

By the Committee on Judiciary; and Senator Rodriguez

590-02003A-25

2025322c1

1 A bill to be entitled
2 An act relating to property rights; amending s.
3 82.036, F.S.; specifying a requirement for a complaint
4 to remove an unauthorized person from residential
5 property; correcting a cross-reference in the
6 complaint; creating s. 82.037, F.S.; authorizing a
7 property owner or his or her authorized agent to
8 request the sheriff in the county in which the owner's
9 commercial real property is located to immediately
10 remove persons unlawfully occupying the owner's
11 commercial real property if specified conditions are
12 met; requiring such owners or agents to submit a
13 specified completed and verified complaint; specifying
14 requirements for the complaint; specifying
15 requirements for the sheriff upon receipt of the
16 complaint; authorizing the sheriff to arrest an
17 unauthorized person for legal cause; providing that
18 sheriffs are entitled to a specified fee for service
19 of the notice to vacate immediately; authorizing the
20 owner or agent to request that the sheriff stand by
21 while the owner or agent takes possession of the
22 commercial real property; authorizing the sheriff to
23 charge a reasonable hourly rate; providing that the
24 sheriff is not liable to any party for loss,
25 destruction, or damage to certain personal property;
26 providing that the property owner or agent is not
27 liable to any party for the loss or destruction of, or
28 damage to, personal property unless it was wrongfully
29 removed; providing civil remedies; providing

590-02003A-25

2025322c1

30 construction; amending s. 806.13, F.S.; prohibiting
31 unlawfully detaining or occupying or trespassing upon
32 commercial real property and intentionally causing a
33 specified amount of damage; providing criminal
34 penalties; amending s. 817.0311, F.S.; prohibiting
35 listing or advertising for sale, or renting or
36 leasing, real property under certain circumstances;
37 providing criminal penalties; reenacting ss.
38 775.0837(1)(c) and 895.02(8)(a), F.S., relating to
39 habitual misdemeanor offenders and definitions,
40 respectively, to incorporate the amendments made to
41 ss. 806.13 and 817.0311, F.S., in references thereto;
42 providing an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Subsection (3) of section 82.036, Florida
47 Statutes, is amended to read:

48 82.036 Limited alternative remedy to remove unauthorized
49 persons from residential real property.—

50 (3) To request the immediate removal of an unlawful
51 occupant of a residential dwelling, the property owner or his or
52 her authorized agent must submit a complaint by presenting a
53 completed and verified Complaint to Remove Persons Unlawfully
54 Occupying Residential Real Property to the sheriff of the county
55 in which the real property is located. The submitted complaint
56 must be in substantially the following form:

57
58 COMPLAINT TO REMOVE PERSONS UNLAWFULLY

590-02003A-25

2025322c1

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.

590-02003A-25

2025322c1

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

94 12. I am requesting the sheriff to immediately remove
95 the unauthorized person or persons from the residential
96 property. I authorize the sheriff to enter the property using
97 reasonably necessary force, to search the property, and to
98 remove any unauthorized person or persons.

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

103
104 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
105 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
106 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
107 PUNISHABLE AS PROVIDED IN SECTION 92.525 ~~837.02~~, FLORIDA
108 STATUTES.

109
110 ...(Signature of Property Owner or Agent of Owner)...

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

113 82.037 Limited alternative remedy to remove unauthorized
114 persons from commercial real property.-

115 (1) A property owner or his or her authorized agent may
116 request from the sheriff of the county in which the owner's

590-02003A-25

2025322c1

117 commercial real property is located the immediate removal of any
118 person or persons unlawfully occupying the commercial real
119 property pursuant to this section if all of the following
120 conditions are met:

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

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

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

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

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

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

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

139 (2) To request the immediate removal of an unlawful
140 occupant of commercial real property, the property owner or his
141 or her authorized agent must submit a complaint by presenting a
142 completed and verified Complaint to Remove Persons Unlawfully
143 Occupying Commercial Real Property to the sheriff of the county
144 in which the real property is located. The submitted complaint
145 must be in substantially the following form:

590-02003A-25

2025322c1

146
147 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
148 COMMERCIAL REAL PROPERTY
149

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

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

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

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

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

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

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

170 7.The unauthorized person or persons sought to be
171 removed are not an owner or co-owner of the commercial real
172 property and have not been listed on the title to the commercial
173 real property unless the person or persons have engaged in title
174 fraud.

