

By Senator Rodriguez

40-00047-25

2025322__

1 A bill to be entitled
2 An act relating to property rights; creating s.
3 82.037, F.S.; authorizing a property owner or his or
4 her authorized agent to request the sheriff in the
5 county in which the owner's commercial real property
6 is located to immediately remove persons unlawfully
7 occupying the owner's commercial real property, under
8 certain conditions; requiring such owners or agents to
9 submit a specified completed and verified complaint;
10 specifying requirements for the complaint; specifying
11 requirements for the sheriff; authorizing the sheriff
12 to arrest an unauthorized person for legal cause;
13 providing that sheriffs are entitled to a specified
14 fee for service of the required notice to vacate
15 immediately; authorizing the owner or agent to request
16 that the sheriff stand by while the owner or agent
17 takes possession of the commercial real property;
18 authorizing the sheriff to charge a reasonable hourly
19 rate; providing that the sheriff is not liable to any
20 party for loss, destruction, or damage; providing that
21 the property owner or agent is not liable to any party
22 for the loss or destruction of, or damage to, personal
23 property unless it was wrongfully removed; providing
24 civil remedies; providing construction; amending s.
25 806.13, F.S.; prohibiting unlawfully detaining, or
26 occupying or trespassing upon, commercial real
27 property intentionally and causing a specified amount
28 of damage; providing criminal penalties; amending s.
29 817.0311, F.S.; prohibiting listing or advertising for

40-00047-25

2025322__

30 sale, or renting or leasing, real property under
31 certain circumstances; providing criminal penalties;
32 reenacting ss. 775.0837(1)(c) and 895.02(8)(a), F.S.,
33 relating to habitual misdemeanor offenders and
34 definitions, respectively, to incorporate the
35 amendments made to ss. 806.13 and 817.0311, F.S., in
36 references thereto; providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Section 82.037, Florida Statutes, is created to
41 read:

42 82.037 Limited alternative remedy to remove unauthorized
43 persons from commercial real property.-

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

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

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

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

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

40-00047-25

2025322__

59 entered.

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

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

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

68 (2) To request the immediate removal of an unlawful
 69 occupant of commercial real property, the property owner or his
 70 or her authorized agent must submit a complaint by presenting a
 71 completed and verified Complaint to Remove Persons Unlawfully
 72 Occupying Commercial Real Property to the sheriff of the county
 73 in which the real property is located. The submitted complaint
 74 must be in substantially the following form:

75
 76 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
 77 COMMERCIAL REAL PROPERTY

78
 79 I, the owner or authorized agent of the owner of the
 80 commercial real property located at ... address of property ...,
 81 declare under penalty of perjury that (initial each box):

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

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

87 3.An unauthorized person or persons have unlawfully

40-00047-25

2025322__

88 entered and remain on the commercial real property.

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

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

95 6.The unauthorized person or persons are not current
96 or former tenants pursuant to any valid lease authorized by the
97 property owner, and any lease that may be produced by an
98 occupant is fraudulent.

99 7.The unauthorized person or persons sought to be
100 removed are not an owner or co-owner of the commercial real
101 property and have not been listed on the title to the commercial
102 real property unless the person or persons have engaged in title
103 fraud.

104 8.There is no litigation related to the commercial
105 real property pending between the property owner and any person
106 sought to be removed.

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

113 10.I request that the sheriff immediately remove the
114 unauthorized person or persons from the commercial real
115 property.

116 11.A copy of my valid government-issued identification

40-00047-25

2025322__

117 is attached, or I am an agent of the property owner, and
118 documents evidencing my authority to act on the property owner's
119 behalf are attached.

120
121 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT, AND EACH
122 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
123 MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY OF PERJURY,
124 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

125
126 ...(Signature of the Property Owner or Agent of Owner...)

127
128 (3) Upon receipt of the complaint, the sheriff shall verify
129 that the person submitting the complaint is the record owner of
130 the commercial real property or the authorized agent of the
131 owner and appears otherwise entitled to relief under this
132 section. If verified, the sheriff must, without delay, serve a
133 notice to vacate immediately on all the unlawful occupants and
134 must put the owner in possession of the commercial real
135 property. Service may be accomplished by hand delivery of the
136 notice to an occupant or by posting the notice on the front door
137 or entrance of the commercial real property. The sheriff shall
138 also attempt to verify the identities of all persons occupying
139 the commercial real property and note their identities on the
140 return of service. If appropriate, the sheriff may arrest any
141 person found in the commercial real property for trespass,
142 outstanding warrants, or any other legal cause.

143 (4) The sheriff is entitled to the same fee for service of
144 the notice to vacate immediately as if the sheriff were serving
145 a writ of possession under s. 30.231. After the sheriff serves

40-00047-25

2025322__

146 the notice to vacate immediately, the property owner or
147 authorized agent may request that the sheriff stand by to keep
148 the peace while the property owner or agent of the owner changes
149 the locks and removes the personal property of the unauthorized
150 person or persons to or near the property line. When such a
151 request is made, the sheriff may charge a reasonable hourly
152 rate, and the person requesting the sheriff is responsible for
153 paying such hourly rate. The sheriff is not liable to the
154 unauthorized person or persons or any other party for loss,
155 destruction, or damage to their personal property. The property
156 owner or his or her authorized agent is not liable to an
157 unauthorized person or persons or any other party for the loss,
158 destruction, or damage to their personal property unless the
159 removal was not in accordance with this section.

