

1 A bill to be entitled
 2 An act relating to required notice to homeowners in
 3 mortgage foreclosure actions; creating s. 702.13,
 4 F.S.; requiring foreclosing mortgagees to provide
 5 certain notice to mortgagors in actions involving
 6 residential real property; providing requirements and
 7 a form for such notice; requiring mortgagees to file
 8 certain proof that they are in compliance with the
 9 notice requirements; providing that the failure to
 10 provide notice does not affect title of the real
 11 property in foreclosure; providing applicability;
 12 providing an effective date.

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

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

18 702.13 Notice to homeowners in mortgage foreclosure
 19 actions.—

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

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

32
33 NOTICE TO HOMEOWNER

34
35 You are in danger of losing your home. You should
36 carefully read both the summons and complaint and
37 immediately contact an attorney to obtain advice on
38 whether you can protect yourself and your home. If you
39 cannot afford to hire an attorney, you may qualify for
40 free legal assistance through your local legal aid
41 organization.

42
43 Under certain circumstances, the United States
44 Bankruptcy Code may provide relief from foreclosure.
45 If you qualify for such relief, filing a chapter 13
46 bankruptcy petition may stay a foreclosure proceeding
47 and allow you to construct a repayment plan that
48 provides for payment of mortgage arrears over the life
49 of the plan while maintaining current mortgage
50 payments as they become due or to propose mortgage

51 modification mediation. Please note, however, that
52 filing a bankruptcy petition for the sole purpose of
53 staying a foreclosure, without a good faith intent to
54 construct and fund a repayment plan, may result in
55 sanctions.

56
57 You are encouraged to investigate all of your options
58 in foreclosure, including contacting your lender about
59 loss mitigation programs that may be available to you.
60 There are also governmental agencies and nonprofit
61 organizations that provide educational resources,
62 including tips on negotiating with your lender during
63 the foreclosure process. For more information about
64 such entities, please visit the consumer protection
65 resources on the website of the Office of the Attorney
66 General.

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

76
77 (3) The mortgagee, or the mortgagee's attorney, must file
78 a verification or an affidavit of proof that the complaint
79 includes the notice required by this section. The verification
80 or affidavit may be included in the complaint. If the mortgagee,
81 or the mortgagee's attorney, fails to provide the notice in the
82 manner specified in subsection (2), the mortgagee, or the
83 mortgagee's attorney, may cure such failure by subsequently
84 -serving the notice in an amended complaint.

85 (4) Failure to provide the notice required by this section
86 does not affect the title or marketability of the real property
87 subject to the judicial sale or the validity of the title
88 conveyed that results from the judicial sale.

89 (5) This section applies only to foreclosure proceedings
90 that are commenced on or after July 1, 2021.

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