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Florida Commercial Landlord Tenant Law

Publication 80530 Release 30 August 2010

HIGHLIGHTS

Updates throughout the treatise include new discussion relating to

- **Parking Areas Restrictions**
- **Estoppel**
- **Mining Operations**

Additional topics include:

Case Law Developments.

Skylake Ins. Agency, Inc. v. NMB Plaza, LLC, 23 So. 3d 175 (Fla. 3d DCA 2009). Failure of a landlord to provide signature lines for its signature and to have its agent's signature witnessed when he signed the document would not give rise to estoppel since for an estoppel to operate, the tenant must have changed position in more than an insubstantial manner.

Sacred Family Invs., Inc. v. Doral Supermarket, Inc., 20 So. 3d 412 (Fla. 3d DCA 2009). Where a lease prohibited buildings from being built on a parking area without the tenant's written consent, the tenant's earlier failures to object to the

same space being rented out to Christmas tree and flower vendors and for placement of a Goodwill collection trailer did not result in waiver or estoppel because the lease required written consent for construction of a building, not temporary placement of non-permanent structures and the landlord could not, therefore, legitimately claim the tenant lulled it into believing it did not have to obtain the tenant's written consent for construction of a permanent structure.

White Constr. Co. v. Jones, 13 So. 3d 130 (Fla. 1st DCA 2009). When the real consideration for a lease is totally dependent on commencement and continuance of mining operations by the lessee, there is an implied duty on the lessee to mine.

Husky Rose, Inc. v. Allstate Ins. Co., 19 So. 3d 1085 (Fla. 4th DCA 2009). When a property manager for the landlord purportedly agreed that the tenant did not have to add the landlord to a fire policy until the policy came up for renewal, contrary to a lease clause, summary judgment on the landlord's claim for breach was error as material issues of fact remained regard-

ing whether waiver occurred.

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Publication 80530 Release 30

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