

By Senator Rodriguez

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1                   A bill to be entitled  
2           An act relating to rental agreements; repealing s.  
3           83.561, F.S., relating to the termination of a rental  
4           agreement upon foreclosure; creating s. 83.5615, F.S.;  
5           providing a short title; providing for the assumption  
6           of interest in certain foreclosures on dwellings or  
7           residential real property; providing construction;  
8           defining the term "federally-related mortgage loan";  
9           requiring the director of the Division of Consumer  
10          Services of the Department of Agriculture and Consumer  
11          Services to notify the Division of Law Revision of the  
12          repeal of the Protecting Tenants at Foreclosure Act of  
13          2009 within a specified timeframe; providing effective  
14          dates, including a contingent effective date.

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

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18           Section 1. Section 83.561, Florida Statutes, is repealed.

19           Section 2. Effective upon the repeal of the federal  
20          Protecting Tenants at Foreclosure Act, Pub. L. No. 111-22,  
21          section 83.5615, Florida Statutes, is created to read:

22           83.5615 Protecting Tenants at Foreclosure Act.—

23           (1) This section may be cited as the "Protecting Tenants at  
24          Foreclosure Act."

25           (2) In the case of any foreclosure on a federally-related  
26          mortgage loan or on any dwelling or residential real property  
27          after the effective date of this section, any immediate  
28          successor in interest in such property pursuant to the  
29          foreclosure shall assume such interest subject to:

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30 (a) The successor in interest providing a notice to vacate  
31 to any bona fide tenant at least 90 days before the effective  
32 date of the notice; and

33 (b) The rights of any bona fide tenant:

34 1. Under any bona fide lease entered into before the notice  
35 of foreclosure to occupy the premises until the end of the  
36 remaining term of the lease, except that a successor in interest  
37 may terminate a lease effective on the date of sale of the unit  
38 to a purchaser who will occupy the unit as a primary residence,  
39 subject to the tenant receiving the 90-day notice under  
40 paragraph (a); or

41 2. Without a lease or with a lease terminable at will,  
42 subject to the tenant receiving the 90-day notice under  
43 paragraph (a).

44  
45 This subsection does not affect the requirements for termination  
46 of any federal- or state-subsidized tenancy or of any state or  
47 local law that provides more time or other additional  
48 protections for tenants.

49 (3) For the purposes of this section:

50 (a) A lease or tenancy shall be considered bona fide only  
51 if:

52 1. The mortgagor or the child, spouse, or parent of the  
53 mortgagor under the contract is not the tenant;

54 2. The lease or tenancy was the result of an arms-length  
55 transaction; and

56 3. The lease or tenancy requires the receipt of rent that  
57 is not substantially less than fair market rent for the property  
58 or the unit's rent is reduced or subsidized due to a federal,

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59 state, or local subsidy.

60 (b) The term "federally-related mortgage loan" has the same  
61 meaning as in 12 U.S.C. s. 2602.

62 (c) The date of a notice of foreclosure shall be deemed to  
63 be the date on which complete title to a property is transferred  
64 to a successor entity or person as a result of an order of a  
65 court or pursuant to provisions in a mortgage, deed of trust, or  
66 security deed.

67 Section 3. If the Protecting Tenants at Foreclosure Act of  
68 2009, Pub. L. No. 111-22, is repealed, the director of the  
69 Division of Consumer Services of the Department of Agriculture  
70 and Consumer Services shall notify the Division of Law Revision  
71 within 10 days after the repeal.

72 Section 4. Except as otherwise expressly provided in this  
73 act, this act shall take effect July 1, 2020.