

By Senator Gelber

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1 A bill to be entitled
2 An act relating to the termination of a residential
3 rental agreement upon foreclosure; creating s. 83.683,
4 F.S.; providing that a purchaser of residential
5 property in foreclosure may terminate a tenant's
6 residential rental agreement under certain
7 circumstances; providing an exception for an immediate
8 purchaser intending to sell the property to a buyer
9 who intends to occupy the foreclosure premises as his
10 or her primary residence; setting forth the content to
11 be included in the termination notice to be given to
12 the tenant; providing certain exceptions to
13 application of the act; requiring the immediate
14 purchaser named in the certificate of title to credit
15 the tenant's account for any deposit money paid by the
16 tenant and for any advance rent for the unexpired
17 rental period; providing for future expiration of the
18 act; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 83.683, Florida Statutes, is created to
23 read:

24 83.683 Termination of rental agreement upon foreclosure.-

25 (1) (a) Upon issuance of a certificate of title pursuant to
26 s. 45.031, if a tenant is occupying the residential premises and
27 is not excluded by subsection(2), the immediate purchaser named
28 in the certificate of title takes title to the residential
29 premises as a landlord, and may terminate the residential rental

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30 agreement by delivering a written 90-day notice to the tenant.

31 (b)1. If there is an existing written rental agreement
32 entered into before the certificate of title was issued, the
33 tenant may remain in possession of the premises until the end of
34 the lease term or at least 90 days following the date the tenant
35 receives a copy of the written notice of termination, whichever
36 is greater.

37 2. However, if the immediate purchaser named in the
38 certificate of title sells the premises to a purchaser who will
39 occupy the premises as a primary residence, the immediate
40 purchaser may terminate the written rental agreement and the
41 tenant is entitled to a written 90-day notice of termination.

42 (c) The 90-day notice to terminate the rental agreement
43 must be in substantially the following form:

44
45 You are hereby advised that your rental agreement is
46 terminated effective 90 days following the date that
47 this written termination notice is delivered to you,
48 or at the end of the term of your written rental
49 agreement, whichever is later, and that I demand
50 possession of the premises upon that date. You are
51 still obligated to pay rent during the 90 days or
52 during the term of your written rental agreement, in
53 the amount you have been paying. Rent shall be
54 delivered to [name], [address].

55
56 (d) Delivery of the written notice must be in the manner as
57 provided in s. 83.56(4).

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

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59 (a) The mortgagor being foreclosed, or the child, spouse,
60 or parent of the mortgagor being foreclosed, is occupying the
61 dwelling unit being foreclosed, unless it is a multiunit
62 property and other tenants occupy dwelling units;

63 (b) The rental agreement is not an arms-length transaction;
64 or

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

69 (3) The immediate purchaser named in the certificate of
70 title issued pursuant to s. 45.031 shall credit the tenant's
71 account for any deposit money paid by the tenant to the
72 predecessor in interest and may make claims against the deposit
73 pursuant to s. 83.49(1). The immediate purchaser shall also
74 credit the tenant's account for any advance rent for the
75 unexpired rental period. The tenant must provide evidence of the
76 amount of the security deposit or advance rent in order to
77 receive the credit.

78 (4) This section expires December 31, 2012.

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