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1
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 real
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 the loss or
25 destruction of, or damage to, certain personal
26 property; providing that the property owner or agent
27 is not liable to any party for the loss or destruction
28 of, or damage to, personal property unless it was
29 wrongfully removed; providing civil remedies;

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30 providing construction; amending s. 689.03, F.S.;

31 making technical changes; amending s. 806.13, F.S.;

32 prohibiting a person from unlawfully detaining or

33 occupying or trespassing upon commercial real property

34 and intentionally causing a specified amount of

35 damage; providing criminal penalties; amending s.

36 817.0311, F.S.; prohibiting listing or advertising for

37 sale, or renting or leasing, real property under

38 certain circumstances; providing criminal penalties;

39 reenacting ss. 775.0837(1)(c) and 895.02(8)(a), F.S.,

40 relating to habitual misdemeanor offenders and

41 definitions, respectively, to incorporate the

42 amendments made to ss. 806.13 and 817.0311, F.S., in

43 references thereto; providing an effective date.

44

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

46

47 Section 1. Subsection (3) of section 82.036, Florida

48 Statutes, is amended to read:

49 82.036 Limited alternative remedy to remove unauthorized

50 persons from residential real property.—

51 (3) To request the immediate removal of an unlawful

52 occupant of a residential dwelling, the property owner or his or

53 her authorized agent must submit a complaint by presenting a

54 completed and verified Complaint to Remove Persons Unlawfully

55 Occupying Residential Real Property to the sheriff of the county

56 in which the real property is located. The submitted complaint

57 must be in substantially the following form:

58

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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

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88 sought to be removed.

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

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

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

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

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

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

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

116 (1) A property owner or his or her authorized agent may

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117 request from the sheriff of the county in which the owner's
118 commercial real property is located the immediate removal of any
119 person or persons unlawfully occupying the commercial real
120 property pursuant to this section if all of the following
121 conditions are met:

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

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

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

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

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

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

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

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

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146 must be in substantially the following form:

147
148 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
149 COMMERCIAL REAL PROPERTY
150

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

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

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

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

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

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

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

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

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175 fraud.

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

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

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

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

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

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

201
202 (3) Upon receipt of the complaint, the sheriff shall verify
203 that the person submitting the complaint is the record owner of

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

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

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233 loss or destruction of, or damage to, their personal property
234 unless the removal was not in accordance with this section.

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

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

247 Section 3. Section 689.03, Florida Statutes, is amended to
248 read:

249 689.03 Effect of such deed.—A conveyance executed
250 substantially in the ~~foregoing~~ provided in s. 689.02 must
251 ~~shall~~ be held to be a warranty deed with full common-law
252 covenants, and must ~~shall~~ just as effectually bind the grantor,
253 and the grantor's heirs, as if such ~~said~~ covenants were
254 specifically set out therein. And this form of conveyance when
255 signed by a married woman must ~~shall~~ be held to convey whatever
256 interest in the property conveyed which she may possess.

257 Section 4. Subsection (4) of section 806.13, Florida
258 Statutes, is amended to read:

259 806.13 Criminal mischief; penalties; penalty for minor.—

260 (4) A person who unlawfully detains or occupies or
261 trespasses upon a residential dwelling or a commercial real

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262 property and who intentionally damages the dwelling or the
263 commercial real property causing \$1,000 or more in damages
264 commits a felony of the second degree, punishable as provided in
265 s. 775.082, s. 775.083, or s. 775.084.

266 Section 5. Section 817.0311, Florida Statutes, is amended
267 to read:

268 817.0311 Fraudulent sale or lease of ~~residential~~ real
269 property.—A person who lists or advertises ~~residential~~ real
270 property for sale knowing that the purported seller has no legal
271 title or authority to sell the property, or rents or leases the
272 property to another person knowing that he or she has no lawful
273 ownership in the property or leasehold interest in the property,
274 commits a felony of the first degree, punishable as provided in
275 s. 775.082, s. 775.083, or s. 775.084.

276 Section 6. For the purpose of incorporating the amendments
277 made by this act to sections 806.13 and 817.0311, Florida
278 Statutes, in references thereto, paragraph (c) of subsection (1)
279 of section 775.0837, Florida Statutes, is reenacted to read:

280 775.0837 Habitual misdemeanor offenders.—

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

282 (c) "Specified misdemeanor offense" means those misdemeanor
283 offenses described in chapter 741, chapter 784, chapter 790,
284 chapter 796, chapter 800, chapter 806, chapter 810, chapter 812,
285 chapter 817, chapter 831, chapter 832, chapter 843, chapter 856,
286 chapter 893, or chapter 901.

