

1                   A bill to be entitled  
2           An act relating to homeowner relief; creating parts I, II,  
3           III, IV, V, VI, VII, and VIII of chapter 52, F.S.;  
4           providing general provisions for an alternative method of  
5           foreclosures other than under the judicial system;  
6           providing a short title; providing for scope of  
7           applicability; excluding homestead property; providing  
8           definitions; providing for variation by agreement;  
9           providing for application of supplemental principles of  
10          law and equity; providing criteria for notice and  
11          knowledge; providing for transactions creating a security  
12          interest; providing for time of foreclosure; providing  
13          procedures, requirements, and limitations before  
14          foreclosure; specifying a right to foreclose; requiring a  
15          notice of default; providing a right to cure; providing  
16          requirements for a notice of foreclosure; providing for a  
17          meeting and meeting requirements to object to foreclosure;  
18          providing a period of limitation for foreclosure;  
19          providing for judicial supervision of foreclosure;  
20          providing procedures and limitations for foreclosures  
21          brought under the judicial system; providing for a right  
22          to redeem collateral; providing authority, requirements,  
23          procedures, and limitations on foreclosures by auction,  
24          foreclosures by negotiated sale, and foreclosures by  
25          appraisal; providing for rights after foreclosure;  
26          providing for application of proceeds, transfer of title,  
27          actions for damages or to set aside a foreclosure,  
28          possession after foreclosure, judgments for deficiencies,

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29 and determinations of amounts of a deficiency; providing  
30 for effect of good faith by a debtor; providing  
31 application and construction; providing authority,  
32 requirements, procedures, and limitations on  
33 discontinuation of a foreclosure; providing for uniformity  
34 of application and construction; specifying a relation to  
35 the Electronic Signatures in Global and National Commerce  
36 Act; providing an effective date.

37  
38 WHEREAS, Florida is still recovering from the worst housing  
39 bubble in memory, and

40 WHEREAS, many Floridians are left unable to pay their  
41 mortgage debt, taxes, or insurance and fees and face the  
42 prospect of huge deficiency judgments, that is, they are liable  
43 for mortgage debt that exceeds the value of their homes, and

44 WHEREAS, many homeowner and condominium associations are  
45 struggling to maintain common areas because owners are not  
46 paying dues and assessments, and

47 WHEREAS, municipalities, counties, and school districts are  
48 struggling to pay for the valuable services they provide because  
49 so many homeowners are not paying real estate taxes owed, and

50 WHEREAS, Florida's courts are overburdened with foreclosure  
51 cases, with nearly 500,000 backlogged cases as of December 31,  
52 2009, and expected delays of 18-24 month periods before  
53 foreclosure cases are resolved, and

54 WHERE, local community banks are unable to make new loans  
55 to small businesses to create new jobs because their capital is

56 tied up in defaulted real estate mortgages that are bogged down  
 57 in the courts, and

58 WHEREAS, Florida's economy will not bottom out, and  
 59 sustained recovery cannot begin, until real estate supply and  
 60 demand balance and homeowner debt issues are resolved, NOW,  
 61 THEREFORE,

62  
 63 Be It Enacted by the Legislature of the State of Florida:

64  
 65 Section 1. Part I of chapter 52, Florida Statutes,  
 66 consisting of sections 52.101, 52.102, 52.103, 52.104, 52.105,  
 67 52.106, 52.107, and 52.108, is created to read:

68 PART I

69 GENERAL PROVISIONS

70 52.101 Short title; scope of applicability.-

71 (1) This chapter may be cited as the "Homeowner Relief and  
 72 Housing Recovery Act."

73 (2) In lieu of any other foreclosure remedy which may be  
 74 available under the laws of this state under the judicial  
 75 system, this chapter may, at the option of the foreclosing  
 76 creditor, be used to effect a foreclosure of a security  
 77 instrument. However, if the foreclosing creditor does not elect  
 78 to use this chapter to effect a foreclosure, nothing in this  
 79 chapter is intended to modify any other foreclosure remedy  
 80 available under the laws of this state.

81 52.102 Definitions.-For purposes of this chapter:

82 (1) "Collateral" means property, real or personal, subject  
 83 to a security interest.

84       (2) "Common interest community" means real property for  
85 which a person is obligated to pay real property taxes,  
86 insurance premiums, maintenance, or improvement of other real  
87 property described in a declaration or other governing  
88 documents, however denominated, by virtue of the community's or  
89 association's ownership thereof or the holding of a leasehold  
90 interest of at least 20 years, including renewal options  
91 therein. The term "common interest community" includes a  
92 community governed by a homeowners' association as defined in s.  
93 720.301 and a condominium community governed by one or more  
94 condominium associations as defined in s. 718.103.

95       (3) "Day" means a calendar day.

96       (4) "Debtor" means a person that owes payment or other  
97 performance of an obligation, whether absolute or conditional,  
98 primary or secondary, secured under a security instrument,  
99 whether or not the security instrument imposes personal  
100 liability on the debtor. The term does not include a person  
101 whose sole interest in the property is a security interest.

102       (5) "Evidence of title" means a title insurance policy, a  
103 preliminary title report or binder, a title insurance  
104 commitment, an attorney's opinion of title based on an  
105 examination of the public records or an abstract, or any other  
106 means of reporting the state of title to real estate that is  
107 customary in the locality.

108       (6) "Expenses of foreclosure" means the lesser of the  
109 reasonable costs incurred by a secured creditor or the maximum  
110 amounts permitted by any other laws of this state in connection  
111 with a foreclosure for transmission of notices, advertising,

112 evidence of title, inspections and examinations of the  
 113 collateral, management and securing of the collateral, liability  
 114 insurance, filing and recording fees, attorneys' fees and  
 115 litigation expenses incurred pursuant to ss. 52.207 and 52.601  
 116 to the extent provided in the security instrument or authorized  
 117 by law, appraisal fees, the fee of the person conducting the  
 118 sale in the case of a foreclosure by auction, fees of court-  
 119 appointed receivers, and other expenses reasonably necessary to  
 120 the foreclosure.

121 (7) "Foreclosing creditor" means a secured creditor who is  
 122 engaged in a foreclosure under this chapter.

123 (8) "Guarantor" means a person liable for the debt of  
 124 another, and includes a surety and an accommodation party.

125 (9) "Interest holder" means a person who owns a legally  
 126 recognized interest in real or personal property that is  
 127 subordinate in priority to a security interest foreclosed under  
 128 this chapter.

129 (10) "Original notice of foreclosure" means the first  
 130 notice of foreclosure sent pursuant to s. 52.204 instituting a  
 131 foreclosure under this chapter.

132 (11) "Purchase-money obligation" means an obligation  
 133 incurred in order to pay part or all of the purchase price of  
 134 residential real property collateral. An obligation is not a  
 135 purchase-money obligation if any part of the real property  
 136 securing it is not residential real property. A purchase-money  
 137 obligation includes an obligation:

138 (a) Incurred to the vendor of the real property;

139 (b) Owed to a third-party lender to pay a loan made to pay  
 140 part or all of the purchase price of the real property;

141 (c) Incurred to purchase labor and materials for the  
 142 construction of substantial improvements on the real property;  
 143 or

144 (d) To pay a loan all of the proceeds of which were used  
 145 to repay in full an obligation of the type described in  
 146 paragraphs (a)-(c).

147 (12) "Real property" means any estate or interest in,  
 148 over, or under land, including minerals, structures, fixtures,  
 149 and other things that by custom, usage, or law pass with a  
 150 conveyance of land though not described or mentioned in the  
 151 contract of sale or instrument of conveyance. The term includes  
 152 the interest of a landlord or tenant and, unless under the law  
 153 of the state in which the property is located that interest is  
 154 personal property, an interest in a common interest community.

155 (13) "Record" when used as a verb, means to take the  
 156 actions necessary to perfect an interest in real property under  
 157 the laws of this state.

158 (14) "Record" used as a noun, means information that is  
 159 inscribed on a tangible medium or that is stored in an  
 160 electronic or other medium and is retrievable in perceivable  
 161 form.

162 (15) "Residential" means:

163 (a) As applied to an interest holder, an individual who  
 164 holds a possessory interest, other than a leasehold interest  
 165 with a duration of 1 year or less, in residential real property  
 166 in which a security interest exists, and any person that is

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167 wholly owned and controlled by such an individual or  
168 individuals.

169 (b) As applied to a debtor, an individual who is  
170 obligated, primarily or secondarily, on an obligation secured in  
171 whole or in part by residential real property, and any person  
172 that is wholly owned and controlled by such an individual or  
173 individuals.

174 (16) "Residential real property" means real property that,  
175 when a security instrument is entered into, is used or is  
176 intended by its owner to be used primarily for the personal,  
177 family, or household purposes of its owner and is improved, or  
178 is intended by its owner to be improved, by one to four dwelling  
179 units.

180 (17) "Secured creditor" means a creditor that has the  
181 right to foreclose a security interest in real property under  
182 this chapter.

183 (18) "Security instrument" means a mortgage, deed of  
184 trust, security deed, contract for deed, agreement for deed,  
185 land sale contract, lease creating a security interest, or other  
186 contract or conveyance that creates or provides for an interest  
187 in real property to secure payment or performance of an  
188 obligation, whether by acquisition or retention of a lien, a  
189 lessor's interest under a lease, or title to the real property.  
190 A security instrument may also create a security interest in  
191 personal property. If a security instrument makes a default  
192 under any other agreement a default under the security  
193 instrument, the security instrument includes the other  
194 agreement. The term includes any modification or amendment of a

195 security instrument, and includes a lien on real property  
 196 created by a record to secure an obligation owed by an owner of  
 197 the real property to an association in a common interest  
 198 community or under covenants running with the real property.

