

ENROLLED

CS/CS/HB779, Engrossed 1

2015 Legislature

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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.
I	Page 1 of 3

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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)
46	
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
I	Page 2 of 3

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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.
1	Page 3 of 3

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