

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Wood offered the following:

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4 **Substitute Amendment for Amendment (698129) by**
5 **Representative Jones, M. (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 83.561, Florida Statutes, is created to
8 read:

9 83.561 Protecting tenants at foreclosure.-

10 (1) In the case of any foreclosure on any dwelling or
11 residential real property, any immediate successor in interest
12 in such property pursuant to the foreclosure shall assume such
13 interest subject to:

14 (a) The provision by such successor in interest of a
15 notice to vacate to any bona fide tenant at least 90 days before
16 the effective date of such notice; and

17 (b) The rights of any bona fide tenant, as of the date of

Amendment No. 2

18 such notice of foreclosure:

19 1. Under any bona fide lease entered into before the
20 notice of foreclosure to occupy the premises until the end of
21 the remaining term of the lease, except that a successor in
22 interest may terminate a lease effective on the date of sale of
23 the unit to a purchaser who will occupy the unit as a primary
24 residence, subject to the receipt by the tenant of the 90 day
25 notice under paragraph (a); or

26 2. Without a lease or with a lease terminable at will
27 under State law, subject to the receipt by the tenant of the 90
28 day notice under subsection (a), except that nothing under this
29 section shall affect the requirements for termination of any
30 Federal- or State-subsidized tenancy or of any State or local
31 law that provides longer time periods or other additional
32 protections for tenants.

33 (2) For purposes of this section, a lease or tenancy shall
34 be considered bona fide only if:

35 (a) The mortgagor or the child, spouse, or parent of the
36 mortgagor under the contract is not the tenant;

37 (b) The lease or tenancy was the result of an arms-length
38 transaction; and

39 (c) The lease or tenancy requires the receipt of rent that
40 is not substantially less than fair market rent for the property
41 or the unit's rent is reduced or subsidized due to a Federal,
42 State, or local subsidy.

43 (3) It is the intent of the Legislature that this section

Amendment No. 2

44 be interpreted in conformity with decisions interpreting the
45 Protecting Tenants at Foreclosure Act of 2009, s. 701 of P.L.
46 111-22.

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

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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An act relating to rental agreements; creating s. 83.561, F.S.;

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providing that a purchaser taking title to a tenant-occupied

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residential property following a foreclosure sale takes title to

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the property as a landlord; specifying conditions under which

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the tenant may remain in possession of the premises; providing

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exceptions; providing a definition; providing for

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interpretation; providing an effective date.