



HB 0477

2003

1 A bill to be entitled

2 An act relating to termination of rental agreements by
3 members of the United States Armed Forces; amending s.
4 83.682, F.S.; removing provisions requiring the payment of
5 liquidated damages to the landlord under certain
6 circumstances upon termination of a rental agreement;
7 providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 83.682, Florida Statutes, is amended to
12 read:

13 83.682 Termination of rental agreement by a member of the
14 United States Armed Forces.--

15 (1) (a) Any member of the United States Armed Forces who is
16 required to move pursuant to permanent change of station orders
17 to depart 35 miles or more from the location of a rental
18 premises or who is prematurely or involuntarily discharged or
19 released from active duty with the United States Armed Forces
20 may terminate his or her rental agreement by providing the
21 landlord with a written notice of termination to be effective on
22 the date stated in the notice that is at least 30 days after the
23 landlord's receipt of the notice. The notice to the landlord
24 must be accompanied by either a copy of the official military
25 orders or a written verification signed by the member's
26 commanding officer.

27 (b) In the event a member of the United States Armed
28 Forces dies during active duty, an adult member of his or her
29 immediate family may terminate the member's rental agreement by
30 providing the landlord with a written notice of termination to



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31 be effective on the date stated in the notice that is at least
32 30 days after the landlord's receipt of the notice. The notice
33 to the landlord must be accompanied by either a copy of the
34 official military orders or a written verification signed by the
35 member's Commanding Officer.

36 (2) Upon termination of a rental agreement under this
37 section, the tenant is liable for the rent due under the rental
38 agreement prorated to the effective date of the termination
39 payable at such time as would have otherwise been required by
40 the terms of the rental agreement. The tenant is not liable for
41 any other rent or damages due to the early termination of the
42 tenancy ~~except the liquidated damages provided in this section.~~
43 If a tenant terminates the rental agreement pursuant to this
44 section 14 or more days prior to occupancy, no damages or
45 penalties of any kind are due.

46 ~~(3) In consideration of early termination of the rental~~
47 ~~agreement, the tenant is liable to the landlord for liquidated~~
48 ~~damages provided the tenant has completed less than 9 months of~~
49 ~~the tenancy and the landlord has suffered actual damages due to~~
50 ~~loss of the tenancy. The liquidated damages must be no greater~~
51 ~~than 1 month's rent if the tenant has completed less than 6~~
52 ~~months of the tenancy as of the effective date of termination,~~
53 ~~or one-half of 1 month's rent if the tenant has completed at~~
54 ~~least 6 but not less than 9 months of the tenancy as of the~~
55 ~~effective date of termination.~~

56 (3)~~(4)~~ The provisions of this section may not be waived or
57 modified by the agreement of the parties under any
58 circumstances.

59 Section 2. This act shall take effect upon becoming a law.