

By Senator Clary

4-383-06

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A bill to be entitled

An act relating to residential tenancies;  
amending s. 83.43, F.S.; defining the term  
"early termination fee"; amending s. 83.595,  
F.S.; authorizing a landlord to charge the  
tenant an early termination fee if specified in  
the written lease; limiting the amount of an  
early termination fee; providing an effective  
date.

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

Section 1. Subsection (17) is added to section 83.43,  
Florida Statutes, to read:

83.43 Definitions.--As used in this part, the  
following words and terms shall have the following meanings  
unless some other meaning is plainly indicated:

(17) "Early termination fee" means an amount of money  
in addition to rent, specified in a written lease, which a  
landlord charges a tenant when a tenant terminates a written  
lease before the termination date set forth in the lease.

Section 2. Subsection (1) of section 83.595, Florida  
Statutes, is amended to read:

83.595 Choice of remedies upon breach by tenant.--  
(1) If the tenant breaches the lease for the dwelling  
unit and the landlord has obtained a writ of possession, or  
the tenant has surrendered possession of the dwelling unit to  
the landlord, or the tenant has abandoned the dwelling unit,  
the landlord may:

1 (a) Treat the lease as terminated and retake  
2 possession for his or her own account, thereby terminating any  
3 further liability of the tenant; ~~or~~

4 (b) Retake possession of the dwelling unit for the  
5 account of the tenant, holding the tenant liable for the  
6 difference between rental stipulated to be paid under the  
7 lease agreement and what, in good faith, the landlord is able  
8 to recover from a reletting; ~~or~~

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

11 (d) Treat the lease as terminated and charge the  
12 tenant an early termination fee if the fee is specified in the  
13 written lease agreement. The tenant remains liable for each  
14 rental payment and any charges due under the lease agreement  
15 until the tenant surrenders possession of the dwelling unit to  
16 the landlord. The early termination fee may not exceed the  
17 lesser of an amount equivalent to:

18 1. Two months rents; or

19 2. The remaining balance of rent due under the written  
20 lease agreement.

21 Section 3. This act shall take effect upon becoming a  
22 law.

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25 SENATE SUMMARY

26 Defines the term "early termination fee." Authorizes a  
27 landlord to charge the tenant an early termination fee if  
28 specified in the written lease. Limits the amount of an  
29 early termination fee.  
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