

By Senator Soto

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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 residential mortgage
7 foreclosure proceeding; providing that a violation is
8 a deceptive and unfair trade practice; providing
9 penalties and remedies including attorney fees and
10 costs; 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. This act may be cited as the "Florida Mortgage
15 Collection Fairness Act."

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

18 501.1379 Mortgage collection firms; prohibited practices;
19 penalties and remedies.-

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

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

27 (3) A violation of this section is a deceptive and unfair
28 trade practice and constitutes a violation of the Florida
29 Deceptive and Unfair Trade Practices Act. A mortgage collection

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30 firm that violates this section is subject to the penalties and
31 remedies provided in part II of this chapter, including the
32 award of reasonable attorney fees and costs under s. 501.2105.

33 Section 3. This act shall take effect July 1, 2014.