida Statutes, in references thereto, paragraph (a) of subsection (8) of section 895.02, Florida Statutes, as amended by chapter 2025-1, Laws of Florida, is reenacted to read:

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

(8) “Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 104.155(2), relating to aiding or soliciting a noncitizen in voting.

2. Section 210.18, relating to evasion of payment of cigarette taxes.

3. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

4. Chapter 379, relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes.

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

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

7. Section 414.39, relating to public assistance fraud.

8. Section 440.105 or s. 440.106, relating to workers’ compensation.

9. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

10. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

11. Section 499.0051, relating to crimes involving contraband, adulterated, or misbranded drugs.

12. Part IV of chapter 501, relating to telemarketing.

13. Chapter 517, relating to sale of securities and investor protection.

14. Section 550.235 or s. 550.3551, relating to dogracing and horse-racing.

15. Chapter 550, relating to jai alai frontons.

16. Section 551.109, relating to slot machine gaming.

17. Chapter 552, relating to the manufacture, distribution, and use of explosives.

18. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

19. Chapter 562, relating to beverage law enforcement.
20. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
21. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.
22. Chapter 687, relating to interest and usurious practices.
23. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
24. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.
25. Section 777.03, relating to commission of crimes by accessories after the fact.
26. Chapter 782, relating to homicide.
27. Chapter 784, relating to assault and battery.
28. Chapter 787, relating to kidnapping, human smuggling, or human trafficking.
29. Chapter 790, relating to weapons and firearms.
30. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.
31. Former s. 796.03, former s. 796.035, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.
32. Chapter 806, relating to arson and criminal mischief.
33. Chapter 810, relating to burglary and trespass.
34. Chapter 812, relating to theft, robbery, and related crimes.
35. Chapter 815, relating to computer-related crimes.
36. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, credit card crimes, and patient brokering.
37. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

38. Section 827.071, relating to commercial sexual exploitation of children.

39. Section 828.122, relating to fighting or baiting animals.

40. Chapter 831, relating to forgery and counterfeiting.

41. Chapter 832, relating to issuance of worthless checks and drafts.

42. Section 836.05, relating to extortion.

43. Chapter 837, relating to perjury.

44. Chapter 838, relating to bribery and misuse of public office.

45. Chapter 843, relating to obstruction of justice.

46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

47. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

48. Chapter 874, relating to criminal gangs.

49. Chapter 893, relating to drug abuse prevention and control.

50. Chapter 896, relating to offenses related to financial transactions.

51. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

52. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 8. This act shall take effect July 1, 2025.

Approved by the Governor June 2, 2025.

Filed in Office Secretary of State June 2, 2025.