

HB 373

2007

1 A bill to be entitled

2 An act relating to residential tenancies; creating s.
3 83.683, F.S.; providing definitions; providing for an
4 early termination of a lease if a victim of domestic
5 violence, sexual violence, dating violence, or repeat
6 violence elects to leave a residential rental property
7 under certain circumstances; providing the effect of such
8 termination; prescribing responsibilities of parties;
9 providing the landlord's rights under such termination;
10 providing that the rights of a victim may not be waived or
11 modified; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 83.683 Termination of a rental agreement by a victim of
18 domestic violence, repeat violence, sexual violence, or dating
19 violence.--

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

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

27 (b) "Respondent" means a person against whom a permanent
28 injunction for protection against domestic violence, issued

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29 under s. 741.30, or a permanent injunction for protection
30 against repeat violence, sexual violence, or dating violence,
31 issued under s. 784.046(7), has been issued.

32 (c) "Victim" means an adult or the parent or guardian of a
33 minor who has been granted a permanent injunction against
34 domestic violence, as defined in s. 741.28, or who has been
35 granted a permanent injunction against sexual violence, dating
36 violence, or acts of repeat violence, as defined in s. 784.046,
37 and who has been granted exclusive possession by a court of a
38 dwelling unit that is subject to this part.

39 (2)(a) A victim may elect to terminate a rental agreement
40 and vacate the dwelling unit if the victim gives the landlord
41 written notice of the victim's intent to terminate the lease and
42 a copy of the permanent injunction. The victim must give the
43 landlord the notice and injunction no later than 15 days after
44 the injunction is entered.

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

48 (c) The landlord shall mail the notice required by s.
49 83.49(3)(a) to both the victim and the respondent.

50 (3) The lease or tenancy shall continue in all respects
51 under the terms and conditions of the lease except that the
52 victim shall be released from all future obligations of the
53 lease; however, all tenants, including the victim and the
54 respondent, are responsible for any damages that exceed ordinary
55 wear and tear, excluding those damages incurred as a result of
56 any incident of domestic abuse, in which case the cost shall be

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57 the sole responsibility of the respondent. This subsection does
58 not impair the right of a landlord to evict the tenant in
59 accordance with terms and conditions that provide for eviction
60 if a tenant participates in unlawful activity.

61 (4) If the respondent or any other tenant who is entitled
62 to occupy the dwelling unit under the rental agreement fails to
63 retake possession of the premises within 15 days after the date
64 the victim gave the landlord as the date the victim would vacate
65 the premises and the rent is unpaid, the premises shall be
66 considered abandoned and the landlord may retake possession and
67 dispose of any abandoned property in any way the landlord sees
68 fit.

69 (5) This section may not be waived or modified by
70 agreement of the victim or the respondent.

71 (6) This section applies to all rental agreements that are
72 subject to this part and executed on or after July 1, 2007.

73 Section 2. This act shall take effect July 1, 2007.