

CHAPTER 2024-44

Committee Substitute for Committee Substitute for House Bill No. 621

An act relating to property rights; creating s. 82.036, F.S.; providing legislative findings; authorizing property owners or their authorized agents to request assistance from the sheriff from where the property is located for the immediate removal of unauthorized occupants from a residential dwelling under certain conditions; requiring such owners or agents to submit a specified completed and verified complaint; specifying requirements for the complaint; providing requirements for the sheriff; authorizing a sheriff to arrest an unauthorized occupant for legal cause; providing that sheriffs are entitled to a specified fee for service of such notice; authorizing the owner or agent to request that the sheriff stand by while the owner or agent takes possession of the property; authorizing the sheriff to charge a reasonable hourly rate; providing that the sheriff is not liable to any party for loss, destruction, or damage; 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. 806.13, F.S.; prohibiting unlawfully detaining, or occupying or trespassing upon, a residential dwelling intentionally and causing a specified amount of damage; providing criminal penalties; amending s. 817.03, F.S.; providing criminal penalties for any person who knowingly and willfully presents a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights; creating s. 817.0311, F.S.; prohibiting listing or advertising for sale, or renting or leasing, residential real property under certain circumstances; providing criminal penalties; providing an effective date.

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

Section 1. Section 82.036, Florida Statutes, is created to read:

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

(1) The Legislature finds that the right to exclude others from entering, and the right to direct others to immediately vacate, residential real property are the most important real property rights. The Legislature further finds that existing remedies regarding unauthorized persons who unlawfully remain on residential real property fail to adequately protect the rights of the property owner and fail to adequately discourage theft and vandalism. The intent of this section is to quickly restore possession of residential real property to the lawful owner of the property when the property is being unlawfully occupied and to thereby preserve property rights while limiting the opportunity for criminal activity.

(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:

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

(b) The real property that is being occupied includes a residential dwelling.

(c) An unauthorized person or persons have unlawfully entered and remain or continue to reside on the property owner’s property.

(d) The 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 to leave the property.

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

(g) The unauthorized person or persons are not immediate family members of the property owner.

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

(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.

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 837.02, FLORIDA STATUTES.

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

(4) Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the real property or the authorized agent of the owner and appears otherwise entitled to relief under this section. If verified, the sheriff shall, without delay, serve a notice to immediately vacate on all the unlawful occupants and shall put the owner in

possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff shall also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause.

(5) The sheriff is entitled to the same fee for service of the notice to immediately vacate as if the sheriff were serving a writ of possession under s. 30.231. After the sheriff serves the notice to immediately vacate, 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 unlawful occupants from the premises 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 to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage of property. The property owner or his or her authorized agent is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

(6) 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 real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees. The court shall advance the cause on the calendar.

(7) This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

Section 2. Subsections (4) through (11) of section 806.13, Florida Statutes, are redesignated as subsections (5) through (12), respectively, a new subsection (4) is added to that section, and present subsection (10) of that section 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 and who intentionally damages the dwelling 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.

(11)(10) A minor whose driver license or driving privilege is revoked, suspended, or withheld under subsection (10) (9) may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor's

driver license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor’s family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term “community service” means cleaning graffiti from public property.

Section 3. Section 817.03, Florida Statutes, is amended to read:

817.03 Making false statement to obtain property or credit or to detain real property.—

(1) Any person who shall make or cause to be made any false statement, in writing, relating to his or her financial condition, assets or liabilities, or relating to the financial condition, assets or liabilities of any firm or corporation in which such person has a financial interest, or for whom he or she is acting, with a fraudulent intent of obtaining credit, goods, money or other property, and shall by such false statement obtain credit, goods, money or other property, commits shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Section 817.0311, Florida Statutes, is created 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 5. This act shall take effect July 1, 2024.

Approved by the Governor March 27, 2024.

Filed in Office Secretary of State March 27, 2024.