199 (19) "Security interest" means an interest in real or  
 200 personal property that secures payment or performance of an  
 201 obligation.

202 (20) "Sign" means:

203 (a) Execute or adopt a tangible symbol with the present  
 204 intent to authenticate a record; or

205 (b) Attach or logically associate an electronic symbol,  
 206 sound, or process to or with a record with the present intent to  
 207 authenticate a record.

208 (21) "State" means a state of the United States, the  
 209 District of Columbia, Puerto Rico, the United States Virgin  
 210 Islands, or any territory or insular possession subject to the  
 211 jurisdiction of the United States.

212 (22) "Time of foreclosure" means the time that title to  
 213 real property collateral passes to the person acquiring it by  
 214 virtue of foreclosure under this chapter.

215 52.103 Application.—

216 (1) Except as otherwise provided in subsection (2), this  
 217 chapter authorizes the nonjudicial foreclosure of every form of  
 218 security interest in real property located in this state and  
 219 related personal property entered into before, on, or after July  
 220 1, 2010, if the original notice of foreclosure is given after  
 221 July 1, 2010, and if the debtor has agreed in substance in the  
 222 security instrument that:



223        (a) The security interest may be foreclosed pursuant to  
 224 this chapter; or

225        (b) The security interest may be foreclosed by nonjudicial  
 226 process.

227        (2) This chapter may not be used to foreclose:

228        (a) A lien created by statute or operation of law, except  
 229 a lien of an owners' association on property in a common  
 230 interest community;

231        (b) A security interest in property in a common interest  
 232 community if under the law of this state that interest is  
 233 personal property; or

234        (c) A security interest in rents or proceeds of real  
 235 property.

236        (3) This chapter does not preclude or govern foreclosure  
 237 or other enforcement of security interests in real property by  
 238 judicial or other action permitted by any other laws of this  
 239 state.

240        (a) A secured creditor may not take action in pursuance of  
 241 foreclosure under this chapter if a judicial proceeding is  
 242 pending in this state to foreclose the security interest or to  
 243 enforce the secured obligation against a person primarily liable  
 244 for the obligation.

245        (b) A secured creditor may not commence or pursue  
 246 foreclosure under this chapter if a judicial proceeding is  
 247 pending in this state to challenge the existence, validity, or  
 248 enforceability of the security interest to be foreclosed.

249        (c) Except as provided in s. 52.208(2), foreclosure under  
 250 this chapter may proceed even if a judicial proceeding is

251 pending or a judicial order has been obtained for appointment or  
 252 supervision of a receiver of the collateral, possession of the  
 253 collateral, enforcement of an assignment of rents or other  
 254 proceeds of the collateral, or collection or sequestration of  
 255 rents or other proceeds of the collateral or to enforce the  
 256 secured obligation against a guarantor.

257 (4) If a security instrument covers both real property and  
 258 personal property, the secured creditor may proceed under this  
 259 chapter as to both the real property and personal property to  
 260 the extent permitted by chapter 679.

261 52.104 Variation by agreement.-

262 (1) Except as otherwise provided in subsections (2)-(4),  
 263 the parties to a security instrument may not vary by agreement  
 264 the effect of a provision of this chapter.

265 (2) The time within which a person must respond to a  
 266 notice sent by a secured creditor may be extended by agreement.

267 (3) The parties to a security instrument may vary the  
 268 effect of any provision of this chapter that by its terms  
 269 permits the parties to do so.

270 (4) The parties by agreement may determine the standards  
 271 by which performance of obligations under this chapter is to be  
 272 measured if those standards are not manifestly unreasonable.

273 (5) If every debtor under a security instrument is not a  
 274 residential debtor, an agreement by a guarantor waiving the  
 275 right to receive notices under this chapter with respect to the  
 276 foreclosure of the property of a debtor who is not a guarantor  
 277 is enforceable unless a waiver is unenforceable under other  
 278 applicable law.

279 52.105 Supplemental principles of law and equity  
280 applicable.—Unless displaced by a particular provision of this  
281 chapter, the principles of law and equity affecting security  
282 interests in real property supplement this chapter.

283 52.106 Notice and knowledge.—For purposes of this section:

284 (1) The following definitions apply:

285 (a) "Address" means a physical or an electronic address,  
286 or both, as the security instrument requires.

287 (b) "Address for notice" means:

288 1. With respect to a notice given by a secured creditor:

289 a. For a recipient that has given to the secured creditor  
290 a security instrument or other document in connection with a  
291 security instrument, the address, if any, specified in the  
292 security instrument or document.

293 b. For a recipient not described in sub-subparagraph a.  
294 that is identifiable from examination of the public records of  
295 the county or counties in which the collateral is located, or,  
296 if personal property is being foreclosed together with real  
297 property, the Uniform Commercial Code financing statement  
298 filings, the address, if any, specified in the recorded or filed  
299 document.

300 c. For a recipient not described in sub-subparagraph a. or  
301 sub-subparagraph b. that the secured creditor knows is a tenant,  
302 subtenant, or leasehold assignee of all or part of the real  
303 property collateral, the most recent address made known to the  
304 secured creditor by that person or, if none, the address of the  
305 real property collateral, including the designation of any  
306 office, apartment, or other unit that the secured creditor knows

307 is possessed by the recipient, with the notice directed to the  
308 recipient's name, if known, or otherwise "To Tenant occupying  
309 property at" the physical address or description of the real  
310 property collateral.

311 d. For a recipient not described in sub-subparagraphs a.-  
312 c., the physical address of the real property collateral.

313 2. With respect to notices given by persons other than a  
314 secured creditor, the most recent address given in a document  
315 provided by the recipient to the person giving notice.

316 (c) "Electronic" means relating to technology having  
317 electrical, digital, magnetic, wireless, optical,  
318 electromagnetic, or similar capabilities.

319 (d) "Electronic notice" means an electronic record signed  
320 by the person sending the notice.

321 (e) "Electronic record" means a record created, generated,  
322 sent, communicated, received, or stored by electronic means.

323 (f) "Electronic signature" means an electronic sound,  
324 symbol, or process attached to or logically associated with a  
325 record and executed or adopted by a person with intent to  
326 authenticate the record.

327 (g) "Recipient" means a person to whom a notice is sent.

328 (h) "Written notice" means a written record signed by the  
329 person giving the notice.

330 (2) A person knows a fact if:

331 (a) The person has actual knowledge of the fact;

332 (b) The person has received a notice or notification of  
333 the fact; or

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334 (c) From all the facts and circumstances known to the  
335 person at the time in question the person has reason to know the  
336 fact.

337 (3) Notice is sent or given, or a recipient is notified,  
338 subject to the limitations of subsection (4):

339 (a) By hand delivering a written notice to the recipient  
340 or to an individual authorized to receive service of civil  
341 process under applicable Florida law who is found at the  
342 recipient's address for notice;

343 (b) By depositing written notice, properly addressed to  
344 the recipient's address for notice, with cost of delivery paid:

345 1. With the United States Postal Service, registered or  
346 certified mail, return receipt requested;

347 2. With the United States Postal Service by regular mail;  
348 or

349 3. With a commercially reasonable carrier other than the  
350 United States Postal Service; or

351 (c) Subject to subsection (7), by initiating operations  
352 that in the ordinary course will cause the notice to come into  
353 existence at the recipient's address for notice in the  
354 recipient's information processing system in a form capable of  
355 being processed by the recipient.

356 (4) If the recipient is an individual and the security  
357 interest covers the recipient's primary residence, use of the  
358 methods of notice specified in subsection (3) is limited as  
359 follows:

360 (a) If the notice is a notice of default pursuant to s.  
361 52.202 or a notice of foreclosure pursuant to s. 52.203, both of

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362 the methods of giving notice specified in subparagraphs (3)(b)2.  
363 and 3. must be used.

364 (b) If the notice is not a notice of default pursuant to  
365 s. 52.202 or a notice of foreclosure pursuant to s. 52.203, a  
366 method of giving notice specified in paragraph (3)(a) or  
367 paragraph (3)(b) must be used.

368 (5) If a person giving a notice pursuant to this chapter  
369 and the recipient have agreed to limit the methods of giving  
370 notice otherwise permitted by subsections (3) and (4), that  
371 limitation is enforceable to the extent that it is consistent  
372 with subsection (4) and is otherwise permitted by law.

373 (6) A person may not give an electronic notice unless the  
374 recipient uses, designates by agreement, or otherwise has  
375 designated or holds out an information processing system or  
376 address within that system as a place for the receipt of  
377 communications of that kind. An electronic notice is not sent if  
378 the sender or its information processing system inhibits the  
379 ability of the recipient to print or store the record.

380 (7) If, at the time of giving a required notice, a person  
381 knows that the recipient's address for notice is incorrect or  
382 that notices cannot be delivered to the recipient at that  
383 address, the person that sent the notice shall make a reasonable  
384 effort to determine a correct address for the recipient and send  
385 the notice to the address so determined. Compliance with the  
386 provisions of chapter 49 satisfies the requirement to make  
387 reasonable effort to locate the party entitled to notice.

388 (8) If, after giving a notice, a person acquires knowledge  
389 that the address of the recipient to which the notice was

390 directed is incorrect or that notices cannot be delivered to the  
391 recipient at that address, the person that sent the notice shall  
392 promptly make a reasonable effort to determine a correct address  
393 for the recipient and send another copy of the notice to the  
394 address so determined, if any. The first notice, if timely sent  
395 and properly directed to the recipient's address for notice,  
396 complies with the time requirements of this chapter.

