

By Senator Braynon

33-00440A-12

20121082

A bill to be entitled

An act relating to landlords and tenants; amending s. 83.57, F.S.; revising notice of termination requirements for certain tenancies without a specific duration; amending s. 83.575, F.S.; revising notice of termination requirements for certain tenancies with a specific duration; providing rental agreement requirements; deleting a provision relating to the liability of certain tenants; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 83.57, Florida Statutes, is amended to read:

83.57 Termination of tenancy without specific duration ~~term~~.—A tenancy without a specific duration, as defined in s. 83.46(2) or (3), may be terminated by either party giving written notice in the manner provided in s. 83.56(4), as follows:

(1) When the tenancy is from year to year, by giving not less than 60 days' notice prior to the end of any annual period. ~~†~~

(2) When the tenancy is from quarter to quarter, by giving not less than 30 days' notice prior to the end of any quarterly period. ~~†~~

(3) When the tenancy is from month to month, by giving not less than 30 ~~15~~ days' notice prior to the end of any monthly period. However, if the tenancy is subject to tenant-based

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30 rental assistance pursuant to s. 8 of the United States Housing
31 Act of 1937, 42 U.S.C. s. 1437f(o), as amended, the tenancy may
32 be terminated by giving not less than 60 days' notice prior to
33 the end of any monthly period.~~;~~ ~~and~~

34 (4) When the tenancy is from week to week, by giving not
35 less than 7 days' notice prior to the end of any weekly period.

36 Section 2. Section 83.575, Florida Statutes, is amended to
37 read:

38 83.575 Termination of tenancy with specific duration.—

39 (1) A rental agreement with a specific duration may contain
40 a provision requiring the tenant to notify the landlord before
41 vacating the premises at the end of the rental agreement and
42 requiring the landlord to notify the tenant in writing if the
43 rental agreement will not be renewed; however, a rental
44 agreement may not require more than 60 days' notice from the
45 tenant or the landlord ~~before vacating the premises.~~

46 (2) A rental agreement with a specific duration may provide
47 that if a tenant fails to give the landlord the required notice
48 before vacating the premises at the end of the rental agreement,
49 the tenant may be liable for liquidated damages as specified in
50 the rental agreement if the landlord provides written notice to
51 the tenant specifying the tenant's obligations under the
52 notification provision contained in the lease and the date the
53 rental agreement is terminated. The landlord must provide such
54 written notice to the tenant within 15 days before the start of
55 the notification period contained in the lease. The written
56 notice shall list all fees, penalties, and other charges
57 applicable to the tenant under this subsection. The rental
58 agreement must provide a reciprocal requirement that if the

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59 landlord fails to give the tenant the required notice that the
60 rental agreement will not be renewed, the rental agreement will
61 not terminate and the tenant will be entitled to continue
62 occupying the premises until the landlord gives the tenant the
63 required written notice of nonrenewal of the rental agreement
64 and the agreement expires.

65 ~~(3) If the tenant remains on the premises with the~~
66 ~~permission of the landlord after the rental agreement has~~
67 ~~terminated and fails to give notice required under s. 83.57(3),~~
68 ~~the tenant is liable to the landlord for an additional 1 month's~~
69 ~~rent.~~

70 Section 3. This act shall take effect July 1, 2012.