

Welcome to the Orange County Courthouse

Gisela Laurent

Orange County Court Judge, Civil Division

Jeanette D. Bigney

Orange County Court Judge, Criminal Division



Orange County Court Judges in the Ninth Circuit

Jeanette D. Bigney

Judge since 2012

Assigned to County Criminal

Gisela Laurent

Judge since 2016

Assigned to County Civil





Florida Residential Landlord & Tenant Act

Topics we will address:



- ▶ What is a lease;
- ▶ Breaking or terminating a lease; and
- ▶ Interesting facts about the local residential lease market,

Something to think about:

- ▶ Blanche owns a home in Miami Beach, Florida.
- ▶ She is looking for housemates so she advertises rooms for rent. Blanche, of course, gets the master bedroom.
- ▶ Rose, a widower, is quick to respond and agrees to live in bedroom one room.
- ▶ Dorothy, a divorcee, also responds to the ad and she lives in another bedroom.
- ▶ At the last minute, Dorothy's mom, Sophia, needs a place to live so she moves into the Miami Beach home.
- ▶ Rose, Dorothy & Sophia each pay \$1200 a month plus an equal share of the utilities. Everyone gets a room, bathroom and use of the common areas.
- ▶ Blanche and the roommates agree to pay on the first of every month and shake hands to solidify the agreement.



Does “shaking hands” create a valid lease?

- ▶ A lease can be either oral or written; written leases over a year should be notarized.
- ▶ A lease must be in good faith
- ▶ A lease cannot be unconscionable.
- ▶ Terms of a lease that should be mentioned:”
 - ▶ Use of premise;
 - ▶ Limitations of use;
 - ▶ Payments;
 - ▶ Due Dates; and
 - ▶ Length.

Who can end the lease and how?

- ▶ Blanche, as the landlord/homeowner
- ▶ Any of the tenants can individually end the lease
- ▶ A lease can terminate NATURALLY by the set terms
- ▶ A lease can terminate with proper notice at anytime
- ▶ Breaking a the terms of an agreed lease can have penalties.
- ▶ A landlord can move to EVICT a tenant
- ▶ A tenant can seek to break a lease if the landlord does not meet their obligations

What is an eviction?

- ▶ An eviction is a legal process where a landlord seeks to remove a tenant from the property.
- ▶ Reasons to evict: Failure to pay, failure to comply, or holdover.
- ▶ For FAILURE TO PAY, tenants must get written notice with three (3) days to pay (not including Saturdays, Sundays, or legal holidays).
- ▶ For FAILURE TO COMPLY, tenants must get written notice with seven (7) days to cure.
- ▶ For HOLDOVER, tenants must get written notice and the landlord may seek damages.

The process of eviction:

- ▶ Proper written notice from landlord to the tenant.
- ▶ Filing a Complaint in County Court with service to the tenant.
- ▶ Tenant will have an opportunity to answer the complaint.
- ▶ If the Complaint is for non-payment of rent, the tenant must put all back rent and current rent in the court registry.
- ▶ Hearing can be set.
- ▶ A default judgment can be entered resulting in an Eviction.
- ▶ Sheriff serves Final Judgment & Notice of Eviction to the tenant.

You be the judge....

- ▶ Jennifer has a fantastic waterfront seven (7) bedroom home in the elite La Gorce neighborhood in Miami Beach, Florida.
- ▶ Her boyfriend, Alex, needs to get away from their New York home. When he does he often stays at Jennifer's Miami home.
- ▶ Jennifer thinks Alex has overstayed his welcome and asks him to leave.
- ▶ Alex won't leave

Can Jennifer evict Alex?





It is a
trick question

Alex is a guest at J Lo's home so it is not an eviction

EVICITION

**UNLAWFUL
DETAINTER**