397 (9) A person may use methods of giving notice in addition  
398 to, but not in place of, the methods required by subsections (3)  
399 and (4).

400 (10) A notice is sufficient even if it includes  
401 information not required by law or contains minor errors that  
402 are not seriously misleading.

403 (11) Receipt of a notice within the time in which it would  
404 have been received if properly sent has the effect of a proper  
405 giving of notice.

406 (12) If the recipient is an individual, a notice is  
407 received when it comes to the recipient's attention or is  
408 delivered to and available at the recipient's address for  
409 notice. If the recipient is not an individual, a notice is  
410 received when it is brought to the attention of the individual  
411 conducting the transaction, or in any event when it would have  
412 been brought to that individual's attention if the recipient had  
413 exercised due diligence. An organization exercises due diligence  
414 if it maintains reasonable routines for communicating  
415 significant information with the person conducting the  
416 transaction and there is reasonable compliance with the  
417 routines. Due diligence does not require an individual acting

418 for the organization to communicate information unless such  
 419 communication is part of the individual's regular duties or  
 420 unless the individual has reason to know of the transaction and  
 421 that the transaction would be materially affected by the  
 422 information.

423 (13) Subject to subsection (12), a person that has sent a  
 424 notice may revoke it by a subsequent notice unless the recipient  
 425 has materially changed its position in reliance on the notice  
 426 before receiving the revocation.

427 52.107 Transaction creating security interest.—A  
 428 transaction that is intended to create a security interest does  
 429 so irrespective of the caption of the documents.

430 52.108 Time of foreclosure.—The time of foreclosure is the  
 431 time the affidavit required by:

432 (1) Section 52.312 is recorded, in the case of a  
 433 foreclosure by auction.

434 (2) Section 52.405 is recorded, in the case of a  
 435 foreclosure by negotiated sale.

436 (3) Section 52.505 is recorded, in the case of a  
 437 foreclosure by appraisal.

438 Section 2. Part II of chapter 52, Florida Statutes,  
 439 consisting of sections 52.201, 52.202, 52.203, 52.204, 52.205,  
 440 52.206, 52.207, 52.208, and 52.209, is created to read:

441 PART II

442 PROCEDURES BEFORE FORECLOSURE

443 52.201 Right to foreclose.—

444 (1) A secured creditor has a right to foreclose under this  
 445 chapter if:



446 (a) All conditions that, by law and the terms of the  
 447 security instrument, are prerequisites to foreclosure have been  
 448 satisfied.

449 (b) All notices to the debtor required by the security  
 450 instrument and by this chapter as prerequisites to foreclosure  
 451 have been given.

452 (c) All periods for cure available to the debtor by the  
 453 terms of the security instrument and law as prerequisites to  
 454 foreclosure have elapsed and no cure has been made.

455 (2) A foreclosing creditor may pursue foreclosure  
 456 exclusively by auction, by negotiated sale, or by appraisal, or  
 457 may simultaneously pursue, together with foreclosure by auction,  
 458 either foreclosure by negotiated sale or by appraisal, but not  
 459 both. If the creditor pursues two methods of foreclosure  
 460 simultaneously, the notice of foreclosure must state both  
 461 methods.

462 52.202 Notice of default and right to cure.—

463 (1) Subject to subsection (2) and paragraph (6)(a), a  
 464 notice of default must be given to each debtor and each interest  
 465 holder whose interest gives right of possession of the real  
 466 property collateral, and the cure period provided by this  
 467 section must expire without cure being made, before the original  
 468 notice of foreclosure may be given.

469 (2) Except as provided in the security instrument, notice  
 470 of default need not be given and no cure period is applicable if  
 471 the default cannot be cured.

472 (3) A notice of default must contain:

473 (a) The facts establishing that a default has occurred.

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474 (b) The amount to be paid or other performance required to  
475 cure the default, including the daily rate of accrual for  
476 amounts accruing over time, and the time within which cure must  
477 be made.

478 (c) The name, address, and telephone number of an  
479 individual who is or represents the secured creditor and who can  
480 be contacted for further information concerning the default.

481 (d) A statement that foreclosure may be initiated if the  
482 default is not cured in a timely manner.

483 (4) Within 30 days after notice of default is given to the  
484 last person entitled to such notice, any person may:

485 (a) Cure the default if the default is curable by the  
486 payment of money; or

487 (b) Commence to cure the default if the default cannot be  
488 cured by the payment of money, diligently proceed to cure the  
489 default, and complete the cure of the default within 90 days  
490 after the notice of default was given.

491 (5) If no person is proceeding diligently to cure a  
492 default that cannot be cured by the payment of money after 30  
493 days from the date the notice of default was sent to the last  
494 person entitled to such notice, the secured creditor may  
495 immediately terminate the period allowed for cure by  
496 accelerating payment of the principal amount owing on the  
497 secured obligation or giving an original notice of foreclosure.

498 (6) If none of the real property to be foreclosed is  
499 residential real property:

500 (a) If a default cannot be cured by the payment of money  
501 and a notice of default was given by the secured creditor within

502 1 year before the date of the present default on account of a  
 503 default of the same kind, a notice of default is not required  
 504 and a right to cure does not exist except as agreed by the  
 505 parties.

506 (b) The periods specified in subsection (4) to cure a  
 507 default may be reduced as the parties agree in the security  
 508 instrument.

509 (7) A notice of default may be given notwithstanding that  
 510 a notice of default has previously been given on account of a  
 511 different default and is still pending.

512 (8) The right to cure a default provided in this section  
 513 does not impair or limit any other right to notice of default or  
 514 to cure a default provided to any person by the security  
 515 instrument. The period to cure provided in this section and any  
 516 period to cure provided in the security instrument run  
 517 concurrently unless the security instrument provides otherwise.

518 (9) Unless precluded from doing so by law other than this  
 519 chapter, a secured creditor shall cooperate with any debtor or  
 520 interest holder that attempts to cure a default by promptly  
 521 providing upon request reasonable information concerning the  
 522 amount or other performance due and expenses necessary for cure.

523 (10) If a default is cured within a period allowed by this  
 524 section, or after the expiration of that period but before  
 525 acceleration of the principal amount owing on the secured  
 526 obligation or the giving of an original notice of foreclosure,  
 527 an acceleration by the secured creditor of the principal amount  
 528 owing on the secured obligation on account of that default is  
 529 ineffective.

530        (11) During a period allowed for cure of a default under  
531 this section, a secured creditor may enforce any remedy other  
532 than foreclosure provided for by the security instrument and  
533 enforceable under the laws of this state other than this chapter  
534 if enforcement does not unreasonably interfere with the ability  
535 of a debtor to cure a default under this section.

536        52.203 Notice of foreclosure; manner of giving.—

537        (1) If a secured creditor has a right to foreclose under  
538 s. 52.201, the secured creditor may commence foreclosure by  
539 giving notice of foreclosure. The notice must comply with  
540 subsections (2) and (3) and s. 52.204 and is a prerequisite to  
541 foreclosure.

542        (2) A foreclosing creditor shall record a copy of the  
543 notice of foreclosure in the public records of each county in  
544 which the real property collateral is located. A recorded notice  
545 of foreclosure is notice of its existence and contents to any  
546 person acquiring an interest in the real property collateral  
547 after the notice of foreclosure is recorded. In the absence of  
548 recording of the notice of foreclosure, any purported  
549 foreclosure under this chapter is void.

550        (3) Except as otherwise provided in subsection (4), a  
551 foreclosing creditor shall give a notice of foreclosure to the  
552 following persons no later than 5 days after recording the  
553 original notice of foreclosure pursuant to subsection (2) if  
554 such persons can be identified as of the time of recording of  
555 the notice of foreclosure:

556        (a) A person that the foreclosing creditor knows to be a  
557 debtor.

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558       (b) A person specified by the debtor in the security  
559 instrument to receive notice on the debtor's behalf.

560       (c) A person that is shown by the public records of each  
561 county in which any part of the real property collateral is  
562 located to be an interest holder in the real property  
563 collateral.

564       (d) If the foreclosing creditor holds and intends to  
565 foreclose on a security interest in personal property, a person  
566 who is entitled to notice with respect to the disposition of the  
567 personal property collateral under chapter 679.

568       (e) A person who the foreclosing creditor knows is an  
569 interest holder in the real property collateral.

570       (f) A person that has recorded in the public records of a  
571 county in which any part of the real property collateral is  
572 located a request for notice of foreclosure satisfying the  
573 requirements of s. 52.205.

574       (4) After the time of recording of the notice of  
575 foreclosure, if the foreclosing creditor obtains actual  
576 knowledge that a person holds an interest in the collateral that  
577 is subordinate in priority to the security instrument, the  
578 foreclosing creditor must give a notice of foreclosure to that  
579 person no later than 5 days after obtaining such knowledge.

580       (5) A foreclosing creditor may give a special notice of  
581 foreclosure to any person described in subsection (3) or  
582 subsection (4) to avoid the termination of that person's  
583 interest in the collateral by the foreclosure. The special  
584 notice shall give the information required by s. 52.204, but

585 state that the recipient's interest in the collateral will not  
586 be terminated by the foreclosure.

587 (6) A foreclosing creditor, within 10 days before or after  
588 recording a notice of foreclosure, shall affix a copy of the  
589 notice of foreclosure at a conspicuous place on the real  
590 property collateral.

591 (7) An original notice of foreclosure is ineffective if  
592 given after the limitation period for foreclosure of a security  
593 interest in real property by judicial proceeding has expired.

