

Route to: _____ _____ _____ _____
 _____ _____ _____ _____

Florida Commercial Landlord Tenant Law

Publication 80530

Release 34

June 2012

HIGHLIGHTS

Updates throughout the treatise include new discussion relating to

- the Americans with Disabilities Act (§ 2.01[5][b])
- the liability of landlords for liens for tenant improvements pursuant to Florida's Construction Lien Law (§ 2.01[8])
- why a commercial tenant cannot invoke the Federal Fair Debt Collection Practices Act (FD-CPA) against efforts to collect rent (§ 3.12)

Additional topics include

Case Law Developments:

Coral Wood Page, Inc. v. GRE Coral Wood, LP, 71 So. 3d 251 (FLA 2d DCA 2011)—a tenant may claim damages for breach of an implied covenant of quiet enjoyment even where the landlord's actions did not rise to level of eviction and the tenant remained in possession.

Hoewischer v. Terry, 2011 U.S. Dist. LEXIS 130330 (M.D. Fla., Nov. 10,

2011)—the Americans with Disabilities Act (ADA) makes both the landlord and tenant of a place of public accommodation individually responsible for any violations on the leased property and while they may use the terms of their lease to allocate costs associated with the ADA between themselves, a lease cannot relieve the landlord of the underlying obligations under the ADA.

MHB Constr. Servs., L.L.C. v. RM-NA HB Waterway Shoppes, L.L.C., 2011 Fla. App. LEXIS 18666 (Fla. 4th DCA, Nov. 23, 2011)—the mere fact that in addition to recording a proper notice of lien prohibition under § 713.10, a landlord also records a notice of commencement, does not estop a landlord from claiming a lien cannot affect its fee simple property interest.

Animal Wrappers and Doggie Wrappers, Inc. v. Courtyard Distrib. Ctr., Inc., 73 So. 3d 354 (Fla 4th DCA 2011)—where a tenant was constructively evicted by a fire that caused extensive damage to the leased premises, it was entitled to return of its security deposit after a set-off for certain

expenses incurred by the landlord.

Visit **LexisNexis's Real Estate Law Community** at <http://www.lexisnexis.com/community/realestatelaw/> where you can hear free podcasts and read analysis of important real estate topics, including blogs by Author **Douglas Scott MacGregor**.

Matthew Bender provides continuing customer support for all its products:

- Editorial assistance—please consult the “Questions About This Publication” directory printed on the copyright page;
- Customer Service—missing pages, shipments, billing or other customer service matters (1-800-833-9844).
- Outside the United States and Canada, (518) 487-3000, or fax (518) 487-3584;
- Toll-free ordering (1-800-223-1940).



www.lexis.com

Copyright © 2012 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 80530, Release 34, June 2012

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

FILING INSTRUCTIONS

Florida Commercial Landlord- Tenant Law

Publication 80530 Release 34

June 2012

**Check
As
Done**

- 1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 33. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 33, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- 2. This Release Number 34 contains only White Revision pages.
- 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.

Check
As
Done

*Remove Old
Pages Numbered*

*Insert New
Pages Numbered*

For faster and easier filing, all references are to right-hand pages only.

VOLUME 1

Revision

<input type="checkbox"/>	Title page thru xi	Title page thru xi
<input type="checkbox"/>	1-5 thru 1-9.	1-5 thru 1-10.1
<input type="checkbox"/>	2-1 thru 2-73	2-1 thru 2-81
<input type="checkbox"/>	3-1 thru 3-5.	3-1 thru 3-6.1
<input type="checkbox"/>	3-23	3-23
<input type="checkbox"/>	4-1 thru 4-3.	4-1 thru 4-4.1
<input type="checkbox"/>	4-21 thru 4-25	4-21 thru 4-27
<input type="checkbox"/>	7-1 thru 7-13	7-1 thru 7-14.1
<input type="checkbox"/>	8-1.	8-1 thru 8-2.1
<input type="checkbox"/>	8-13 thru 8-15	8-13 thru 8-16.1
<input type="checkbox"/>	8-28.3 thru 8-28.7.	8-28.3 thru 8-28.7
<input type="checkbox"/>	8-43	8-43 thru 8-44.1
<input type="checkbox"/>	9-5.	9-5 thru 9-6.1
<input type="checkbox"/>	SYN-3 thru SYN-4.1	SYN-3 thru SYN-4.1
<input type="checkbox"/>	SYN-75	SYN-75
<input type="checkbox"/>	TC-1 thru TC-31	TC-1 thru TC-21
<input type="checkbox"/>	I-1 thru I-13	I-1 thru I-13

FILE IN THE FRONT OF THE FIRST VOLUME
OF YOUR SET

To order missing pages log on to our self service center, www.lexisnexis.com/printcdsc or call Customer Services at 1 (800) 833-9844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?
FIND THEM AT www.lexisnexis.com/printcdsc

Use the search tool provided to find and download missing filing instructions, or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!



www.lexis.com

Copyright © 2012 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 80530, Release 34, June 2012

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

