



Support Homeowners' Rights

Under current statute, property owners or individuals with a right to property (a "leasee") have little recourse when an unwanted guest will not leave. Florida's Landlord and Tenant Act (Chapter 83, F.S.) is vague as to how a person can establish residency. So when an unwanted guest - or transient occupant - decides not to vacate the property, the only way for a property owner to remove the guest is through the eviction process. The eviction process is costly and time consuming. It generally takes several months, and a considerable amount of attorney's fees and court costs to evict a guest.

Law enforcement is often summoned by a property owner to remove the unwanted guest, but without clear statutory authority law enforcement cannot take action. This adversely affects the property owner's rights and forces costly litigation to protect their property rights.

Under HB 305 and SB 656, a property owner could resolve the issue in this manner:

A property owner allows his cousin to stay in his home temporarily. They have an altercation where violence is threatened but no crime is committed and the cousin refuses to leave. The property owner calls law enforcement who takes a sworn affidavit from the owner stating the cousin is a transient occupant and refuses to leave, and then, after determining the cousin to be a transient occupant, issues a trespass warning. If the cousin then refuses to leave, or leaves and returns after law enforcement leaves, the cousin would then be arrested for trespassing without having to wait for a violent criminal act to occur.

Specifically this bill provides that a person can be considered a "transient occupant" when he or she does not have a written lease, is staying in a residence for a brief period of time, and the nature of their stay is transient—no formal rent, utility payments, or using the address to receive mail. After taking a sworn affidavit from a homeowner, law enforcement can issue a trespass warning and later arrest the transient occupant if he or she refuses to leave. The bill provides civil protections to both the homeowner and any person that may be wrongfully removed from a residence.

Simply put, these bills provide protection for individuals entitled to possession and clarity for law enforcement so they can defuse and resolve potentially violent disputes.



Support HB 305 by Rep. Harrison and SB 656 by Sen. Latvala