594 52.204 Notice of foreclosure: content.—

595 (1) The heading of a notice of foreclosure must be  
596 conspicuous and must read as follows:

597 "NOTICE OF FORECLOSURE. YOU ARE HEREBY NOTIFIED THAT YOU  
598 MAY LOSE YOUR RIGHTS TO CERTAIN PROPERTY. READ THIS  
599 NOTICE IMMEDIATELY AND CAREFULLY."

600 (2) A notice of foreclosure must contain:

601 (a) The date of the notice, the name of the owner of the  
602 collateral as identified in the security instrument, a legally  
603 sufficient description and, at the secured creditor's option,  
604 the street address, if any, stated in the security instrument of  
605 the real property collateral or portion thereof being  
606 foreclosed, and a description of any personal property  
607 collateral to be included in the foreclosure.

608 (b) Information concerning the recording of the security  
609 instrument, including the recording date, and the official  
610 records book and page number or the official recording number  
611 for the security instrument.

612 (c) A statement that a default exists under the security  
613 instrument, and the facts establishing the default.

614 (d) A statement that the foreclosing creditor is  
615 initiating foreclosure.

616 (e) A statement that the foreclosing creditor has  
617 accelerated or, by virtue of the notice, is accelerating the due  
618 date of the principal amount owing on the secured obligation or  
619 a statement that the foreclosing creditor elects not to  
620 accelerate the due date.

621 (f) A statement that the collateral may be redeemed from  
622 the security interest by payment in full or performance of the  
623 secured obligation in full before foreclosure and the amount to  
624 be paid or other action necessary to redeem, including a per  
625 diem amount that will allow calculation of the total balance  
626 owed as of future dates and any further amount the foreclosing  
627 creditor anticipates expending to protect the collateral.

628 (g) A statement of the method or methods of foreclosure  
629 the foreclosing creditor elects to use and the earliest date on  
630 which foreclosure will occur if no redemption is made.

631 (h) A statement that the foreclosure will terminate the  
632 rights in the collateral of the person receiving the notice of  
633 foreclosure.

634 (i) If applicable, an explanation of a debtor's right to  
635 avoid a deficiency claim by compliance with s. 52.605.

636 (j) If the foreclosure is by negotiated sale or by  
637 appraisal, an explanation of the right of the debtor and holders  
638 of subordinate interests to object to the foreclosure as  
639 provided by s. 52.206.

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640 (k) If applicable, a statement that, within 15 days after  
641 the date the notice of foreclosure is given, a debtor or an  
642 interest holder having a possessory interest in the real  
643 property collateral may request a meeting with a representative  
644 of the foreclosing creditor to object to the foreclosure as  
645 provided by s. 52.206.

646 (l) The name, address, and telephone number of an  
647 individual who is the foreclosing creditor or a representative  
648 of the foreclosing creditor and who can be contacted for further  
649 information concerning the foreclosure.

650 (m) A statement that any person receiving a notice of  
651 foreclosure may file an action in court objecting to the  
652 foreclosure, which action must be filed within 20 days after  
653 receipt of the original notice of foreclosure.

654 52.205 Request for notice of foreclosure.-

655 (1) Any person may record in the public records of any  
656 county or counties a request for notice of foreclosure of a  
657 security instrument that has been recorded in such county or  
658 counties. The request must state:

659 (a) The date of the security interest, the date of its  
660 recording, and the official records book and page, or official  
661 recording number of the security instrument's recording.

662 (b) The names of the parties to the security instrument.

663 (c) A legally sufficient description of the real property  
664 collateral affected by the security instrument.

665 (d) The name and address of the person requesting notice  
666 of foreclosure.



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667       (e) The legal interest, if any, held by the person  
668 recording the request for notice.

669       (2) A person that records a request under subsection (1)  
670 prior to the secured party's commencing foreclosure as provided  
671 in s. 52.203(1) is entitled to be given notice of foreclosure  
672 under s. 52.203(1). Recording a request does not affect the  
673 title to the real property collateral and does not constitute  
674 constructive notice to any person with an interest in the real  
675 property collateral held or claimed by the person requesting  
676 notice. A person that records a request for notice under this  
677 section may subsequently record an amendment supplementing or  
678 correcting information in the request or record a withdrawing of  
679 the request.

680       (3) A foreclosing creditor is liable for a penalty of \$500  
681 to a person that is not given timely notice of foreclosure if  
682 that person has recorded a request for notice of foreclosure  
683 meeting the standards of this section. If a recorded request for  
684 notice states that the person recording the request has an  
685 interest in the real property collateral and the person is not  
686 given timely notice of foreclosure, the person's interest in the  
687 collateral, if any, is preserved from termination by the  
688 foreclosure.

689       52.206 Meeting to object to foreclosure.—

690       (1) A debtor may request a meeting to object to a  
691 foreclosure. The request must be made by a notice received by  
692 the foreclosing creditor within 30 days after the notice of  
693 foreclosure is given to that debtor. If the foreclosing creditor  
694 receives a request for a meeting, the foreclosing creditor or a

695 responsible representative of the foreclosing creditor shall  
696 schedule and attend a meeting with the person requesting it at a  
697 mutually agreeable time. The representative may be an employee,  
698 agent, servicer, or attorney of the foreclosing creditor and  
699 must have authority to terminate the foreclosure if the  
700 representative determines that there is no legal basis for  
701 foreclosure. The meeting may be held in person or by telephone,  
702 video conferencing, or other reasonable means, at the election  
703 of the foreclosing creditor. If the meeting is held in person,  
704 it must be held at a location reasonably convenient to a parcel  
705 of the real property collateral unless the person requesting the  
706 meeting and the representative mutually agree on a different  
707 location. If the foreclosing creditor receives requests from  
708 more than one person, the creditor or representative may attempt  
709 to arrange a consolidated meeting, and the persons requesting  
710 meetings must cooperate reasonably with the foreclosing  
711 creditor's effort to do so.

712 (2) A meeting conducted pursuant to this section is  
713 informal and the rules of evidence do not apply. The parties may  
714 be represented by legal counsel. The foreclosing creditor or  
715 representative must have access to records that provide evidence  
716 of the grounds for foreclosure. If the debtor desires to  
717 negotiate a forbearance or modification on the underlying  
718 obligation, the debtor must provide financial statements and  
719 other documents sufficient to permit the foreclosing creditor to  
720 determine the existence, if any, for grounds to negotiate  
721 alternate terms or obligations. The creditor or representative  
722 shall consider the objections to foreclosure stated by the

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723 person requesting the meeting. Within 10 days after the meeting,  
724 the creditor or representative attending the meeting shall give  
725 to each person who requested the meeting a written statement  
726 indicating whether the foreclosure will be discontinued or will  
727 proceed and the reasons for the determination. The objections to  
728 foreclosure stated by the person requesting the meeting and the  
729 reasons stated by the creditor or representative do not preclude  
730 any person from raising those or other grounds for objecting to  
731 or supporting foreclosure in any subsequent judicial proceeding.  
732 A statement or representation made by a person at the meeting  
733 may not be introduced as evidence in any judicial proceeding.  
734 Each party must bear its own expenses in connection with the  
735 meeting.

736 (3) The foreclosing creditor and the representative do not  
737 incur any liability for making a determination that is adverse  
738 to the person who requested the meeting.

739 52.207 Period of limitation for foreclosure.—The time of  
740 foreclosure may not be less than 90 days nor more than 1 year  
741 after an original notice of foreclosure is recorded under s.  
742 52.203 and not less than 30 days after any subsequent notice of  
743 foreclosure. The 1-year period of limitation may be extended by  
744 agreement of the foreclosing creditor and all persons to whom  
745 notice of foreclosure was required to be given, other than  
746 persons excluded from foreclosure by notice issued under s.  
747 52.203(5), s. 52.406(1)(b), or s. 52.506(1)(b). The 1-year and  
748 30-day periods of limitation are tolled during the period that  
749 any court order temporarily enjoining or staying the foreclosure

750 is in effect and during any stay under the United States  
 751 Bankruptcy Code, 11 U.S.C. ss. 101 et seq.  
 752 52.208 Judicial supervision of foreclosure.—  
 753 (1) Before the time of foreclosure, a secured creditor may  
 754 commence a proceeding in a court of competent jurisdiction for  
 755 any violation of this chapter or of other law or principle of  
 756 equity in the conduct of the foreclosure. The court may issue  
 757 any order within the authority of the court in a foreclosure of  
 758 a mortgage by judicial action, including injunction and  
 759 postponement of the foreclosure.  
 760 (2) Any person required to be notified of the foreclosure  
 761 pursuant to s. 52.203(3) may file an action in the circuit court  
 762 demanding that the foreclosure proceed through the court  
 763 process. The complaint must be filed no later than 20 days after  
 764 receipt of the original notice of foreclosure. The complaint  
 765 must state a bona fide defense to the foreclosure and must  
 766 include a certification of the plaintiff under oath that the  
 767 complaint is not being filed solely for the purpose of delay.  
 768 Unless waived pursuant to s. 57.082, the complaint must be  
 769 accompanied by the appropriate filing fee and any other required  
 770 fees. Unless dismissed by the court, the civil action takes  
 771 precedence over foreclosure under this chapter and the creditor  
 772 must cease further action under this chapter. The court may, at  
 773 any time, examine the pleadings and the parties and shall  
 774 dismiss the case upon a finding that the case was filed  
 775 principally for the purpose of delay. If the court dismisses the  
 776 action, the foreclosure under this chapter shall resume from the

777 point at which it previously stopped, treating the case filing  
 778 as an abatement of the foreclosure under this chapter.

