

1 A bill to be entitled
2 An act relating to mortgage foreclosures; amending s.
3 95.11, F.S.; revising the limitations period for
4 commencing an action to enforce a claim of a
5 deficiency judgment after a foreclosure action;
6 providing for applicability to actions commenced on or
7 a after a specified date; providing a time limitation
8 for commencing certain actions; amending s. 121.021,
9 F.S.; revising definition of the term "termination";
10 amending s. 121.091, F.S.; providing that a retired
11 justice or retired judge is not subject to certain
12 limitations otherwise applicable to retired employees
13 for a specified period; amending s. 121.591, F.S.;
14 providing that, for a specified period, a retired
15 justice or retired judge who returns to temporary
16 employment as a senior judge in any court may continue
17 to receive a distribution of his or her retirement
18 account after providing proof of termination from his
19 or her regularly established position; creating s.
20 702.015, F.S.; providing legislative intent;
21 specifying required contents of a complaint seeking to
22 foreclose on certain types of residential properties
23 with respect to the authority of the plaintiff to
24 foreclose on the note and the location of the note;
25 authorizing sanctions against plaintiffs who fail to
26 comply with complaint requirements; providing for
27 nonapplicability to proceedings involving timeshare
28 interests; creating s. 702.036, F.S.; requiring a

29 | court to treat a collateral attack on a final judgment
30 | of foreclosure on a mortgage as a claim for monetary
31 | damages under certain circumstances; prohibiting such
32 | court from granting certain relief affecting title to
33 | the foreclosed property; providing for construction
34 | relating to the rights of certain persons to seek
35 | specified types of relief or pursue claims against the
36 | foreclosed property under certain circumstances;
37 | amending s. 702.06, F.S.; limiting the amount of a
38 | deficiency judgment; amending s. 702.10, F.S.;
39 | revising the class of persons authorized to move for
40 | expedited foreclosure to include lienholders; defining
41 | the term "lienholder"; providing requirements and
42 | procedures with respect to an order directed to
43 | defendants to show cause why a final judgment of
44 | foreclosure should not be entered; providing that
45 | certain failures by a defendant to make certain
46 | filings or to make certain appearances may have
47 | specified legal consequences; requiring the court to
48 | enter a final judgment of foreclosure and order a
49 | foreclosure sale under certain circumstances; revising
50 | a restriction on a mortgagee to request a court to
51 | order a mortgagor defendant to make payments or to
52 | vacate the premises during an action to foreclose on
53 | residential real estate to provide that the
54 | restriction applies to all but owner-occupied
55 | residential property; providing a presumption
56 | regarding owner-occupied residential property;

57 | creating s. 702.11, F.S.; providing requirements for
58 | reasonable means of providing adequate protection
59 | under s. 673.3091, F.S., in mortgage foreclosures of
60 | certain residential properties; providing for
61 | liability of persons who wrongly claim to be holders
62 | of or entitled to enforce a lost, stolen, or destroyed
63 | note and cause the mortgage secured thereby to be
64 | foreclosed in certain circumstances; providing for
65 | construction and applicability; requiring that
66 | employer contribution rates be adjusted; providing a
67 | directive to the Division of Law Revision and
68 | Information; providing legislature findings;
69 | requesting the Florida Supreme Court to adopt rules
70 | and forms to expedite foreclosure proceedings;
71 | providing for contingent effect of specified
72 | provisions of the act; providing an effective date.

73 |
74 | Be It Enacted by the Legislature of the State of Florida:

75 |
76 | Section 1. Paragraph (b) of subsection (2) of section
77 | 95.11, Florida Statutes, is amended, and paragraph (h) is added
78 | to subsection (5) of that section, to read:

79 | 95.11 Limitations other than for the recovery of real
80 | property.—Actions other than for recovery of real property shall
81 | be commenced as follows:

82 | (2) WITHIN FIVE YEARS.—

83 | (b) A legal or equitable action on a contract, obligation,
84 | or liability founded on a written instrument, except for an

85 | action to enforce a claim against a payment bond, which shall be
 86 | governed by the applicable provisions of paragraph (5) (e), s.
 87 | 255.05(10), s. 337.18(1), or s. 713.23(1) (e), and except for an
 88 | action for a deficiency judgment governed by paragraph (5) (h).

89 | (5) WITHIN ONE YEAR.—

90 | (h) An action to enforce a claim of a deficiency related
 91 | to a note secured by a mortgage against a residential property
 92 | that is a one-family to four-family dwelling unit. The
 93 | limitations period shall commence on the day after the
 94 | certificate is issued by the clerk of court or the day after the
 95 | mortgagee accepts a deed in lieu of foreclosure.

96 | Section 2. The amendments made by this act to s. 95.11,
 97 | Florida Statutes, apply to any action commenced on or after July
 98 | 1, 2013, regardless of when the cause of action accrued.
 99 | However, any action that would not have been barred under s.
 100 | 95.11(2) (b), Florida Statutes 2012, before the effective date of
 101 | this act must be commenced within 5 years after the action
 102 | accrued or by July 1, 2014, whichever occurs first.

103 | Section 3. Subsection (39) of section 121.021, Florida
 104 | Statutes, is amended to read:

105 | 121.021 Definitions.—The following words and phrases as
 106 | used in this chapter have the respective meanings set forth
 107 | unless a different meaning is plainly required by the context:

108 | (39) (a) "Termination" occurs, except as provided in
 109 | paragraph (b), when a member ceases all employment relationships
 110 | with participating employers, however:

111 | 1. For retirements effective before July 1, 2010, if a
 112 | member is employed by any such employer within the next calendar

113 month, termination shall be deemed not to have occurred. A leave
114 of absence constitutes a continuation of the employment
115 relationship, except that a leave of absence without pay due to
116 disability may constitute termination if such member makes
117 application for and is approved for disability retirement in
118 accordance with s. 121.091(4). The department or state board may
119 require other evidence of termination as it deems necessary.

120 2. For retirements effective on or after July 1, 2010, if
121 a member is employed by any such employer within the next 6
122 calendar months, termination shall be deemed not to have
123 occurred. A leave of absence constitutes a continuation of the
124 employment relationship, except that a leave of absence without
125 pay due to disability may constitute termination if such member
126 makes application for and is approved for disability retirement
127 in accordance with s. 121.091(4). The department or state board
128 may require other evidence of termination as it deems necessary.

129 (b) "Termination" for a member electing to participate in
130 the Deferred Retirement Option Program occurs when the program
131 participant ceases all employment relationships with
132 participating employers in accordance with s. 121.091(13),
133 however:

134 1. For termination dates occurring before July 1, 2010, if
135 the member is employed by any such employer within the next
136 calendar month, termination will be deemed not to have occurred,
137 except as provided in s. 121.091(13)(b)4.c. A leave of absence
138 shall constitute a continuation of the employment relationship.

