

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Soto offered the following:

Amendment (with title amendment)

Between lines 222 and 223, insert:

Section 1. Subsections (10) and (11) are added to section 83.49, Florida Statutes, to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.-

(10) Upon the filing of foreclosure, the landlord or mortgagor or its agent shall tender to the registry of the court or, at the foreclosing entity's election, to the foreclosing entity, all funds held for advance rent or security deposits for tenants of the mortgaged property, which shall continue to be held for the use and benefit of the tenants.

847341

Approved For Filing: 4/26/2010 4:36:04 PM

Amendment No.

15 (11) Failure by the landlord or mortgagor or its agent to
16 comply with the provisions of subsection (1) or subsection (10)
17 constitutes a theft as defined in s. 812.014.

18 Section 2. Section 83.683, Florida Statutes, is created to
19 read:

20 83.683 Termination of a residential rental agreement upon
21 foreclosure.-

22 (1) (a) Upon issuance of a certificate of title pursuant to
23 s. 45.031, if a tenant is occupying the residential premises and
24 is not excluded by subsection (2), the immediate purchaser named
25 in the certificate of title takes title to the residential
26 premises as a landlord, and may terminate the residential rental
27 agreement by delivering a written 90-day notice to the tenant.

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

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

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

41
847341

Approved For Filing: 4/26/2010 4:36:04 PM

Amendment No.

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

52
53 (d) Delivery of the written notice must be in the manner
54 as provided in s. 83.56(4).

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

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

60 (b) The rental agreement is not an arms-length
61 transaction; or

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

66 (3) The immediate purchaser named in the certificate of
67 title issued pursuant to s. 45.031 shall credit the tenant's
68 account for any deposit money paid by the tenant to the
69 predecessor in interest and may make claims against the deposit

847341

Approved For Filing: 4/26/2010 4:36:04 PM

Amendment No.

70 pursuant to s. 83.49(1). The immediate purchaser shall also
71 credit the tenant's account for any advance rent for the
72 unexpired rental period. The tenant must provide evidence of the
73 amount of the security deposit or advance rent in order to
74 receive the credit. This subsection applies only to the extent
75 that the security deposit or advance rent is in the possession
76 of the immediate purchaser or the foreclosing mortgagee.

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

78 Section 3. Subsection (6) of section 83.803, Florida
79 Statutes, is amended to read:

80 83.803 Definitions.—As used in ss. 83.801-83.809:

81 (6) "Last known address" means the street address, post
82 office box, or electronic mail ~~that~~ address provided by the
83 tenant in the latest rental agreement or in a subsequent written
84 notice of change of address provided by hand delivery, first-
85 class mail, or electronic mail ~~the address provided by the~~
86 ~~tenant by hand delivery or certified mail in a subsequent~~
87 ~~written notice of a change of address.~~

90 -----
91 **T I T L E A M E N D M E N T**

92 Remove line 2 and insert:

93 An act relating to residential properties; amending s. 83.49,
94 F.S.; requiring the landlord or mortgagor or its agent to tender
95 to the registry of the court or to the foreclosing entity all
96 funds held for advance rent or security deposits at the time of
97 foreclosure; directing that such funds continue to be held for
847341

Amendment No.

98 the use and benefit of the tenants of the foreclosed property;
99 providing that failure of the landlord or mortgagor or its agent
100 to comply with certain specified provisions of law constitutes
101 theft; creating s. 83.683, F.S.; providing that a purchaser of
102 residential property in foreclosure may terminate a tenant's
103 residential rental agreement under certain circumstances;
104 providing an exception for an immediate purchaser intending to
105 sell the property to a buyer who intends to occupy the
106 foreclosure premises as his or her primary residence; setting
107 forth the content to be included in the termination notice to be
108 given to the tenant; providing notice requirements; providing
109 certain exceptions to application of the act; requiring the
110 immediate purchaser named in the certificate of title to credit
111 the tenant's account for any deposit money paid by the tenant
112 and for any advance rent for the unexpired rental period;
113 providing for future expiration; amending s. 83.803, F.S.;
114 redefining the term "last known address" as it relates to the
115 Self-storage Facility Act; amending s.

847341

Approved For Filing: 4/26/2010 4:36:04 PM

Page 5 of 5