

Sorted by Bill Number	
HB 0013	<p>Relating to Sovereignty Submerged Lands Frishe</p> <p>Sovereignty Submerged Lands: Provides for lease of sovereignty submerged lands for private residential single-family docks & piers, private residential multifamily docks & piers, & private residential multislip docks; provides for term of lease & lease fees; provides for inspection of such docks, piers, & related structures by DEP; clarifies authority of Board of Trustees of the Internal Improvement Trust Fund & DEP to impose additional fees & requirements; provides appropriation. Effective Date: July 1, 2012</p> <p>Current Committee of Reference: State Affairs Committee</p> <p>2/10/2012 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 02/14/12, 1:15 pm, 306 H</p> <p>2/14/2012 HOUSE Favorable by Agriculture and Natural Resources Appropriations Subcommittee; 13 Yeas, 0 Nays</p> <p>2/14/2012 HOUSE Now in State Affairs Committee</p> <p>Identical</p>
SB 0088	<p>Relating to Sovereignty Submerged Lands (Latvala)</p> <p>02/08/2012 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/10/12, 9:00am, 117 K (No Votes Will Be Taken)</p> <p>Bill Comments</p> <p>No comments.</p>
SB 0088	<p>Relating to Sovereignty Submerged Lands Latvala</p> <p>Sovereignty Submerged Lands; Providing for the lease of sovereignty submerged lands for private residential single-family docks and piers, private residential multifamily docks and piers, and private residential multislip docks; providing for the term of the lease and lease fees; providing for inspection of such docks, piers, and related structures by the Department of Environmental Protection; clarifying the authority of the Board of Trustees of the Internal Improvement Trust Fund and the department to impose additional fees and requirements, etc. APPROPRIATION: \$1,000,000 EFFECTIVE DATE: July 1, 2012</p> <p>Current Committee of Reference: Budget Subcommittee on General Government Appropriations</p> <p>10/17/2011 SENATE Subreferred to Budget Subcommittee on General Government Appropriations</p> <p>10/17/2011 SENATE Now in Budget Subcommittee on General Government Appropriations</p> <p>2/8/2012 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 02/10/12, 9:00am, 117 K (No Votes Will Be Taken)</p> <p>Identical</p>
HB 0013	<p>Relating to Sovereignty Submerged Lands (Frishe)</p> <p>02/14/2012 HOUSE Now in State Affairs Committee</p> <p>Bill Comments</p> <p>Concern about tying the no-transfer fee clause to homestead status at line 49. This sounds like it is authorizing the DEP to claim a portion of the selling price on the sale of the home, as distinguished from a piece of a sublease of your dock as referenced at line 54. It is phrased as a limitation, but the implication of this is that DEP can claim a portion of the selling price of the property if it is not homestead property for tax purposes at the time of transfer. While homestead exemption for tax purposes provides a bright line, we have traditionally argued that the better test for granting benefits and protections is constitutional homestead – which is driven by intent of the owner rather than the mechanics of tax filing. Suggest clean up of this language.</p>
HB 0103	<p>Relating to Transfer of Tax Liability Wood</p> <p>Transfer of Tax Liability: Revises provisions relating to tax liability when person transfers or quits business; provides transfer of assets of business or stock of goods of business is considered transfer of business; requires DOR to notify business before circuit court temporarily enjoins business activity; provides liability for certain taxes unless specified conditions are met; requires department to conduct certain audits; requires DOR to notify transferee before circuit court enjoins business activity; specifies that transferor & transferee of assets of business are jointly & severally liable up to maximum amount; specifies maximum liability of transferee; provides methods for calculating fair market value or total purchase price of specified business transfers to determine maximum tax liability of transferees; excludes transferees from tax liability when transfer consists only of specified assets; authorizes DOR to provide tax information to transferee against whom tax liability is being asserted; repeals provisions relating to tax liability & criminal liability of dealers of communications services who make certain transfers related to communications services business; repeals provisions relating to dealer's tax liability & criminal liability for sales tax when business transferred. Effective Date: upon becoming a law</p> <p>Current Committee of Reference: No Current Committee</p>

FLTA Active Bill Tracking Report

2/17/12

2/2/2012 HOUSE Read Second Time
2/3/2012 HOUSE Read Third Time; Passed (Vote: 115 Yeas / 0 Nays)
2/8/2012 SENATE In Messages

Identical

[SB 0170](#) Relating to Transfer of Tax Liability (Altman)
01/25/2012 SENATE Now in Budget

Bill Comments

No comments.

[HB 0145](#) **Relating to Residential Foreclosure Proceedings** Soto

Residential Foreclosure Proceedings: Designates act "Florida Mortgage Collection Fairness Act"; prohibits certain acts by mortgage collection firms; provides that violations are deceptive & unfair trade practices; provides penalties & remedies; provides for award of attorney's fees & costs. Effective Date: July 1, 2012

Current Committee of Reference: Civil Justice Subcommittee

9/15/2011 HOUSE Filed
10/3/2011 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee
10/3/2011 HOUSE Now in Civil Justice Subcommittee

Identical

[SB 0628](#) Relating to Residential Foreclosure Proceedings (Sobel)
11/02/2011 SENATE Referred to Banking and Insurance; Judiciary; Budget

Bill Comments

No title impact. Not much accomplished, makes various things that are already crimes -- filing false evidence, or remedied at civil law -- violating a bona fide mortgage mod agreement into unfair trade practices.

