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Florida Commercial Landlord-Tenant Law

Publication 80530

Release 42

May 2016

HIGHLIGHTS

Updates throughout the treatise include new discussion relating to

- Build-to-Suit Transactions (new § 8.01[3])

Case Law Developments:

Apple Glen Investors, L.P. v. Express Scripts, Inc., ___ F. Supp. 2d ___, 2015 U.S. Dist. LEXIS 97555 (M.D. Fla. July 27, 2015): The lease stated that all telecommunications facilities and other personal property of the tenant that were trade fixtures would remain the property of the tenant. The tenant contended it was allowed to remove all telecommunications facilities and personal property that were trade fixtures, but the court found the tenant had failed at the summary judgment stage to prove that an automated computer system was either a telecommunication facility or

its personal property and the lease did not permit the tenant to remove all telecommunications facilities, but only those that belonged to it.

Sena v. Pereira, 179 So. 3d 433 (Fla. 4th DCA 2015): After eviction on the expiration of a written lease, the tenant brought a claim for unjust enrichment based on expenditures of “tens of thousands of dollars’ worth of improvements” to the property during the tenancy. The parties had a separate option to purchase contract. The court said that even if the tenant failed to comply with the requirements of the option contract, a claim could still be made for unjust enrichment based on enhancements to the property. Summary judgment was inappropriate where the record was not clear that these improvements were part of the lease and related option contract.

New section 8.01[3] on build-to-suit transactions between landlords and tenants.

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