

By Senator Fasano

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1 A bill to be entitled

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

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

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

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

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

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

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

39
40 STATEMENT OF NONFORECLOSURE OR SHORT SALE

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

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

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

LESSOR:.....

DATE:.....

LESSEE:.....

DATE:.....

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

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

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