[HB 0149](#) **Relating to Website Notice of Foreclosure Action** Baxley

Website Notice of Foreclosure Action: Provides that legal publication, advertisement, or notice of foreclosure action may be placed on publicly accessible Internet website of clerk of court in lieu of publication in any other form of media; provides criteria for publicly accessible Internet website; provides for user access to website; provides for access by clerks of court & chief judges; provides requirements for website provider; provides posting requirements; authorizes clerk of court to contract with publicly accessible Internet website provider; provides for terms & revenue sharing in contract; provides for notice of foreclosure action to be posted on publicly accessible Internet website. Effective Date: April 1, 2012

Current Committee of Reference: Civil Justice Subcommittee

10/3/2011 HOUSE Now in Civil Justice Subcommittee
1/27/2012 HOUSE On Committee agenda - Civil Justice Subcommittee, 01/31/12, 8:00 am, 404 H - PCS
1/31/2012 HOUSE PCS Unfavorable by Civil Justice Subcommittee; 5 Yeas, 9 Nays

Identical

[SB 0230](#) Relating to Website Notice of Foreclosure Action (Wise)
10/10/2011 SENATE References corrected to Judiciary; Banking and Insurance; Budget

Bill Comments

No comments.

[SB 0170](#) **Relating to Transfer of Tax Liability** Altman

Transfer of Tax Liability; Revising provisions relating to a tax liability when a person transfers or quits a business; providing that the transfer of the assets of a business or stock of goods of a business under certain circumstances is considered a transfer of the business; requiring the Department of Revenue to provide certain notification to a business before a circuit court temporarily enjoins business activity by that business; providing that transferees of the business are liable for certain taxes unless specified conditions are met; requiring the department to conduct certain audits relating to the tax liability of transferors and transferees of a business within a specified time period; requiring certain notification by the Department of Revenue to a transferee before a circuit court enjoins business activity in an action brought by the Department of Legal Affairs seeking an injunction, etc. EFFECTIVE DATE: upon becoming a law

Current Committee of Reference: Budget

1/24/2012 SENATE Favorable by Budget Subcommittee on Finance and Tax; 5 Yeas, 0 Nays
1/24/2012 SENATE Removed from meeting agenda: Budget Subcommittee on Finance and Tax, 01/25/12
1/25/2012 SENATE Now in Budget

Identical

[HB 0103](#) Relating to Transfer of Tax Liability (Wood)
02/08/2012 SENATE In Messages

Bill Comments

No comments.

[HB 0213](#) **Relating to Mortgage Foreclosures** Passidomo

Mortgage Foreclosures: Reduces limitations period for action to enforce deficiency judgment after foreclosure; expands class of persons authorized to move for expedited foreclosure; provides requirements & procedures for order to show cause why final judgment of foreclosure should not be entered; provides that certain failures by defendant may have specified legal consequences; revises restriction on requests to order mortgagor defendant to make payments or to vacate premises during foreclosure action on residential real estate to provide that restriction applies to all but owner-occupied property; provides for expedited foreclosure proceedings for abandoned residential real property; requires certain documents to be filed contemporaneously with filing of initial complaint for foreclosure; provides that failure to file such documents does not affect title to property; provides for case management conferences in proceedings; provides that court may not order continuance unless owner pays certain association assessments. Effective Date: October 1, 2012

Current Committee of Reference: Judiciary Committee

2/6/2012 HOUSE On Committee agenda - Economic Affairs Committee, 02/08/12, 8:00 am, 102 H

2/8/2012 HOUSE Favorable by Economic Affairs Committee; 12 Yeas, 4 Nays

2/9/2012 HOUSE Now in Judiciary Committee

Compare

[HB 1149](#) Relating to Mortgage Foreclosures (Steube)
01/09/2012 HOUSE Now in Civil Justice Subcommittee

[SB 1890](#) Relating to Mortgage Foreclosure Proceedings (Latvala)
02/15/2012 SENATE On Committee agenda - Judiciary, 02/20/12, 10:30 am, 110 S

Bill Comments

FLTA Supports.

