



707930

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2015	.	
	.	
	.	
	.	

---

The Committee on Banking and Insurance (Clemens) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 83.561, Florida Statutes, is created to  
read:

83.561 Termination of rental agreement upon foreclosure.-

(1) If a tenant is occupying residential premises that are  
the subject of a foreclosure sale, upon issuance of a  
certificate of title following the sale, the purchaser named in



707930

11 the certificate of title takes title to the residential premises  
12 subject to the rights of the tenant under this section.

13 (a) The tenant may remain in possession of the premises for  
14 30 days following the date of the purchaser's delivery of a  
15 written 30-day notice of termination.

16 (b) The tenant is entitled to the protections of s. 83.67.

17 (c) The 30-day notice of termination must be in  
18 substantially the following form:

19  
20 NOTICE TO TENANT OF TERMINATION  
21

22 You are hereby notified that your rental agreement is  
23 terminated on the date of delivery of this notice and your  
24 occupancy is terminated 30 days following the date of the  
25 delivery of this notice and that I demand possession of the  
26 premises on that ...(date).... If you do not vacate the premises  
27 by this date, I will ask the court for an order allowing me to  
28 remove you and your belongings from the premises. You are  
29 obligated to pay rent during the 30-day period for any amount  
30 that might accrue during that period. Your rent must be  
31 delivered to ...(landlord's name and address)....  
32

33 (d) The 30-day notice of termination shall be delivered in  
34 the same manner as provided in s. 83.56(4).

35 (2) The purchaser at the foreclosure sale may apply to the  
36 court for a writ of possession based upon a sworn affidavit that  
37 the 30-day notice of termination was delivered to the tenant and  
38 the tenant has failed to vacate the premises at the conclusion  
39 of the 30-day period. If the court awards the writ of



40 possession, the writ must be served on the tenant. The writ of  
41 possession shall be governed by s. 83.62.

42 (3) This section does not apply if:

43 (a) The tenant is the mortgagor in the subject foreclosure  
44 or is the child, spouse, or parent of the mortgagor in the  
45 subject foreclosure.

46 (b) The tenant's rental agreement is not the result of an  
47 arm's length transaction.

48 (c) The tenant's rental agreement allows the tenant to pay  
49 rent that is substantially less than the fair market rent for  
50 the premises, unless the rent is reduced or subsidized due to a  
51 federal, state, or local subsidy.

52 (4) This section does not preclude the purchaser from  
53 assuming the prior rental agreement of the tenant; in which  
54 case, the purchaser becomes the landlord and is governed by this  
55 part.

56 Section 2. This act shall take effect upon becoming a law.

57  
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete everything before the enacting clause  
61 and insert:

62 A bill to be entitled  
63 An act relating to rental agreements; creating s.  
64 83.561, F.S.; providing that a purchaser taking title  
65 to a tenant-occupied residential property following a  
66 foreclosure sale takes title to the property subject  
67 to the rights of the tenant; specifying the rights of  
68 the tenant; authorizing a tenant to remain in



707930

69 possession of the property for 30 days following  
70 receipt of a written notice; prescribing the form for  
71 a 30-day notice of termination; establishing  
72 requirements for delivery of the notice; authorizing a  
73 purchaser to apply for a writ of possession if the  
74 tenant refuses to vacate the property; providing  
75 exceptions; providing for construction; providing an  
76 effective date.