

1 A bill to be entitled
 2 An act relating to property rights; creating s.
 3 82.036, F.S.; providing legislative findings;
 4 authorizing property owners or their authorized agents
 5 to request assistance from the sheriff from where the
 6 property is located for immediately removing
 7 unauthorized occupants from a residential dwelling
 8 under certain conditions; requiring such owners or
 9 agents to submit a specified completed and verified
 10 complaint to the sheriff of the county in which the
 11 real property is located; specifying requirements for
 12 the form of the complaint; requiring the sheriff to
 13 verify the identity of the person submitting the
 14 complaint; requiring the sheriff to hand deliver a
 15 notice to immediately vacate to the unlawful occupant
 16 or to post such notice in a specified manner and to
 17 attempt to verify and note the identity of all
 18 occupants; authorizing a sheriff to arrest an
 19 unauthorized occupant for legal cause; providing that
 20 sheriffs are entitled to a specified fee for service
 21 of such notice; authorizing the owner or agent to
 22 request that the sheriff stand by while the owner or
 23 agent takes possession of the property; authorizing
 24 the sheriff to charge a reasonable hourly rate;
 25 providing that the sheriff is not liable to any party

26 for loss, destruction, or damage; providing that the
 27 property owner or agent is not liable to any party for
 28 the loss or destruction of, or damage to, personal
 29 property unless it was wrongfully removed; providing
 30 civil remedies; providing construction; amending s.
 31 806.13, F.S.; providing criminal penalties for a
 32 person who unlawfully detains, or occupies or
 33 trespasses upon, a residential dwelling and who
 34 intentionally damages the dwelling causing at least a
 35 specified amount damages; amending s. 817.03, F.S.;
 36 providing criminal penalties for any person who
 37 knowingly and willfully presents a false document
 38 purporting to be a valid lease agreement, deed, or
 39 other instrument conveying real property rights;
 40 creating s. 817.0311, F.S.; providing criminal
 41 penalties for a person who lists or advertises for
 42 sale, or rents or leases, residential real property
 43 under certain circumstances; providing criminal
 44 penalties; providing an effective date.

45

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

47

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

50 82.036 Limited alternative remedy to remove unauthorized

51 persons from residential real property.-

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

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

69 (a) The requesting person is the property owner or
 70 authorized agent of the property owner;

71 (b) The real property that is being occupied includes a
 72 residential dwelling;

73 (c) An unauthorized person or persons have unlawfully
 74 entered and remain or continue to reside on the property owner's
 75 property;

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

78 (e) The property owner has directed the unauthorized
 79 person to leave the property;

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

83 (g) The unauthorized person or persons are not immediate
 84 family members of the property owner; and

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

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

95
 96 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
 97 RESIDENTIAL REAL PROPERTY

98
 99 I, the owner or authorized agent of the owner of the real
 100 property located at, declare under the penalty of

101 perjury that (initial each box):

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

104 2. I purchased the property on

105 3. The real property is a residential dwelling.

106 4. An unauthorized person or persons have unlawfully
 107 entered and are remaining or residing unlawfully on the real
 108 property.

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

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

113 7. The person or persons are not current or former
 114 tenants pursuant to any valid lease authorized by the property
 115 owner, and any lease that may be produced by an occupant is
 116 fraudulent.

117 8. The unauthorized person or persons sought to be
 118 removed are not an owner or a co-owner of the property and have
 119 not been listed on the title to the property unless the person
 120 or persons have engaged in title fraud.

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

123 10. There is no litigation related to the real
 124 property pending between the property owner and any person
 125 sought to be removed.

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

132 12. I am requesting the sheriff to immediately remove
 133 the unauthorized person or persons from the residential
 134 property.

