

By Senator Laurent

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A bill to be entitled
An act relating to mortgage foreclosure
proceedings; creating s. 702.11, F.S.;
providing procedures under which a mortgagor
may obtain, and dispute elements of, a
reinstatement or payoff quote after foreclosure
proceedings have been instituted; providing an
effective date.

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

Section 1. Section 702.11, Florida Statutes, is
created to read:

702.11 Foreclosure proceedings.--

(1) After the filing of a complaint initiating
foreclosure proceedings pursuant to this chapter, the
mortgagor may request from the mortgagee's attorney a written
reinstatement or payoff quote setting forth the terms upon
which any default under the mortgage instrument may be cured,
including the itemized amount of any required payments. The
mortgagee's attorney may serve the quote on the mortgagor via
regular U.S. mail or via facsimile transmission. The written
reinstatement or payoff quote must include the following
notice:

Pursuant to section 702.11(2), Florida
Statutes, within 15 days after service of this
quote on you, you may dispute any portion of
the quote by filing an appropriate motion with
the court in the pending foreclosure proceeding
and by serving such motion to the attorney for

1 the mortgageholder at the address stated
2 herein.
3 (2) If the mortgagor disputes any portion of the
4 reinstatement or payoff quote, the mortgagor may file an
5 appropriate motion in the foreclosure proceeding asking the
6 court to determine whether the challenged portion is valid
7 under the mortgage instrument. After consideration of the
8 motion, and the response thereto, and after any appropriate
9 hearing, the court's findings shall be entered in a written
10 order. If the court finds the challenged portion of the
11 reinstatement or payoff quote invalid, the court may order an
12 appropriate alteration of the quote and may also order such
13 sanctions as are authorized by law.
14 (3) After a complaint in a foreclosure proceeding has
15 been filed, the provisions of part VI of chapter 559 shall not
16 apply to the mortgagee's attorney or the attorney's law firm.
17 Section 2. This act shall take effect upon becoming a
18 law.

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21 SENATE SUMMARY

22 Provides a procedure under which a mortgagor may, after
23 foreclosure proceedings under the mortgage have been
24 initiated, obtain from the mortgagee's attorney a written
25 quote containing the reinstatement or payoff amount. The
26 quote must contain notice of the mortgagor's rights to
27 challenge any part of the quote. The court will determine
28 the validity of any challenged part and may make
29 appropriate remedies if it determines the challenged part
30 to be invalid under the mortgage. An attorney acting
31 under this section is exempt from statutory provisions
governing consumer collection practices.