

PUBLICATION UPDATE

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Florida Commercial Landlord Tenant Law

Publication 80530 Release 28

July 2009

HIGHLIGHTS

Updates throughout the treatise include new discussion relating to

- **While one tenant might obtain an injunction against another who is allegedly in violation of a covenant against competition, the issue may be rendered moot if the violating tenant ceases operations before the end of its lease term** (see § 2.03[1][a]).

Additional topics include:

Case Law Developments.

Uscardio Vascular, Inc. v. Fla. Dep't of Revenue — Where a landlord defined some expenses as part of the “base rent,” some of those expenses — salaries, benefits, and insurance for employees — were not subject to the sales tax on leases. The Department of Revenue only had statutory authority to assess taxes on expenses taxable as total rent, not on the total amount billed as base rent since the base rent encompassed more than just the total rent charged.

Brooks v. Green — If the landlord in-

tends for the tenant to carry fire insurance with the landlord named as a loss payee or a named insured, the lease must explicitly state that requirement.

Boca Petroco, Inc. v. Petroleum Realty LLC — A trial court did not have continuing jurisdiction to assess damages for breach of a lease contract since the court reserved jurisdiction to enforce a settlement agreement and damages assessed did not constitute enforcement of that settlement agreement.

New Form 43. Subordination, Non-Disturbance and Attornment Agreement

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Publication 80530 Release 28

July 2009

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