139 2. For termination dates occurring on or after July 1,
140 2010, if the member becomes employed by any such employer within

141 the next 6 calendar months, termination will be deemed not to
142 have occurred, except as provided in s. 121.091(13)(b)4.c. A
143 leave of absence constitutes a continuation of the employment
144 relationship.

145 (c) Effective July 1, 2011, "termination" for a member
146 receiving a refund of employee contributions occurs when a
147 member ceases all employment relationships with participating
148 employers for 3 calendar months. A leave of absence constitutes
149 a continuation of the employment relationship.

150 (d) Effective July 1, 2013, "termination" for a retired
151 justice or judge who has reached the later of his or her normal
152 retirement age or the age when vested and subsequently returns
153 to temporary employment as a judge in any court, as assigned by
154 the Chief Justice of the Supreme Court in accordance with s. 2,
155 Art. V of the State Constitution, occurs when the justice or
156 judge has terminated all employment relationships with employers
157 under the Florida Retirement System for at least 1 calendar
158 month before reemployment as a senior judge. This paragraph
159 expires June 30, 2016.

160 Section 4. Subsection (9) of section 121.091, Florida
161 Statutes, is amended to read:

162 121.091 Benefits payable under the system.—Benefits may
163 not be paid under this section unless the member has terminated
164 employment as provided in s. 121.021(39)(a) or begun
165 participation in the Deferred Retirement Option Program as
166 provided in subsection (13), and a proper application has been
167 filed in the manner prescribed by the department. The department
168 may cancel an application for retirement benefits when the

169 member or beneficiary fails to timely provide the information
170 and documents required by this chapter and the department's
171 rules. The department shall adopt rules establishing procedures
172 for application for retirement benefits and for the cancellation
173 of such application when the required information or documents
174 are not received.

175 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

176 (a) Any person who is retired under this chapter, except
177 under the disability retirement provisions of subsection (4),
178 may be employed by an employer that does not participate in a
179 state-administered retirement system and receive compensation
180 from that employment without limiting or restricting in any way
181 the retirement benefits payable to that person.

182 (b) Any person whose retirement is effective before July
183 1, 2010, or whose participation in the Deferred Retirement
184 Option Program terminates before July 1, 2010, except under the
185 disability retirement provisions of subsection (4) or as
186 provided in s. 121.053, may be reemployed by an employer that
187 participates in a state-administered retirement system and
188 receive retirement benefits and compensation from that employer,
189 except that the person may not be reemployed by an employer
190 participating in the Florida Retirement System before meeting
191 the definition of termination in s. 121.021 and may not receive
192 both a salary from the employer and retirement benefits for 12
193 calendar months immediately subsequent to the date of
194 retirement. However, a DROP participant shall continue
195 employment and receive a salary during the period of
196 participation in the Deferred Retirement Option Program, as

197 provided in subsection (13).

198 1. A retiree who violates such reemployment limitation
199 before completion of the 12-month limitation period must give
200 timely notice of this fact in writing to the employer and to the
201 Division of Retirement or the state board and shall have his or
202 her retirement benefits suspended for the months employed or the
203 balance of the 12-month limitation period as required in sub-
204 subparagraphs b. and c. A retiree employed in violation of this
205 paragraph and an employer who employs or appoints such person
206 are jointly and severally liable for reimbursement to the
207 retirement trust fund, including the Florida Retirement System
208 Trust Fund and the Public Employee Optional Retirement Program
209 Trust Fund, from which the benefits were paid. The employer must
210 have a written statement from the retiree that he or she is not
211 retired from a state-administered retirement system. Retirement
212 benefits shall remain suspended until repayment has been made.
213 Benefits suspended beyond the reemployment limitation shall
214 apply toward repayment of benefits received in violation of the
215 reemployment limitation.

216 a. A district school board may reemploy a retiree as a
217 substitute or hourly teacher, education paraprofessional,
218 transportation assistant, bus driver, or food service worker on
219 a noncontractual basis after he or she has been retired for 1
220 calendar month. A district school board may reemploy a retiree
221 as instructional personnel, as defined in s. 1012.01(2)(a), on
222 an annual contractual basis after he or she has been retired for
223 1 calendar month. Any member who is reemployed within 1 calendar
224 month after retirement shall void his or her application for

225 retirement benefits. District school boards reemploying such
226 teachers, education paraprofessionals, transportation
227 assistants, bus drivers, or food service workers are subject to
228 the retirement contribution required by subparagraph 2.

229 b. A community college board of trustees may reemploy a
230 retiree as an adjunct instructor or as a participant in a phased
231 retirement program within the Florida Community College System,
232 after he or she has been retired for 1 calendar month. A member
233 who is reemployed within 1 calendar month after retirement shall
234 void his or her application for retirement benefits. Boards of
235 trustees reemploying such instructors are subject to the
236 retirement contribution required in subparagraph 2. A retiree
237 may be reemployed as an adjunct instructor for no more than 780
238 hours during the first 12 months of retirement. A retiree
239 reemployed for more than 780 hours during the first 12 months of
240 retirement must give timely notice in writing to the employer
241 and to the Division of Retirement or the state board of the date
242 he or she will exceed the limitation. The division shall suspend
243 his or her retirement benefits for the remainder of the 12
244 months of retirement. Any retiree employed in violation of this
245 sub-subparagraph and any employer who employs or appoints such
246 person without notifying the division to suspend retirement
247 benefits are jointly and severally liable for any benefits paid
248 during the reemployment limitation period. The employer must
249 have a written statement from the retiree that he or she is not
250 retired from a state-administered retirement system. Any
251 retirement benefits received by the retiree while reemployed in
252 excess of 780 hours during the first 12 months of retirement

253 must be repaid to the Florida Retirement System Trust Fund, and
254 retirement benefits shall remain suspended until repayment is
255 made. Benefits suspended beyond the end of the retiree's first
256 12 months of retirement shall apply toward repayment of benefits
257 received in violation of the 780-hour reemployment limitation.