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

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

172 Section 2. Subsection (4) of section 806.13, Florida
173 Statutes, is amended to read:

174 806.13 Criminal mischief; penalties; penalty for minor.—

40-00047-25

2025322__

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

181 Section 3. Section 817.0311, Florida Statutes, is amended
182 to read:

183 817.0311 Fraudulent sale or lease of ~~residential~~ real
184 property.—A person who lists or advertises ~~residential~~ real
185 property for sale knowing that the purported seller has no legal
186 title or authority to sell the property, or rents or leases the
187 property to another person knowing that he or she has no lawful
188 ownership in the property or leasehold interest in the property,
189 commits a felony of the first degree, punishable as provided in
190 s. 775.082, s. 775.083, or s. 775.084.

191 Section 4. For the purpose of incorporating the amendments
192 made by this act to sections 806.13 and 817.0311, Florida
193 Statutes, in references thereto, paragraph (c) of subsection (1)
194 of section 775.0837, Florida Statutes, is reenacted to read:

195 775.0837 Habitual misdemeanor offenders.—

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

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

202 Section 5. For the purpose of incorporating the amendment
203 made by this act to sections 806.13 and 817.0311, Florida

40-00047-25

2025322__

204 Statutes, in references thereto, paragraph (a) of subsection (8)
205 of section 895.02, Florida Statutes, is reenacted to read:

206 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

207 (8) "Racketeering activity" means to commit, to attempt to
208 commit, to conspire to commit, or to solicit, coerce, or
209 intimidate another person to commit:

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

213 1. Section 210.18, relating to evasion of payment of
214 cigarette taxes.

215 2. Section 316.1935, relating to fleeing or attempting to
216 elude a law enforcement officer and aggravated fleeing or
217 eluding.

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

221 4. Section 403.727(3)(b), relating to environmental
222 control.

223 5. Section 409.920 or s. 409.9201, relating to Medicaid
224 fraud.

225 6. Section 414.39, relating to public assistance fraud.

226 7. Section 440.105 or s. 440.106, relating to workers'
227 compensation.

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

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

232 10. Section 499.0051, relating to crimes involving

40-00047-25

2025322__

- 233 contraband, adulterated, or misbranded drugs.
- 234 11. Part IV of chapter 501, relating to telemarketing.
- 235 12. Chapter 517, relating to sale of securities and
- 236 investor protection.
- 237 13. Section 550.235 or s. 550.3551, relating to dogracing
- 238 and horseracing.
- 239 14. Chapter 550, relating to jai alai frontons.
- 240 15. Section 551.109, relating to slot machine gaming.
- 241 16. Chapter 552, relating to the manufacture, distribution,
- 242 and use of explosives.
- 243 17. Chapter 560, relating to money transmitters, if the
- 244 violation is punishable as a felony.
- 245 18. Chapter 562, relating to beverage law enforcement.
- 246 19. Section 624.401, relating to transacting insurance
- 247 without a certificate of authority, s. 624.437(4)(c)1., relating
- 248 to operating an unauthorized multiple-employer welfare
- 249 arrangement, or s. 626.902(1)(b), relating to representing or
- 250 aiding an unauthorized insurer.
- 251 20. Section 655.50, relating to reports of currency
- 252 transactions, when such violation is punishable as a felony.
- 253 21. Chapter 687, relating to interest and usurious
- 254 practices.
- 255 22. Section 721.08, s. 721.09, or s. 721.13, relating to
- 256 real estate timeshare plans.
- 257 23. Section 775.13(5)(b), relating to registration of
- 258 persons found to have committed any offense for the purpose of
- 259 benefiting, promoting, or furthering the interests of a criminal
- 260 gang.
- 261 24. Section 777.03, relating to commission of crimes by

40-00047-25

2025322__

- 262 accessories after the fact.
- 263 25. Chapter 782, relating to homicide.
- 264 26. Chapter 784, relating to assault and battery.
- 265 27. Chapter 787, relating to kidnapping, human smuggling,
266 or human trafficking.
- 267 28. Chapter 790, relating to weapons and firearms.
- 268 29. Chapter 794, relating to sexual battery, but only if
269 such crime was committed with the intent to benefit, promote, or
270 further the interests of a criminal gang, or for the purpose of
271 increasing a criminal gang member's own standing or position
272 within a criminal gang.
- 273 30. Former s. 796.03, former s. 796.035, s. 796.04, s.
274 796.05, or s. 796.07, relating to prostitution.
- 275 31. Chapter 806, relating to arson and criminal mischief.
- 276 32. Chapter 810, relating to burglary and trespass.
- 277 33. Chapter 812, relating to theft, robbery, and related
278 crimes.
- 279 34. Chapter 815, relating to computer-related crimes.
- 280 35. Chapter 817, relating to fraudulent practices, false
281 pretenses, fraud generally, credit card crimes, and patient
282 brokering.
- 283 36. Chapter 825, relating to abuse, neglect, or
284 exploitation of an elderly person or disabled adult.
- 285 37. Section 827.071, relating to commercial sexual
286 exploitation of children.
- 287 38. Section 828.122, relating to fighting or baiting
288 animals.
- 289 39. Chapter 831, relating to forgery and counterfeiting.
- 290 40. Chapter 832, relating to issuance of worthless checks

40-00047-25

2025322__

291 and drafts.

292 41. Section 836.05, relating to extortion.

293 42. Chapter 837, relating to perjury.

294 43. Chapter 838, relating to bribery and misuse of public
295 office.

296 44. Chapter 843, relating to obstruction of justice.

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

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

302 47. Chapter 874, relating to criminal gangs.

303 48. Chapter 893, relating to drug abuse prevention and
304 control.

305 49. Chapter 896, relating to offenses related to financial
306 transactions.

307 50. Sections 914.22 and 914.23, relating to tampering with
308 or harassing a witness, victim, or informant, and retaliation
309 against a witness, victim, or informant.

310 51. Sections 918.12 and 918.13, relating to tampering with
311 jurors and evidence.

312 Section 6. This act shall take effect July 1, 2025.