



ENROLLED

CS/CS/HB 779, Engrossed 1

2015 Legislature

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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 written notice; prescribing the form for a  
30-day notice of termination; establishing  
requirements for delivery of the notice; authorizing a  
purchaser to apply for a writ of possession if a  
tenant refuses to vacate the property; providing  
exceptions; providing for construction; providing an  
effective date.

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

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

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





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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) A purchaser at a foreclosure sale of a residential  
67 premises occupied by a tenant does not assume the obligations of  
68 a landlord, except as provided in paragraph (1)(b), unless or  
69 until the purchaser assumes an existing rental agreement with  
70 the tenant that has not ended or enters into a new rental  
71 agreement with the tenant.

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