

By Senator Rich

34-494A-06

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,
6 sexual violence, dating violence, or repeat
7 violence elects to leave a residential rental
8 property under certain circumstances; providing
9 the effect of such termination; prescribing
10 responsibilities of parties; providing the
11 landlord's rights under such termination;
12 providing that the rights of a victim may not
13 be waived or modified; providing an effective
14 date.

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16 Be It Enacted by the Legislature of the State of Florida:
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18 Section 1. Section 83.683, Florida Statutes, is
19 created to read:
20 83.683 Termination of a rental agreement by a victim
21 of domestic violence, repeat violence, sexual violence, or
22 dating violence.--

23 (1) As used in this section, the term:
24 (a) "Permanent injunction" means an injunction for
25 protection against domestic violence, issued under s.
26 741.30(6), or an injunction for protection against repeat
27 violence, sexual violence, or dating violence, issued under s.
28 784.046(7), regardless of whether a motion for rehearing or a
29 notice of appeal is filed.

30 (b) "Respondent" means a person against whom a
31 permanent injunction for protection against domestic violence

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 was issued under s. 741.30, or permanent injunction for
2 protection against repeat violence, sexual violence, or dating
3 violence, issued under s. 784.046(7), has been issued.

4 (c) "Victim" means an adult, or the parent or guardian
5 of a minor, who has been granted a permanent injunction
6 against domestic violence, as defined in s. 741.28, or who has
7 been granted a permanent injunction against sexual violence,
8 dating violence, or acts of repeat violence, as defined in s.
9 784.046, and who has been granted exclusive possession by a
10 court of a dwelling unit that is subject to this part.

11 (2)(a) A victim may elect to terminate a rental
12 agreement and vacate the dwelling unit if the victim gives the
13 landlord written notice of the victim's intent to terminate
14 the lease and a copy of the permanent injunction. The victim
15 must give the landlord the notice and injunction no later than
16 15 days after the injunction is entered.

17 (b) The victim must vacate the dwelling unit on the
18 date the lease expires or within 30 days after the landlord
19 receives notice of the termination, whichever occurs first.

20 (c) The landlord shall mail the notice required by s.
21 83.49(3)(a) to both the victim and the respondent.

22 (3) The lease or tenancy shall continue in all
23 respects to the terms and conditions of the lease except that
24 the victim shall be released from all future obligations of
25 the lease; however, all tenants, including the victim, the
26 respondent, and other tenants, are responsible for any damages
27 that exceed ordinary wear and tear, excluding those damages
28 incurred as a result of any incident of domestic abuse, in
29 which case the cost shall be the sole responsibility of the
30 respondent. This subsection may not be interpreted to impair
31 the right of any landlord to evict any tenant in accordance

1 with any terms and conditions set forth that provide for
2 eviction in the event of a tenant participating in unlawful
3 activity.

4 (4) If the respondent or any other tenant on the
5 rental agreement fails to retake possession of the premises
6 within 15 days after the date the victim gave the landlord as
7 the date the victim would vacate the premises and the rent is
8 unpaid, the premises shall be considered abandoned and the
9 landlord may retake possession and dispose of any abandoned
10 property in any way the landlord sees fit.

11 (5) This section may not be waived or modified by
12 agreement of the victim and the respondent.

13 (6) This section applies to all rental agreements
14 subject to this part and executed on or after July 1, 2006.

15 Section 2. This act shall take effect July 1, 2006.

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18 SENATE SUMMARY

19 Provides for an early termination of a lease if a victim
20 of domestic violence elects to leave a residential rental
21 property. Provides that a residential lease agreement may
22 not waive or modify the rights of a victim.
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