[SB 0230](#) **Relating to Website Notice of Foreclosure Action** Wise

Website Notice of Foreclosure Action; Providing that a legal publication, advertisement, or notice of foreclosure action may be placed on publicly accessible Internet website of a clerk of court in lieu of publication in any other form of media; providing criteria for the publicly accessible Internet website; providing for user access to the website; providing for access by clerks of court and chief judges; providing requirements for the website provider; providing posting requirements; authorizing the clerk of court to contract with a publicly accessible Internet website provider; providing for terms and revenue sharing in the contract; providing for notice of foreclosure action to be posted on a publicly accessible Internet website, etc. EFFECTIVE DATE: April 1, 2012

Current Committee of Reference: Judiciary

9/21/2011 SENATE Referred to Banking and Insurance; Judiciary; Budget

10/10/2011 SENATE References corrected to Judiciary; Banking and Insurance; Budget

10/10/2011 SENATE Now in Judiciary

Identical

[HB 0149](#) Relating to Website Notice of Foreclosure Action (Baxley)
01/31/2012 HOUSE PCS Unfavorable by Civil Justice Subcommittee; 5 Yeas, 9 Nays

Bill Comments

60 Concern about ability to charge w/o restriction for access to past records database. 80 calls for e-affidavit. No requirement to include affidavit in court file, where it would be accessible without charge as per current law. Line 93 - allows service by publication on the internet. This bill changes the standard to " if the agent serving process is unable to effect service" for service by e-publication. Not sure if it meets constitutional standards. 107 says ad charges shall be per 50.061, which is a per inch charge. Doesn't make sense in a computer context. 12-3-11 Detailed comments/concerns with due process elements to Jason Ellison

[HB 0319](#) **Relating to Residential Properties** Moraitis, Jr.

Residential Properties: Exempts certain elevators from specific code update requirements; prohibits DBPR from publishing community association manager's personal home address unless it is for purpose of satisfying public records request; revises provisions relating to terms of condominium board of administration members; revises condominium unit owner election & condominium association meeting notice & recordkeeping requirements; provides requirements for condominiums relating to election challenges, recalls, & installation of impact glass or other code-compliant windows; revises liability of certain condominium unit owners, homeowners' association members, & cooperative unit

owners acquiring title; provides requirements for condominiums created within condominium parcels; revises language with respect to assessments & liens; revises liability of unit owners; provides liability limitations of certain first mortgagee or its successor or assignees; revises provisions relating to imposing remedies against noncompliant or delinquent owners or members; revises records not accessible to members or parcel owners; revises provisions relating to amendment of declarations; provides criteria for consent to amendment; requires notice to mortgagees regarding proposed amendments. Effective Date: July 1, 2012

Current Committee of Reference: Judiciary Committee

2/1/2012 HOUSE Favorable with CS by Business & Consumer Affairs Subcommittee on 1/31/12; 12 Yeas, 1 Nay
 2/3/2012 HOUSE Committee Substitute Text (C2) Filed
 2/6/2012 HOUSE Now in Judiciary Committee

Compare

[SB 0076](#) Relating to Job Creation (Garcia (R))
 01/17/2012 SENATE Referred to Commerce and Tourism; Health Regulation; Community Affairs; Budget

[HB 1345](#) Relating to Job Creation (Gonzalez)
 01/12/2012 HOUSE Now in Finance & Tax Committee

Similar

[SB 0680](#) Relating to Residential Properties (Bogdanoff)
 02/15/2012 SENATE On Committee agenda - Judiciary, 02/20/12, 10:30 am, 110 S

Bill Comments

includes extensions of the bulk buyer and implementing language for condo in a condo. Both helpful in title.

[HB 0327](#) Relating to Fraud Trujillo

Fraud: Requires that mortgage loan application include fingerprints of loan originator & borrower; requires that borrower certify accuracy of information, that oral application be audio recorded, & that if primary language of borrower is Spanish, application be on specified application form; revises classification of certain offenses relating to mortgage fraud; provides period of limitation for commencing actions; authorizes certain extensions of limitation period; specifies when limitation period does not run. Effective Date: October 1, 2012

Current Committee of Reference: Insurance & Banking Subcommittee

10/11/2011 HOUSE Filed
 10/28/2011 HOUSE Referred to Insurance & Banking Subcommittee; Civil Justice Subcommittee; Justice Appropriations Subcommittee; Economic Affairs Committee
 10/28/2011 HOUSE Now in Insurance & Banking Subcommittee

Bill Comments

Will shift some burden to closer in form of capturing fingerprints, etc.

[HB 0451](#) Relating to Fraudulent Transfers Steube

Fraudulent Transfers: Defines term "qualified charity" for purposes of Uniform Fraudulent Transfer Act; limits period during which cause of action with respect to fraudulent transfer or obligation may be brought under act if transfer was charitable contribution made to qualified charity & accepted by that qualified charity in good faith; provides applicability. Effective Date: upon becoming a law

Current Committee of Reference: Judiciary Committee

1/31/2012 HOUSE Favorable with CS by Civil Justice Subcommittee; 14 Yeas, 0 Nays
 1/31/2012 HOUSE Committee Substitute Text (C1) Filed
 2/1/2012 HOUSE Now in Judiciary Committee

Bill Comments

Monitor, no title impact

[HB 0505](#) Relating to Mortgages Bernard

Mortgages; Requires mortgage holder to provide information within specified time relating to unpaid loan balance due under mortgage if mortgagor, record title owner of property, or person lawfully authorized to act on behalf of mortgagor or record title owner of property makes written request; allows financial institutions to release certain mortgagor information to specified persons without penalty. Effective Date: upon becoming a law

