

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative [Gannon](#) offered the following:

2
3 **Amendment (with title amendment)**

4 On page 4, between lines 20 and 21,

5
6 insert:

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

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

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

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

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16 violence, or dating violence, issued under s. 784.046(7),
17 regardless of whether a motion for rehearing or a notice of
18 appeal is filed.

19 (b) "Respondent" means a person against whom a permanent
20 injunction for protection against domestic violence under s.
21 741.30(6) or a permanent injunction for protection against
22 repeat violence, sexual violence, or dating violence under s.
23 784.046(7) has been issued.

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

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

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

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

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

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

52 (d) The landlord shall mail the notice required by s.
53 83.49 to both the victim and the respondent.

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

68 (4) If the respondent or any other tenant who is a party
69 to the rental agreement fails to retake possession of the

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70 dwelling unit within 15 days after the date the victim gave the
71 landlord as the date the victim would vacate the dwelling unit
72 and the rent is unpaid, the dwelling unit shall be considered
73 abandoned and the landlord may retake possession and dispose of
74 any abandoned property in any way the landlord sees fit.

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

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

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

81 83.59 Right of action for possession.--

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

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

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

90 83.595 Choice of remedies upon breach by tenant.--

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

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

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

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

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

121
122 ===== T I T L E A M E N D M E N T =====

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123 On page 1, between lines 9 and 10,

124

125 insert:

126 creating s. 83.683, F.S.; providing definitions; providing
127 for early lease termination if a victim of domestic
128 violence, repeat violence, sexual violence, or dating
129 violence elects to leave a residential rental property;
130 providing requirements for termination; requiring the
131 victim to comply with any criminal investigation and
132 prosecution related to such offenses; providing that a
133 residential lease shall continue in all terms and
134 conditions for all tenants except the victim; providing
135 that all tenants, including the victim and respondent, are
136 responsible for damage to the property exceeding ordinary
137 wear and tear, except that the respondent shall be
138 responsible for the costs of damage resulting from any
139 incident of domestic violence; providing for repossession
140 by the landlord in case of abandonment by other tenants;
141 providing that an agreement between the victim and the
142 respondent may not waive or modify certain rights of
143 victims; providing applicability; amending s. 83.59, F.S.;
144 providing conditions under which a landlord may reclaim
145 possession of a dwelling unit after the tenant has died;
146 amending s. 83.595, F.S.; allowing a rental agreement to
147 provide for liquidated damages upon breach and for a fee
148 for the tenant to obtain an early termination of the
149 rental agreement in certain circumstances;

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