

HB 1093

2009

1 A bill to be entitled
2 An act relating to the termination of a rental agreement
3 at foreclosure; creating s. 83.683, F.S.; providing
4 legislative intent; prohibiting a landlord from
5 terminating the rental agreement without a specified
6 period of prior notice; requiring a landlord to notify
7 each tenant that foreclosure proceedings have been
8 initiated against the premises of which his or her
9 dwelling unit is a part; requiring that the written notice
10 include specified information; authorizing the tenant to
11 terminate the rental agreement under certain
12 circumstances; requiring the tenant to pay rent so long as
13 the tenant remains in the dwelling unit; prohibiting the
14 landlord from terminating a rental agreement before a
15 specified number of days after notifying the tenant that
16 the rental agreement will be terminated if the premises is
17 subject to foreclosure; authorizing the tenant to
18 terminate the rental agreement sooner than the required
19 period; requiring that the landlord mail the notice to
20 each tenant and post notice on the premises; providing for
21 application of the act; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 83.683, Florida Statutes, is created to
26 read:

27 83.683 Termination of rental agreement at foreclosure;
28 notice; remedies.--

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29 (1) It is the intent of the Legislature to protect the
30 interests of tenants residing in a dwelling unit on premises
31 subject to foreclosure; therefore, the rental agreement of a
32 tenant residing in a unit within a premises that is subject to
33 foreclosure or that is foreclosed may not be terminated unless
34 the tenant is provided at least 90 days' prior written notice.

35 (2) (a) If foreclosure proceedings are initiated against a
36 premises containing one or more dwelling units, the landlord
37 must notify each tenant in each dwelling unit in writing within
38 7 days after the petition for the foreclosure proceeding is
39 filed. The notice must inform the tenant that:

40 1. Foreclosure proceedings have been initiated against the
41 premises of which the tenant's dwelling unit is a part and
42 foreclosure may affect the right of the tenant to continue to
43 reside in the dwelling unit.

44 2. The landlord is prohibited by law from terminating the
45 rental agreement until at least 90 days after the landlord
46 delivers a termination notice to the tenant.

47 3. The tenant may terminate the rental agreement after
48 receiving notice of initiation of the foreclosure proceeding by
49 giving the landlord written notice of the tenant's intention to
50 terminate the rental agreement; however, the tenant must give
51 the landlord at least 10 days' notice before terminating the
52 rental agreement.

53 (b) If the tenant terminates the rental agreement, he or
54 she is liable for rent that may be due under the rental
55 agreement as of the effective date of the termination in an
56 amount that is prorated to the effective date of the

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57 termination. Rent due under this paragraph is payable at the
58 time that it would have been payable under the terms of the
59 rental agreement being terminated. Except for rent for which the
60 tenant is liable under this paragraph, the tenant is not liable
61 for any rent or damages due solely to the early termination of
62 the rental agreement.

63 (3) (a) If the premises of which a dwelling unit is a part
64 is foreclosed, the landlord may not terminate the rental
65 agreement of any tenant until 90 days after the landlord
66 provides written notice of the termination to the tenant. The
67 notice must inform the tenant that:

68 1. The premises has been foreclosed and the rental
69 agreement will be terminated, but the landlord is prohibited by
70 law from terminating the agreement until at least 90 days after
71 written notice of termination is provided to the tenant.

72 2. The tenant may terminate the rental agreement sooner
73 than 90 days after receiving notice of termination of the rental
74 agreement; however, the tenant must give the landlord at least
75 10 days' notice before the tenant terminates the rental
76 agreement.

77 (b) If the tenant terminates the rental agreement, he or
78 she is liable for rent that may be due under the rental
79 agreement as of the effective date of the termination in an
80 amount that is prorated to the effective date of the
81 termination. Rent due under this paragraph is payable at the
82 time that it would have been payable under the terms of the
83 rental agreement being terminated. Except for rent for which the
84 tenant is liable under this paragraph, the tenant is not liable

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85 for any rent or damages due solely to the early termination of
86 the rental agreement.

87 (4) (a) Any notice that the landlord is required to provide
88 under this section must be delivered to each tenant in writing
89 and conspicuously posted on the premises of the dwelling unit.

90 (b) The notice shall be sent by first-class mail to each
91 tenant who occupies a dwelling unit. For each tenant, the notice
92 shall be:

93 1. Addressed to the name of the tenant or, if the name of
94 the tenant is unknown or cannot be ascertained, to "occupant";
95 and

96 2. Sent to the address of the premises that is the subject
97 of the foreclosure.

98 Section 2. This act shall take effect July 1, 2009, and
99 applies to premises containing one or more dwelling units which
100 are subject to foreclosure proceedings initiated on or after
101 that date.