590-02003A-25

2025322c1

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

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

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

189 11.A copy of my valid government-issued identification
190 is attached, or I am an agent of the property owner, and
191 documents evidencing my authority to act on the property owner's
192 behalf are attached.

193
194 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT, AND EACH
195 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
196 MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY OF PERJURY,
197 PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

198
199 ...(Signature of the Property Owner or Agent of Owner...)
200

201 (3) Upon receipt of the complaint, the sheriff shall verify
202 that the person submitting the complaint is the record owner of
203 the commercial real property or the authorized agent of the

590-02003A-25

2025322c1

204 owner and appears otherwise entitled to relief under this
205 section. If verified, the sheriff must, without delay, serve a
206 notice to vacate immediately on any unlawful occupant or
207 occupants and must put the owner in possession of the commercial
208 real property. Service of the notice may be accomplished by hand
209 delivery to an unlawful occupant or occupants or by posting the
210 notice on the front door or entrance of the commercial real
211 property. The sheriff shall also attempt to verify the
212 identities of all persons occupying the commercial real property
213 and note their identities on the return of service. If
214 appropriate, the sheriff may arrest any person found in the
215 commercial real property for trespass, outstanding warrants, or
216 any other legal cause.

217 (4) The sheriff is entitled to the same fee for service of
218 the notice to vacate immediately as if the sheriff were serving
219 a writ of possession under s. 30.231. After the sheriff serves
220 the notice to vacate immediately, the property owner or
221 authorized agent may request that the sheriff stand by to keep
222 the peace while the property owner or agent of the owner changes
223 the locks and removes the personal property of the unauthorized
224 person or persons to or near the property line. When such a
225 request is made, the sheriff may charge a reasonable hourly
226 rate, and the person requesting the sheriff is responsible for
227 paying such hourly rate. The sheriff is not liable to the
228 unauthorized person or persons or any other party for loss,
229 destruction, or damage to their personal property. The property
230 owner or his or her authorized agent is not liable to an
231 unauthorized person or persons or any other party for the loss,
232 destruction, or damage to their personal property unless the

590-02003A-25

2025322c1

233 removal was not in accordance with this section.

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

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

246 Section 3. Subsection (4) of section 806.13, Florida
247 Statutes, is amended to read:

248 806.13 Criminal mischief; penalties; penalty for minor.—

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

255 Section 4. Section 817.0311, Florida Statutes, is amended
256 to read:

257 817.0311 Fraudulent sale or lease of ~~residential~~ real
258 property.—A person who lists or advertises ~~residential~~ real
259 property for sale knowing that the purported seller has no legal
260 title or authority to sell the property, or rents or leases the
261 property to another person knowing that he or she has no lawful

590-02003A-25

2025322c1

262 ownership in the property or leasehold interest in the property,
263 commits a felony of the first degree, punishable as provided in
264 s. 775.082, s. 775.083, or s. 775.084.

265 Section 5. For the purpose of incorporating the amendments
266 made by this act to sections 806.13 and 817.0311, Florida
267 Statutes, in references thereto, paragraph (c) of subsection (1)
268 of section 775.0837, Florida Statutes, is reenacted to read:

269 775.0837 Habitual misdemeanor offenders.—

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

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

276 Section 6. For the purpose of incorporating the amendment
277 made by this act to sections 806.13 and 817.0311, Florida
278 Statutes, in references thereto, paragraph (a) of subsection (8)
279 of section 895.02, Florida Statutes, is reenacted to read:

280 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

281 (8) "Racketeering activity" means to commit, to attempt to
282 commit, to conspire to commit, or to solicit, coerce, or
283 intimidate another person to commit:

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

287 1. Section 210.18, relating to evasion of payment of
288 cigarette taxes.

289 2. Section 316.1935, relating to fleeing or attempting to
290 elude a law enforcement officer and aggravated fleeing or

590-02003A-25

2025322c1

291 eluding.