Current Committee of Reference: No Current Committee

2/16/2012 HOUSE Favorable by Economic Affairs Committee; 14 Yeas, 0 Nays
 2/16/2012 HOUSE Removed from meeting agenda - Economic Affairs Committee, 02/17/12, 8:00 am, 102 H
 2/16/2012 HOUSE Placed on Calendar, on 2nd reading

Compare

[SB 1050](#) Relating to Fiduciaries (Bogdanoff)
02/16/2012 SENATE Placed on Calendar, on 2nd reading

Bill Comments

This is RPPTL Mortgage Law committee's proposal to allow subsequent owners to obtain estoppel information. Similar to language built into HB 213

[SB 0574](#) **Relating to Mobile Home Park Tenancies** Detert
Mobile Home Park Tenancies; Requiring that additional information be provided in the prospectus or offering brochure which advises the customer of consequences if the land use is changed, etc.
EFFECTIVE DATE: July 1, 2012
Current Committee of Reference: Regulated Industries
10/18/2011 SENATE Filed
11/2/2011 SENATE Referred to Regulated Industries; Community Affairs

Compare

[HB 0537](#) Relating to Mobile Home Parks (Roberson)
11/15/2011 HOUSE Now in Business & Consumer Affairs Subcommittee

[SB 0822](#) Relating to Mobile Home Parks (Fasano)
12/05/2011 SENATE Referred to Regulated Industries; Community Affairs; Budget

Bill Comments

Adds language to prospectus/disclosure that a change in use may require you to move within 6 months. Unclear as to impact on later changes in uses or whether failure to amend prospectus to include this disclosure would somehow invalidate a later change in use or sale.

[SB 0586](#) **Relating to Foreclosures** Fasano
Foreclosures; Providing that the purchaser of a foreclosed residential dwelling unit may not take possession until a specified period after notifying a tenant of the intent to take possession; providing that the tenant may terminate a lease upon receiving the notice; providing requirements for landlords following commencement of a foreclosure action; requiring that the landlord hold the security deposit and advance rent in an interest-earning account in specified circumstances; requiring that the landlord disclose in writing to a prospective tenant a foreclosure action and its possible effects on the tenancy; providing an exception to liability for failure to provide notice; requiring the purchaser in a foreclosure sale to credit the tenant for security deposits and advance rents under certain conditions, etc.
EFFECTIVE DATE: July 1, 2012
Current Committee of Reference: Judiciary
10/18/2011 SENATE Filed
11/2/2011 SENATE Referred to Judiciary; Banking and Insurance; Budget

Bill Comments

SB 586 Subsection (1) requires a 30 day notice following foreclosure before a tenant can be evicted. This seems to conflict with the requirements of the federal Protecting Tenants at Foreclosure Act of 2009 which generally requires a 90 day notice, and often allows the tenant to remain in possession for the duration of the term. There is a sunset provision in the federal act so Senator Fasano's intent may be to have this in place for after the federal law has sunset – but it should be express if that is the intent. Line 39-40 is a nullity. The tenant is given the authority to terminate a lease within 7 days – but the lease has already been foreclosed out. The notice of a pending foreclosure at line 57 is great public policy. Line 72-81 is objectionable in purporting to make the purchaser of a property out of foreclosure responsible for any tenant security and advance rent deposits made with the prior owner and not properly held and accounted for. This punishes the wrong party and is bad public policy. It places a liability on the purchaser, that they have no way to quantify so the uncertainty will tend to reduce prices of foreclosed properties. It has the potential to be used for fraud. I think the reference to "83.49(1)(b)" in line 77 is incorrect. (1)(b) deals with holding in a separate interest bearing account, not making claims.

[SB 0628](#) **Relating to Residential Foreclosure Proceedings** Sobel
Residential Foreclosure Proceedings; Citing this act as the "Florida Mortgage Collection Fairness Act"; 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 fees and costs under certain circumstances, etc. EFFECTIVE DATE: July 1, 2012
Current Committee of Reference: Banking and Insurance
10/20/2011 SENATE Filed
11/2/2011 SENATE Referred to Banking and Insurance; Judiciary; Budget

Identical

[HB 0145](#) Relating to Residential Foreclosure Proceedings (Soto)
10/03/2011 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee;

Judiciary Committee

Bill Comments

No direct title impact. Most of this is already criminal.

[HB 0643](#)

Relating to Title Insurance

Moraitis, Jr.

