

PUBLICATION UPDATE

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# Florida Commercial Landlord Tenant Law

Publication 80530

Release 35

December 2012

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## HIGHLIGHTS

Updates throughout the treatise  
include new discussion relating to

- **Strict liability for landlords**  
(§ 2.01[4][h])

Additional topics include

### Case Law Developments:

*The Florida Bar v. Head*, 84 So. 3d 292 (Fla. 2012). On behalf of his landlord client, an attorney gave a letter to the tenant suggesting that a complaint for distress for rent had been filed. No complaint had been filed, and the Florida Supreme Court found the attorney made an intentional misrepresentation and ordered that he be suspended from practice and subject to other sanctions.

*Access Medical Imaging Corp. v. Access Diagnostics Building Bradenton, LLC*, 2012 Bankr. LEXIS 1411 (Bankr. M.D. Fla., April 3, 2012). While Florida

courts generally enforce anti-waiver provisions, under the particular circumstances of the case, the court ruled that conduct waived application of a contractual anti-waiver.

*Raetano v. Bray*, 2012 U.S. Dist. LEXIS 100936 (M.D. Fla., July 20, 2012). Where a plaintiff brought suit under the ADA against a landlord, if claims about perceived barriers within premises occupied by tenants were pursued and the tenants might be able to claim an interest relating to the subject of the action and were so situated that disposing of the action in their absence could as a practical matter impair or impede their ability to protect their interest, they were to be joined as parties.

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