

By Senator Fasano

11-624-03

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

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

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

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

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

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

1 to be effective on the date stated in the notice that is at
2 least 30 days after the landlord's receipt of the notice. The
3 notice to the landlord must be accompanied by either a copy of
4 the official military orders or a written verification signed
5 by the member's Commanding Officer.

6 (2) Upon termination of a rental agreement under this
7 section, the tenant is liable for the rent due under the
8 rental agreement prorated to the effective date of the
9 termination payable at such time as would have otherwise been
10 required by the terms of the rental agreement. The tenant is
11 not liable for any other rent or damages due to the early
12 termination of the tenancy ~~except the liquidated damages~~
13 ~~provided in this section~~. If a tenant terminates the rental
14 agreement pursuant to this section 14 or more days prior to
15 occupancy, no damages or penalties of any kind are due.

16 ~~(3) In consideration of early termination of the~~
17 ~~rental agreement, the tenant is liable to the landlord for~~
18 ~~liquidated damages provided the tenant has completed less than~~
19 ~~9 months of the tenancy and the landlord has suffered actual~~
20 ~~damages due to loss of the tenancy. The liquidated damages~~
21 ~~must be no greater than 1 month's rent if the tenant has~~
22 ~~completed less than 6 months of the tenancy as of the~~
23 ~~effective date of termination, or one-half of 1 month's rent~~
24 ~~if the tenant has completed at least 6 but not less than 9~~
25 ~~months of the tenancy as of the effective date of termination.~~

26 (3)~~(4)~~ The provisions of this section may not be
27 waived or modified by the agreement of the parties under any
28 circumstances.

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

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SENATE SUMMARY

Deletes provisions that require the payment of liquidated damages to a landlord under limited circumstances when a member of the United States Armed Forces is required to move or dies during active duty.