

HB 305

2015

1 A bill to be entitled

2 An act relating to landlords and tenants; amending s.
3 83.42, F.S.; excluding transient occupancy in a
4 dwelling unit or premises from applicability of the
5 Florida Residential Landlord and Tenant Act; amending
6 s. 83.43, F.S.; revising the definition of the term
7 "transient occupancy"; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Subsections (4) and (5) of section 83.42,
12 Florida Statutes, are renumbered as subsections (5) and (6),
13 respectively, and a new subsection (4) is added to that section
14 to read:

15 83.42 Exclusions from application of part.—This part does
16 not apply to:

17 (4) Transient occupancy in a dwelling unit or premises.

18 Section 2. Subsection (10) of section 83.43, Florida
19 Statutes, is amended to read:

20 83.43 Definitions.—As used in this part, the following
21 words and terms shall have the following meanings unless some
22 other meaning is plainly indicated:

23 (10) "Transient occupancy" means occupancy when it is the
24 intention of the parties that the occupancy will be temporary.
25 There is a rebuttable presumption that, when a dwelling unit or
26 premises is occupied by a person for a length of time not to

27 exceed 30 days, the occupancy is transient and not subject to
28 the provisions of this part. If the dwelling unit or premises is
29 occupied by a person for more than 30 days, factors that
30 establish transient occupancy include, but are not limited to:

31 (a) The person does not have ownership or financial
32 interest in, or a written agreement or contract entitling him or
33 her to occupancy of, the property.

34 (b) The person does not have any property utility
35 subscriptions.

36 (c) The person does not use the property address as an
37 address of record with any governmental agency, including, but
38 not limited to, the Department of Highway Safety and Motor
39 Vehicles, the supervisor of elections, or the United States
40 Postal Service.

41 (d) The person does not routinely receive mail at the
42 property.

43 (e) The person does not pay a fair market value rent for
44 his or her stay at the property.

45 (f) The person does not have a designated space of his or
46 her own, such as a room, at the property.

47 (g) Minor contributions made for the purchase of household
48 expenses, such as groceries, may not be used to establish
49 residency.

50 Section 3. This act shall take effect July 1, 2015.