

By Senator Soto

14-00947A-13

20131218

1 A bill to be entitled
2 An act relating to residential foreclosure
3 proceedings; providing a short title; creating s.
4 501.1379, F.S.; defining the term "mortgage collection
5 firm"; prohibiting a mortgage collection firm from
6 offering false evidence in a mortgage foreclosure
7 proceeding; providing that a violation is a deceptive
8 and unfair trade practice; providing penalties and
9 remedies; providing for the award of attorney fees and
10 costs under certain circumstances; providing an
11 effective date.

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

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15 Section 1. This act may be cited as the "Florida Mortgage
16 Collection Fairness Act."

17 Section 2. Section 501.1379, Florida Statutes, is created
18 to read:

19 501.1379 Mortgage collection firms; prohibited practices;
20 penalties and remedies.-

21 (1) As used in this section, the term "mortgage collection
22 firm" means an attorney or law firm engaged to represent a party
23 filing a residential mortgage foreclosure action or a person
24 engaged in debt collection services for a residential mortgage
25 loan.

26 (2) A mortgage collection firm may not knowingly offer
27 false evidence in a residential mortgage foreclosure proceeding.

28 (3) A violation of this section is a deceptive and unfair
29 trade practice and constitutes a violation of the Florida

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30 Deceptive and Unfair Trade Practices Act. A mortgage collection
31 firm that violates this section is subject to the penalties and
32 remedies provided in part II of this chapter, including the
33 award of reasonable attorney fees and costs under s. 501.2105.
34 Section 3. This act shall take effect July 1, 2013.