## Florida Senate - 2005

By the Committee on Criminal Justice; and Senator Rich

591-2183A-05

1	A bill to be entitled
2	An act relating to residential tenancies;
3	creating s. 83.683, F.S.; providing
4	definitions; providing for an early termination
5	of a lease if a victim of domestic violence,
б	sexual violence, dating violence, or repeat
7	violence elects to leave a residential rental
8	property under certain circumstances; providing
9	effect of such termination; prescribing
10	responsibilities of parties; providing
11	landlord's rights under such termination;
12	providing that the rights of a victim may not
13	be waived; amending s. 83.59, F.S.; prescribing
14	landlord's right to recover possession of a
15	dwelling unit upon the death of a tenant;
16	providing an effective date.
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18	Be It Enacted by the Legislature of the State of Florida:
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20	Section 1. Section 83.683, Florida Statutes, is
21	created to read:
22	83.683 Termination of a rental agreement by a victim
23	of domestic violence, repeat violence, sexual violence, or
24	dating violence
25	(1) As used in this section, the term:
26	(a) "Permanent injunction" means an injunction for
27	protection against domestic violence, issued under s.
28	741.30(6), or an injunction for protection against repeat
29	violence, sexual violence, or dating violence, issued under s.
30	784.046(7), regardless of whether a motion for rehearing or a
31	notice of appeal is filed.

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1	(b) "Respondent" means a person against whom a
2	permanent injunction for protection against domestic violence
3	was issued under s. 741.30, or permanent injunction for
4	protection against repeat violence, sexual violence, or dating
5	violence, issued under s. 784.046(7), has been issued.
6	(c) "Victim" means an adult, or the parent or guardian
7	of a minor, who has been granted a permanent injunction
8	against domestic violence, as defined in s. 741.28, or who has
9	been granted a permanent injunction against sexual violence,
10	dating violence, or acts of repeat violence, as defined in s.
11	784.046, and who has been granted exclusive possession by a
12	court of a dwelling unit that is subject to this part.
13	(2)(a) A victim may elect to terminate a rental
14	agreement and vacate the dwelling unit if the victim gives the
15	landlord written notice of the victim's intent to terminate
16	the lease and a copy of the permanent injunction. The victim
17	must give the landlord the notice and injunction no later than
18	15 days after the injunction is entered.
19	(b) The victim must vacate the dwelling unit on the
20	date the lease expires or 30 days after the landlord receives
21	notice of the termination, whichever comes first.
22	(c) The landlord shall mail the notice required by s.
23	83.49(3)(a) to both the victim and the respondent.
24	(3) The lease or tenancy shall continue in all
25	respects to the terms and conditions of the lease except that
26	the victim shall be released from all future obligations of
27	the lease; however, all tenants, including the victim, the
28	respondent, and other tenants, are responsible for any damages
29	that exceed ordinary wear and tear, excluding those damages
30	incurred as a result of any incident of domestic abuse, in
31	which case the cost shall be the sole responsibility of the

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1 respondent. This subsection may not be interpreted to impair 2 the right of any landlord to evict any tenant in accordance with any terms and conditions set forth that provide for 3 eviction in the event of a tenant participating in unlawful 4 5 activity. б (4) If the respondent or any other tenant on the 7 rental agreement fails to retake possession of the premises within 15 days after the date the victim gave the landlord as 8 the date the victim would vacate the premises and the rent is 9 unpaid, the premises shall be considered abandoned and the 10 landlord may retake possession and dispose of any abandoned 11 12 property in any way the landlord sees fit. 13 (5) This section may not be waived or modified by agreement of the victim and respondent. 14 (6) This section applies to all rental agreements 15 subject to this part and executed on or after July 1, 2005. 16 17 Section 2. Subsection (3) of section 83.59, Florida 18 Statutes, is amended to read: 83.59 Right of action for possession. --19 20 (3) The landlord shall not recover possession of a 21 dwelling unit except: 22 In an action for possession under subsection (2) (a) 23 or other civil action in which the issue of right of 2.4 possession is determined; (b) When the tenant has surrendered possession of the 25 26 dwelling unit to the landlord; or 27 (c) When the tenant has abandoned the dwelling unit. 2.8 In the absence of actual knowledge of abandonment, it shall be 29 presumed that the tenant has abandoned the dwelling unit if he or she is absent from the premises for a period of time equal 30 to one-half the time for periodic rental payments. However, 31 3

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1	this presumption shall not apply if the rent is current or the
2	tenant has notified the landlord, in writing, of an intended
3	absence <u>; or</u> -
4	(d) Forty-five days after the date of death of the
5	tenant, if the rent is unpaid and the landlord has not been
6	notified of the existence of a probate estate or the name and
7	address of a personal representative.
8	Section 3. This act shall take effect July 1, 2005.
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10	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
11	<u>Senate Bill 2166</u>
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	the victim must vacate the dwelling "on the date the lease
14	expires by written agreement or operation of law or 30 days after the landlord receives notice of the termination,
15	whichever occurred first." By deleting from the bill the words "by written agreement or operation of law" the victim must now
16 17	vacate the dwelling when the lease expires or 30 days after the landlord receives notice of the termination.
18	Victim Not Responsible for Remainder of Lease or Certain Damages - Section 83.683(3), F.S., establishes that the victim
19	is released from any future obligations of the lease and is not responsible for damages incurred during an incident of
20	domestic abuse.
21	Right of Landlord to Recover Possession of a Rental Unit Upon Death of a Tenant - New language is added in section 2
amending the conditions under which a landlord may red possession of a dwelling. (Section 83.59(3), F.S.) The landlord may recover possession of a dwelling if, 45 co	amending the conditions under which a landlord may recover
	landlord may recover possession of a dwelling if, 45 days after the tenant dies, the rent is unpaid and the landlord has
24	not been notified of the estate being probated or of the name and address of a personal representative.
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