

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 mortgage foreclosure
 7 proceeding; providing that a violation is a deceptive
 8 and unfair trade practice; providing penalties and
 9 remedies; providing for the award of attorney fees and
 10 costs under certain circumstances; providing an
 11 effective date.

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

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

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

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

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

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

28 (3) A violation of this section is a deceptive and unfair

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29 | trade practice and constitutes a violation of the Florida
30 | Deceptive and Unfair Trade Practices Act. A mortgage collection
31 | firm that violates this section is subject to the penalties and
32 | remedies provided in part II of this chapter, including the
33 | award of reasonable attorney fees and costs under s. 501.2105.

34 | Section 3. This act shall take effect July 1, 2013.