

By Senator Latvala

20-00454-15

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A bill to be entitled
An act relating to landlords and tenants; amending s.
83.42, F.S.; excluding transient occupancy in a
dwelling unit or premises from the regulation of
residential tenancies; amending s. 83.43, F.S.;
revising the definition of the term "transient
occupancy"; providing an effective date.

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

Section 1. Present subsections (4) and (5) of section
83.42, Florida Statutes, are redesignated as subsections (5) and
(6), respectively, and a new subsection (4) is added to that
section, to read:

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

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

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

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

(10) "Transient occupancy" means occupancy that is intended
by when it is the intention of the parties to that the occupancy
will be temporary. There is a rebuttable presumption that, when
the dwelling unit or premises is occupied by a person for 30
days or less, the occupancy is transient and not subject to this
act. If the dwelling unit or premises is occupied by a person
for more than 30 days, factors that may be used in determining

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whether residency is transient include, but are not limited to:

(a) The length of time the person occupies the property.

(b) Whether the person has an ownership or financial interest in the property.

(c) Whether the person is a subscriber to any of the utilities that are used on the property.

(d) Whether the person uses the property address as an address of record with any governmental agency, including, but not limited to, the Department of Highway Safety and Motor Vehicles, the supervisor of elections, and the United States Postal Service.

(e) Whether the person routinely receives United States mail at the property.

(f) Whether the person has a written agreement or contract that entitles him or her to occupancy of the property.

(g) Whether the rent paid by the person for his or her stay at the property is paid at fair market value. A person who makes minor contributions to household expenses, such as groceries, does not establish residency that is regulated under this part.

(h) Whether the person has a designated space of his or her own, such as a room, on the property.

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