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

295 4. Section 403.727(3)(b), relating to environmental
296 control.

297 5. Section 409.920 or s. 409.9201, relating to Medicaid
298 fraud.

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

300 7. Section 440.105 or s. 440.106, relating to workers'
301 compensation.

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

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

306 10. Section 499.0051, relating to crimes involving
307 contraband, adulterated, or misbranded drugs.

308 11. Part IV of chapter 501, relating to telemarketing.

309 12. Chapter 517, relating to sale of securities and
310 investor protection.

311 13. Section 550.235 or s. 550.3551, relating to dogracing
312 and horseracing.

313 14. Chapter 550, relating to jai alai frontons.

314 15. Section 551.109, relating to slot machine gaming.

315 16. Chapter 552, relating to the manufacture, distribution,
316 and use of explosives.

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

319 18. Chapter 562, relating to beverage law enforcement.

590-02003A-25

2025322c1

320 19. Section 624.401, relating to transacting insurance
321 without a certificate of authority, s. 624.437(4)(c)1., relating
322 to operating an unauthorized multiple-employer welfare
323 arrangement, or s. 626.902(1)(b), relating to representing or
324 aiding an unauthorized insurer.

325 20. Section 655.50, relating to reports of currency
326 transactions, when such violation is punishable as a felony.

327 21. Chapter 687, relating to interest and usurious
328 practices.

329 22. Section 721.08, s. 721.09, or s. 721.13, relating to
330 real estate timeshare plans.

331 23. Section 775.13(5)(b), relating to registration of
332 persons found to have committed any offense for the purpose of
333 benefiting, promoting, or furthering the interests of a criminal
334 gang.

335 24. Section 777.03, relating to commission of crimes by
336 accessories after the fact.

337 25. Chapter 782, relating to homicide.

338 26. Chapter 784, relating to assault and battery.

339 27. Chapter 787, relating to kidnapping, human smuggling,
340 or human trafficking.

341 28. Chapter 790, relating to weapons and firearms.

342 29. Chapter 794, relating to sexual battery, but only if
343 such crime was committed with the intent to benefit, promote, or
344 further the interests of a criminal gang, or for the purpose of
345 increasing a criminal gang member's own standing or position
346 within a criminal gang.

347 30. Former s. 796.03, former s. 796.035, s. 796.04, s.
348 796.05, or s. 796.07, relating to prostitution.

590-02003A-25

2025322c1

- 349 31. Chapter 806, relating to arson and criminal mischief.
350 32. Chapter 810, relating to burglary and trespass.
351 33. Chapter 812, relating to theft, robbery, and related
352 crimes.
353 34. Chapter 815, relating to computer-related crimes.
354 35. Chapter 817, relating to fraudulent practices, false
355 pretenses, fraud generally, credit card crimes, and patient
356 brokering.
357 36. Chapter 825, relating to abuse, neglect, or
358 exploitation of an elderly person or disabled adult.
359 37. Section 827.071, relating to commercial sexual
360 exploitation of children.
361 38. Section 828.122, relating to fighting or baiting
362 animals.
363 39. Chapter 831, relating to forgery and counterfeiting.
364 40. Chapter 832, relating to issuance of worthless checks
365 and drafts.
366 41. Section 836.05, relating to extortion.
367 42. Chapter 837, relating to perjury.
368 43. Chapter 838, relating to bribery and misuse of public
369 office.
370 44. Chapter 843, relating to obstruction of justice.
371 45. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
372 s. 847.07, relating to obscene literature and profanity.
373 46. Chapter 849, relating to gambling, lottery, gambling or
374 gaming devices, slot machines, or any of the provisions within
375 that chapter.
376 47. Chapter 874, relating to criminal gangs.
377 48. Chapter 893, relating to drug abuse prevention and

590-02003A-25

2025322c1

378 control.

379 49. Chapter 896, relating to offenses related to financial
380 transactions.

381 50. Sections 914.22 and 914.23, relating to tampering with
382 or harassing a witness, victim, or informant, and retaliation
383 against a witness, victim, or informant.

384 51. Sections 918.12 and 918.13, relating to tampering with
385 jurors and evidence.

386 Section 7. This act shall take effect July 1, 2025.