HB 537 2022

1 A bill to be entitled 2 An act relating to fees in lieu of security deposits; 3 creating s. 83.491, F.S.; authorizing a landlord to 4 offer a tenant the option to pay a fee in lieu of a 5 security deposit; requiring the landlord to provide 6 certain written notice to the tenant; requiring a 7 written agreement signed by the landlord, or the 8 landlord's agent, and the tenant if the tenant decides 9 to pay a fee in lieu of the security deposit; requiring a specified disclosure in the written 10 agreement; providing options for paying the fee; specifying that the fee is not a security deposit; 12 13 requiring a landlord to offer the option to pay a fee in lieu of a security deposit to all new tenants under 14 15 certain circumstances; providing an exception; 16 providing applicability; providing an effective date. 17 Be It Enacted by the Legislature of the State of Florida: 18 19 20 Section 1. Section 83.491, Florida Statutes, is created to 21 read: 83.491 Fee in lieu of security deposit.-22 23 (1) If a rental agreement requires a security deposit, a 24 landlord may offer a tenant the option to pay a fee in lieu of

Page 1 of 4

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the security deposit.

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HB 537 2022

(2) If a landlord offers a tenant the option to pay a fee in lieu of the security deposit, the landlord must notify the tenant in writing of all of the following:

- (a) That the tenant has the option to pay a security deposit instead of the fee.
- (b) That the tenant may, at any time, terminate the agreement to pay the fee in lieu of the security deposit and instead pay a security deposit in the amount that is otherwise offered to new tenants for a substantially similar dwelling unit on the date that the tenant terminates the agreement.
- (c) Whether any additional charges apply for the options provided in paragraphs (a) and (b).
- (3) (a) If a tenant decides to pay a fee in lieu of the security deposit, a written agreement to collect the fee must be signed by the landlord, or the landlord's agent, and the tenant. The written agreement must, at a minimum, specify the amount of the fee and how and when the fee is to be collected.
- (b) The written agreement specified under paragraph (a) must also include a disclosure in substantially the following form:

## FEE IN LIEU OF SECURITY DEPOSIT

THIS AGREEMENT HAS BEEN ENTERED INTO VOLUNTARILY BY BOTH PARTIES

AND THE TENANT AGREES TO PAY THE LANDLORD A FEE IN LIEU OF A

SECURITY DEPOSIT AS AUTHORIZED UNDER SECTION 83.491, FLORIDA

Page 2 of 4

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HB 537 2022

51	STATUTES. THIS FEE IS NOT A SECURITY DEPOSIT AND PAYMENT OF THE										
52	FEE DOES NOT ABSOLVE THE TENANT OF ANY OBLIGATIONS UNDER THE										
53	RENTAL AGREEMENT, INCLUDING THE OBLIGATION TO PAY RENT AS IT										
54	BECOMES DUE AND ANY COSTS AND DAMAGES BEYOND NORMAL WEAR AND										
55	TEAR THAT THE TENANT OR HIS OR HER GUESTS MAY CAUSE. THE TENANT										
56	MAY TERMINATE THIS AGREEMENT AT ANY TIME AND STOP PAYING THE FEE										
57	AND INSTEAD PAY A SECURITY DEPOSIT AS PROVIDED IN SECTION										
58	83.491, FLORIDA STATUTES.										
59											
60	THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83,										
61	FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND										
62	OBLIGATIONS.										
63											
64	(4) A fee in lieu of a security deposit may be:										
65	(a) A recurring monthly fee, payable on the same date that										
66	the rent payment is due under the rental agreement; or										
67	(b) Payable upon a schedule that the landlord and tenant										
68	choose and as specified in the written agreement.										
69	(5) A fee collected under this section is not a security										
70	deposit as defined in s. 83.43(12).										

Page 3 of 4

in lieu of a security deposit, the landlord must also offer all

new tenants renting a dwelling unit on the same premises the

option to pay a fee in lieu of a security deposit, unless the

landlord chooses to terminate the fee option for all tenants.

(6) If a landlord offers a tenant the option to pay a fee

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HB 537 2022

76		(7)	This	section	appli	es to	rental	agreeme	nts	entered	into
77	or	renewed	d on o	or after	July	1, 20	22.				
78		Secti	ion 2	. This	act sh	all ta	ake effe	ect July	1,	2022.	

Page 4 of 4

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