

## HOUSE MESSAGE SUMMARY

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BILL: CS/SB 838, 1<sup>st</sup> Engrossed  
SPONSOR: Senator Saunders  
SUBJECT: Landlord & Tenant  
PREPARED BY: Senate Committee on Judiciary  
DATE: May 2, 2001

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### **I. Amendments Contained in Message:**

**House amendment 1 – 765-103AX-06 to CS for SB 838, 1<sup>st</sup> Engrossed (body with title)**

### **II. Summary of Amendments Contained in Message:**

#### **House Amendment 1**

Strike everything amendment to CS/SB 838, 1<sup>st</sup> Engrossed. The strike everything is identical to CS/SB 838 1<sup>st</sup> Engrossed as it passed out of the Senate, with the following exceptions:

- The Senate bill originally gave the landlord 30 days to return the tenant's security deposit or notify the tenant of an intent to make a claim on the security deposit, but this provision was removed from the bill on the floor by an amendment from Senator Wasserman-Schultz, thus restoring current law. The House amendment maintains current law by requiring the landlord to return the security deposit within 15 days if the landlord makes no claim on the security deposit. However, the House amendment changes current law by giving the landlord 30 days to notify the tenant of an intent to make a claim on the security deposit.
- The House amendment changes the mileage relocation requirement from 50 miles to 35 miles in the bill's provision that allows members of the armed services to cancel their rental agreements – with minimal liquidated damages – when the member receives transfer orders requiring the member to move more than 35 miles away from their apartment. The House amendment also adds a paragraph to allow adult family members to cancel rental agreements of a member of the armed services who dies during active duty.
- The House amendment removes apartment complex employees from the category of people who can receive referral fees of up to \$50 and remain exempt from having to be a licensed real estate agent or broker. The House amendment also makes it a violation of s. 475.25(1)(h), F.S., relating to discipline of real estate agents and brokers, for a property management firm or apartment complex owner to pay a referral fee to an unlicensed person unless expressly authorized by this provision. Violation of this provision is punishable under s. 475.42, F.S.