

1 A bill to be entitled
 2 An act relating to rental agreements; creating s.
 3 83.561, F.S.; providing that a purchaser taking title
 4 to a tenant-occupied residential property following a
 5 foreclosure sale takes title to the property, subject
 6 to the rights of the tenant; specifying the rights of
 7 the tenant; authorizing a tenant to remain in
 8 possession of the property for 30 days following
 9 receipt of written notice; prescribing the form for a
 10 30-day notice of termination; establishing
 11 requirements for delivery of the notice; authorizing a
 12 purchaser to apply for a writ of possession if a
 13 tenant refuses to vacate the property; providing
 14 exceptions; providing for construction; providing an
 15 effective date.

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

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 19 Section 1. Section 83.561, Florida Statutes, is created to
 20 read:

21 83.561 Termination of rental agreement upon foreclosure.—
 22 (1) If a tenant is occupying residential premises that are
 23 the subject of a foreclosure sale, upon issuance of a
 24 certificate of title following the sale, the purchaser named in
 25 the certificate of title takes title to the residential premises
 26 subject to the rights of the tenant under this section.

27 (a) The tenant may remain in possession of the premises
 28 for 30 days following the date of the purchaser's delivery of a
 29 written 30-day notice of termination.

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

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

33
 34 NOTICE TO TENANT OF TERMINATION

35
 36 You are hereby notified that your rental agreement is
 37 terminated on the date of delivery of this notice, that your
 38 occupancy is terminated 30 days following the date of the
 39 delivery of this notice, and that I demand possession of the
 40 premises on ...(date).... If you do not vacate the premises by
 41 that date, I will ask the court for an order allowing me to
 42 remove you and your belongings from the premises. You are
 43 obligated to pay rent during the 30-day period for any amount
 44 that might accrue during that period. Your rent must be
 45 delivered to ...(landlord's name and address)....

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 47 (d) The 30-day notice of termination shall be delivered in
 48 the same manner as provided in s. 83.56(4).

49 (2) The purchaser at the foreclosure sale may apply to the
 50 court for a writ of possession based upon a sworn affidavit that
 51 the 30-day notice of termination was delivered to the tenant and
 52 the tenant has failed to vacate the premises at the conclusion

53 of the 30-day period. If the court awards a writ of possession,
54 the writ must be served on the tenant. The writ of possession
55 shall be governed by s. 83.62.

56 (3) This section does not apply if:

57 (a) The tenant is the mortgagor in the subject foreclosure
58 or is the child, spouse, or parent of the mortgagor in the
59 subject foreclosure.

60 (b) The tenant's rental agreement is not the result of an
61 arm's length transaction.

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

66 (4) This section does not preclude the purchaser from
67 assuming the prior rental agreement of the tenant. If the
68 purchaser assumes the prior rental agreement, he or she is the
69 landlord and is governed by this part.

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