

1 A bill to be entitled
 2 An act relating to rental agreements; creating s.
 3 83.561, F.S.; providing application; providing for
 4 deferred execution of a writ of possession after
 5 foreclosure in certain cases; providing that a
 6 purchaser taking title to a tenant-occupied
 7 residential property following a foreclosure sale
 8 takes title to the property as a landlord; specifying
 9 conditions under which the tenant may remain in
 10 possession of the premises; prescribing the form for a
 11 30-day notice of termination of the rental agreement;
 12 establishing requirements for delivery of the notice;
 13 providing exceptions; providing an effective date.

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

16
 17 Section 1. Section 83.621, Florida Statutes, is created to
 18 read:

19 83.621 Termination of rental agreement upon foreclosure.--

20 As applied to residential property:

21 (1) If a tenant is occupying residential premises that are
 22 the subject of a foreclosure sale, upon issuance of a
 23 certificate of title following the sale, the purchaser named in
 24 the certificate of title takes title to the residential premises
 25 as a landlord, subject to the rights of the tenant under
 26 paragraph (a).

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

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

32
 33 You are hereby notified that your rental agreement is
 34 terminated effective 30 days following the date of the delivery
 35 of this notice or the end of the term specified in your written
 36 rental agreement, whichever occurs later, and that I demand
 37 possession of the premises on that date. You are still obligated
 38 to pay rent during the 30-day period or the remainder of the
 39 term of your rental agreement, in the same amount that you have
 40 been paying. Your rent must be delivered to ...(landlord's name
 41 and address)....

42
 43 (c) The 30-day notice of termination shall be delivered in
 44 the same manner as provided in s. 83.56(4).

45 (d) At the conclusion of the 30-day notice of termination
 46 the purchaser may apply to clerk of the foreclosure court for a
 47 writ of possession.

48 (2) Subsection (1) does not apply if:

49 (a) The tenant is the mortgagor in the subject foreclosure
 50 or the child, spouse, or parent of the mortgagor in the subject
 51 foreclosure, unless the property is a multiunit residential
 52 structure and other tenants occupy units of the structure.

53 (b) The tenant's rental agreement is not the result of an
54 arm's-length transaction.

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

59 Section 2. This act shall take effect July 1, 2015.