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Florida Commercial Landlord Tenant Law

Publication 80530

Release 31

December 2010

HIGHLIGHTS

Updates throughout the treatise include new discussion relating to

- Statute of Frauds
- Contraband Forfeiture Act
- Construction Liens and Leased Premises (*new* Section 8.06)

Additional topics include:

Case Law Developments.

S & Invs. v. Payless Flea Mkt., 36 So. 3d 909 (Fla. 4th DCA 2010) — Even “renewal” leases must meet the applicable Statute of Frauds.

Park Adult Residential Facility, Inc. v. Dan Designs, Inc., 36 So. 3d 811 (Fla. 3d DCA 2010) — There are no exceptions to the statutory requirements of § 83.232. If a tenant fails to make payment into the registry of the court, the landlord is entitled to an immediate default for possession.

Welde v. Top Video & Prods. USA, Inc., 35 So. 3d 119 (Fla. 3d DCA 2010) — Where a lease granted the lessee an option

to purchase the property for a prescribed price “... provided that the Lessee is not in default of any part of this Lease Agreement ...” the lessee could exercise the option even if it had been in default at some time during the lease term as long as it was not in default at the time it exercised the option.

Gomez v. Vill. of Pinecrest, 35 Fla. L. Weekly S 432, 2010 Fla. LEXIS 1116 (Fla. July 8, 2010) — Under the Contraband Forfeiture Act, the seizing agency’s burden to prove a property owner’s actual or constructive knowledge applies only to the forfeiture stage. At the seizure stage, the seizing agency need only establish only probable cause that the property was used in violation of the Act.

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December 2010

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