Title Insurance: Specifies continuing education requirements for title insurance agents; specifies additional grounds to deny, suspend, revoke, or refuse to renew or continue license or appointment of title insurance agent or agency; requires attorney serving as title or real estate settlement agent to deposit & maintain certain funds in separate trust account & permit account to be audited by applicable title insurer, unless prohibited by rules of Florida Bar; provides procedures & requirements relating to approval or disapproval of title insurance forms by OIR; requires title insurance agencies & certain insurers to submit specified information to office to assist in analysis of title insurance premium rates, title search costs, & condition of title insurance industry; requires FSC to adopt rules. Effective Date: July 1, 2012

Current Committee of Reference: Economic Affairs Committee

2/13/2012 HOUSE Placed on Special Order Calendar, 02/15/12

2/15/2012 HOUSE Read Second Time

2/16/2012 HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)

Compare

[SB 1406](#) Relating to Public Records/Title Insurance Data/Office of Insurance Regulation (Altman)
02/09/2012 SENATE Now in Budget Subcommittee on General Government Appropriations

Similar

[SB 1404](#) Relating to Title Insurance (Altman)
02/14/2012 SENATE Now in Budget

Linked

[HB 0645](#) Relating to Pub. Rec./Title Insurance Data/Office of Insurance Regulation (Moraitis, Jr.)
02/09/2012 HOUSE Placed on Calendar, on 2nd reading

Bill Comments

No comments.

[HB 0645](#)

Relating to Pub. Rec./Title Insurance Data/Office of Insurance Regulation

Moraitis, Jr.

Pub. Rec./Title Insurance Data/Office of Insurance Regulation: Provides exemption from public records requirements for proprietary business information provided by title insurance agencies & insurers to Office of Insurance Regulation; authorizes disclosure of aggregated information; provides for future review & repeal of exemption; provides statement of public necessity; provides for contingent effect. Effective Date: on the same date that HB 643 or similar legislation takes effect, if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law

Current Committee of Reference: No Current Committee

2/6/2012 HOUSE On Committee agenda - Economic Affairs Committee, 02/08/12, 8:00 am, 102 H

2/8/2012 HOUSE Favorable by Economic Affairs Committee; 16 Yeas, 0 Nays

2/9/2012 HOUSE Placed on Calendar, on 2nd reading

Compare

[SB 1404](#) Relating to Title Insurance (Altman)
02/14/2012 SENATE Now in Budget

Identical

[SB 1406](#) Relating to Public Records/Title Insurance Data/Office of Insurance Regulation (Altman)
02/09/2012 SENATE Now in Budget Subcommittee on General Government Appropriations

Linked

[HB 0643](#) Relating to Title Insurance (Moraitis, Jr.)
02/16/2012 HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)

Bill Comments

No comments.

[SB 0670](#)

Relating to Liens on Real Property

Ring

Liens on Real Property; Providing that a lien imposed on real property by a governmental or quasi-governmental entity for certain purposes, other than a lien for taxes, non-ad valorem or special

assessments, or utilities, is not valid against a creditor or subsequent purchasers unless the lien is recorded; specifying the required contents of the recorded notice of lien, etc. Effective Date: July 1, 2012

Current Committee of Reference: Budget Subcommittee on Finance and Tax

1/30/2012 SENATE Now in Budget

1/31/2012 SENATE Subreferred to Budget Subcommittee on Finance and Tax

1/31/2012 SENATE Now in Budget Subcommittee on Finance and Tax

Identical

[HB 0671](#) Relating to Liens on Real Property (Wood)

02/08/2012 HOUSE Placed on Calendar, on 2nd reading

Bill Comments

Generally Like. Two amendments to propose Rob, I would suggest considering two qualifiers to this bill. Normal ad valorem taxes, special assessments and utility services (not improvements) should not require a separate lien filing. Insert at Line 40 after "penalty" , except liens for taxes, special assessments levied and collected under the uniform method described in s. 197.3632, and utility services, While it is appropriate to require a legal description and PIN for most categories of liens – they know exactly what property triggered the violation, certain other types of quasi-governmental liens should follow existing rules. Record, but not require legal and PIN to attach to any property that the person might own in the county of recording. Add at end of (2),line 47 The requirements for a legal description and parcel identification number are not applicable to liens: 1. Evidenced by a recorded mortgage; 2. Pursuant to a court order or judgment; 3. For local, state, or federal taxes; 4. For child or marital support; 5. Within the category of hospital liens; or 6. Imposed in connection with a federal or state RICO (Racketeer Influenced and Corrupt Organization) Act claim or criminal prosecution.

[HB 0671](#) **Relating to Liens on Real Property**

Wood

Liens on Real Property: Provides that lien imposed on real property by governmental or quasi-governmental entity for certain purposes is not valid against creditor or subsequent purchasers unless lien is recorded; specifies required contents of recorded notice of lien. Effective Date: July 1, 2012

Current Committee of Reference: No Current Committee

2/6/2012 HOUSE On Committee agenda - Judiciary Committee, 02/08/12, 8:30 am, 404 H

2/8/2012 HOUSE Favorable by Judiciary Committee; 12 Yeas, 0 Nays

2/8/2012 HOUSE Placed on Calendar, on 2nd reading

Identical

[SB 0670](#) Relating to Liens on Real Property (Ring)

