

**17 Fla. L. Weekly Supp. 220a****Online Reference: FLWSUPP 1703SHOR**

**Landlord-tenant -- Public housing -- Eviction -- Abandonment -- Landlord was not required to file eviction action prior to removing tenant's personal property from leased premises where statutory abandonment was apparent from tenant's action of leaving premises for extended period without paying rent and without advising landlord of intent to return -- Landlord does not owe tenant for damage to his personal property -- Tenant owes landlord unpaid rent**

SHORTER HOME SOLUTIONS, LLC, Plaintiff, vs. TYRANCE KINGDOM, Defendant. TYRANCE KINGDOM, Plaintiff, vs. ARLESTER SHORTER, II, Defendant. County Court, 17th Judicial Circuit, in and for Broward County. Case No. 09-11783 COCE 53. Case No. 09-11860 COCE 53. January 13, 2010. Robert W. Lee, Judge.

*FINAL JUDGMENT WITH DIRECTIONS TO CLERK*

These causes were consolidated for trial purposes and came before the Court for trial on January 12, 2010. The Court finds that the greater weight of credible evidence presented at trial establishes as follows:

The landlord SHORTER HOME SOLUTIONS, LLC entered into a lease agreement with TYRANCE KINGDOM which term expired on August 31, 2009. KINGDOM failed to pay his portion of rent due beginning in June 2009, although the City of Fort Lauderdale continued to pay its share (under Section 8 housing regulations) through July 2009. At the end of July 2009, KINGDOM traveled to Mississippi and, by his own admission, did not pay his portion of rent due in August 2009. KINGDOM also admitted that he did not advise SHORTER that he was leaving the premises for an extended period of time. For reasons not readily apparent at trial, the City of Fort Lauderdale declined to pay the Section 8 portion of rent due for August 2009.

On August 6, 2009, SHORTER posted a three-day notice on the premises pursuant to the Florida Landlord-Tenant Act. KINGDOM did not respond. On or about August 20, SHORTER had the Defendant's belongings moved from the premises without filing an action in eviction. Shortly thereafter, KINGDOM returned from Mississippi to discover his belongings deteriorating in the outdoor summer climate. He claimed that he had not abandoned the premises and demanded to be let back into the premises. Thereafter, SHORTER filed its action for eviction and monetary damages. In response, KINGDOM filed his separate action against SHORTER, individually, for the damages he incurred as a result of his personal property being removed from the premises.

The Court concludes that the SHORTER was not required to file an eviction action when statutory abandonment was apparent. Under Florida law, SHORTER properly concluded that KINGDOM had abandoned the premises when he left the premises without paying rent, without advising SHORTER that he was returning to the premises, and without returning to the premises until after the 15th day of the month. *See* Fla. Stat. §83.59(3)(c) (2009). SHORTER was therefore entitled to remove KINGDOM's personal property from the premises; otherwise, the concept of abandonment would have no meaning. SHORTER's conduct was reasonable in light of the circumstances, and the Court concludes that SHORTER owes KINGDOM nothing as a result of KINGDOM's abandonment of the premises.

As for damages, the evidence clearly demonstrated that KINGDOM owed SHORTER \$1,368.00 in unpaid rent at the time he vacated the premises, not including any separate obligation of the City of Fort Lauderdale.

Accordingly, it is hereby

ADJUDGED that the SHORTER HOME SOLUTIONS, LLC. is awarded judgment against TYRANCE KINGDOM in the amount of \$1,368.00, costs in the amount of \$215.00, for a total of \$1,583.00, which sums shall bear interest at the rate of 6% per annum until paid.

THE CLERK OF THE COURT shall disburse all funds in the Court Registry to SHORTER HOME SOLUTIONS, LLC.

As to KINGDOM's separate lawsuit, TYRANCE KINGDOM shall take nothing from the Defendant ARLESTER SHORTER, II, and said Defendant shall go hence without day.

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