

By Representative Goodlette

1                                   A bill to be entitled  
2           An act relating to mortgage foreclosure  
3           proceedings; creating s. 702.11, F.S.;  
4           providing for a mortgage reinstatement or  
5           payoff quote under certain foreclosure  
6           circumstances; specifying notice requirements;  
7           providing procedures and requirements for  
8           disputing reinstatements or payoff quotes;  
9           providing for resolution of such disputes;  
10          providing for waiver of objections to  
11          reinstatements or payoff quotes under certain  
12          circumstances; specifying nonapplication of  
13          certain consumer collection practice provisions  
14          to certain persons and firms under certain  
15          circumstances; providing an 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 702.11, Florida Statutes, is  
20 created to read:

21           702.11 Foreclosure proceedings.--

22           (1) After the filing of a complaint initiating  
23 foreclosure proceedings, the mortgagor may request from the  
24 mortgagee's attorney a written reinstatement or payoff quote  
25 setting forth the terms upon which any default under the  
26 mortgage instrument may be cured, including the itemized  
27 amount of any required payments. The mortgagee's attorney may  
28 serve the mortgagor with the written reinstatement or payoff  
29 quote by regular mail or facsimile transmission. The written  
30 reinstatement or payoff quote shall include the following  
31 notice:

1       "Pursuant to s. 702.11, Florida Statutes,  
2       within 15 days after being served with this  
3       reinstatement or payoff quote, you may dispute  
4       any portion of the reinstatement or payoff  
5       quote by filing an appropriate motion with the  
6       court in the pending foreclosure proceeding and  
7       by serving such motion to the mortgagee's  
8       attorney at the address stated herein. Your  
9       failure to dispute this reinstatement or payoff  
10      quote as provided in this notice will result in  
11      the waiver of any objections to the  
12      reinstatement or payoff quote, notwithstanding  
13      any other rights you may have in the pending  
14      foreclosure proceeding."  
15      (2) If the mortgagor disputes any portion of the  
16      reinstatement or payoff quote, the mortgagor may file an  
17      appropriate motion in the foreclosure proceeding asking the  
18      court to determine whether the challenged portion is valid  
19      under the mortgage instrument. Any such motion shall be filed  
20      and served within 15 days after service of the reinstatement  
21      or payoff quote on the mortgagor. After the court considers  
22      the motion and any response to the motion, and after any  
23      appropriate hearing, the court's findings shall be entered in  
24      a written order. If the court finds the challenged portion of  
25      the reinstatement or payoff quote invalid, the court may order  
26      an appropriate alteration of the reinstatement or payoff quote  
27      and may also order such sanctions as are authorized by law.  
28      If the mortgagor fails to challenge the reinstatement or  
29      payoff quote within 15 days after being served the  
30      reinstatement or payoff quote, the mortgagor shall be deemed  
31      to have waived any objections to the reinstatement or payoff

1 quote, notwithstanding any other rights the mortgagor may have  
2 in the pending foreclosure proceeding.

3 (3) After a complaint in a foreclosure proceeding has  
4 been filed, the provisions of part VI of chapter 559 shall not  
5 apply to the mortgagee's attorney, the attorney's law firm, or  
6 employees of the attorney's law firm.

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

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11 HOUSE SUMMARY

12 Provides, under mortgage foreclosure proceedings, for a  
13 mortgage reinstatement or payoff quote for purposes of  
14 curing any default under the mortgage instrument.  
15 Provides procedures and requirements for disputing  
reinstatements or payoff quotes and for resolving such  
disputes. See bill for details.

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