258 c. The State University System may reemploy a retiree as
259 an adjunct faculty member or as a participant in a phased
260 retirement program within the State University System after the
261 retiree has been retired for 1 calendar month. A member who is
262 reemployed within 1 calendar month after retirement shall void
263 his or her application for retirement benefits. The State
264 University System is subject to the retired contribution
265 required in subparagraph 2., as appropriate. A retiree may be
266 reemployed as an adjunct faculty member or a participant in a
267 phased retirement program for no more than 780 hours during the
268 first 12 months of his or her retirement. A retiree reemployed
269 for more than 780 hours during the first 12 months of retirement
270 must give timely notice in writing to the employer and to the
271 Division of Retirement or the state board of the date he or she
272 will exceed the limitation. The division shall suspend his or
273 her retirement benefits for the remainder of the 12 months. Any
274 retiree employed in violation of this sub-subparagraph and any
275 employer who employs or appoints such person without notifying
276 the division to suspend retirement benefits are jointly and
277 severally liable for any benefits paid during the reemployment
278 limitation period. The employer must have a written statement
279 from the retiree that he or she is not retired from a state-
280 administered retirement system. Any retirement benefits received

281 | by the retiree while reemployed in excess of 780 hours during
282 | the first 12 months of retirement must be repaid to the Florida
283 | Retirement System Trust Fund, and retirement benefits shall
284 | remain suspended until repayment is made. Benefits suspended
285 | beyond the end of the retiree's first 12 months of retirement
286 | shall apply toward repayment of benefits received in violation
287 | of the 780-hour reemployment limitation.

288 | d. The Board of Trustees of the Florida School for the
289 | Deaf and the Blind may reemploy a retiree as a substitute
290 | teacher, substitute residential instructor, or substitute nurse
291 | on a noncontractual basis after he or she has been retired for 1
292 | calendar month. Any member who is reemployed within 1 calendar
293 | month after retirement shall void his or her application for
294 | retirement benefits. The Board of Trustees of the Florida School
295 | for the Deaf and the Blind reemploying such teachers,
296 | residential instructors, or nurses is subject to the retirement
297 | contribution required by subparagraph 2.

298 | e. A developmental research school may reemploy a retiree
299 | as a substitute or hourly teacher or an education
300 | paraprofessional as defined in s. 1012.01(2) on a noncontractual
301 | basis after he or she has been retired for 1 calendar month. A
302 | developmental research school may reemploy a retiree as
303 | instructional personnel, as defined in s. 1012.01(2)(a), on an
304 | annual contractual basis after he or she has been retired for 1
305 | calendar month after retirement. Any member who is reemployed
306 | within 1 calendar month voids his or her application for
307 | retirement benefits. A developmental research school that
308 | reemploys retired teachers and education paraprofessionals is

309 subject to the retirement contribution required by subparagraph
310 2.

311 f. A charter school may reemploy a retiree as a substitute
312 or hourly teacher on a noncontractual basis after he or she has
313 been retired for 1 calendar month. A charter school may reemploy
314 a retired member as instructional personnel, as defined in s.
315 1012.01(2)(a), on an annual contractual basis after he or she
316 has been retired for 1 calendar month after retirement. Any
317 member who is reemployed within 1 calendar month voids his or
318 her application for retirement benefits. A charter school that
319 reemploys such teachers is subject to the retirement
320 contribution required by subparagraph 2.

321 2. The employment of a retiree or DROP participant of a
322 state-administered retirement system does not affect the average
323 final compensation or years of creditable service of the retiree
324 or DROP participant. Before July 1, 1991, upon employment of any
325 person, other than an elected officer as provided in s. 121.053,
326 who is retired under a state-administered retirement program,
327 the employer shall pay retirement contributions in an amount
328 equal to the unfunded actuarial liability portion of the
329 employer contribution which would be required for regular
330 members of the Florida Retirement System. Effective July 1,
331 1991, contributions shall be made as provided in s. 121.122 for
332 retirees who have renewed membership or, as provided in
333 subsection (13), for DROP participants.

334 3. Any person who is holding an elective public office
335 which is covered by the Florida Retirement System and who is
336 concurrently employed in nonelected covered employment may elect

337 to retire while continuing employment in the elective public
338 office if he or she terminates his or her nonelected covered
339 employment. Such person shall receive his or her retirement
340 benefits in addition to the compensation of the elective office
341 without regard to the time limitations otherwise provided in
342 this subsection. A person who seeks to exercise the provisions
343 of this subparagraph as they existed before May 3, 1984, may not
344 be deemed to be retired under those provisions, unless such
345 person is eligible to retire under this subparagraph, as amended
346 by chapter 84-11, Laws of Florida.

347 (c) Any person whose retirement is effective on or after
348 July 1, 2010, or whose participation in the Deferred Retirement
349 Option Program terminates on or after July 1, 2010, who is
350 retired under this chapter, except under the disability
351 retirement provisions of subsection (4) or as provided in s.
352 121.053, may be reemployed by an employer that participates in a
353 state-administered retirement system and receive retirement
354 benefits and compensation from that employer. However, a person
355 may not be reemployed by an employer participating in the
356 Florida Retirement System before meeting the definition of
357 termination in s. 121.021 and may not receive both a salary from
358 the employer and retirement benefits for 6 calendar months after
359 meeting the definition of termination, except as provided in
360 paragraph (f). However, a DROP participant shall continue
361 employment and receive a salary during the period of
362 participation in the Deferred Retirement Option Program, as
363 provided in subsection (13).

364 1. The reemployed retiree may not renew membership in the

365 Florida Retirement System.

366 2. The employer shall pay retirement contributions in an
 367 amount equal to the unfunded actuarial liability portion of the
 368 employer contribution that would be required for active members
 369 of the Florida Retirement System in addition to the
 370 contributions required by s. 121.76.

371 3. A retiree initially reemployed in violation of this
 372 paragraph and an employer that employs or appoints such person
 373 are jointly and severally liable for reimbursement of any
 374 retirement benefits paid to the retirement trust fund from which
 375 the benefits were paid, including the Florida Retirement System
 376 Trust Fund and the Public Employee Optional Retirement Program
 377 Trust Fund, as appropriate. The employer must have a written
 378 statement from the employee that he or she is not retired from a
 379 state-administered retirement system. Retirement benefits shall
 380 remain suspended until repayment is made. Benefits suspended
 381 beyond the end of the retiree's 6-month reemployment limitation
 382 period shall apply toward the repayment of benefits received in
 383 violation of this paragraph.

384 (d) Except as provided in paragraph (f), this subsection
 385 applies to retirees, as defined in s. 121.4501(2), of the
 386 Florida Retirement System Investment Plan, subject to the
 387 following conditions:

388 1. A retiree may not be reemployed with an employer
 389 participating in the Florida Retirement System until such person
 390 has been retired for 6 calendar months.

391 2. A retiree employed in violation of this subsection and
 392 an employer that employs or appoints such person are jointly and

393 severely liable for reimbursement of any benefits paid to the
394 retirement trust fund from which the benefits were paid. The
395 employer must have a written statement from the retiree that he
396 or she is not retired from a state-administered retirement
397 system.