01/31/2012 SENATE Now in Budget Subcommittee on Finance and Tax

Bill Comments

Generally Like. Two amendments to propose Rob, I would suggest considering two qualifiers to this bill. Normal ad valorem taxes, special assessments and utility services (not improvements) should not require a separate lien filing. Insert at Line 40 after "penalty" , except liens for taxes, special assessments levied and collected under the uniform method described in s. 197.3632, and utility services, While it is appropriate to require a legal description and PIN for most categories of liens – they know exactly what property triggered the violation, certain other types of quasi-governmental liens should follow existing rules. Record, but not require legal and PIN to attach to any property that the person might own in the county of recording. Add at end of (2),line 47 The requirements for a legal description and parcel identification number are not applicable to liens: 1. Evidenced by a recorded mortgage; 2. Pursuant to a court order or judgment; 3. For local, state, or federal taxes; 4. For child or marital support; 5. Within the category of hospital liens; or 6. Imposed in connection with a federal or state RICO (Racketeer Influenced and Corrupt Organization) Act claim or criminal prosecution.

[SB 0680](#) **Relating to Residential Properties**

Bogdanoff

Residential Properties; Exempting certain elevators from specific code update requirements; providing requirements for condominiums created within condominium parcels; providing for the establishment of primary condominium and secondary condominium units; revising the restriction on officers and full-time employees of the ombudsman from engaging in other businesses or professions; revising the time limitation for classification as a bulk assignee or bulk buyer, etc. Effective Date: July 1, 2012

Current Committee of Reference: Judiciary

1/27/2012 SENATE Committee Substitute Text (C1) Filed

1/31/2012 SENATE Now in Judiciary

2/15/2012 SENATE On Committee agenda - Judiciary, 02/20/12, 10:30 am, 110 S

Compare

[SB 0076](#) Relating to Job Creation (Garcia (R))

01/17/2012 SENATE Referred to Commerce and Tourism; Health Regulation; Community Affairs; Budget

[HB 1345](#) Relating to Job Creation (Gonzalez)
01/12/2012 HOUSE Now in Finance & Tax Committee

Similar

[HB 0319](#) Relating to Residential Properties (Moraitis, Jr.)
02/06/2012 HOUSE Now in Judiciary Committee

Bill Comments

includes extensions of the bulk buyer and implementing language for condo in a condo. Both helpful in title.

[SB 0706](#) **Relating to Condominiums** Smith (C)

Condominiums; Prohibiting the share of common expenses of a unit in a condominium which is in foreclosure from being assessed against other units in the condominium, etc. Effective Date: July 1, 2012

Current Committee of Reference: No Current Committee

11/16/2011 SENATE Referred to Regulated Industries; Judiciary

1/17/2012 SENATE Pending withdrawal

1/24/2012 SENATE Withdrawn from further consideration

Identical

[HB 0713](#) Relating to Condominiums (Rogers)
11/29/2011 HOUSE Referred to Civil Justice Subcommittee; Business & Consumer Affairs Subcommittee; Judiciary Committee

Bill Comments

This bill provides that the share of assessments against a condominium unit in foreclosure may not be assessed against other units. That will force many condo associations into bankruptcy, or a position in which they must reach into reserves to maintain basic operations. Bad Public Policy!

[HB 0713](#) **Relating to Condominiums** Rogers

Condominiums: Prohibits share of common expenses of unit in condominium which is in foreclosure from being assessed against other units in condominium. Effective Date: July 1, 2012

Current Committee of Reference: Civil Justice Subcommittee

11/18/2011 HOUSE Filed

11/29/2011 HOUSE Referred to Civil Justice Subcommittee; Business & Consumer Affairs Subcommittee; Judiciary Committee

11/29/2011 HOUSE Now in Civil Justice Subcommittee

Identical

[SB 0706](#) Relating to Condominiums (Smith (C))
01/24/2012 SENATE Withdrawn from further consideration

Bill Comments

This bill provides that the share of assessments against a condominium unit in foreclosure may not be assessed against other units. That will force many condo associations into bankruptcy, or a position in which they must reach into reserves to maintain basic operations. Bad Public Policy!

[HB 0725](#) **Relating to Insurance Agents and Adjusters** Hager

Insurance Agents and Adjusters: Revises definitions of "adjuster" & "home state"; revises provisions relating to who may bind insurance coverage; provides applicant is responsible for information in application even if completed by third party; requires application to include statement about method used to meet certain requirements; revises provisions relating to when applicant may apply for license after initial application is denied by DFS; revises provisions relating to license examinations; deletes exemption from examination for certain adjusters; provides for submitting application for examination on designee's website; revises scope of examination for all-lines adjuster; provides for e-mailing notices of examinations; specifies how many times an applicant may take examination during year; revises provisions relating to continuing education requirements; provides that persons on active military duty may seek waiver; provides for update course & contents of such course; eliminates continuing education advisory board; revises provisions relating to all-lines adjuster license; requires persons transacting mortgage guaranty insurance to be licensed & appointed as credit insurance agent. Effective Date: October 1, 2012

Current Committee of Reference: Economic Affairs Committee

2/13/2012 HOUSE Favorable with CS by Government Operations Appropriations Subcommittee; 12 Yeas, 0 Nays

