

By Senator Hill

1-01464-10

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1 A bill to be entitled
2 An act relating to mortgage foreclosure actions on
3 homestead property; amending s. 702.06, F.S.;
4 prohibiting deficiency decrees in final judgments in
5 foreclosure actions on homestead property; specifying
6 such deficiency decrees as unenforceable; providing an
7 effective date.

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

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11 Section 1. Section 702.06, Florida Statutes, is amended to
12 read:

13 702.06 Deficiency decree; common-law suit to recover
14 deficiency.-

15 (1) In all suits for the foreclosure of mortgages
16 heretofore or hereafter executed, the entry of a deficiency
17 decree for any portion of a deficiency, should one exist, shall
18 be within the sound judicial discretion of the court, but the
19 complainant shall also have the right to sue at common law to
20 recover such deficiency, provided no suit at law to recover such
21 deficiency shall be maintained against the original mortgagor in
22 cases where the mortgage is for the purchase price of the
23 property involved and where the original mortgagee becomes the
24 purchaser thereof at foreclosure sale and also is granted a
25 deficiency decree against the original mortgagor.

26 (2) Notwithstanding this section or any other provision of
27 this chapter or the laws of this state, a final judgment in any
28 suit for the foreclosure of a mortgage executed on homestead
29 property may not contain, and the court may not enter, a

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30 deficiency decree for any portion of any deficiency in such
31 mortgage. If a final judgment in such suit contains a deficiency
32 decree, the deficiency decree is unenforceable as against public
33 policy.

34 Section 2. This act shall take effect July 1, 2010.