398 (e) The limitations of this subsection apply to
399 reemployment in any capacity irrespective of the category of
400 funds from which the person is compensated, except as provided
401 in paragraph (f).

402 (f) Effective July 1, 2013, a retired justice or retired
403 judge who has reached the later of his or her normal retirement
404 age or the age when vested, who has terminated all employment
405 with employers participating under the Florida Retirement System
406 for at least 1 calendar month, and who subsequently returns to
407 temporary employment as a senior judge in any court, as assigned
408 by the Chief Justice of the Supreme Court in accordance with s.
409 2, Art. V of the State Constitution, is not subject to paragraph
410 (c), paragraph (d), or paragraph (e) while reemployed as a
411 senior judge. This paragraph expires June 30, 2016.

412 Section 5. Paragraph (a) of subsection (1) of section
413 121.591, Florida Statutes, is amended to read:

414 121.591 Payment of benefits.—Benefits may not be paid
415 under the Florida Retirement System Investment Plan unless the
416 member has terminated employment as provided in s.
417 121.021(39) (a) or is deceased and a proper application has been
418 filed as prescribed by the state board or the department.
419 Benefits, including employee contributions, are not payable
420 under the investment plan for employee hardships, unforeseeable

421 emergencies, loans, medical expenses, educational expenses,
422 purchase of a principal residence, payments necessary to prevent
423 eviction or foreclosure on an employee's principal residence, or
424 any other reason except a requested distribution for retirement,
425 a mandatory de minimis distribution authorized by the
426 administrator, or a required minimum distribution provided
427 pursuant to the Internal Revenue Code. The state board or
428 department, as appropriate, may cancel an application for
429 retirement benefits if the member or beneficiary fails to timely
430 provide the information and documents required by this chapter
431 and the rules of the state board and department. In accordance
432 with their respective responsibilities, the state board and the
433 department shall adopt rules establishing procedures for
434 application for retirement benefits and for the cancellation of
435 such application if the required information or documents are
436 not received. The state board and the department, as
437 appropriate, are authorized to cash out a de minimis account of
438 a member who has been terminated from Florida Retirement System
439 covered employment for a minimum of 6 calendar months. A de
440 minimis account is an account containing employer and employee
441 contributions and accumulated earnings of not more than \$5,000
442 made under the provisions of this chapter. Such cash-out must be
443 a complete lump-sum liquidation of the account balance, subject
444 to the provisions of the Internal Revenue Code, or a lump-sum
445 direct rollover distribution paid directly to the custodian of
446 an eligible retirement plan, as defined by the Internal Revenue
447 Code, on behalf of the member. Any nonvested accumulations and
448 associated service credit, including amounts transferred to the

449 | suspense account of the Florida Retirement System Investment
450 | Plan Trust Fund authorized under s. 121.4501(6), shall be
451 | forfeited upon payment of any vested benefit to a member or
452 | beneficiary, except for de minimis distributions or minimum
453 | required distributions as provided under this section. If any
454 | financial instrument issued for the payment of retirement
455 | benefits under this section is not presented for payment within
456 | 180 days after the last day of the month in which it was
457 | originally issued, the third-party administrator or other duly
458 | authorized agent of the state board shall cancel the instrument
459 | and credit the amount of the instrument to the suspense account
460 | of the Florida Retirement System Investment Plan Trust Fund
461 | authorized under s. 121.4501(6). Any amounts transferred to the
462 | suspense account are payable upon a proper application, not to
463 | include earnings thereon, as provided in this section, within 10
464 | years after the last day of the month in which the instrument
465 | was originally issued, after which time such amounts and any
466 | earnings attributable to employer contributions shall be
467 | forfeited. Any forfeited amounts are assets of the trust fund
468 | and are not subject to chapter 717.

469 | (1) NORMAL BENEFITS.—Under the investment plan:

470 | (a) Benefits in the form of vested accumulations as
471 | described in s. 121.4501(6) are payable under this subsection in
472 | accordance with the following terms and conditions:

473 | 1. Benefits are payable only to a member, an alternate
474 | payee of a qualified domestic relations order, or a beneficiary.

475 | 2. Benefits shall be paid by the third-party administrator
476 | or designated approved providers in accordance with the law, the

477 contracts, and any applicable board rule or policy.

478 3. The member must be terminated from all employment with
479 all Florida Retirement System employers, as provided in s.
480 121.021(39).

481 4.a. Benefit payments may not be made until the member has
482 been terminated for 3 calendar months, except that the state
483 board may authorize by rule for the distribution of up to 10
484 percent of the member's account after being terminated for 1
485 calendar month if the member has reached the normal retirement
486 date as defined in s. 121.021.

487 b. Effective July 1, 2013, a retired justice or retired
488 judge who returns to temporary employment as a senior judge in
489 any court pursuant to s. 2, Art. V of the State Constitution and
490 meets the definition of termination in s. 121.021(39) (d) may
491 continue to receive a distribution of his or her account as
492 provided under this paragraph after providing proof of
493 assignment as a senior judge. This sub-subparagraph expires June
494 30, 2016.

495 5. If a member or former member of the Florida Retirement
496 System receives an invalid distribution, such person must either
497 repay the full amount within 90 days after receipt of final
498 notification by the state board or the third-party administrator
499 that the distribution was invalid, or, in lieu of repayment, the
500 member must terminate employment from all participating
501 employers. If such person fails to repay the full invalid
502 distribution within 90 days after receipt of final notification,
503 the person may be deemed retired from the investment plan by the
504 state board and is subject to s. 121.122. If such person is

505 | deemed retired, any joint and several liability set out in s.
 506 | 121.091(9)(d)2. is void, and the state board, the department, or
 507 | the employing agency is not liable for gains on payroll
 508 | contributions that have not been deposited to the person's
 509 | account in the investment plan, pending resolution of the
 510 | invalid distribution. The member or former member who has been
 511 | deemed retired or who has been determined by the state board to
 512 | have taken an invalid distribution may appeal the agency
 513 | decision through the complaint process as provided under s.
 514 | 121.4501(9)(g)3. As used in this subparagraph, the term "invalid
 515 | distribution" means any distribution from an account in the
 516 | investment plan which is taken in violation of this section, s.
 517 | 121.091(9), or s. 121.4501.

518 | Section 6. Section 702.015, Florida Statutes, is created
 519 | to read:

520 | 702.015 Elements of complaint; lost, destroyed, or stolen
 521 | note affidavit.—

522 | (1) The Legislature intends that this section expedite the
 523 | foreclosure process by ensuring initial disclosure of a
 524 | plaintiff's status and the facts supporting that status, thereby
 525 | ensuring the availability of documents necessary to the
 526 | prosecution of the case.