287 Section 7. For the purpose of incorporating the amendments
288 made by this act to sections 806.13 and 817.0311, Florida
289 Statutes, in references thereto, paragraph (a) of subsection (8)
290 of section 895.02, Florida Statutes, as amended by chapter 2025-

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291 1, Laws of Florida, is reenacted to read:
292 895.02 Definitions.—As used in ss. 895.01-895.08, the term:
293 (8) "Racketeering activity" means to commit, to attempt to
294 commit, to conspire to commit, or to solicit, coerce, or
295 intimidate another person to commit:
296 (a) Any crime that is chargeable by petition, indictment,
297 or information under the following provisions of the Florida
298 Statutes:
299 1. Section 104.155(2), relating to aiding or soliciting a
300 noncitizen in voting.
301 2. Section 210.18, relating to evasion of payment of
302 cigarette taxes.
303 3. Section 316.1935, relating to fleeing or attempting to
304 elude a law enforcement officer and aggravated fleeing or
305 eluding.
306 4. Chapter 379, relating to the illegal sale, purchase,
307 collection, harvest, capture, or possession of wild animal life,
308 freshwater aquatic life, or marine life, and related crimes.
309 5. Section 403.727(3)(b), relating to environmental
310 control.
311 6. Section 409.920 or s. 409.9201, relating to Medicaid
312 fraud.
313 7. Section 414.39, relating to public assistance fraud.
314 8. Section 440.105 or s. 440.106, relating to workers'
315 compensation.
316 9. Section 443.071(4), relating to creation of a fictitious
317 employer scheme to commit reemployment assistance fraud.
318 10. Section 465.0161, relating to distribution of medicinal
319 drugs without a permit as an Internet pharmacy.

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- 320 11. Section 499.0051, relating to crimes involving
321 contraband, adulterated, or misbranded drugs.
- 322 12. Part IV of chapter 501, relating to telemarketing.
- 323 13. Chapter 517, relating to sale of securities and
324 investor protection.
- 325 14. Section 550.235 or s. 550.3551, relating to dogracing
326 and horseracing.
- 327 15. Chapter 550, relating to jai alai frontons.
- 328 16. Section 551.109, relating to slot machine gaming.
- 329 17. Chapter 552, relating to the manufacture, distribution,
330 and use of explosives.
- 331 18. Chapter 560, relating to money transmitters, if the
332 violation is punishable as a felony.
- 333 19. Chapter 562, relating to beverage law enforcement.
- 334 20. Section 624.401, relating to transacting insurance
335 without a certificate of authority, s. 624.437(4)(c)1., relating
336 to operating an unauthorized multiple-employer welfare
337 arrangement, or s. 626.902(1)(b), relating to representing or
338 aiding an unauthorized insurer.
- 339 21. Section 655.50, relating to reports of currency
340 transactions, when such violation is punishable as a felony.
- 341 22. Chapter 687, relating to interest and usurious
342 practices.
- 343 23. Section 721.08, s. 721.09, or s. 721.13, relating to
344 real estate timeshare plans.
- 345 24. Section 775.13(5)(b), relating to registration of
346 persons found to have committed any offense for the purpose of
347 benefiting, promoting, or furthering the interests of a criminal
348 gang.

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- 349 25. Section 777.03, relating to commission of crimes by
350 accessories after the fact.
- 351 26. Chapter 782, relating to homicide.
- 352 27. Chapter 784, relating to assault and battery.
- 353 28. Chapter 787, relating to kidnapping, human smuggling,
354 or human trafficking.
- 355 29. Chapter 790, relating to weapons and firearms.
- 356 30. Chapter 794, relating to sexual battery, but only if
357 such crime was committed with the intent to benefit, promote, or
358 further the interests of a criminal gang, or for the purpose of
359 increasing a criminal gang member's own standing or position
360 within a criminal gang.
- 361 31. Former s. 796.03, former s. 796.035, s. 796.04, s.
362 796.05, or s. 796.07, relating to prostitution.
- 363 32. Chapter 806, relating to arson and criminal mischief.
- 364 33. Chapter 810, relating to burglary and trespass.
- 365 34. Chapter 812, relating to theft, robbery, and related
366 crimes.
- 367 35. Chapter 815, relating to computer-related crimes.
- 368 36. Chapter 817, relating to fraudulent practices, false
369 pretenses, fraud generally, credit card crimes, and patient
370 brokering.
- 371 37. Chapter 825, relating to abuse, neglect, or
372 exploitation of an elderly person or disabled adult.
- 373 38. Section 827.071, relating to commercial sexual
374 exploitation of children.
- 375 39. Section 828.122, relating to fighting or baiting
376 animals.
- 377 40. Chapter 831, relating to forgery and counterfeiting.

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- 378 41. Chapter 832, relating to issuance of worthless checks
379 and drafts.
- 380 42. Section 836.05, relating to extortion.
- 381 43. Chapter 837, relating to perjury.
- 382 44. Chapter 838, relating to bribery and misuse of public
383 office.
- 384 45. Chapter 843, relating to obstruction of justice.
- 385 46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
386 s. 847.07, relating to obscene literature and profanity.
- 387 47. Chapter 849, relating to gambling, lottery, gambling or
388 gaming devices, slot machines, or any of the provisions within
389 that chapter.
- 390 48. Chapter 874, relating to criminal gangs.
- 391 49. Chapter 893, relating to drug abuse prevention and
392 control.
- 393 50. Chapter 896, relating to offenses related to financial
394 transactions.
- 395 51. Sections 914.22 and 914.23, relating to tampering with
396 or harassing a witness, victim, or informant, and retaliation
397 against a witness, victim, or informant.
- 398 52. Sections 918.12 and 918.13, relating to tampering with
399 jurors and evidence.
- 400 Section 8. This act shall take effect July 1, 2025.