

HB 415

2010

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

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

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

23 83.683 Termination of rental agreement upon foreclosure.-
 24 (1) (a) Upon issuance of a certificate of title pursuant to
 25 s. 45.031, if a tenant is occupying the residential premises and
 26 is not excluded by subsection (2), the immediate purchaser named
 27 in the certificate of title takes title to the residential
 28 premises as a landlord, and may terminate the residential rental

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

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

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

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

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

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

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

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

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

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

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

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

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