A bill to be entitled
An act relating to residential foreclosure
proceedings; providing a short title; creating s.
501.1379, F.S.; defining terms; prohibiting certain
acts by mortgage collection firms; providing that
violations are deceptive and unfair trade practices;
providing penalties and remedies; providing for the
award of attorney's fees and costs under certain
circumstances; providing an effective date.

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

Section 1. This act may be cited as the "Florida Mortgage
Collection Fairness Act."

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

501.1379 Mortgage collection firms; prohibited practices;
penalties and remedies.—
(1) As used in this section, the term:
(a) "Mortgage collection firm" means:
1. An attorney or law firm engaged to represent a party
filing a residential mortgage foreclosure action; or
2. A person engaged in debt collection services for a
residential mortgage loan.
(b) "Mortgage modification agreement" means a written
agreement to modify the interest rate or other terms of a
residential mortgage to avoid default of the mortgage or
foreclosure proceedings.
(2) A mortgage collection firm may not:

(a) Offer evidence in a residential mortgage foreclosure proceeding that the firm knows to be false.

(b) Knowingly breach a bona fide mortgage modification agreement.

(c) Retake possession, without judicial process, of residential real property for a party filing a mortgage foreclosure action upon such property, unless such property is abandoned for more than 30 days.

(3) A violation of subsection (2) is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act. A mortgage collection firm that violates subsection (2) is subject to the penalties and remedies provided in part II of this chapter, including the award of reasonable attorney's fees and costs under s. 501.2105.

Section 3. This act shall take effect July 1, 2012.