

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; authorizing
 8 a purchaser to apply to the clerk of the court for a
 9 writ of possession under certain conditions;
 10 prescribing the form for a 30-day notice of
 11 termination of the rental agreement; establishing
 12 requirements for delivery of the notice; providing
 13 exceptions; providing an effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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

19 83.561 Termination of rental agreement upon foreclosure.-

20 As applied to residential property:

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

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

30 (b) The 30-day notice of termination must be in
31 substantially the following form:

32
33 You are hereby notified that your rental agreement is
34 terminated effective 30 days following the date of the delivery
35 of this notice and that I demand possession of the premises on
36 that date. You are still obligated to pay rent during the 30-day
37 period in the same amount that you have been paying. Your rent
38 must be delivered to ... (landlord's name and address)....

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40 (c) The 30-day notice of termination shall be delivered in
41 the same manner as provided in s. 83.56(4).

42 (d) After the 30-day notice of termination, the purchaser
43 may apply to the clerk of the court for a writ of possession.

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

45 (a) The tenant is the mortgagor in the subject foreclosure
46 or the child, spouse, or parent of the mortgagor in the subject
47 foreclosure, unless the property is a multiunit residential
48 structure and other tenants occupy units of the structure.

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

51 (c) The tenant's rental agreement allows the tenant to pay
52 rent that is substantially less than the fair market rent for

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53 | the premises, unless the rent is reduced or subsidized due to a
54 | federal, state, or local subsidy.

55 | Section 2. This act shall take effect July 1, 2015.