

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED        (Y/N)  
ADOPTED AS AMENDED        (Y/N)  
ADOPTED W/O OBJECTION        (Y/N)  
FAILED TO ADOPT        (Y/N)  
WITHDRAWN        (Y/N)  
OTHER           

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1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Bernard offered the following:

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4 **Amendment (with title amendment)**

5 Remove lines 28-76 and insert:

6 (a) If the mortgagor, or any person lawfully authorized to  
7 act on behalf of the mortgagor, makes the request, the estoppel  
8 letter must include an itemization of the ~~including~~ principal,  
9 interest, and any other charges properly due under or secured by  
10 the mortgage and interest on a per-day basis for the unpaid  
11 balance.

12 (b) If a record title owner of the property, or any person  
13 lawfully authorized to act on behalf of a mortgagor or record  
14 title owner of the property, makes the request:

15 1. The request must include a copy of the instrument  
16 showing title in the property or lawful authorization.

17 2. The estoppel letter may include the itemization of  
18 information required under paragraph (a), but must at a minimum

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19 include the total unpaid balance due under or secured by the  
20 mortgage on a per-day basis.

21 3. The mortgagee or servicer of the mortgagee acting in  
22 accordance with a request in substantial compliance with this  
23 paragraph is expressly discharged from any obligation or  
24 liability to any person on account of the release of the  
25 requested information, other than the obligation to comply with  
26 the terms of the estoppel letter.

27 (c) A mortgage holder may provide the financial information  
28 required under this subsection to a person authorized under this  
29 subsection to request the financial information notwithstanding  
30 s. 655.059.

31 (2) Whenever the amount of money due on any mortgage,  
32 lien, or judgment ~~has been~~ shall be fully paid to the person or  
33 party entitled to the payment thereof, the mortgagee, creditor,  
34 or assignee, or the attorney of record in the case of a  
35 judgment, to whom ~~the such~~ payment ~~was~~ shall have been made,  
36 shall execute in writing an instrument acknowledging  
37 satisfaction of ~~the said~~ mortgage, lien, or judgment and have  
38 the ~~instrument same~~ acknowledged, or proven, and duly entered ~~of~~  
39 ~~record in the book provided by law for such purposes~~ in the  
40 ~~official records of the~~ proper county. Within 60 days ~~after~~ ~~of~~  
41 the date of receipt of the full payment of the mortgage, lien,  
42 or judgment, the person required to acknowledge satisfaction of  
43 the mortgage, lien, or judgment shall send or cause to be sent  
44 the recorded satisfaction to the person who has made the full  
45 payment. In the case of a civil action arising out of ~~the~~  
46 ~~provisions of~~ this section, the prevailing party ~~is~~ shall be

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47 entitled to attorney ~~attorney's~~ fees and costs.

48 (3)~~(2)~~ Whenever a writ of execution has been issued,  
49 docketed, and indexed with a sheriff and the judgment upon which  
50 it was issued has been fully paid, it is ~~shall be~~ the  
51 responsibility of the party receiving payment to request, in  
52 writing, addressed to the sheriff, return of the writ of  
53 execution as fully satisfied.

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**T I T L E A M E N D M E N T**

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Remove lines 10-12 and insert:

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allowing financial institutions to release certain mortgagor

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information to specified persons without penalty; providing an

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