

By Senator Campbell

33-1361-00

1 A bill to be entitled
2 An act relating to mortgage-foreclosure
3 proceedings; providing for expedited procedure
4 under certain conditions; providing that a
5 hearing and an adjudication that requested
6 attorney's fees are reasonable are not
7 necessary under certain conditions; providing
8 that attorney's fees when provided in a note or
9 mortgage constitute liquidated damages;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. (1) In uncontested mortgage-foreclosure
15 proceedings in which the mortgagee waives the right to recoup
16 any deficiency judgment, the court shall enter final judgment
17 within 90 days from the date of the close of pleadings. For
18 the purposes of this subsection a mortgage-foreclosure
19 proceeding is uncontested if an answer not contesting the
20 foreclosure has been filed or a default judgment has been
21 entered by the court.

22 (2) In a mortgage foreclosure proceeding, when a
23 default judgment has been entered against the mortgagor and
24 the note or mortgage provides for the award of reasonable
25 attorney's fees, it is not necessary for the court to hold a
26 hearing or adjudge the requested attorney's fees to be
27 reasonable if the fees do not exceed 3 percent of the original
28 principal amount stated in the note or mortgage, even if the
29 note or mortgage does not specify the percentage of the
30 original amount that would be paid as liquidated damages. Such

31

1 fees constitute liquidated damages in any proceeding to
2 enforce the note or mortgage.

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

5
6 *****

7 SENATE SUMMARY

8 Provides that in certain uncontested mortgage-foreclosure
9 proceedings the court must enter final judgment within 90
10 days from the date of the close of pleadings. Provides
11 that when a default judgment has been entered against a
12 mortgagor and the note or mortgage provides for the award
13 of reasonable attorney's fees, the court need not hold a
14 hearing or adjudge the requested fees to be reasonable if
15 the fees do not exceed 3 percent of the original
16 principal amount. Such attorney's fees constitute
17 liquidated damages in any proceeding to enforce the note
18 or mortgage.
19
20
21
22
23
24
25
26
27
28
29
30
31