

By Senator Rich

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A bill to be entitled

An act relating to modification or termination of a residential rental agreement by a victim of domestic violence; creating s. 83.683, F.S.; providing definitions; providing for an early termination of a lease if a victim of domestic violence elects to leave a residential rental property under certain circumstances; providing that a residential lease agreement may not waive or modify the rights of a victim; providing an effective date.

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

Section 1. Section 83.683, Florida Statutes, is created to read:

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

(1) As used in this section the term:

(a) "Permanent injunction" means an injunction for protection against domestic violence, issued under s. 741.30(6), or an injunction for protection against repeat violence, sexual violence, or dating violence, issued under s. 784.046(7), regardless of whether a motion for rehearing or a notice of appeal is filed.

(b) "Respondent" means a person against whom an injunction for protection against domestic violence was issued under s. 741.30, or an injunction for protection against repeat violence, sexual violence, or dating violence, issued under s. 784.046(7), has been issued.

1 (c) "Victim" means an adult, or the parent or guardian
2 of a minor, who has been granted a permanent injunction
3 against domestic violence, as defined in s. 741.28, or who has
4 been granted a permanent injunction against sexual violence,
5 dating violence, or acts of repeat violence, as defined in s.
6 784.046, and who has been granted exclusive possession of a
7 dwelling unit that is subject to this part.

8 (2)(a) A victim may elect to terminate a rental
9 agreement and vacate the dwelling unit if the victim gives the
10 landlord written notice of the victim's intent to terminate
11 the lease and a copy of the permanent injunction. The victim
12 must give the landlord the notice and injunction no later than
13 15 days after the injunction is issued.

14 (b) The victim must vacate the dwelling unit on the
15 date the lease expires by written agreement or operation of
16 law or 30 days after the landlord receives notice of the
17 termination, whichever comes first.

18 (c) The landlord shall give the notice required by s.
19 83.49 to both the victim and the respondent.

20 (3) This section may not be waived or modified by
21 agreement of the victim and respondent.

22 (4) This section applies to all rental agreements
23 subject to this part and executed on or after July 1, 2005.

24 Section 2. This act shall take effect July 1, 2005.

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27 SENATE SUMMARY

28 Provides for an early termination of a lease if a victim
29 of domestic violence elects to leave a residential rental
30 property. Provides that a residential lease agreement may
31 not waive or modify the rights of a victim.