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Florida Commercial Landlord Tenant Law

Publication 80530 Release 29

December 2009

HIGHLIGHTS

Updates throughout the treatise include new discussion relating to

- **“Green Lease” Provisions** (*see* new § 2.03[13]).
- **Contraband Forfeiture Act and Owners of Rental Property** (*see* new §7.14).

Additional topics include:

Case Law Developments.

4 Corners Ins., Inc. v. Sun Publs. of Fla., Inc., 5 So. 3d 780, 783 (Fla. 2d DCA 2009) — In an action for breach of contract and wrongful eviction, a tenant was entitled to consideration of lost profits where the tenant’s evidence was the testimony of its owner that, while the gross income of the business continued to grow after eviction, by “industry standards,” a small business like his should not have merely grown its gross revenues, but doubled them in the first three to five years, and that the revenues did not, in fact, continue to double after the breach and wrongful eviction.

Kosoy Kendall Assocs., LLC v. Los Latinos Rest. Inc., 10 So. 3d 1168 (Fla. 3d DCA 2009) — When a lessee failed to timely deposit a rental payment into the court’s registry, a landlord was entitled to an ex parte, immediate default for a writ of possession, and when the trial court refused to issue that writ, an appellate court granted an application for mandamus and ordered that a writ of possession issue. 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.

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December 2009

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