

THIS BOOKLET CONTAINS THE
FILING INSTRUCTIONS AND PUBLICATION UPDATE

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Florida Commercial Landlord Tenant Law

Publication 80530 Release 21

December 2006

HIGHLIGHTS

Included in release 21 is extensive new commentary, updates, new forms and an updated index.

These and other chapters have been affected in this release:

Chapter 2 — Duties and Obligations of Landlord and Tenant

Chapter 7 — Terminations

Chapter 8 — Drafting a Commercial Lease

Chapter 10 — Self-Storage Facilities

Dames v. 926 Co., 925 So. 2d 1078 (Fla. 4th DCA 2006) — The time for determining compensable interests in property for purposes of eminent domain can be no later than the date on which the value of the property is determined. Therefore, if a lease is in full force and effect when the property value is determined, a tenant is entitled to a portion of the compensation regardless of

any subsequent abandonment of its activities or breach of the lease.

Morande Enters. v. FRVG, LLC (In re Morande Enters.), ___B.R.____, 2006 Bankr. LEXIS 1558 (Bankr. M.D. Fla. June 21, 2006) — A “mandatory exercise of option” clause in a commercial lease requiring the tenant to purchase the property at the end of the term did not make the contract a financing arrangement, rather than a lease. Even though the landlord had no reversionary interest, the tenant was not actually the owner of the property.

Ramirez v. M.L. Mgmt. Co., 920 So. 2d 36 (Fla. 4th DCA 2005) — A landlord that advertised an adjacent public park as an amenity could be liable for injuries to a tenant that occurred on the park property.

New Section 2.01[7] regarding covenants on use of property. Injunctive relief is available for violation of a commercial lease restrictive covenant affecting use of real property without a showing of irreparable injury.

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Florida Commercial Landlord-Tenant Law

Publication 80530 Release 21

December 2006

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