779 52.209 Redemption.—A person who has the right to redeem  
 780 collateral from a security interest under principles of law and  
 781 equity may not redeem after the time of foreclosure. Unless  
 782 precluded from doing so by law other than this chapter, a  
 783 foreclosing creditor shall cooperate with any person who  
 784 attempts to redeem the collateral from the security interest  
 785 before the time of foreclosure by promptly providing upon  
 786 request reasonable information concerning the amount due or  
 787 performance required to redeem.

788 Section 3. Part III of chapter 52, Florida Statutes,  
 789 consisting of sections 52.301, 52.302, 52.303, 52.304, 52.305,  
 790 52.306, 52.307, 52.308, 52.309, 52.310, 52.311, and 52.312, is  
 791 created to read:

792 PART III

793 FORECLOSURE BY AUCTION

794 52.301 Foreclosure by auction.—A secured creditor may  
 795 elect to foreclose by auction. A secured creditor that elects to  
 796 foreclose by auction shall comply with the requirements of this  
 797 part and parts I, II, and VI.

798 52.302 Evidence of title; other information.—

799 (1) If a secured creditor elects to foreclose by auction,  
 800 the foreclosing creditor shall obtain evidence of title and make  
 801 a copy thereof available upon request to any prospective bidder  
 802 at the foreclosure. The evidence of title must have an effective  
 803 date no earlier than the time of recording of the original  
 804 notice of foreclosure and must be issued no later than 30 days

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805 after the time of such recording. Unless the evidence of title  
806 is an attorney's opinion, the evidence of title must state that  
807 the issuer is willing to provide evidence of title to the real  
808 property collateral to a person who acquires title by virtue of  
809 the foreclosure, and the exceptions and exclusions from coverage  
810 to which the evidence of title issued to that person will be  
811 subject.

812 (2) The foreclosing creditor may, but is not required to,  
813 make reports and information concerning the collateral other  
814 than evidence of title available to prospective bidders at the  
815 foreclosure.

816 (3) The foreclosing creditor is not liable to any person  
817 because of error in any information disclosed to prospective  
818 bidders unless the information was prepared by the foreclosing  
819 creditor and the foreclosing creditor had actual knowledge of  
820 the error at the time the information was disclosed.

821 52.303 Advertisement of sale.—

822 (1) After giving notice as required by ss. 52.203 and  
823 52.204, a foreclosing creditor shall, at the foreclosing  
824 creditor's option, advertise foreclosure sale under this part  
825 either:

826 (a) In a manner that complies with the publication  
827 requirements provided by s. 45.031; or

828 (b) By placing an advertisement in a newspaper having  
829 general circulation in each county where any part of the real  
830 property collateral is located. The advertisement must be  
831 published at least once per week for 3 consecutive weeks, with

832 the last publication not less than 7 nor more than 30 days  
 833 before the advertised date of sale.

834 (2) No later than 21 days before the advertised date of  
 835 sale, the foreclosing creditor shall give a copy of the  
 836 advertisement required by subsection (1) to the persons to whom  
 837 notice of foreclosure was required to be given pursuant to s.  
 838 52.203. The advertisement may be sent with the notice of  
 839 foreclosure or may be sent separately in the manner prescribed  
 840 for notices under s. 52.106. The foreclosing creditor may, but  
 841 is not required to, enter the real property collateral and post  
 842 on it a copy of the advertisement or a sign containing  
 843 information about the sale.

844 (3) An advertisement required by subsection (1) must  
 845 state:

846 (a) The date, time, and location by street address and, if  
 847 applicable, by floor and office number, of the foreclosure sale.

848 (b) That the sale will be made to the highest qualified  
 849 bidder.

850 (c) The amount or percentage of the bid that will be  
 851 required of the successful bidder at the completion of the sale  
 852 as a deposit, and the form in which the deposit may be made if  
 853 payment other than by cash or certified check will be accepted.

854 (d) A legally sufficient description of the real property  
 855 to be sold, and the street address, if any, or the location if  
 856 there is no street address, of the real property.

857 (e) A brief description of any improvements on the real  
 858 property and any personal property collateral to be sold.

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859 (f) The name, address, and telephone number of an  
860 individual who is the foreclosing creditor or a representative  
861 of the foreclosing creditor, who can provide information  
862 concerning the collateral and the foreclosure if the foreclosing  
863 creditor is not an individual.

864 (g) That a copy of the evidence of title, any available  
865 reports concerning the collateral, which may be listed  
866 specifically, and additional information are available from the  
867 person identified pursuant to paragraph (f).

868 (h) Whether access to the collateral for the purpose of  
869 inspection before foreclosure is available to prospective  
870 bidders and, if so, how to obtain access.

871 (4) An advertisement required by subsection (1) may also  
872 state any other information concerning the collateral or the  
873 foreclosure that the foreclosing creditor elects to include.

874 52.304 Access to collateral.—If a foreclosing creditor has  
875 authority to grant access to the real property collateral, the  
876 creditor shall reasonably accommodate a person who contacts the  
877 creditor, expresses an interest in bidding at the foreclosure  
878 sale, and requests an opportunity to inspect the collateral.

879 52.305 Location and time of sale.—An auction sale under  
880 this part must be conducted:

881 (1) At a date and time permitted for a sale under judicial  
882 foreclosure of a security interest in real property in this  
883 state.

884 (2) In a county where some of the real property collateral  
885 is located.



886 (3) At any location where a sale under judicial  
 887 foreclosure of a security interest in real property may be held  
 888 in this state.

889 52.306 Foreclosure of two or more parcels.—

890 (1) Collateral consisting of two or more parcels of real  
 891 property may be foreclosed by auction separately or in  
 892 combination. If the security instrument does not specify the  
 893 manner of sale of two or more parcels, the auction may be  
 894 conducted:

895 (a) By separate sale of each of the parcels; or

896 (b) At the time notice of foreclosure is recorded, if two  
 897 or more parcels are contiguous, are being used in a unitary  
 898 manner, are part of a unitary plan of development, or are  
 899 operated under integrated management:

900 1. By combining the parcels in a single auction; or

901 2. By conditionally offering the parcels both in  
 902 combination and separately, and accepting the higher of the two  
 903 aggregate bids.

904 (2) If the entire real property collateral is not made the  
 905 subject of a single auction, the foreclosing creditor shall  
 906 discontinue sales of parcels or combinations of parcels when the  
 907 total amount of bids received is sufficient to pay the secured  
 908 obligation and the expenses of foreclosure.

909 52.307 Postponement of sale.—

910 (1) An individual conducting an auction under this part  
 911 may postpone the auction for any cause the foreclosing creditor  
 912 considers appropriate. Announcement of the postponement, and the  
 913 time and location of the rescheduled sale, must be given orally

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914 at the place previously scheduled for the sale and within a  
915 reasonable time after the scheduled time for commencement of the  
916 sale. No other advertisement or notice of the postponed time and  
917 place of sale is required. A postponement may not be for a  
918 period of more than 30 days. Subsequent postponements of the  
919 sale may be made in the same manner.

920 (2) If an auction cannot be held at the time stated in the  
921 notice of sale by reason of stay under the United States  
922 Bankruptcy Code, 11 U.S.C. ss. 101 et seq., or a stay order  
923 issued by any court of competent jurisdiction, the foreclosing  
924 creditor may reschedule the auction to occur at a time when the  
925 stay is no longer in effect. The rescheduled sale must be  
926 advertised, and a copy of the advertisement must be sent to the  
927 persons entitled thereto, as provided by s. 52.302.

928 52.308 Conduct of sale.—

929 (1) An auction sale under this part must be conducted by a  
930 person designated by the foreclosing creditor.

931 (2) The person conducting an auction, before commencing  
932 the auction:

933 (a) Must make available to prospective purchasers copies  
934 of the evidence of title.

935 (b) May verify that persons intending to bid have money in  
936 an amount and form necessary to make the deposit stated in the  
937 advertisement, but may not disclose the amount that any bidder  
938 is prepared to deposit.

939 (3) The auction must be conducted, at the foreclosing  
940 creditor's option:

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941 (a) By the creditor or the creditor's representative  
942 following the procedures for sale prescribed by s. 45.031; or

943 (b) In the following manner:

944 1. Any person, including a debtor and the foreclosing  
945 creditor, may bid at the auction. The individual conducting the  
946 auction may bid on behalf of the foreclosing creditor or any  
947 other person by whom he or she is authorized, but may not bid  
948 for his or her own account. The foreclosing creditor may bid by  
949 credit up to any amount up to the balance owing on the secured  
950 obligation, including the expenses of foreclosure.

951 2. A fixed bid of a person not attending the auction may  
952 be submitted by a writing received at least 24 hours before the  
953 scheduled time of the auction by the person designated in the  
954 advertisement of sale to provide information about the property.  
955 The bid must be accompanied by a deposit satisfying the  
956 requirements of s. 52.310. The bid must be read aloud by the  
957 person conducting the auction before the auction is opened to  
958 oral bids.

959 3. Sale must be made to the person bidding the highest  
960 amount who complies with this section.

961 4. The auction is completed by the announcement of the  
962 person conducting the auction that the property is sold.

963 52.309 Deposit by successful bidder.—Immediately after the  
964 sale is complete, the successful bidder, if other than the  
965 foreclosing creditor, at an auction under this part must pay a  
966 deposit to the person conducting the sale. The deposit must be  
967 at least 10 percent of the amount of the bid or such lower  
968 amount as the advertisement of sale stated would be accepted.

969 The deposit must be paid in cash, by certified check, or in such  
 970 other form of payment as was stated to be acceptable in the  
 971 advertisement of sale or is acceptable to the person conducting  
 972 the sale.

973 52.310 Payment of remainder of bid.—

974 (1) The successful bidder at an auction under this part  
 975 shall pay the remainder of the bid to the person conducting the  
 976 sale within 7 days after notice is given under s. 52.106(8) of  
 977 the date of the auction.