2/14/2012 HOUSE Committee Substitute Text (C2) Filed

2/15/2012 HOUSE Now in Economic Affairs Committee

Compare

[HB 0771](#) Relating to Bail Bond Agencies and Agents (Artiles)

FLTA Active Bill Tracking Report

2/17/12

12/12/2011 HOUSE Now in Insurance & Banking Subcommittee

[SB 1820](#) Relating to Bail Bond Agencies and Agents (Latvala)
01/17/2012 SENATE Referred to Banking and Insurance; Criminal Justice

Similar

[SB 0938](#) Relating to Insurance Agents and Adjusters (Richter)
02/16/2012 SENATE On Committee agenda - Budget, 02/21/12, 3:45 pm, 412 K

Bill Comments

No comments.

[SB 0822](#) **Relating to Mobile Home Parks** Fasano
Mobile Home Parks; Providing preconditions for the amendment of a prospectus or offering circular; providing additional disclosure requirements before the rental of a mobile home lot; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to create a mobile home disclosure document for certain purposes; providing additional required prospectus or offering circular information relating to change of land use; providing notice requirements for a reduction in services, utilities, or amenities by a park owner; providing what constitutes the market area or the competitive area for comparable mobile home parks; increasing fees for mobile home park owner applications for payment of moving expenses; revising the payment amounts mobile home owners are entitled from the Florida Mobile Home Relocation Corporation under certain conditions involving a change in land use, etc.
EFFECTIVE DATE: July 1, 2012

Current Committee of Reference: Regulated Industries

11/3/2011 SENATE Filed

12/5/2011 SENATE Referred to Regulated Industries; Community Affairs; Budget

Compare

[SB 0574](#) Relating to Mobile Home Park Tenancies (Detert)
11/02/2011 SENATE Referred to Regulated Industries; Community Affairs

Identical

[HB 0537](#) Relating to Mobile Home Parks (Roberson)
11/15/2011 HOUSE Now in Business & Consumer Affairs Subcommittee

Bill Comments

No comments.

[SB 0826](#) **Relating to Title Insurance Claims** Bennett
Title Insurance Claims; Providing that after a specified time, a title insurer must pay the claim or pay an additional percentage above the initial amount insured to reimburse the policyholder for certain expenses until the claim is cured; providing conditions and amounts for the simultaneous issue of an owner's title insurance policy in addition to the loan title insurance policy; providing criteria for the supplemental coverage; establishing the premium for such coverage and providing for a waiver of coverage; specifying that a title insurer's determination of insurability must be based on the evaluation of a reasonable title search beginning with a root of title, etc. Effective Date: July 1, 2012

Current Committee of Reference: Judiciary

2/7/2012 SENATE Now in Judiciary

2/7/2012 SENATE On Committee agenda - Judiciary, 02/09/12, 1:15 pm, 110 S

2/9/2012 SENATE Not Considered by Judiciary

Compare

[HB 0961](#) Relating to Title Insurance Claims (Roberson)
12/21/2011 HOUSE Now in Insurance & Banking Subcommittee

Bill Comments

If Claim not "cured" within 90 days, must tender full policy limits to the insured or cover all additional costs incurred by the insured including attorney fees and costs until cure finalized. Unconstitutional in modifying already existing title contracts Bad public policy. Can't realistically resolve most title issues within 90 days, certainly none requiring litigation. No mechanism to recoup policy limits tendered. No definition of attorneys fees and costs. If insurer is defending, there shouldn't be attorneys fees to the insured

[HB 0897](#) **Relating to Construction Liens and Bonds** Moraitis, Jr.
Construction Liens and Bonds: Provides that provision in payment bond for public works that limits or expands effective duration of bond or adds conditions precedent is unenforceable; provides that payment to contractor who has furnished payment bond on public works project may not be conditioned upon production of certain documents; provides prerequisites for commencement of action against payment bond; provides that specified notice concerning lessor's liability for liens for improvements made by lessee is effective if lease for specific premises contains certain provisions; requires notice of

termination to be served on lienors in privity with owner; revises requirements for demands for copy of construction contract & statement of account; authorizes lienor to make certain written demands to owner for certain written statements; revises provisions relating to service of specified items; specifies requirements for certain written instruments; revises contents of notice to contractor. Effective Date: October 1, 2012

Current Committee of Reference: Judiciary Committee

1/31/2012 HOUSE Now in Judiciary Committee

2/14/2012 HOUSE On Committee agenda - Judiciary Committee, 02/16/12, 11:30 am, 404 H

2/16/2012 HOUSE Favorable with CS by Judiciary Committee; 18 Yeas, 0 Nays

Similar

[SB 1202](#) Relating to Construction Liens and Bonds (Bogdanoff)
02/14/2012 SENATE Now in Budget

Bill Comments

No title issues. Expands persons to receive notice of termination, cleans up other language in Construction Lien. RPPTL Bill.

