

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Gannon offered the following:

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3 **Amendment to Amendment (823941) (with title amendment)**

4 Between lines 105 and 106, insert:

5
6 Section 2. Section 83.683, Florida Statutes, is created to
7 read:

8 83.683 Termination of a rental agreement by a victim of
9 domestic violence, repeat violence, sexual violence, or dating
10 violence.--

11 (1) As used in this section, the term:

12 (a) "Permanent injunction" means an injunction for
13 protection against domestic violence, issued under s. 741.30(6),
14 or an injunction for protection against repeat violence, sexual
15 violence, or dating violence, issued under s. 784.046(7),

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16 regardless of whether a motion for rehearing or a notice of
17 appeal is filed.

18 (b) "Respondent" means a person against whom a permanent
19 injunction for protection against domestic violence under s.
20 741.30(6) or a permanent injunction for protection against
21 repeat violence, sexual violence, or dating violence under s.
22 784.046(7) has been issued.

23 (c) "Victim" means an adult, or the parent or guardian of
24 a minor, who has been granted a permanent injunction against
25 domestic violence, as defined in s. 741.28(2), or who has been
26 granted a permanent injunction against sexual violence, dating
27 violence, or acts of repeat violence, as defined in s. 784.046.

28 (d) "Conviction" has the same meaning as in s. 921.0021.

29 (2)(a) A victim may elect to terminate a rental agreement
30 and vacate the dwelling unit if the victim gives the landlord
31 written notice of the victim's intent to terminate the lease and
32 a copy of the permanent injunction. The victim must give the
33 landlord the notice and copy of the injunction no later than 15
34 days after the injunction is entered.

35 (b) The victim must report the incident of domestic
36 violence, as defined in s. 741.28(2), or sexual violence, dating
37 violence, or acts of repeat violence, as defined in s. 784.046,
38 to the appropriate authorities and must comply with any criminal
39 investigation and prosecution of any such incident, including
40 testifying truthfully at a criminal trial. If the victim
41 complies with the criminal investigation and prosecution and the
42 respondent is convicted, the respondent shall be liable for the

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43 entire amount of liquidated damages pursuant to s. 83.595(1)(d),
44 the respondent shall reimburse the victim for any amount the
45 victim has paid pursuant to s. 83.595(1)(d), and subsection (3)
46 shall apply. If the respondent is not convicted, subsection (3)
47 shall apply.

48 (c) The victim must vacate the dwelling unit on the date
49 the lease expires or 30 days after the landlord receives notice
50 of the termination, whichever comes first.

51 (d) The landlord shall mail the notice required by s.
52 83.49 to both the victim and the respondent.

53 (3) The lease or tenancy shall continue in all respects
54 subject to the terms and conditions of the lease or tenancy,
55 except that the victim shall be released from all future
56 obligations of the lease or tenancy; however, all tenants,
57 including the victim, the respondent, and other tenants, are
58 responsible for damages to the dwelling unit that exceed
59 ordinary wear and tear, excluding those damages incurred as a
60 result of any incident of domestic violence, sexual violence,
61 dating violence, or repeat violence, in which case the cost
62 shall be the sole responsibility of the respondent. Nothing in
63 this subsection shall be interpreted so as to impair the right
64 of any landlord to evict any tenant in accordance with any terms
65 and conditions of the lease or tenancy that provide for eviction
66 in the event of a tenant's participation in unlawful activity.

67 (4) If the respondent or any other tenant who is a party
68 to the rental agreement fails to retake possession of the
69 dwelling unit within 15 days after the date the victim gave the

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70 landlord as the date the victim would vacate the dwelling unit
71 and the rent is unpaid, the dwelling unit shall be considered
72 abandoned and the landlord may retake possession and dispose of
73 any abandoned property in any way the landlord sees fit.

74 (5) The provisions of this section may not be waived or
75 modified by agreement between the victim and the respondent.

76 (6) This section applies to all rental agreements subject
77 to this part and executed on or after July 1, 2005.

78 Section 3. Paragraph (d) is added to subsection (3) of
79 section 83.59, Florida Statutes, to read:

80 83.59 Right of action for possession.--

81 (3) The landlord shall not recover possession of a
82 dwelling unit except:

83 (d) When, 45 days after the date of death of the tenant,
84 the rent is unpaid and the landlord has not been notified of the
85 existence of a probate estate or name and address of a personal
86 representative.

87 Section 4. Subsection (1) of section 83.595, Florida
88 Statutes, is amended to read:

89 83.595 Choice of remedies upon breach by tenant.--

90 (1) If the tenant breaches the rental agreement ~~lease~~ for
91 the dwelling unit and the landlord has obtained a writ of
92 possession, or the tenant has surrendered possession of the
93 dwelling unit to the landlord, or the tenant has abandoned the
94 dwelling unit, the landlord may:

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95 (a) Treat the rental agreement ~~lease~~ as terminated and
96 retake possession for his or her own account, thereby
97 terminating any further liability of the tenant; ~~or~~

98 (b) Retake possession of the dwelling unit for the account
99 of the tenant, holding the tenant liable for the difference
100 between the rent ~~rental~~ stipulated to be paid under the rental
101 ~~lease~~ agreement and what, in good faith, the landlord is able to
102 recover from a reletting; ~~or~~

103 (c) Stand by and do nothing, holding the lessee liable for
104 the rent as it comes due; or

105 (d) Obtain liquidated damages upon breach and a fee for
106 the tenant to obtain an early termination of the rental
107 agreement, or both, if such had been provided for in the rental
108 agreement, upon the tenant's giving the landlord notice as
109 provided in the rental agreement of up to 60 days. The landlord
110 shall treat such a rental agreement as terminated and charge the
111 tenant liquidated damages or the early termination fee as
112 specified in the rental agreement, equal to not more than 2
113 months' rent, in addition to the unpaid rent and other charges
114 due under the rental agreement through the end of the month in
115 which the landlord retakes possession of the dwelling unit. In
116 such event, the remedies set forth in paragraphs (a), (b), and
117 (c) are not available to the landlord. This paragraph shall not
118 apply when the breach is a failure to give notice at the end of
119 the rental agreement as provided in s. 83.575.

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===== T I T L E A M E N D M E N T =====

Remove line 117 and insert:

court; providing construction; creating s. 83.683, F.S.; providing definitions; providing for early lease termination if a victim of domestic violence, repeat violence, sexual violence, or dating violence elects to leave a residential rental property; providing requirements for termination; requiring the victim to comply with any criminal investigation and prosecution related to such offenses; providing that a residential lease shall continue in all terms and conditions for all tenants except the victim; providing that all tenants, including the victim and respondent, are responsible for damage to the property exceeding ordinary wear and tear, except that the respondent shall be responsible for the costs of damage resulting from any incident of domestic violence; providing for repossession by the landlord in case of abandonment by other tenants; providing that an agreement between the victim and the respondent may not waive or modify certain rights of victims; providing applicability; amending s. 83.59, F.S.; providing conditions under which a landlord may reclaim possession of a dwelling unit after the tenant has died; amending s. 83.595, F.S.; allowing a rental agreement to provide for liquidated damages upon breach and for a fee for the

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HOUSE AMENDMENT

Bill No. CS/SB 152

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148 | tenant to obtain an early termination of the rental
149 | agreement in certain circumstances; providing an effective

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