978 (2) If payment of the remainder of the bid is not timely  
 979 made, the foreclosing creditor may cancel the sale and  
 980 reschedule the auction as provided in s. 52.307(2) or may  
 981 terminate the foreclosure under s. 52.701. In either event the  
 982 deposit of the successful bidder may be forfeited and  
 983 distributed in the same manner as the proceeds of a sale, but no  
 984 person has any other remedy against the defaulting bidder.

985 52.311 Foreclosure amount; distribution of proceeds.—The  
 986 highest amount bid at a sale is the foreclosure amount. The  
 987 foreclosure must be applied by the foreclosing creditor as  
 988 provided in s. 52.601 within 30 days after the time of the  
 989 foreclosure. After receiving but before applying the proceeds of  
 990 sale, the secured creditor may, but is not required to, invest  
 991 them in a reasonable manner.

992 52.312 Deed to successful bidder; affidavit.—

993 (1) Upon payment by the successful bidder of the full  
 994 balance of the bid, the foreclosing creditor shall:

995 (a) Record and deliver a statutory warranty deed, a bill  
 996 of sale with respect to personal property if applicable, and

997 such other documents as may be necessary to record the deed, all  
 998 without warranty of title, conveying the collateral to or as  
 999 directed by the successful bidder.

1000 (b) Execute and record in the public records of each  
 1001 county in which the security instrument being foreclosed was  
 1002 recorded an affidavit containing the following:

1003 1. Identification of the security instrument foreclosed,  
 1004 including the official records book and page number, or official  
 1005 document number at which it was recorded, if any.

1006 2. Identification the debtor.

1007 3. A sufficient description of the collateral and  
 1008 identification of the official records book and page number, or  
 1009 official document number at which the notice of foreclosure was  
 1010 recorded.

1011 4. Identification of persons to whom notice of foreclosure  
 1012 was given and the official records book and page number, or  
 1013 official document number at which documents reflecting their  
 1014 interests in the collateral were recorded, if any.

1015 5. A statement as to which, if any, of the persons  
 1016 identified pursuant to subparagraph 4. were given special notice  
 1017 of foreclosure preserving their interests from termination by  
 1018 the foreclosure.

1019 6. A statement that the foreclosing creditor has complied  
 1020 with all provisions of this chapter for a foreclosure by  
 1021 auction.

1022 7. Identification of the person acquiring title to the  
 1023 collateral by virtue of the foreclosure, and a statement that  
 1024 title has passed to that person.

1025 (2) When recorded, the deed and bill of sale, if any,  
 1026 transfer title to the collateral to or as directed by the  
 1027 successful bidder as provided in s. 52.602.

1028 Section 4. Part IV of chapter 52, Florida Statutes,  
 1029 consisting of sections 52.401, 52.402, 52.403, 52.404, 52.405,  
 1030 and 52.406, is created to read:

1031 PART IV

1032 FORECLOSURE BY NEGOTIATED SALE

1033 52.401 Foreclosure by negotiated sale.—A secured creditor  
 1034 may elect to foreclose by negotiated sale. A secured creditor  
 1035 that elects to foreclose by negotiated sale shall comply with  
 1036 the requirements of this part and parts I, II, and VI.

1037 52.402 Advertisement and contract of sale.—

1038 (1) The foreclosing creditor may advertise the collateral  
 1039 for sale to prospective purchasers by whatever methods the  
 1040 foreclosing creditor considers appropriate and may list the  
 1041 collateral for sale with brokers. The foreclosing creditor may,  
 1042 but is not required to, enter the real property collateral and  
 1043 post on it a sign containing information about the sale.

1044 (2) The foreclosing creditor may enter into a conditional  
 1045 contract of sale with a prospective purchaser or, if the  
 1046 collateral is sold in parcels, with more than one purchaser. The  
 1047 contract shall state the gross amount, before expenses of sale,  
 1048 that the purchaser will pay for the collateral. The foreclosing  
 1049 creditor's obligation to sell under the contract is subject to  
 1050 the following conditions:

1051 (a) That no objection to the foreclosure amount is made  
 1052 under s. 52.404.

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1053 (b) That no redemption of the collateral from the security  
1054 interest is made before the time of foreclosure.

1055 52.403 Notice of proposed negotiated sale.—If a  
1056 foreclosing creditor enters into a conditional contract of sale  
1057 as provided in s. 52.402, the foreclosing creditor shall give  
1058 notice of the proposed sale at least 30 days before the date of  
1059 the proposed sale to the persons specified in s. 52.203. The  
1060 notice of proposed sale must state:

1061 (1) The date on or after which the foreclosing creditor  
1062 proposes to sell the collateral.

1063 (2) The foreclosure amount, net of all expenses of  
1064 foreclosure and sale, that the foreclosing creditor offers to  
1065 credit against the secured debt and distribute to other persons  
1066 entitled thereto, which amount may be greater or less than the  
1067 selling price stated in the contract.

1068 (3) That if the sale is completed, title to the collateral  
1069 will be transferred to the purchaser under the contract as of  
1070 the time of foreclosure and the stated foreclosure amount will  
1071 be applied as provided in s. 52.601.

1072 (4) That the person receiving the notice may inspect a  
1073 copy of the contract of sale by communicating with an individual  
1074 who is or represents the foreclosing creditor and whose name,  
1075 address, and telephone number are given in the notice.

1076 (5) That if a debtor or any other party whose interest in  
1077 the collateral is subordinate in priority to the foreclosing  
1078 creditor's security interest objects to the sale, the debtor or  
1079 interest holder may give the foreclosing creditor a notice so  
1080 stating, and if the notice is received by the foreclosing

1081 creditor no later than 7 days before the date of the proposed  
 1082 sale, the foreclosing creditor must discontinue the foreclosure  
 1083 by negotiated sale unless the foreclosing creditor elects to  
 1084 preserve that person's interest from termination by the  
 1085 foreclosure or discharges the person's interest.

1086 52.404 Completion of sale.-

1087 (1) A foreclosing creditor may complete the sale in  
 1088 accordance with the contract of sale, subsection (2), and ss.  
 1089 52.405 and 52.406 unless the creditor receives a notice  
 1090 objecting to the proposed foreclosure by negotiated sale 7 or  
 1091 more days before the proposed date of sale from a person who  
 1092 holds an interest in the real property collateral that is  
 1093 subordinate in priority to the foreclosing creditor's security  
 1094 interest.

1095 (2) Upon compliance by the purchaser with a contract for  
 1096 sale under this part, on or after the proposed date of sale, the  
 1097 foreclosing creditor shall deliver to the purchaser or a nominee  
 1098 designated by the purchaser a statutory warranty deed, a bill of  
 1099 sale if applicable, and other documents necessary to consummate  
 1100 the sale or that the parties agreed the foreclosing creditor  
 1101 would supply. The foreclosing creditor shall also execute an  
 1102 affidavit containing the following:

1103 (a) Identification of the security instrument foreclosed,  
 1104 including the official records book and page number or official  
 1105 document number at which it was recorded, if any.

1106 (b) Identification of the debtor.

1107 (c) A sufficient description of the collateral and  
 1108 identification of the official records book and page number, or



1109 official document number at which the notice of foreclosure was  
 1110 recorded.

1111 (d) Identification of persons to whom notice of  
 1112 foreclosure was given and the official records book and page  
 1113 number, or official document number at which documents  
 1114 reflecting their interests in the collateral are recorded, if  
 1115 any.

1116 (e) A statement as to which, if any, of the persons  
 1117 identified pursuant to paragraph (d) were given notice under s.  
 1118 52.203(5) or s. 52.406(1) (a) preserving their interests from  
 1119 termination by the foreclosure.

1120 (f) A statement that the foreclosing creditor has complied  
 1121 with all provisions of this chapter for a foreclosure by  
 1122 negotiated sale.

1123 (g) Identification of the person acquiring title to the  
 1124 collateral by virtue of the foreclosure, and a statement that  
 1125 title has passed to that person.

1126 52.405 Recording of affidavit and deed; application of  
 1127 foreclosure amount.—On or after the date of delivery of the  
 1128 deed, the affidavit, deed, and bill of sale, if any, required  
 1129 under s. 52.404 must be recorded in public records of the county  
 1130 or counties where the collateral is located. When the affidavit,  
 1131 deed, and bill of sale, if any, are recorded, the deed and bill  
 1132 of sale transfer title to the collateral to the contract  
 1133 purchaser or a nominee designated by the contract purchaser as  
 1134 provided in s. 52.602. The foreclosure amount stated in the  
 1135 notice of proposed negotiated sale pursuant to s. 52.403(2) must

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1136 be applied as provided in s. 52.601 within 30 days after the  
 1137 time of foreclosure.

1138 52.406 Notice of objection to sale.-

1139 (1) If, 7 or more days before the proposed date of sale  
 1140 under this part, a foreclosing creditor receives notice of  
 1141 objection to the sale from any person who holds an interest in  
 1142 the real property collateral subordinate in priority to the  
 1143 foreclosing creditor's security interest, the foreclosing  
 1144 creditor must:

1145 (a) Discontinue the foreclosure pursuant to s. 52.701, in  
 1146 which case the notice of objection has no further effect;

1147 (b) Give notice, before the time of foreclosure, to the  
 1148 person who made the objection that the person's interest in the  
 1149 collateral will be preserved from termination by the  
 1150 foreclosure. If the foreclosing creditor gives such notice:

1151 1. The objection of the person to whom such notice is  
 1152 given may be disregarded by the foreclosing creditor;

1153 2. The foreclosure by negotiated sale may be completed;

1154 3. The affidavit recorded under s. 52.405 must identify  
 1155 that interest in the collateral of the person objecting as not  
 1156 being terminated by the foreclosure; and

1157 4. That person is entitled to none of the foreclosure  
 1158 amount; or

1159 (c) If the interest of the person who made the objection  
 1160 is capable of being discharged for a liquidated sum of money,  
 1161 tender that sum, or a lesser sum acceptable to the person whose  
 1162 interest is being discharged, to the person and thereby  
 1163 discharge the interest.