527 | (2) A complaint that seeks to foreclose a mortgage or
 528 | other lien on residential real property, including individual
 529 | units of condominiums and cooperatives, designed principally for
 530 | occupation by from one to four families which secures a
 531 | promissory note must:

532 | (a) Contain affirmative allegations expressly made by the

533 plaintiff at the time the proceeding is commenced that the
534 plaintiff is the holder of the original note secured by the
535 mortgage; or

536 (b) Allege with specificity the factual basis by which the
537 plaintiff is a person entitled to enforce the note under s.
538 673.3011.

539 (3) If a plaintiff has been delegated the authority to
540 institute a mortgage foreclosure action on behalf of the person
541 entitled to enforce the note, the complaint shall describe the
542 authority of the plaintiff and identify, with specificity, the
543 document that grants the plaintiff the authority to act on
544 behalf of the person entitled to enforce the note. This
545 subsection is intended to require initial disclosure of status
546 and pertinent facts and not to modify law regarding standing or
547 real parties in interest. The term "original note" or "original
548 promissory note" means the signed or executed promissory note
549 rather than a copy thereof. The term includes any renewal,
550 replacement, consolidation, or amended and restated note or
551 instrument given in renewal, replacement, or substitution for a
552 previous promissory note. The term also includes a transferrable
553 record, as defined by the Uniform Electronic Transaction Act in
554 s. 668.50(16).

555 (4) If the plaintiff is in possession of the original
556 promissory note, the plaintiff must file under penalty of
557 perjury a certification with the court, contemporaneously with
558 the filing of the complaint for foreclosure, that the plaintiff
559 is in possession of the original promissory note. The
560 certification must set forth the location of the note, the name

561 and title of the individual giving the certification, the name
562 of the person who personally verified such possession, and the
563 time and date on which the possession was verified. Correct
564 copies of the note and all allonges to the note must be attached
565 to the certification. The original note and the allonges must be
566 filed with the court before the entry of any judgment of
567 foreclosure or judgment on the note.

568 (5) If the plaintiff seeks to enforce a lost, destroyed,
569 or stolen instrument, an affidavit executed under penalty of
570 perjury must be attached to the complaint. The affidavit must:

571 (a) Detail a clear chain of all endorsements, transfers,
572 or assignments of the promissory note that is the subject of the
573 action.

574 (b) Set forth facts showing that the plaintiff is entitled
575 to enforce a lost, destroyed, or stolen instrument pursuant to
576 s. 673.3091. Adequate protection as required under s.
577 673.3091(2) shall be provided before the entry of final
578 judgment.

579 (c) Include as exhibits to the affidavit such copies of
580 the note and the allonges to the note, audit reports showing
581 receipt of the original note, or other evidence of the
582 acquisition, ownership, and possession of the note as may be
583 available to the plaintiff.

584 (6) The court may sanction the plaintiff for failure to
585 comply with this section.

586 (7) This section does not apply to any foreclosure
587 proceeding involving timeshare interests under part III of
588 chapter 721.

589 Section 7. Section 702.036, Florida Statutes, is created
590 to read:

591 702.036 Finality of mortgage foreclosure judgment.-

592 (1) (a) In any action or proceeding in which a party seeks
593 to set aside, invalidate, or challenge the validity of a final
594 judgment of foreclosure of a mortgage or to establish or
595 reestablish a lien or encumbrance on the property in abrogation
596 of the final judgment of foreclosure of a mortgage, the court
597 shall treat such request solely as a claim for monetary damages
598 and may not grant relief that adversely affects the quality or
599 character of the title to the property, if:

600 1. The party seeking relief from the final judgment of
601 foreclosure of the mortgage was properly served in the
602 foreclosure lawsuit as provided in chapter 48 or chapter 49.

603 2. The final judgment of foreclosure of the mortgage was
604 entered as to the property.

605 3. All applicable appeals periods have run as to the final
606 judgment of foreclosure of the mortgage with no appeals having
607 been taken or any appeals having been finally resolved.

608 4. The property has been acquired for value, by a person
609 not affiliated with the foreclosing lender or the foreclosed
610 owner, at a time in which no lis pendens regarding the suit to
611 set aside, invalidate, or challenge the foreclosure appears in
612 the official records of the county where the property was
613 located.

614 (b) This subsection does not limit the right to pursue any
615 other relief to which a person may be entitled, including, but
616 not limited to, compensatory damages, punitive damages,

617 statutory damages, consequential damages, injunctive relief, or
618 fees and costs, which does not adversely affect the ownership of
619 the title to the property as vested in the unaffiliated
620 purchaser for value.

621 (2) For purposes of this section, the following, without
622 limitation, shall be considered persons affiliated with the
623 foreclosing lender:

624 (a) The foreclosing lender or any loan servicer for the
625 loan being foreclosed;

626 (b) Any past or present owner or holder of the loan being
627 foreclosed;

628 (c) Any maintenance company, holding company, foreclosure
629 services company, or law firm under contract to any entity
630 listed in paragraph (a), paragraph (b), or this paragraph, with
631 regard to the loan being foreclosed; or

632 (d) Any parent entity, subsidiary, or other person who
633 directly, or indirectly through one or more intermediaries,
634 controls or is controlled by, or is under common control with,
635 any entity listed in paragraph (a), paragraph (b), or paragraph
636 (c).

637 (3) After foreclosure of a mortgage based upon the
638 enforcement of a lost, destroyed, or stolen note, a person who
639 is not a party to the underlying foreclosure action but who
640 claims to be the person entitled to enforce the promissory note
641 secured by the foreclosed mortgage has no claim against the
642 foreclosed property after it is conveyed for valuable
643 consideration to a person not affiliated with the foreclosing
644 lender or the foreclosed owner. This section does not preclude

645 the person entitled to enforce the promissory note from pursuing
 646 recovery from any adequate protection given pursuant to s.
 647 673.3091 or from the party who wrongfully claimed to be the
 648 person entitled to enforce the promissory note under s.
 649 702.11(2) or otherwise, from the maker of the note, or from any
 650 other person against whom it may have a claim relating to the
 651 note.

