

1                                   A bill to be entitled  
 2           An act relating to statements of nonforeclosure or pending  
 3           foreclosure of residential property; creating s. 83.675,  
 4           F.S.; requiring that a lessor of a residential dwelling  
 5           unit notify the lessee of the dwelling unit whether the  
 6           dwelling unit that is the subject of the rental agreement  
 7           is or is not in foreclosure or in short-sale status and  
 8           whether the mortgage lender intends to initiate  
 9           foreclosure proceedings or short-sale procedures within a  
 10          specified time; requiring that the notice be included in  
 11          the rental agreement; providing a form for the notice;  
 12          providing that a lessor who fails to comply with the  
 13          notice requirement is liable to the lessee for actual  
 14          damages sustained, a civil penalty, and reasonable  
 15          attorney's fees and costs; requiring that an action to  
 16          recover damages be brought within a specified time;  
 17          providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1.   Section 83.675, Florida Statutes, is created to  
 22   read:

23           83.675   Statements of residential nonforeclosure; civil  
 24   remedies.--

25           (1)   The lessor of a residential dwelling unit shall notify  
 26   each lessee the status of the residential dwelling unit that is  
 27   the subject of the rental agreement with respect to foreclosure  
 28   or short sale and whether, to the best of the lessor's knowledge

29 and belief, the mortgage lender intends to initiate foreclosure  
 30 proceedings or short-sale procedures within the next 12 months.

31 (2) Each residential rental agreement entered into on and  
 32 after July 1, 2009, must include in the rental agreement, or in  
 33 a written agreement separate from the rental agreement, notice  
 34 of the requirement set forth in subsection (1). If the notice is  
 35 provided in the rental agreement, there must be printed or  
 36 clearly stamped on the rental agreement a legend in  
 37 substantially the following form:

38  
 39 STATEMENT OF NONFORECLOSURE OR SHORT SALE

40  
 41 THE LESSOR,....., HEREBY ACKNOWLEDGES TO  
 42 THE LESSEE,....., THAT THE PREMISES OF THE  
 43 RESIDENTIAL DWELLING UNIT,...(ADDRESS OF DWELLING  
 44 UNIT)...IS NOT IN FORECLOSURE OR IN SHORT-SALE STATUS.  
 45 THE LESSOR ALSO ACKNOWLEDGES THAT, TO THE BEST OF HIS  
 46 OR HER KNOWLEDGE AND BELIEF, THE MORTGAGE LENDER DOES  
 47 NOT INTEND TO INITIATE FORECLOSURE PROCEEDINGS WITHIN  
 48 THE NEXT 12 MONTHS.

49  
 50 IF THE LESSOR ADVISES THE LESSEE THAT A FORECLOSURE  
 51 PROCEEDING INVOLVING THE DWELLING UNIT IS PENDING OR  
 52 MAY BE INITIATED WITHIN THE NEXT 12 MONTHS, AND IF THE  
 53 LESSEE INTENDS TO CONTINUE TO ENTER INTO A RESIDENTIAL  
 54 AGREEMENT WITH THE LESSOR, THE LESSEE MUST  
 55 SPECIFICALLY ACKNOWLEDGE THAT HE OR SHE UNDERSTANDS  
 56 THAT HE OR SHE CONTINUES TO OCCUPY THE DWELLING UNIT

57 AT HIS OR HER OWN RISK.

58  
59 IF A LESSOR PROVIDES FALSE INFORMATION TO THE LESSEE,  
60 THE LESSOR IS SUBJECT TO CIVIL PENALTIES, INCLUDING A  
61 FINE OF UP TO \$10,000.

62  
63 LESSOR:.....

64  
65 DATE:.....

66  
67 LESSEE:.....

68  
69 DATE:.....

70  
71 (3) (a) A lessor who fails to comply with the requirements  
72 of this section is liable to any lessee for actual damages  
73 sustained, a civil penalty of up to \$10,000, and reasonable  
74 attorney's fees and costs.

75 (b) In addition to any other remedy provided by law, a  
76 lessee may bring an action in circuit court to recover actual  
77 damages sustained, a civil penalty up to \$10,000, and reasonable  
78 attorney's fees and costs. An action authorized by this section  
79 must be brought within 1 year following the date of the last  
80 payment under the lease agreement.

81 Section 2. This act shall take effect July 1, 2009.