

By Senator Lynn

7-00111-09

2009704__

1 A bill to be entitled
2 An act relating to the termination of a rental
3 agreement at foreclosure; creating s. 83.577, F.S.;
4 providing legislative intent; prohibiting a landlord
5 from terminating the rental agreement without a
6 specified period of prior notice; requiring a landlord
7 to notify each tenant that foreclosure proceedings
8 have been initiated against the premises of which his
9 or her dwelling unit is a part; requiring that the
10 written notice include specified information;
11 authorizing the tenant to terminate the rental
12 agreement under certain circumstances; requiring the
13 tenant to pay rent so long as the tenant remains in
14 the dwelling unit; if a premises is foreclosed,
15 prohibiting the landlord from terminating a rental
16 agreement before a specified number of days after
17 notifying the tenant that the rental agreement will be
18 terminated; authorizing the tenant to terminate the
19 rental agreement sooner; requiring that the landlord
20 mail the notices to each tenant and conspicuously post
21 the notices on the premises; providing for application
22 of the act; providing an effective date.

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

25
26 Section 1. Section 83.577, Florida Statutes, is created to
27 read:

28 83.577 Termination of rental agreement at foreclosure;
29 notice; remedies.-

7-00111-09

2009704

30 (1) It is the intent of the Legislature to protect the
31 interests of tenants residing in a dwelling unit on premises
32 subject to foreclosure, therefore, the rental agreement of a
33 tenant residing in a unit within a premises that is subject to
34 foreclosure or that is foreclosed may not be terminated unless
35 the tenant is provided at least 120 days' prior written notice.

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

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

45 2. The landlord is prohibited by law from terminating the
46 rental agreement until at least 120 days after the landlord
47 delivers a termination notice to the tenant.

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

54 (b) If the tenant terminates the rental agreement, he or
55 she is liable for rent that may be due under the rental
56 agreement as of the effective date of the termination in an
57 amount that is prorated to the effective date of the
58 termination. Rent due under this paragraph is payable at the

7-00111-09

2009704__

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

64 (3) (a) If the premises of which a dwelling unit is a part
65 is foreclosed, the landlord may not terminate the rental
66 agreement of any tenant until 120 days after the landlord
67 provides written notice of the termination to the tenant. The
68 notice must inform the tenant that:

69 1. The premises has been foreclosed and the landlord has
70 decided to terminate the rental agreement but is prohibited by
71 law from terminating the agreement until at least 120 days after
72 the tenant is provided written notice of the landlord's decision
73 to terminate the agreement.

74 2. The tenant may terminate the rental agreement sooner
75 than 120 days after receiving notice of termination of the
76 rental agreement; however, the tenant must give the landlord at
77 least 10 days' notice before terminating the rental agreement.

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

7-00111-09

2009704__

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

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

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

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

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