A bill to be entitled An act relating to homestead foreclosure relief; providing that this section applies to homestead property mortgaged within a certain time period; providing a statute of limitations for entering a deficiency judgment; limiting the time period the lienholder can collect moneys owed; providing that the collection time may be tolled if the debtor commits fraud or if the debtor is held in contempt of court; providing an effective date.

WHEREAS, real estate in Florida entered a rapid and unnatural state of appreciation during the years between 2004 through 2008, and

WHEREAS, Florida has experienced a real estate crisis consisting of high foreclosure rates and rapidly declining home values, and

WHEREAS, Floridians owe massive mortgage debt on homes already lost to foreclosure, and

WHEREAS, the Legislature finds the expeditious collection or waiver of such mortgage debt to be a compelling government interest and necessary for the protection of this state's residents and the economic recovery of the state, NOW,

THEREFORE,

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

Section 1. This section applies to any mortgage on
homestead property located in this state and entered into on January 1, 2004, through December 31, 2008.

(1) The statute of limitations for entering a deficiency judgment is:

(a) One year after entry of the final judgment of foreclosure; or

(b) July 1, 2014, if the final judgment was entered before July 1, 2013.

(2) If a deficiency judgment is entered within the statute of limitations in subsection (1), the judgment holder has 2 years to collect all moneys owed. Equitable tolling of the 2-year period may be granted if a lienholder establishes fraud or contempt of court by the debtor.

(3) A lienholder who violates this section is liable to the debtor for actual damages or elimination of the lien in equity, and attorney fees and costs.

Section 2. This act shall take effect July 1, 2013.