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

140 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
 141 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
 142 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
 143 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

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

147 (4) Upon receipt of the complaint, the sheriff shall
 148 verify that the person submitting the complaint is the record
 149 owner of the real property or the authorized agent of the owner
 150 and appears otherwise entitled to relief under this section. If

151 verified, the sheriff shall, without delay, serve a notice to
 152 immediately vacate on all the unlawful occupants and shall put
 153 the owner in possession of the real property. Service may be
 154 accomplished by hand delivery of the notice to an occupant or by
 155 posting the notice on the front door or entrance of the
 156 dwelling. The sheriff shall also attempt to verify the
 157 identities of all persons occupying the dwelling and note the
 158 identities on the return of service. If appropriate, the sheriff
 159 may arrest any person found in the dwelling for trespass,
 160 outstanding warrants, or any other legal cause.

161 (5) The sheriff is entitled to the same fee for service of
 162 the notice to immediately vacate as if the sheriff were serving
 163 a writ of possession under s. 30.231. After the sheriff serves
 164 the notice to immediately vacate, the property owner or
 165 authorized agent may request that the sheriff stand by to keep
 166 the peace while the property owner or agent of the owner changes
 167 the locks and removes the personal property of the unlawful
 168 occupants from the premises to or near the property line. When
 169 such a request is made, the sheriff may charge a reasonable
 170 hourly rate, and the person requesting the sheriff to stand by
 171 and keep the peace is responsible for paying the reasonable
 172 hourly rate set by the sheriff. The sheriff is not liable to the
 173 unlawful occupant or any other party for loss, destruction, or
 174 damage of property. The property owner or his or her authorized
 175 agent is not liable to an unlawful occupant or any other party

176 for the loss, destruction, or damage to the personal property
 177 unless the removal was wrongful.

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

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

190 Section 2. Present subsections (4) through (11) of section
 191 806.13, Florida Statutes, are redesignated as subsections (5)
 192 through (12), respectively, a new subsection (4) is added to
 193 that section, and present subsection (10) of that section is
 194 amended, to read:

195 806.13 Criminal mischief; penalties; penalty for minor.-

196 (4) A person who unlawfully detains or occupies or
 197 trespasses upon a residential dwelling and who intentionally
 198 damages the dwelling causing \$1,000 or more in damages commits a
 199 felony of the second degree, punishable as provided in s.
 200 775.082, s. 775.083, or s. 775.084.

201 (11)~~(10)~~ A minor whose driver license or driving privilege
 202 is revoked, suspended, or withheld under subsection (10) ~~(9)~~ may
 203 elect to reduce the period of revocation, suspension, or
 204 withholding by performing community service at the rate of 1 day
 205 for each hour of community service performed. In addition, if
 206 the court determines that due to a family hardship, the minor's
 207 driver license or driving privilege is necessary for employment
 208 or medical purposes of the minor or a member of the minor's
 209 family, the court shall order the minor to perform community
 210 service and reduce the period of revocation, suspension, or
 211 withholding at the rate of 1 day for each hour of community
 212 service performed. As used in this subsection, the term
 213 "community service" means cleaning graffiti from public
 214 property.

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

217 817.03 Making false statement to obtain property or credit
 218 or to detain real property.-

219 (1) Any person who shall make or cause to be made any
 220 false statement, in writing, relating to his or her financial
 221 condition, assets or liabilities, or relating to the financial
 222 condition, assets or liabilities of any firm or corporation in
 223 which such person has a financial interest, or for whom he or
 224 she is acting, with a fraudulent intent of obtaining credit,
 225 goods, money or other property, and shall by such false

226 | statement obtain credit, goods, money or other property, commits
 227 | ~~shall be guilty of~~ a misdemeanor of the first degree, punishable
 228 | as provided in s. 775.082 or s. 775.083.

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

235 | Section 4. Section 817.0311, Florida Statutes, is created
 236 | to read:

237 | 817.0311 Fraudulent sale or lease of residential real
 238 | property.—A person who lists or advertises residential real
 239 | property for sale knowing that the purported seller has no legal
 240 | title or authority to sell the property, or rents or leases the
 241 | property to another person knowing that he or she has no lawful
 242 | ownership in the property or leasehold interest in the property,
 243 | commits a felony of the first degree, punishable as provided in
 244 | s. 775.082, s. 775.083, or s. 775.084.

245 | Section 5. This act shall take effect July 1, 2024.