

By Senator Soto

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1 A bill to be entitled
2 An act relating to rental agreements; creating s.
3 83.561, F.S.; providing that a purchaser taking title
4 to a tenant-occupied residential property following a
5 foreclosure sale takes title to the property as a
6 landlord; specifying conditions under which the tenant
7 may remain in possession of the premises; prescribing
8 the form for a 90-day notice of termination of the
9 rental agreement; establishing requirements for
10 delivery of the notice; providing exceptions;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 83.561, Florida Statutes, is created to
16 read:

17 83.561 Termination of rental agreement upon foreclosure.-

18 (1) If a tenant is occupying residential premises that are
19 the subject of a foreclosure sale, upon issuance of a
20 certificate of title following the sale, the purchaser named in
21 the certificate of title takes title to the residential premises
22 as a landlord, subject to the rights of the tenant under
23 paragraph (a).

24 (a)1. If a written rental agreement was entered into before
25 the issuance of the certificate of title, the tenant may remain
26 in possession of the premises until the end of the term
27 specified in the rental agreement or at least 90 days following
28 the date of the purchaser's delivery of a written notice of
29 termination of the tenancy to the tenant, whichever occurs

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30 later.

31 2. If a written rental agreement was entered into before
32 the issuance of the certificate of title, but the purchaser
33 named in the certificate of title sells the premises to a
34 subsequent purchaser who intends to occupy the premises as a
35 primary residence, the subsequent purchaser may terminate the
36 rental agreement by delivering a written 90-day notice of
37 termination to the tenant.

38 3. If a written rental agreement was not entered into
39 before the issuance of the certificate of title, the tenant may
40 remain in possession of the premises for 90 days following
41 delivery of the written 90-day notice of termination.

42 (b) The 90-day notice of termination must be in
43 substantially the following form:

44
45 You are hereby notified that your rental agreement is
46 terminated effective 90 days following the date of the delivery
47 of this notice or the end of the term specified in your written
48 rental agreement, whichever occurs later, and that I demand
49 possession of the premises on that date. You are still obligated
50 to pay rent during the 90-day period or the remainder of the
51 term of your rental agreement, in the same amount that you have
52 been paying. Your rent must be delivered to ...(landlord's name
53 and address)....

54
55 (c) The 90-day notice of termination shall be delivered in
56 the same manner as provided in s. 83.56(4).

57 (2) Subsection (1) does not apply if:

58 (a) The tenant is the mortgagor in the subject foreclosure

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59 or the child, spouse, or parent of the mortgagor in the subject
60 foreclosure, unless the property is a multiunit residential
61 structure and other tenants occupy units of the structure.

62 (b) The tenant's rental agreement is not the result of an
63 arm's-length transaction.

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

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