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Florida Commercial Landlord Tenant Law

Publication 80530 Release 32

August 2011

HIGHLIGHTS

Updates throughout the treatise include new discussion relating to

- **Frustration of Purpose and Termination** (*new* § 8.03[17])
- **9.04 Unjust Enrichment** (*new* § 9.04)

Additional topics include:

Case Law Developments.

1700 Rinehart, LLC v. Advance Am., Cash Advance Ctrs., 51 So. 3d 535 (Fla. 5th DCA 2010) — The **frustration of purpose doctrine** has no proper application where the particular potential obstacle was not only foreseen by the parties, but they specifically bargained concerning it and divided the consequences between themselves in the lease agreement.

Flamingo Self Storage, LLC v. Travelers Indem. Co., 43 So. 3d 168 (Fla. 4th DCA 2010) — The owner of a self-storage facility maintained a **commercial general liability insurance policy** and was sued by a tenant for losses from the theft of a trailer

stored at the self-storage facility. The insurer denied coverage under an exclusion for “property damage to personal property in the care, custody or control of the insured” but the court observed the lease expressly stated that the tenant’s property was not within the care, custody or control of the lessor.

Gaccione v. Damiano, 35 So. 3d 1008 (Fla. 5th DCA 2010) — Even if a trial court order is not final regarding entitlement to **statutory attorney’s fees**, it is probably an appealable non-final order entered after a final order.

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Florida Commercial Landlord-Tenant Law

Publication 80530 Release 32

August 2011

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