Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION ADOPTED _____ (Y/N) ADOPTED AS AMENDED _____ (Y/N) ADOPTED W/O OBJECTION _____ (Y/N) FAILED TO ADOPT ______ (Y/N) WITHDRAWN _____ (Y/N) OTHER

Committee/Subcommittee hearing bill: Judiciary Committee Representative Jones, M. offered the following:

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Amendment (with title amendment)

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Remove everything after the enacting clause and insert: Section 1. Section 83.561, Florida Statutes, is created to read:

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83.561 Termination of rental agreement upon foreclosure.—

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(1) If a tenant is occupying residential premises that are the subject of a foreclosure sale, upon issuance of a

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certificate of title following the sale, the purchaser named in

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the certificate of title takes title to the residential premises subject to the rights of the tenant under this section.

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(a) The tenant may remain in possession of the premises for 30 days following the date of the purchaser's delivery of a

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(b) The tenant is entitled to the protections of s. 83.67.

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written 30-day notice of termination.

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

NOTICE TO TENANT OF TERMINATION

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

- (d) The 30-day notice of termination shall be delivered in the same manner as provided in s. 83.56(4).
- (2) The purchaser at the foreclosure sale may apply to the court for a writ of possession based upon a sworn affidavit that the 30-day notice of termination was delivered to the tenant and the tenant has failed to vacate the premises at the conclusion of the 30-day period. If the court awards the writ of possession, the writ must be served on the tenant. The writ of possession shall be governed by s. 83.62.
 - (3) This section does not apply if:

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		(a)	The t	tenant	is	the	mortgag	gor	in	the	subject	fc	reclo	sure
or	is	the	child	d, spoi	ıse,	or	parent	of	the	moi	rtgagor	in	the	
su	bje	ct fo	oreclo	osure.										

- (b) The tenant's rental agreement is not the result of an arm's length transaction.
- (c) The tenant's rental agreement allows the tenant to pay rent that is substantially less than the fair market rent for the premises, unless the rent is reduced or subsidized due to a federal, state, or local subsidy.
- (4) This section does not preclude the purchaser from assuming the prior rental agreement of the tenant; in which case, the purchaser becomes the landlord and is governed by this part.

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

TITLE AMENDMENT

Remove everything before the enacting clause and insert:
An act relating to rental agreements; creating s.
83.561, F.S.; providing that a purchaser taking title
to a tenant-occupied residential property following a
foreclosure sale takes title to the property subject
to the rights of the tenant; specifying the rights of
the tenant; authorizing a tenant to remain in
possession of the property for 30 days following
receipt of a written notice; prescribing the form for

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COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 779 (2015)

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70	a 30-day notice of termination; establishing
71	requirements for delivery of the notice; authorizing a
72	purchaser to apply for a writ of possession if the
73	tenant refuses to vacate the property; providing
74	exceptions; providing for construction; providing an
75	effective date.

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