652 Section 8. Section 702.06, Florida Statutes, is amended to
 653 read:

654 702.06 Deficiency decree; common-law suit to recover
 655 deficiency.—In all suits for the foreclosure of mortgages
 656 heretofore or hereafter executed the entry of a deficiency
 657 decree for any portion of a deficiency, should one exist, shall
 658 be within the sound discretion of the court; however, in the
 659 case of an owner-occupied residential property, the amount of
 660 the deficiency may not exceed the difference between the
 661 judgment amount, or in the case of a short sale, the outstanding
 662 debt, and the fair market value of the property on the date of
 663 sale. For purposes of this section, there is a rebuttable
 664 presumption that a residential property for which a homestead
 665 exemption for taxation was granted according to the certified
 666 rolls of the latest assessment by the county property appraiser,
 667 before the filing of the foreclosure action, is an owner-
 668 occupied residential property. ~~shall be within the sound~~
 669 judicial discretion of the court, but The complainant shall also
 670 have the right to sue at common law to recover such deficiency,
 671 unless the court in the foreclosure action has granted or denied
 672 a claim for a deficiency judgment ~~provided no suit at law to~~

673 | ~~recover such deficiency shall be maintained against the original~~
 674 | ~~mortgagor in cases where the mortgage is for the purchase price~~
 675 | ~~of the property involved and where the original mortgagee~~
 676 | ~~becomes the purchaser thereof at foreclosure sale and also is~~
 677 | ~~granted a deficiency decree against the original mortgagor.~~

678 | Section 9. Section 702.10, Florida Statutes, is amended to
 679 | read:

680 | 702.10 Order to show cause; entry of final judgment of
 681 | foreclosure; payment during foreclosure.—

682 | (1) A lienholder ~~After a complaint in a foreclosure~~
 683 | ~~proceeding has been filed, the mortgagee~~ may request an order to
 684 | show cause for the entry of final judgment in a foreclosure
 685 | action. For purposes of this section, the term "lienholder"
 686 | includes the plaintiff and a defendant to the action who holds a
 687 | lien encumbering the property or a defendant who, by virtue of
 688 | its status as a condominium association, cooperative
 689 | association, or homeowners' association, may file a lien against
 690 | the real property subject to foreclosure. Upon filing, and the
 691 | court shall immediately review the request and the court file in
 692 | chambers and without a hearing ~~complaint~~. If, upon examination
 693 | of the court file ~~complaint~~, the court finds that the complaint
 694 | is verified, complies with s. 702.015, and alleges a cause of
 695 | action to foreclose on real property, the court shall promptly
 696 | issue an order directed to the other parties named in the action
 697 | ~~defendant~~ to show cause why a final judgment of foreclosure
 698 | should not be entered.

699 | (a) The order shall:

700 | 1. Set the date and time for a hearing ~~on the order~~ to

701 show cause. ~~However,~~ The date for the hearing may not occur ~~be~~
 702 ~~set~~ sooner than the later of 20 days after ~~the~~ service of the
 703 order to show cause or 45 days after service of the initial
 704 complaint. When service is obtained by publication, the date for
 705 the hearing may not be set sooner than 30 days after the first
 706 publication. ~~The hearing must be held within 60 days after the~~
 707 ~~date of service. Failure to hold the hearing within such time~~
 708 ~~does not affect the validity of the order to show cause or the~~
 709 ~~jurisdiction of the court to issue subsequent orders.~~

710 2. Direct the time within which service of the order to
 711 show cause and the complaint must be made upon the defendant.

712 3. State that the filing of defenses by a motion, a
 713 responsive pleading, an affidavit, or other papers ~~or by a~~
 714 ~~verified or sworn answer at or~~ before the hearing to show cause
 715 that raise a genuine issue of material fact which would preclude
 716 the entry of summary judgment or otherwise constitute a legal
 717 defense to foreclosure shall constitute ~~constitutes~~ cause for
 718 the court not to enter ~~the attached~~ final judgment.

719 4. State that a ~~the~~ defendant has the right to file
 720 affidavits or other papers before ~~at~~ the time of the hearing to
 721 show cause and may appear personally or by way of an attorney at
 722 the hearing.

723 5. State that, if a ~~the~~ defendant files defenses by a
 724 motion, a verified or sworn answer, affidavits, or other papers
 725 or appears personally or by way of an attorney at the time of
 726 the hearing, the hearing time will ~~may~~ be used to hear and
 727 consider whether the defendant's motion, answer, affidavits,
 728 other papers, and other evidence and argument as may be

729 presented by the defendant or the defendant's attorney raise a
 730 genuine issue of material fact which would preclude the entry of
 731 summary judgment or otherwise constitute a legal defense to
 732 foreclosure. The order shall also state that the court may enter
 733 an order of final judgment of foreclosure at the hearing and
 734 order the clerk of the court to conduct a foreclosure sale.

735 6. State that, if a ~~the~~ defendant fails to appear at the
 736 hearing to show cause or fails to file defenses by a motion or
 737 by a verified or sworn answer or files an answer not contesting
 738 the foreclosure, such ~~the~~ defendant may be considered to have
 739 waived the right to a hearing, and in such case, the court may
 740 enter a default against such defendant and, if appropriate, a
 741 final judgment of foreclosure ordering the clerk of the court to
 742 conduct a foreclosure sale.

743 7. State that if the mortgage provides for reasonable
 744 attorney ~~attorney's~~ fees and the requested attorney ~~attorney's~~
 745 fees do not exceed 3 percent of the principal amount owed at the
 746 time of filing the complaint, it is unnecessary for the court to
 747 hold a hearing or adjudge the requested attorney ~~attorney's~~ fees
 748 to be reasonable.

749 8. Attach the form of the proposed final judgment of
 750 foreclosure which the movant requests the court to will enter,
 751 ~~if the defendant waives the right to be heard~~ at the hearing on
 752 the order to show cause.

753 9. Require the party seeking final judgment ~~mortgagee~~ to
 754 serve a copy of the order to show cause on the other parties ~~the~~
 755 ~~mortgagor~~ in the following manner:

756 a. If a party ~~the mortgagor~~ has been served pursuant to

757 chapter 48 with the complaint and original process, or the other
758 party is the plaintiff in the action, service of the order to
759 show cause on that party ~~order~~ may be made in the manner
760 provided in the Florida Rules of Civil Procedure.

761 b. If a defendant ~~the mortgagor~~ has not been served
762 pursuant to chapter 48 with the complaint and original process,
763 the order to show cause, together with the summons and a copy of
764 the complaint, shall be served on the party ~~mortgagor~~ in the
765 same manner as provided by law for original process.

766
767 Any final judgment of foreclosure entered under this subsection
768 is for in rem relief only. ~~Nothing in~~ This subsection does not
769 ~~shall~~ preclude the entry of a deficiency judgment where
770 otherwise allowed by law. The Legislature intends that this
771 alternative procedure may run simultaneously with other court
772 procedures.

