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Florida Commercial Landlord Tenant Law

Publication 80530 Release 27 December 2008

HIGHLIGHTS

Updates throughout the treatise include new discussions relating to

- **A landlord must prove the amount that is due before a determination can be made that tenant has defaulted** (*see* § 4.07), and
- **Tenant exercise of option and purchase price** (*see* § 6.04)

Additional topics include:

Case Law Developments.

Pro-Art Dental Lab, Inc. v. V-Strategic Group, LLC, 986 So. 2d 1244, 33 Fla. L. Weekly S 503 (Fla. July 10, 2008)—County courts lack subject-matter jurisdiction to entertain ejectment actions and may not vest themselves with subject-matter jurisdiction *sua sponte* by judicially amending an ejectment complaint to state a cause of action for tenant removal under 83.21.

Twelfth Ave. Invs. v. Smith, 979 So. 2d 1216 (Fla. 4th DCA 2008)—Once the ten-

ant notified the landlord of the desire to purchase the property pursuant to a procedure agreed to by the parties in the lease, the lease ended and the parties were bound by terms within the option to purchase and the landlord could seek possession of the property only through an action for ejectment, not eviction.

WSG W. Palm Beach Dev., LLC v. Blank, ___So.2d___, 33 Fla. L. Weekly D 1124, 2008 Fla. App. LEXIS 5874 (Fla. 4th DCA, Apr. 23, 2008)—A provision that merely requires a tenant to pay its own fees incurred in connection with any of the landlord's remedies does not provide for an award of fees to a prevailing tenant

Fairway Mortg. Solutions, Inc. v. Locust Gardens, 988 So. 2d 678, 33 Fla. L. Weekly D 1882 (Fla. 4th DCA, July 30, 2008)—The landlord's duty to exert a reasonable effort to mitigate damages did not arise until landlord retook the property.

Updates to Forms.

- Form 5—Eviction Complaint
- Form 8—Distress Writ

Form 10—Motion for Default; Default

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December 2008

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<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	1-1 thru 1-13	1-1 thru 1-14.1
<input type="checkbox"/>	1-25 thru 1-27	1-25 thru 1-29
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<input type="checkbox"/>	4-1 thru 4-21	4-1 thru 4-23
<input type="checkbox"/>	5-1	5-1
<input type="checkbox"/>	6-1	6-1 thru 6-2.1
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<input type="checkbox"/>	7-1 thru 7-3.	7-1 thru 7-3
<input type="checkbox"/>	8-1 thru 8-7.	8-1 thru 8-7
<input type="checkbox"/>	8-18.1 thru 8-19.	8-19 thru 8-20.1
<input type="checkbox"/>	8-45	8-45
<input type="checkbox"/>	9-1 thru 9-23	9-1 thru 9-23
<input type="checkbox"/>	10-1	10-1
<input type="checkbox"/>	SYN-1	SYN-1 thru SYN-2.1
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<input type="checkbox"/>	5 thru 17 (in Forms & Checklists Appendix).	5 thru 17 (in Forms & Checklists Appendix)
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