



163754

LEGISLATIVE ACTION

Senate	.	House
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The Committee on General Government Appropriations (Aronberg) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 44 - 99  
and insert:

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

83.683 Possession following foreclosure; notice to occupant of dwelling unit subject to rental agreement.-

(1) The grantee of a certificate of title from the sale in foreclosure of a dwelling unit subject to a rental agreement that is not in default may not obtain a writ of possession until 30 days after the grantee provides notice in writing to the



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13 occupant of the dwelling unit stating that the dwelling unit has  
14 been sold, that the lease is terminated, and that the grantee  
15 desires to take possession of the dwelling unit.

16 (2) The grantee shall effectuate the notice required by  
17 this section by depositing the notice in United States mail  
18 first class and by sending a duplicate of the notice using  
19 certified mail.

20 (3) The clerk of the circuit court may not issue a writ of  
21 possession unless the grantee files with the clerk a duplicate  
22 of the notice mailed to the occupant as required by this  
23 section.

24 (4) Nothing in this section is intended to eliminate any  
25 requirement in law that may exist to name the occupant of  
26 property as a party to a foreclosure action as a condition for  
27 the issuance of a writ of possession as part of that foreclosure  
28 action.

29 Section 2. Section 83.495, Florida Statutes, is created to  
30 read:

31 83.495 Commencement of foreclosure; disclosure; security  
32 deposits and advance rents.—After the initial service of the  
33 complaint in foreclosure proceedings commenced with respect to  
34 property rented as a dwelling unit:

35 (1) The landlord or the landlord's authorized  
36 representative shall hold as provided under s. 83.49(1) the  
37 total amount of money deposited or advanced by a current or  
38 prospective tenant as security for performance of the rental  
39 agreement or as advance rent.

40 (2) The landlord or the landlord's authorized representative  
41 shall disclose to a prospective tenant the existence of the



42 pending foreclosure proceedings in the rental agreement or in  
43 another writing before the prospective tenant executes the  
44 rental agreement. The written disclosure shall inform the  
45 prospective tenant that the foreclosure proceedings may affect a  
46 tenant's right to possess and reside in the dwelling unit and  
47 that the landlord or the landlord's authorized representative is  
48 required to hold the tenant's total amount of deposit money or  
49 advance rent as provided under s. 83.49(1). A landlord's  
50 authorized representative is not liable for failure to notify a  
51 prospective tenant of the foreclosure proceedings unless the  
52 representative received notice of the existence of the pending  
53 foreclosure proceedings from the landlord. (3) In the event the  
54 landlord or the landlord's authorized representative does not  
55 hold the deposit money or advance rent as provided under s.  
56 83.49(1) and the property is sold in foreclosure, the grantee of  
57 the certificate of title shall credit the tenant's account for  
58 any deposit money paid by the tenant and make claims against the  
59 deposit pursuant to the provision of s. 83.49(1) attributable to  
60 the tenant. The grantee shall also credit the tenant's account  
61 for any advance rent for an unexpired rental period. The tenant  
62 must have documentation demonstrating the payment of the  
63 security deposit or advance rent in order to receive the credit.

64  
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete lines 2 - 20

68 and insert:

69 An act relating to foreclosures; creating s. 83.683, F.S.;

70 providing that the grantee of a certificate of title from the



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71 foreclosure sale of a rental dwelling unit may not take  
72 possession until a specified period after notifying the occupant  
73 of the sale and the intent to take possession; prescribing the  
74 manner of effectuating the notice; prohibiting the clerk of  
75 court from issuing a writ of possession unless the grantee  
76 submits proof of the notice sent to the occupant; providing that  
77 the notice requirement does not eliminate certain requirements  
78 that may exist to make an occupant of property a party to a  
79 foreclosure action; creating s. 83.495, F.S.; providing  
80 requirements for landlords following commencement of a  
81 foreclosure action; providing for security deposits and advance  
82 rents to be maintained in a specified manner; providing for  
83 disclosure of the foreclosure action to prospective tenants;  
84 providing an exception to liability for failure to provide  
85 notice; requiring the grantee of a certificate of title to the  
86 dwelling unit to credit the tenant for security deposits and  
87 advance rents under certain conditions;  
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