

Landlord/Tenant Information

Landlord and Tenant disputes are a civil process that is handled through the Clerk of Court. Here is some information courtesy of the Okaloosa County Sheriffs Office.

If you are landlord with troublesome tenants... or a tenant with a difficult landlord... you are not alone. Okaloosa Deputies are summoned to landlord/tenant disputes an average of at least once each day, often because either the landlord or tenant doesn't fully understand what they may and may not legally do.

Some common points of dispute include:

Security Deposits. After a tenant leaves, the landlord has 30 days to give written notice if he or she intends to keep all or part of the security deposit. A landlord who fails to give notice before that deadline gives up any right to keep any of the deposit. A former tenant who doesn't reply to such a notice within 15 days gives up any right to protest the landlord's claim.

Access to premises. Once a property is rented, the owner no longer has free reign to come and go at will. Except for urgent circumstances, the landlord must give notice before entering to make repairs, exterminate bugs, or show the property to prospective renters or purchasers. The tenant is not allowed to "unreasonably withhold consent," and the landlord is not allowed to abuse his or right of access nor use it to harass the tenant.

Evicting a tenant. Landlords are not allowed to change the locks, shut off utilities or take other measures to force out a recalcitrant tenant. If a tenant refuses to move out voluntarily, the landlord's only legal option is to file eviction paperwork. If the tenant is behind in rent, the landlord must give three days written notice, not counting weekends and holidays, before starting the eviction process. For failing to meet lease obligations, such as disturbing the peace of the neighborhood or abusing the property, seven days notice is required. For any other reason, such as the property is being sold or the owner wants to move in, the notice requirement varies from seven to 60 days, depending upon the term of the tenancy. The Clerk of Courts Office has paperwork that explains the process step by step. The Sheriff's Office may not evict a tenant until the landlord has followed all the legal steps.

Property left behind. Savvy landlords use a written lease with a clause that specifies "...the landlord shall not be liable or responsible for storage or disposition of the tenant's personal property."

Without such an agreement, the landlord must take certain legal steps before disposing of any property left behind. If the property is worth \$500 or more, the landlord would have to advertise

and conduct a public auction, with the proceeds going into the county treasury.

Landlords and tenants would be wise to become more thoroughly acquainted with Florida Statute 83, the Landlord-Tenant Law. One way to access it is by logging on to www.sheriff-okaloosa.org, then use the menu bar on the left to link to the Okaloosa County Clerk of Courts website, which has a good synopsis of the law and a link to the full text of the statute.

Supporting Documents

florida-landlord-tenant-brochure.pdf 8.94 MB