



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, subject  
 6           to the rights of the tenant; specifying the rights of  
 7           the tenant; authorizing a tenant to remain in  
 8           possession of the property for 30 days following  
 9           receipt of written notice; prescribing the form for a  
 10          30-day notice of termination; establishing  
 11          requirements for delivery of the notice; authorizing a  
 12          purchaser to apply for a writ of possession if a  
 13          tenant refuses to vacate the property; providing  
 14          exceptions; providing for construction; providing an  
 15          effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

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

21           83.561 Termination of rental agreement upon foreclosure.-  
 22           (1) If a tenant is occupying residential premises that are  
 23 the subject of a foreclosure sale, upon issuance of a  
 24 certificate of title following the sale, the purchaser named in  
 25 the certificate of title takes title to the residential premises  
 26 subject to the rights of the tenant under this section.



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 tenant is entitled to the protections of s. 83.67.

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

33  
34                                    NOTICE TO TENANT OF TERMINATION

35  
36        You are hereby notified that your rental agreement is  
37 terminated on the date of delivery of this notice, that your  
38 occupancy is terminated 30 days following the date of the  
39 delivery of this notice, and that I demand possession of the  
40 premises on ...(date).... If you do not vacate the premises by  
41 that date, I will ask the court for an order allowing me to  
42 remove you and your belongings from the premises. You are  
43 obligated to pay rent during the 30-day period for any amount  
44 that might accrue during that period. Your rent must be  
45 delivered to ...(landlord's name and address)....

46  
47        (d) The 30-day notice of termination shall be delivered in  
48 the same manner as provided in s. 83.56(4).

49        (2) The purchaser at the foreclosure sale may apply to the  
50 court for a writ of possession based upon a sworn affidavit that  
51 the 30-day notice of termination was delivered to the tenant and  
52 the tenant has failed to vacate the premises at the conclusion



53 of the 30-day period. If the court awards a writ of possession,  
54 the writ must be served on the tenant. The writ of possession  
55 shall be governed by s. 83.62.

56 (3) This section does not apply if:

57 (a) The tenant is the mortgagor in the subject foreclosure  
58 or is the child, spouse, or parent of the mortgagor in the  
59 subject foreclosure.

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

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

66 (4) A purchaser at a foreclosure sale of a residential  
67 premises occupied by a tenant does not assume the obligations of  
68 a landlord, except as provided in paragraph (1)(b), unless or  
69 until the purchaser assumes an existing rental agreement with  
70 the tenant that has not ended or enters into a new rental  
71 agreement with the tenant.

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