

1. Must the landlord maintain my apartment?

Yes. The landlord is responsible for complying with local housing codes. This usually means the landlord must fix broken plumbing, walls, windows, screens, floor, door, etc.

Chapter 83.51 Florida Statutes

2. What should I do if he refuses to repair?

First, call your local housing code enforcement agency. City Hall will help direct you there. If they find violations, they will notify the landlord. You can withhold rent if you send a written letter to the landlord seven (7) days before the rent is due, outlining the problems and telling him he has seven (7) days to fix the problem or you will withhold rent.

Chapter 83.60(1) Florida Statutes

3. Can I fix the problem myself and take the cost out of the rent?

No. This is called repair and deduct, and is not currently allowed in Florida. If you do this without an agreement from your landlord, you will be behind in rent.

4. What will happen if I get behind in rent?

Your landlord must first deliver to you a 3-day notice, giving you a full three (3) days after delivery, not including weekends and holidays, to pay the rent due or vacate.

Chapter 83.56 Florida Statutes

5. Can my landlord lock me out?

No. The landlord can't do anything to interfere with your tenancy until a Judge orders you to vacate the premises and the Sheriff posts a writ of possession. Locking you out, shutting off the electricity, water, gas, heat, etc., is prohibited. If this occurs, you may need to seek an injunction and damages.

Chapter 83.67 Florida Statutes

6. What if I can't pay the rent?

To evict you, the landlord must file a complaint in County Court. The complaint will be served upon you and you will have five (5) days, not including weekends and holidays, to file a response. If you are being evicted for non-payment of rent you must deposit the rent money with your answer or ask the Court to determine what you should deposit. A judgment will be entered ordering you to vacate.

Chapter 83.60(2) Florida Statutes

IF YOU ARE SERVED WITH A COMPLAINT, SEEK LEGAL ADVICE.

7. What if I move out and my landlord won't give me back my security deposit?

The landlord has fifteen (15) days after you move out to return your security deposit or must send a certified letter within thirty (30) days to you informing you of the landlord's intention to impose a claim on your security deposit.

Chapter 83.49(3) Florida Statutes

8. What if the landlord doesn't give me a notice and I want my security deposit?

If the landlord fails to give you a notice he has lost his right to claim any of the security deposit. Go to Small Claims Court and file an action against him to get your security deposit back.

9. What if I need a lawyer?

If you need a lawyer and cannot afford a private attorney, call one of our offices to find out if you qualify for the program and to make an appointment.