

By Senator Rich

34-514A-07

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.

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

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 a final injunction  
25 for protection against domestic violence, issued under s.  
26 741.30(6), or a final 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

1 was issued under s. 741.30, or a 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. The notice  
22 mailed to the respondent may not reveal the victim's new  
23 address.

24 (3) The lease or tenancy shall continue in all  
25 respects under the terms and conditions of the lease except  
26 that the victim shall be released from all future obligations  
27 of the lease; however, all tenants, including the victim and  
28 the respondent, are responsible for any damages that exceed  
29 ordinary wear and tear, excluding those damages incurred as a  
30 result of any incident of domestic abuse, in which case the  
31 cost shall be the sole responsibility of the respondent. This

1 subsection does not impair the right of a landlord to evict  
2 the tenant in accordance with terms and conditions that  
3 provide for eviction if a tenant participates in unlawful  
4 activity.

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

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

15 (6) This section applies to all rental agreements that  
16 are subject to this part and executed on or after July 1,  
17 2007.

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

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21 SENATE SUMMARY

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