773 (b) The right to be heard at the hearing to show cause is
774 waived if a ~~the~~ defendant, after being served as provided by law
775 with an order to show cause, engages in conduct that clearly
776 shows that the defendant has relinquished the right to be heard
777 on that order. The defendant's failure to file defenses by a
778 motion or by a sworn or verified answer, affidavits, or other
779 papers or to appear personally or by way of an attorney at the
780 hearing duly scheduled on the order to show cause presumptively
781 constitutes conduct that clearly shows that the defendant has
782 relinquished the right to be heard. If a defendant files
783 defenses by a motion, ~~or by a verified or sworn answer,~~
784 affidavits, or other papers or presents evidence at or before

785 the hearing which raise a genuine issue of material fact which
786 would preclude entry of summary judgment or otherwise constitute
787 a legal defense to foreclosure, such action constitutes cause
788 and precludes the entry of a final judgment at the hearing to
789 show cause.

790 (c) In a mortgage foreclosure proceeding, when a final
791 ~~default~~ judgment of foreclosure has been entered against the
792 mortgagor and the note or mortgage provides for the award of
793 reasonable attorney ~~attorney's~~ fees, it is unnecessary for the
794 court to hold a hearing or adjudge the requested attorney
795 ~~attorney's~~ fees to be reasonable if the fees do not exceed 3
796 percent of the principal amount owed on the note or mortgage at
797 the time of filing, even if the note or mortgage does not
798 specify the percentage of the original amount that would be paid
799 as liquidated damages.

800 (d) If the court finds that all defendants have ~~the~~
801 ~~defendant has~~ waived the right to be heard as provided in
802 paragraph (b), the court shall promptly enter a final judgment
803 of foreclosure without the need for further hearing if the
804 plaintiff has shown entitlement to a final judgment and upon the
805 filing with the court of the original note, satisfaction of the
806 conditions for establishment of a lost note, or upon a showing
807 to the court that the obligation to be foreclosed is not
808 evidenced by a promissory note or other negotiable instrument.
809 If the court finds that a ~~the~~ defendant has not waived the right
810 to be heard on the order to show cause, the court shall ~~then~~
811 determine whether there is cause not to enter a final judgment
812 of foreclosure. If the court finds that the defendant has not

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813 shown cause, the court shall promptly enter a judgment of
814 foreclosure. If the time allotted for the hearing is
815 insufficient, the court may announce at the hearing a date and
816 time for the continued hearing. Only the parties who appear,
817 individually or through an attorney, at the initial hearing must
818 be notified of the date and time of the continued hearing.

819 (2) Except as provided in paragraph (i), as part of any ~~In~~
820 ~~an~~ action for foreclosure, and in addition to any other relief
821 that the court may award ~~other than residential real estate, the~~
822 plaintiff ~~the mortgagee~~ may request that the court enter an
823 order directing the mortgagor defendant to show cause why an
824 order to make payments during the pendency of the foreclosure
825 proceedings or an order to vacate the premises should not be
826 entered.

827 (a) The order shall:

828 1. Set the date and time for hearing on the order to show
829 cause. However, the date for the hearing may ~~shall~~ not be set
830 sooner than 20 days after the service of the order. If ~~Where~~
831 service is obtained by publication, the date for the hearing may
832 ~~shall~~ not be set sooner than 30 days after the first
833 publication.

834 2. Direct the time within which service of the order to
835 show cause and the complaint shall be made upon each ~~the~~
836 defendant.

837 3. State that a ~~the~~ defendant has the right to file
838 affidavits or other papers at the time of the hearing and may
839 appear personally or by way of an attorney at the hearing.

840 4. State that, if a ~~the~~ defendant fails to appear at the

841 hearing to show cause and fails to file defenses by a motion or
842 by a verified or sworn answer, the defendant is ~~may be~~ deemed to
843 have waived the right to a hearing and in such case the court
844 may enter an order to make payment or vacate the premises.

845 5. Require the movant mortgagee to serve a copy of the
846 order to show cause on the defendant mortgagor in the following
847 manner:

848 a. If a defendant ~~the mortgagor~~ has been served with the
849 complaint and original process, service of the order may be made
850 in the manner provided in the Florida Rules of Civil Procedure.

851 b. If a defendant ~~the mortgagor~~ has not been served with
852 the complaint and original process, the order to show cause,
853 together with the summons and a copy of the complaint, shall be
854 served on the defendant mortgagor in the same manner as provided
855 by law for original process.

856 (b) The right of a defendant to be heard at the hearing to
857 show cause is waived if the defendant, after being served as
858 provided by law with an order to show cause, engages in conduct
859 that clearly shows that the defendant has relinquished the right
860 to be heard on that order. A ~~The~~ defendant's failure to file
861 defenses by a motion or by a sworn or verified answer or to
862 appear at the hearing duly scheduled on the order to show cause
863 presumptively constitutes conduct that clearly shows that the
864 defendant has relinquished the right to be heard.

865 (c) If the court finds that a ~~the~~ defendant has waived the
866 right to be heard as provided in paragraph (b), the court may
867 promptly enter an order requiring payment in the amount provided
868 in paragraph (f) or an order to vacate.

869 (d) If the court finds that the mortgagor has not waived
870 the right to be heard on the order to show cause, the court
871 shall, at the hearing on the order to show cause, consider the
872 affidavits and other showings made by the parties appearing and
873 make a determination of the probable validity of the underlying
874 claim alleged against the mortgagor and the mortgagor's
875 defenses. If the court determines that the plaintiff mortgagee
876 is likely to prevail in the foreclosure action, the court shall
877 enter an order requiring the mortgagor to make the payment
878 described in paragraph (e) to the plaintiff mortgagee and
879 provide for a remedy as described in paragraph (f). However, the
880 order shall be stayed pending final adjudication of the claims
881 of the parties if the mortgagor files with the court a written
882 undertaking executed by a surety approved by the court in an
883 amount equal to the unpaid balance of the lien being foreclosed
884 ~~the mortgage on the property~~, including all principal, interest,
885 unpaid taxes, and insurance premiums paid by the plaintiff ~~the~~
886 ~~mortgagee~~.

887 (e) ~~If In the event~~ the court enters an order requiring
888 the mortgagor to make payments to the plaintiff mortgagee,
889 payments shall be payable at such intervals and in such amounts
890 provided for in the mortgage instrument before acceleration or
891 maturity. The obligation to make payments pursuant to any order
892 entered under this subsection shall commence from the date of
893 the motion filed under this section hereunder. The order shall
894 be served upon the mortgagor no later than 20 days before the
895 date specified for the first payment. The order may permit, but
896 may shall not require, the plaintiff mortgagee to take all

897 appropriate steps to secure the premises during the pendency of
 898 the foreclosure action.

899 (f) If ~~In the event~~ the court enters an order requiring
 900 payments, the order shall also provide that the plaintiff is
 901 ~~mortgagee shall be~~ entitled to possession of the premises upon
 902 the failure of the mortgagor to make the payment required in the
 903 order unless at the hearing on the order to show cause the court
 904 finds good cause to order some other method of enforcement of
 905 its order.

