



804456

LEGISLATIVE ACTION

Senate	.	House
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Senator Constantine moved the following:

1 **Senate Substitute for Amendment (879436) (with title**
2 **amendment)**

3
4 Between lines 2844 and 2845
5 insert:

6 Section 26. Subsection (7) of section 83.49, Florida
7 Statutes, is amended to read:

8 (7) Upon the sale or transfer of title of the rental
9 property from one owner to another, or upon a change in the
10 designated rental agent, any and all security deposits or
11 advance rents being held for the benefit of the tenants shall be
12 transferred to the new owner or agent, together with any earned
13 interest and with an accurate accounting showing the amounts to



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14 be credited to each tenant account. Upon the transfer of such
15 funds and records as stated herein, and upon transmittal of a
16 written receipt therefor, the transferor shall be free from the
17 obligation imposed in subsection (1) to hold such moneys on
18 behalf of the tenant. However, nothing herein shall excuse the
19 landlord or agent for a violation of the provisions of this
20 section while in possession of such deposits. To the extent the
21 grantee of the certificate of title in a foreclosure action, or
22 the grantee's assignee, receives a tenant's deposit money or
23 advance rent, the grantee or grantee's assignee shall be
24 responsible for the proper handling and refund of the security
25 deposit and advance rent as provided in this section.

26 Section 27. Section 83.495, Florida Statutes, is created to
27 read:

28 83.495 Commencement of foreclosure; disclosure; security
29 deposits and advance rents.—After the initial service of the
30 complaint in foreclosure proceedings commenced with respect to
31 property rented as a dwelling unit:

32 (1) The landlord or the landlord's authorized
33 representative shall continue to be responsible for money
34 deposited or advanced as security or as advance rent as provided
35 in s. 83.49.

36 (2) The landlord or the landlord's authorized
37 representative shall disclose to a prospective tenant the
38 existence of the pending foreclosure proceedings in the rental
39 agreement or in another writing before the prospective tenant
40 executes the rental agreement. The written disclosure shall
41 inform the prospective tenant that the foreclosure proceedings
42 may affect a tenant's right to possess and reside in the



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43 dwelling unit and that the landlord or the landlord's authorized
44 representative is required to hold the tenant's total amount of
45 deposit money or advance rent as provided in s. 83.49. A
46 landlord's authorized representative is not liable for failure
47 to notify a prospective tenant of the foreclosure proceedings
48 unless the representative received notice of the existence of
49 the pending foreclosure proceedings from the landlord.

50 Section 28. Section 83.683, Florida Statutes, is created to
51 read:

52 83.683 Possession following foreclosure; notice to occupant
53 of dwelling unit subject to rental agreement.-

54 (1) The grantee of a certificate of title from the sale in
55 foreclosure of a dwelling unit subject to a rental agreement
56 that is not in default, or the grantee's assignee, may not
57 obtain a writ of possession until 30 days after the grantee or
58 its assignee provides notice in writing to the occupant of the
59 dwelling unit stating that the dwelling unit has been sold, that
60 the lease is terminated, and that the grantee or its assignee
61 desires to take possession of the dwelling unit.

62 (2) The grantee or its assignee shall effectuate the notice
63 required by this section by depositing the notice in United
64 States mail first class and by sending a duplicate of the notice
65 using certified mail.

66 (3) The clerk of the circuit court may not issue a writ of
67 possession in an action subject to subsection (1) unless the
68 grantee or its assignee files with the clerk a duplicate of the
69 notice mailed to the occupant as required by this section.

70 (4) Nothing in this section is intended to eliminate any
71 requirement in law that may exist to name the occupant of



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72 property as a party to a foreclosure action as a condition for
73 the issuance of a writ of possession as part of that foreclosure
74 action.

75
76 (Redesignate subsequent section.)

77
78 ===== T I T L E A M E N D M E N T =====

79 And the title is amended as follows:

80 Delete line 172

81 and insert:

82 specified provisions of federal law; amending 83.49, F.S.;
83 providing that the grantee, or its assignee, of a certificate of
84 title in a foreclosure action is responsible for proper handling
85 and refund of a tenant's security deposit and advance rent under
86 certain conditions; creating s. 83.495, F.S.; prescribing a
87 landlord's responsibility for security deposits or advance rents
88 following commencement of a foreclosure action; providing for
89 disclosure of the foreclosure action to prospective tenants;
90 providing an exception to liability for failure to provide
91 notice; creating s. 83.683, F.S.; providing that the grantee of
92 a certificate of title from the foreclosure sale of a rental
93 dwelling unit, or its assignee, may not take possession until a
94 specified period after notifying the occupant of the sale and
95 the intent to take possession; prescribing the manner of
96 effectuating the notice; prohibiting the clerk of court from
97 issuing a writ of possession unless the grantee submits proof of
98 the notice sent to the occupant; providing that the notice
99 requirement does not eliminate certain requirements that may
100 exist to make an occupant of property a party to a foreclosure



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101 | action; providing an