

31-01616-20

A bill to be entitled
An act relating to mortgage foreclosures; creating s. 702.13, F.S.; requiring foreclosing mortgagees to provide certain notice to individual mortgagors under certain circumstances; providing requirements and a form for such notice; providing an effective date.

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

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

702.13 Notice to homeowners in mortgage foreclosure actions.—

(1) In an action involving residential real property, including individual units of condominiums and cooperatives, which are designed principally for occupation by from one to four families, the foreclosing mortgagee must provide to the mortgagor(s) the Notice to Homeowner required under this section.

(2) The notice must be prominently displayed beginning on the face of the first page of the complaint, directly below the title of the complaint. The title of the notice must be in 20-point boldface type; the body of the notice must be no smaller than 12-point type. The notice must be in substantially the following form:

NOTICE TO HOMEOWNER

You are in danger of losing your home.

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

37
38 Under certain circumstances, the U.S. Bankruptcy Code
39 may provide relief from foreclosure. If you qualify
40 for such relief, filing a chapter 13 bankruptcy
41 petition may stay a foreclosure proceeding and allow
42 you to (i) construct a repayment plan that provides
43 for payment of mortgage arrears over the life of the
44 plan, while maintaining current mortgage payments as
45 they become due, or (ii) propose mortgage modification
46 mediation. Please note, however, that filing a
47 bankruptcy petition for the sole purpose of staying a
48 foreclosure, without a good faith intent to construct
49 and fund a repayment plan, may result in sanctions.

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51 The state encourages you to investigate all of your
52 options in foreclosure, including contacting your
53 lender about loss mitigation programs that may be
54 available to you. There are also government agencies
55 and non-profit organizations that provide educational
56 resources, including tips on trying to negotiate with
57 your lender during the foreclosure process. For more
58 information about such entities, please visit the

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59 consumer protection resources on the website of the
60 Florida Attorney General.

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

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