

**THIS BOOKLET CONTAINS THE  
FILING INSTRUCTIONS AND PUBLICATION UPDATE**

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# Florida Commercial Landlord Tenant Law

Publication 80530 Release 19

April 2006

## HIGHLIGHTS

**Included in release 19 is extensive new commentary, updates, new forms and an updated index.**

**These and other chapters have been affected in this release:**

**Chapter 1** — General Principles

**Chapter 2** — Duties and Obligations of Landlord and Tenant

**Chapter 7** — Terminations

**Chapter 8** — Drafting a Commercial Lease

*Russ v. Wollheim*, 915 So. 2d 1285 (Fla. 2d DCA 2005) — Where the lease allowed the lessee to “alter, add to and improve the Property subject to Lessor’s prior written approval” the lessor retained a possessory interest or control over the activity the plaintiff alleged resulted in his injuries, and the lessor/defendant was, therefore, not as a

matter of law, entitled to summary final judgment in a premises liability action.

*Louie’s Oyster, Inc. v. Villaggio Di Las Olas, Inc.*, 915 So. 2d 220 (Fla. 4th DCA 2005) — A lessor failed to use the lease formula in calculating the amount of common area maintenance (CAM) owed by the tenant and instead calculated the CAM by determining actual usage of certain utilities and using an “arbitrary formula” to calculate management fees. The appellate court remanded with instructions to the trial court to recalculate the amount of CAM using the formula found in the lease.

*Jenkins v. Eckerd Corp.*, 913 So. 2d 43 (Fla. 1st DCA 2005) — Where clause allowing a tenant to terminate its lease if an anchor tenant ceased operations, failure to include a reference to “successors and assigns” did not render the lease ambiguous. The tenant could, therefore, terminate its lease when the named anchor tenant ceased operations.

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Publication 80530 Release 19

April 2006

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