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1164 (2) If the foreclosing creditor makes a tender as provided  
1165 in paragraph (1)(c) and keeps the tender in effect, the person  
1166 to whom the tender is made must provide the foreclosing creditor  
1167 with a suitable document in recordable form evidencing that the  
1168 person's interest has been discharged.

1169 (3) After expiration of the time for objection specified  
1170 in s. 52.404(1), a person to whom notice of foreclosure under s.  
1171 52.203 and notice of proposed sale under s. 52.403 were sent may  
1172 not assert that the foreclosure amount was inadequate.

1173 Section 5. Part V of chapter 52, Florida Statutes,  
1174 consisting of sections 52.501, 52.502, 52.503, 52.504, 52.505,  
1175 and 52.506, is created to read:

1176 PART V

1177 FORECLOSURE BY APPRAISAL

1178 52.501 Foreclosure by appraisal.—A secured creditor may  
1179 elect to foreclose by appraisal. A secured creditor that elects  
1180 to foreclose by appraisal shall comply with the requirements of  
1181 this part and parts I, II, and VI.

1182 52.502 Appraisal.—

1183 (1) The foreclosing creditor shall obtain a written  
1184 appraisal of the collateral. The debtor and other persons in  
1185 possession of the real property collateral must provide  
1186 reasonable access to the real property to the appraiser. The  
1187 appraisal report shall state the appraiser's conclusion as to  
1188 the fair market value of the collateral as of a date not more  
1189 than 60 days before the date of foreclosure stated in the notice  
1190 of foreclosure.

1191       (2) The appraisal must be made by an independent appraiser  
 1192 certified by the Appraisal Institute who is not an employee or  
 1193 affiliate of the foreclosing creditor.

1194       52.503 Notice of appraisal.—The foreclosing creditor shall  
 1195 give notice of the appraisal at least 30 days before the  
 1196 proposed date of the foreclosure to the persons specified in s.  
 1197 52.203. The notice of appraisal shall be accompanied by a copy  
 1198 of the appraisal report and shall state:

1199       (1) The date on or after which the foreclosing creditor  
 1200 proposes to foreclose by appraisal.

1201       (2) The foreclosure amount, net of all expenses of  
 1202 foreclosure, that the foreclosing creditor offers to credit  
 1203 against the secured obligation and to distribute to other  
 1204 persons entitled thereto, which amount may be greater or less  
 1205 than the appraised value of the collateral.

1206       (3) That if the foreclosure by appraisal is completed,  
 1207 title to the collateral will vest in the foreclosing creditor or  
 1208 its nominee as of the time of foreclosure, and that the stated  
 1209 foreclosure amount will be applied as provided in s. 52.601.

1210       (4) That the person receiving the notice may obtain  
 1211 further information concerning the foreclosure and the appraisal  
 1212 by communicating with an individual who is or represents the  
 1213 foreclosing creditor and whose name, address, and telephone  
 1214 number are given in the notice.

1215       (5) That if a debtor or interest holder whose interest in  
 1216 the collateral is subordinate in priority to the foreclosing  
 1217 creditor's security interest objects to the foreclosure by  
 1218 appraisal, the debtor or interest holder may give the

1219 foreclosing creditor a notice so stating, and if the notice is  
 1220 received by the foreclosing creditor no later than 7 days before  
 1221 the date of the proposed sale, the foreclosing creditor must  
 1222 discontinue the foreclosure by appraisal unless the foreclosing  
 1223 creditor elects to preserve that person's interest from  
 1224 termination by the foreclosure or discharges the person's  
 1225 interest.

1226 52.504 Completion of foreclosure by appraisal.-

1227 (1) A foreclosing creditor may complete the foreclosure as  
 1228 provided in subsection (2) and ss. 52.505 and 52.506 unless the  
 1229 creditor receives a notice objecting to the proposed foreclosure  
 1230 by negotiated sale 7 or more days before the proposed date of  
 1231 sale from a person who holds an interest in the real property  
 1232 collateral that is subordinate in priority to the foreclosing  
 1233 creditor's security interest.

1234 (2) On or after the proposed date of sale, the foreclosing  
 1235 creditor shall also execute an affidavit containing the  
 1236 following:

1237 (a) Identification of the security instrument foreclosed,  
 1238 including the official records book and page number, or official  
 1239 document number at which it was recorded, if any.

1240 (b) Identification of the debtor.

1241 (c) A sufficient description of the collateral and  
 1242 identification of the official records book and page number, or  
 1243 official document number at which the notice of foreclosure was  
 1244 recorded.

1245 (d) Identification of persons to whom notice of  
 1246 foreclosure was given and the official records book and page

1247 number, or official document number at which documents  
 1248 reflecting their interests in the collateral are recorded, if  
 1249 any.

1250 (e) A statement as to which, if any, of the persons  
 1251 identified pursuant to paragraph (d) were given notice under s.  
 1252 52.203(5) or s. 52.506(1) (a) preserving their interests from  
 1253 termination by the foreclosure.

1254 (f) A statement that the foreclosing creditor has complied  
 1255 with all provisions of this chapter for a foreclosure by  
 1256 appraisal.

1257 (g) Identification of the person acquiring title to the  
 1258 collateral by virtue of the foreclosure, and a statement that  
 1259 title has passed to that person.

1260 52.505 Recording of affidavit; application of foreclosure  
 1261 amount.—On or after the proposed date of foreclosure, the  
 1262 affidavit required by s. 52.504 must be recorded in the public  
 1263 records of the county or counties in which the collateral is  
 1264 located. When recorded, the affidavit transfers title to the  
 1265 collateral to the foreclosing creditor or its nominee as  
 1266 provided in s. 52.602. The foreclosure amount stated in the  
 1267 notice of appraisal pursuant to s. 52.503(2) must be applied as  
 1268 provided in s. 52.601 within 30 days after the time of  
 1269 foreclosure.

1270 52.506 Notice of objection to foreclosure.—

1271 (1) If, 7 or more days before the proposed date of  
 1272 foreclosure under this part, a foreclosing creditor receives  
 1273 notice of objection to the foreclosure from any person who holds  
 1274 an interest in the real property collateral subordinate in

1275 priority to the foreclosing creditor's security interest, the  
 1276 foreclosing creditor must:

1277 (a) Discontinue the foreclosure pursuant to s. 52.701, in  
 1278 which case the notice of objection has no further effect;

1279 (b) Give notice, before the time of foreclosure, to the  
 1280 person who made the objection that the person's interest in the  
 1281 collateral will be preserved from termination by the  
 1282 foreclosure. If the foreclosing creditor gives such notice:

1283 1. The objection of the person to whom such notice is  
 1284 given may be disregarded by the foreclosing creditor;

1285 2. The foreclosure by appraisal maybe completed;

1286 3. The affidavit recorded under s. 52.505 must identify  
 1287 that interest in the collateral of the person objecting as not  
 1288 being terminated by the foreclosure; and

1289 4. That person is entitled to none of the foreclosure  
 1290 amount; or

1291 (c) If the interest of the person who made the objection  
 1292 is capable of being discharged for a liquidated sum of money,  
 1293 tender that sum to the person and thereby discharge the  
 1294 interest.

1295 (2) If the foreclosing creditor makes a tender as provided  
 1296 in subsection (1)(c) and keeps the tender in effect, the person  
 1297 to whom the tender is made must provide the foreclosing creditor  
 1298 with a suitable document in recordable form evidencing that the  
 1299 person's interest has been discharged.

1300 (3) After expiration of the time for objection specified  
 1301 in s. 52.504(1), a person to whom notice of foreclosure under s.

1302 52.203 and notice of appraisal under s. 52.503 were sent may not  
 1303 assert that the foreclosure amount was inadequate.

1304 Section 6. Part VI of chapter 52, Florida Statutes,  
 1305 consisting of sections 52.601, 52.602, 52.603, 52.604, 52.605,  
 1306 52.606, and 52.607, is created to read:

1307 PART VI

1308 RIGHTS AFTER FORECLOSURE

1309 52.601 Application of proceeds of foreclosure.-

1310 (1) The foreclosing creditor shall apply the proceeds of  
 1311 foreclosure and any investment earnings thereon in the following  
 1312 order:

1313 (a) To pay or reimburse the expenses of foreclosure in the  
 1314 case of a foreclosure by auction.

1315 (b) To pay the obligation secured by the foreclosed  
 1316 security instrument.

1317 (c) To pay, in the order of their priority, the amounts of  
 1318 all liens and other interests of record terminated by the  
 1319 foreclosure.

1320 (d) To the interest holder who owned the collateral at the  
 1321 time of foreclosure.

1322 (2) If the foreclosing creditor, in applying the proceeds  
 1323 of the sale, acts in good faith and without actual knowledge of  
 1324 the invalidity or lack of priority of the claim of a person to  
 1325 whom distribution is made, the foreclosing creditor is not  
 1326 liable for an erroneous distribution. The foreclosing creditor  
 1327 may maintain an action in the nature of interpleader, in a court  
 1328 of competent jurisdiction sitting in a county in which some part



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1329 of the real estate collateral is located, for an order directing  
1330 the order of distribution of the proceeds of the sale.