906 (g) All amounts paid pursuant to this section shall be
 907 credited against the mortgage obligation in accordance with the
 908 terms of the loan documents; ~~provided, however, that any~~
 909 payments made under this section do ~~shall~~ not constitute a cure
 910 of any default or a waiver or any other defense to the mortgage
 911 foreclosure action.

912 (h) Upon the filing of an affidavit with the clerk that
 913 the premises have not been vacated pursuant to the court order,
 914 the clerk shall issue to the sheriff a writ for possession which
 915 shall be governed by ~~the provisions of~~ s. 83.62.

916 (i) This subsection does not apply to foreclosure of an
 917 owner-occupied residence. For purposes of this paragraph, there
 918 is a rebuttable presumption that a residential property for
 919 which a homestead exemption for taxation was granted according
 920 to the certified rolls of the latest assessment by the county
 921 property appraiser, before the filing of the foreclosure action,
 922 is an owner-occupied residential property.

923 Section 10. Section 702.11, Florida Statutes, is created
 924 to read:

925 702.11 Adequate protections for lost, destroyed, or stolen
926 notes in mortgage foreclosure.—

927 (1) In connection with a mortgage foreclosure, the
928 following constitute reasonable means of providing adequate
929 protection under s. 673.3091, if so found by the court:

930 (a) A written indemnification agreement by a person
931 reasonably believed sufficiently solvent to honor such an
932 obligation;

933 (b) A surety bond;

934 (c) A letter of credit issued by a financial institution;

935 (d) A deposit of cash collateral with the clerk of the
936 court; or

937 (e) Such other security as the court may deem appropriate
938 under the circumstances.

939
940 Any security given shall be on terms and in amounts set by the
941 court, for a time period through the running of the statute of
942 limitations for enforcement of the underlying note, and
943 conditioned to indemnify and hold harmless the maker of the note
944 against any loss or damage, including principal, interest, and
945 attorney fees and costs, that might occur by reason of a claim
946 by another person to enforce the note.

947 (2) Any person who wrongly claims to be the holder of or
948 pursuant to s. 673.3011 to be entitled to enforce a lost,
949 stolen, or destroyed note and causes the mortgage secured
950 thereby to be foreclosed is liable to the actual holder of the
951 note, without limitation to any adequate protections given, for
952 actual damages suffered together with attorney fees and costs of

953 the actual holder of the note in enforcing rights under this
954 subsection. In addition, the actual holder of the note may
955 pursue recovery directly against any adequate protections given.

956 (a) The actual holder of the note is not required to
957 pursue recovery against the maker of the note or any guarantor
958 thereof as a condition precedent to pursuing remedies under this
959 section.

960 (b) This section does not limit or restrict the ability of
961 the actual holder of the note to pursue any other claims or
962 remedies it may have against the maker, the person who wrongly
963 claimed to be the holder, or any person who facilitated or
964 participated in the claim to the note or enforcement thereof.

965 Section 11. The Legislature finds that this act is
966 remedial in nature and applies to all mortgages encumbering real
967 property and all promissory notes secured by a mortgage, whether
968 executed before, on, or after the effective date of this act. In
969 addition, the Legislature finds that s. 702.015, Florida
970 Statutes, as created by this act, applies to cases filed on or
971 after July 1, 2013; however, the amendments to s. 702.10,
972 Florida Statutes, and the creation of s. 702.11, Florida
973 Statutes, by this act, apply to causes of action pending on the
974 effective date of this act.

975 Section 12. (1) Effective July 1, 2013, in order to fund
976 the benefit changes provided in this act, the required employer
977 contribution rates for members of the Florida Retirement System
978 established in s. 121.71(4), Florida Statutes, shall be adjusted
979 as follows:

980 (a) Elected Officers' Class for Justices and Judges shall

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981 be increased by 0.45 percentage points; and

982 (b) Deferred Retirement Option Program shall be increased
983 by 0.01 percentage points.

984 (2) Effective July 1, 2013, in order to fund the benefit
985 changes provided in this act, the required employer contribution
986 rates for the unfunded actuarial liability of the Florida
987 Retirement System established in s. 121.71(5), Florida Statutes,
988 for the Elected Officers' Class for Justices and Judges shall be
989 increased by 0.91 percentage points.

990 (3) The adjustments provided in subsections (1) and (2)
991 shall be in addition to all other changes to such contribution
992 rates which may be enacted into law to take effect on July 1,
993 2013, and July 1, 2014. The Division of Law Revision and
994 Information is requested to adjust accordingly the contribution
995 rates provided in s. 121.71, Florida Statutes.

996 Section 13. (1) The Legislature finds that a proper and
997 legitimate state purpose is served if employees and retirees of
998 the state and its political subdivisions, and the dependents,
999 survivors, and beneficiaries of such employees and retirees, are
1000 extended the basic protections afforded by governmental
1001 retirement systems which provide fair and adequate benefits and
1002 which are managed, administered, and funded in an actuarially
1003 sound manner as required by s. 14, Article X of the State
1004 Constitution and part VII of chapter 112, Florida Statutes.
1005 Therefore, the Legislature determines and declares that this act
1006 fulfills an important state interest.

1007 (2) The Legislature further finds that the assignment of
1008 former justices and judges to temporary employment as a judge in

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1009 any court, by the Chief Justice of the Supreme Court in
1010 accordance with s. 2, Article V of the State Constitution,
1011 assists the State Courts System in managing caseloads and
1012 providing individuals and businesses with access to courts. In
1013 particular, these assignments are critically important in
1014 assisting with the disposition of the current backlog in
1015 foreclosure cases in this state. Therefore, the Legislature
1016 further determines and declares that this act fulfills an
1017 important state interest by facilitating the ability of justices
1018 and judges who retire under the Florida Retirement System to
1019 return to temporary employment as a judge in a timely manner.

1020 Section 14. The Supreme Court is requested to amend the
1021 Florida Rules of Civil Procedures to provide expedited
1022 foreclosure proceedings in conformity with this act and is
1023 requested to develop and publish forms for use in such expedited
1024 proceedings.

1025 Section 15. Sections 3 through 5, 12, and 13 of this act
1026 shall take effect only if, during the 2013 Regular Session or an
1027 extension thereof, the Legislature appropriates the sum of at
1028 least \$1.6 million from the General Revenue Fund on a recurring
1029 basis to the judicial branch in order to fund the increased
1030 employer contributions associated with the costs of the
1031 retirement benefits provided in this act and such appropriations
1032 become law.

1033 Section 16. This act shall take effect upon becoming a
1034 law.