

By Senator Rouson

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1 A bill to be entitled

2 An act relating to required notice to homeowners in
3 mortgage foreclosure proceedings; creating s. 702.13,
4 F.S.; requiring foreclosing mortgagees, or a
5 foreclosing mortgagee's attorney, to provide certain
6 notice to mortgagors in actions involving residential
7 real property; providing requirements and a form for
8 such notice; providing that failure to comply with the
9 requirement does not have specified effects; providing
10 applicability; providing an effective date.

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

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14 Section 1. Section 702.13, Florida Statutes, is created to
15 read:

16 702.13 Notice to homeowners in mortgage foreclosure
17 proceedings.-

18 (1) The foreclosing mortgagee, or the mortgagee's attorney,
19 in an action involving residential real property, including
20 individual units of condominiums or cooperatives which are
21 designed principally for occupation by from one to four
22 families, shall provide the mortgagor with the notice to
23 homeowner described in subsection (2).

24 (2) The notice to homeowner must be displayed beginning on
25 the face of the first page of the complaint, directly below the
26 title of the complaint. The title of the notice must be in 14-
27 point boldface type and the body of the notice must be in at
28 least 12-point type. The notice must be in substantially the
29 following form:

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NOTICE TO HOMEOWNER

You are in danger of losing your home.

You should carefully read both the summons and complaint and immediately contact an attorney to obtain advice on whether you can protect yourself and your home. If you cannot afford to hire an attorney, you may qualify for free legal assistance through your local legal aid organization.

Under certain circumstances, the United States Bankruptcy Code may provide relief from foreclosure. If you qualify for such relief, filing a chapter 13 bankruptcy petition may stay a foreclosure proceeding and allow you to construct a repayment plan that provides for payment of mortgage arrears over the life of the plan while maintaining current mortgage payments as they become due or to propose mortgage modification mediation. Please note, however, that filing a bankruptcy petition for the sole purpose of staying a foreclosure, without a good faith intent to construct and fund a repayment plan, may result in sanctions.

You are encouraged to investigate all of your options in foreclosure, including contacting your lender about loss mitigation programs that may be available to you.

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59 There are also governmental agencies and nonprofit
60 organizations that provide educational resources,
61 including tips on negotiating with your lender during
62 the foreclosure process. For more information about
63 such entities, please visit the consumer protection
64 resources on the website of the Office of the Attorney
65 General.

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67 Mortgage foreclosure is a complex process, and
68 homeowners in foreclosure are often targeted by scams.
69 You should be very careful of any unsolicited offers
70 to "save" your home. If you believe that you may be a
71 victim of a scam involving your home or mortgage,
72 please contact the Office of the Attorney General or
73 the Office of Financial Regulation's Bureau of
74 Financial Investigations.

75 (3) Failure to comply with this section does not do any of
76 the following:

77 (a) Affect the title or marketability of the real property
78 subject to the judicial sale or the validity of the title
79 conveyed resulting from the judicial sale.

80 (b) Create a private right of action against any
81 foreclosing mortgagee.

82 (c) Allow sanctions to be imposed against any party to the
83 foreclosure proceeding.

84 (4) This section applies only to foreclosure proceedings
85 that are commenced on or after July 1, 2021.

86 Section 2. This act shall take effect July 1, 2021.