1331 52.602 Title transferred by foreclosure.—A foreclosure  
1332 under this chapter transfers the debtor's title to the  
1333 collateral to the successful bidder under part III, the contract  
1334 purchaser under part IV, or the foreclosing creditor under part  
1335 V, subject only to interests in the collateral having priority  
1336 over the security interest foreclosed and the interests of  
1337 persons entitled to notice under s. 52.202(3) who were not given  
1338 notice of the foreclosure or whose interests were preserved from  
1339 foreclosure by notice issued under s. 52.203(5), s.  
1340 52.406(1)(b), or s. 52.506(1)(b). The interests of all of other  
1341 persons in the collateral are terminated.

1342 52.603 Action for damages or to set aside foreclosure.—  
1343 (1) Subject to subsection (3), after the time of  
1344 foreclosure an aggrieved person may commence a proceeding in a  
1345 court of competent jurisdiction seeking the following relief:

1346 (a) Damages against a foreclosing creditor for any  
1347 violation of this chapter or an applicable law or principle of  
1348 equity in the conduct of the foreclosure; or

1349 (b) That the foreclosure be set aside to correct a  
1350 violation of this chapter or to satisfy an applicable law or  
1351 principle of equity.

1352 (2) Recording of the deed and affidavit pursuant to s.  
1353 52.312, the deed and affidavit pursuant to s. 52.405, or the  
1354 affidavit pursuant to s. 52.505 conclusively establishes  
1355 compliance with all applicable notice and procedural  
1356 requirements of this chapter in favor of good faith purchasers

1357 for value of the collateral. If the title derived from  
 1358 foreclosure is not held by a good faith purchaser for value, a  
 1359 person attacking the foreclosure on grounds of noncompliance  
 1360 with the notice or procedural requirements of this chapter has  
 1361 the burden of production and persuasion.

1362 (3) An action may not be commenced:

1363 (a) For damages for violation of this chapter, more than 3  
 1364 years after the time of foreclosure; or

1365 (b) For an order to set aside a foreclosure conducted  
 1366 under this chapter, more than 1 year after the time of  
 1367 foreclosure.

1368 52.604 Possession after foreclosure.—A person that  
 1369 acquires an interest in real property by foreclosure under this  
 1370 chapter may obtain a writ of possession from the clerk of the  
 1371 court of the county in which any part of the collateral is  
 1372 located, or commence an action for ejectment under chapter 66 or  
 1373 for unlawful detainer under chapter 82 to gain possession of the  
 1374 real property against any person whose interest in the real  
 1375 property was terminated by the foreclosure.

1376 52.605 Judgment for deficiency.—

1377 (1) Except as provided in subsection (2), after the time  
 1378 of foreclosure, the foreclosing creditor and any other person  
 1379 whose security interest in the collateral was terminated by a  
 1380 foreclosure under this chapter is entitled to pursue in court a  
 1381 money judgment against any person liable for a deficiency.

1382 (2) A debtor is not liable to a foreclosing creditor for a  
 1383 deficiency after a foreclosure under this chapter unless the  
 1384 debtor is found by the court not to have acted in good faith.

1385           (3) For purposes of this section, the term "acted in good  
 1386 faith" means the debtor:

1387           (a) Peaceably vacated the real estate collateral and  
 1388 relinquished any personal property collateral within 10 days  
 1389 after the time of foreclosure and the giving of a notice  
 1390 demanding possession by the person entitled to possession by  
 1391 virtue of the foreclosure.

1392           (b) Did not commit significant affirmative waste upon the  
 1393 collateral and leave such waste uncured at the time possession  
 1394 was relinquished to the person entitled to possession by virtue  
 1395 of the foreclosure.

1396           (c) Did not significantly contaminate the collateral with  
 1397 hazardous materials and leave the contamination uncured at the  
 1398 time possession was relinquished to the person entitled to  
 1399 possession by virtue of the foreclosure.

1400           (d) Did not commit fraud against the foreclosing creditor.

1401           (e) Did not engage in criminal activity on the secured  
 1402 real estate collateral that significantly reduced its value at  
 1403 the time possession was relinquished to the person entitled to  
 1404 possession by virtue of the foreclosure.

1405           (f) Did not permit significant uncured damage to be done  
 1406 to the collateral by other persons or natural causes as a result  
 1407 of the debtor's failure to take reasonable precautions against  
 1408 the damage.

1409           (g) Provided reasonable access to the collateral for  
 1410 inspection by the foreclosing creditor and prospective  
 1411 purchasers after the initial notice of foreclosure was sent.

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1412       (4) The burden of proof as to the absence of good faith on  
1413 the part of a debtor is on the person seeking a deficiency  
1414 judgment against the debtor. The absence of good faith by one  
1415 debtor does not make any other debtor liable for a deficiency.

1416       (5) If liability of a debtor for a deficiency is barred by  
1417 paragraph (2), liability of a guarantor of the debtor's  
1418 obligation is also barred.

1419       (6) This section does not prohibit recovery of a  
1420 deficiency by a person other than the foreclosing creditor.

1421       52.606 Determining amount of deficiency.—

1422       (1) Subject to subsection (2), the deficiency to which a  
1423 foreclosing creditor is entitled after a foreclosure under this  
1424 chapter is the balance remaining, if any, after subtracting the  
1425 foreclosure amount as determined under s. 52.311, s. 52.403, or  
1426 s. 52.503, as applicable, from the balance owing on the secured  
1427 obligation, including principal, interest, legally recoverable  
1428 fees and charges and, in the case of a foreclosure by auction,  
1429 the expenses of foreclosure.

1430       (2) In an action for a deficiency brought by the  
1431 foreclosing creditor following a foreclosure by auction, a  
1432 person against whom the action is filed may petition a court of  
1433 competent jurisdiction for a determination of the fair market  
1434 value of the collateral at the time of foreclosure. After a  
1435 hearing at which all interested parties may present evidence of  
1436 fair market value, the court shall determine the fair market  
1437 value of the collateral as of the time of foreclosure. The  
1438 determination must be made by the court without a jury. If the  
1439 court determines that 90 percent of the fair market value of the

1440 collateral was greater than the bid accepted at the foreclosure  
 1441 sale, 90 percent of the fair market value must be substituted  
 1442 for the foreclosure amount in making the calculations required  
 1443 by subsection (1) with respect to all parties against whom a  
 1444 judgment for a deficiency is entered.

1445 52.607 Effect of good faith by debtor.—If a debtor acted  
 1446 in good faith in the foreclosure as provided in s. 52.605(3),  
 1447 the debtor shall not be considered to have been in default under  
 1448 the note or security instrument and the foreclosing creditor  
 1449 shall use its best efforts thereafter to report to credit  
 1450 bureaus the fact that the debtor, having acted in good faith, is  
 1451 deemed not to be in default under Florida Law. This section does  
 1452 not invalidate any foreclosure pursuant to this chapter or any  
 1453 judgment in a case related to this chapter. This section does  
 1454 not affect the title or insurability of title to real property  
 1455 or personal property.

1456 Section 7. Part VII of chapter 52, Florida Statutes,  
 1457 consisting of section 52.701, is created to read:

1458 PART VII

1459 DISCONTINUATION OF FORECLOSURE

1460 52.701 Discontinuation of foreclosure.—

1461 (1) A foreclosing creditor may elect to discontinue  
 1462 foreclosure at any time before:

1463 (a) The completion of the auction in the case of a  
 1464 foreclosure by auction; or

1465 (b) The time of foreclosure, in the case of a foreclosure  
 1466 by negotiated sale or by appraisal.

1467        (2) To discontinue foreclosure, the foreclosing creditor  
 1468 shall give notice to the persons to whom notice of foreclosure  
 1469 was required to be given under s. 52.203(2), advising them that  
 1470 the foreclosure has been discontinued and whether the  
 1471 foreclosing creditor will:

- 1472            (a) Pursue another foreclosure by the same method;
- 1473            (b) Continue to foreclose by another method under this  
 1474 chapter pursuant to a notice of foreclosure previously given;
- 1475            (c) Commence foreclosure by a different method authorized  
 1476 by this chapter pursuant to a new notice of foreclosure;
- 1477            (d) Commence foreclose by judicial proceeding, provided no  
 1478 deficiency judgment may be obtained against any debtor receiving  
 1479 notice of a foreclosing creditor's notice of foreclosure  
 1480 pursuant to this chapter; or
- 1481            (e) Abandon foreclosure.

1482        (3) If a notice sent by a foreclosing creditor under this  
 1483 section includes all elements required for a notice of  
 1484 foreclosure under ss. 52.203 and 52.204, no additional notice of  
 1485 foreclosure is necessary to pursue a further foreclosure under  
 1486 this chapter.

1487        Section 8. Part VIII of chapter 52, Florida Statutes,  
 1488 consisting of sections 52.801 and 52.802, is created to read:

1489                            PART VIII

1490                            MISCELLANEOUS

1491        52.801 Uniformity of application and construction.—In  
 1492 applying and construing this chapter, consideration must be  
 1493 given to the need to promote uniformity of the law with respect  
 1494 to its subject matter among states that enact its provisions.

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1495           52.802 Relation to Electronic Signatures in Global and  
1496 National Commerce Act.—This chapter modifies, limits, and  
1497 supersedes the federal Electronic Signatures in Global and  
1498 National Commerce Act, 15 U.S.C. ss. 7001 et seq., except that  
1499 nothing in this chapter modifies, limits, or supersedes 15  
1500 U.S.C. s. 7001(c) or authorizes electronic delivery of any of  
1501 the notices described in 15 U.S.C. s. 7003(b).

1502           Section 9. This act shall take effect July 1, 2010.