[SB 0938](#)

Relating to Insurance Agents and Adjusters

Richter

Insurance Agents and Adjusters; Deleting a requirement that an insurer pay an agent tax for each county in which an agent represents the insurer and has a place of business; revising the definitions of "adjuster" and "home state"; revising provisions relating to who may bind insurance coverage; revising provisions relating to continuing education requirements; providing that persons on active military duty may seek a waiver; revising provisions relating to the purpose of the general lines and personal lines license and certain requirements related to general lines and personal lines agents; requiring persons transacting mortgage guaranty insurance to be licensed and appointed as a credit insurance agent, etc. EFFECTIVE DATE: October 1, 2012, except as otherwise provided

Current Committee of Reference: Budget

1/19/2012 SENATE Favorable by Budget Subcommittee on General Government Appropriations; 8 Yeas, 0 Nays

1/20/2012 SENATE Now in Budget

2/16/2012 SENATE On Committee agenda - Budget, 02/21/12, 3:45 pm, 412 K

Compare

[HB 0771](#) Relating to Bail Bond Agencies and Agents (Artiles)
12/12/2011 HOUSE Now in Insurance & Banking Subcommittee

[SB 1694](#) Relating to Title Insurance Agency Licensure (Hays)
01/17/2012 SENATE Referred to Banking and Insurance; Budget

[SB 1820](#) Relating to Bail Bond Agencies and Agents (Latvala)
01/17/2012 SENATE Referred to Banking and Insurance; Criminal Justice

[HB 4147](#) Relating to Title Insurance Agency Licensure (Logan)
12/21/2011 HOUSE Now in Insurance & Banking Subcommittee

Similar

[HB 0725](#) Relating to Insurance Agents and Adjusters (Hager)
02/15/2012 HOUSE Now in Economic Affairs Committee

Bill Comments

No comments.

[HB 0961](#)

Relating to Title Insurance Claims

Roberson

Title Insurance Claims: Provides that after specified time, title insurer must pay claim or cover insured's costs until claim is cured; provides applicability. Effective Date: July 1, 2012

Current Committee of Reference: Insurance & Banking Subcommittee

12/8/2011 HOUSE Filed

12/21/2011 HOUSE Referred to Insurance & Banking Subcommittee; Economic Affairs Committee

12/21/2011 HOUSE Now in Insurance & Banking Subcommittee

Compare

[SB 0826](#) Relating to Title Insurance Claims (Bennett)
02/09/2012 SENATE Not Considered by Judiciary

Bill Comments

No comments.

[SB 0970](#)

Relating to Foreclosure Proceedings

Bennett

Foreclosure Proceedings; Citing this act as the "Florida Property Preservation Act"; authorizing a financial institution or lender that institutes a foreclosure action to file a motion requesting that the circuit court issue a certificate of abandonment and preservation of property; requiring that the sheriff or

deputy sheriff conduct an inspection of the property to determine if it appears to be abandoned; requiring that the sheriff or deputy sheriff post a notice on the property if it appears to be abandoned; authorizing the financial institution or lender instituting the mortgage foreclosure proceeding to perform certain actions in order to preserve the property, etc. EFFECTIVE DATE: July 1, 2012

Current Committee of Reference: Judiciary

11/15/2011 SENATE Filed

12/6/2011 SENATE Referred to Judiciary; Banking and Insurance; Budget

Bill Comments

Allows Sheriff to determine if property appears to be abandoned and then for bank to secure and maintain. Banks already have the authority to do this under most mortgage instruments, so this may limit their ability to act. It does not require them to undertake maintenance (although the stated purpose is to "require" banks to maintain - line 41). Doesn't solve the problem, may worsen it by limiting current lender authority.

[SB 0996](#) Relating to Property Fraud Dean

Property Fraud; Prohibiting a person, with intent to defraud another, from filing or causing to be filed a document relating to the ownership, transfer, or encumbrance of or claim against real or personal property, or any interest in real or personal property, which the person knows contains a material misstatement, misrepresentation, or omission of fact; providing criminal penalties, etc. EFFECTIVE DATE: October 1, 2012

Current Committee of Reference: Criminal Justice

1/26/2012 SENATE Committee Substitute Text (C1) Filed

1/31/2012 SENATE Now in Criminal Justice

2/17/2012 SENATE On Committee agenda - Criminal Justice, 02/22/12, 3:30 pm, 37 S

Similar

[HB 1331](#) Relating to Property Fraud (Wood)
02/08/2012 HOUSE Placed on Calendar, on 2nd reading

Bill Comments

No comments.

[SB 1050](#) Relating to Fiduciaries Bogdanoff

Fiduciaries; Requiring a mortgage holder to provide certain information within a specified time relating to the unpaid loan balance due under a mortgage if a mortgagor, a record title owner of the property, a fiduciary or trustee lawfully acting on behalf of a record title owner, or any person lawfully authorized to act on behalf of a mortgagor or record title owner of the property makes a written request under certain circumstances; deleting a provision authorizing a trustee to release the power to adjust between principal and income if the trustee desires to convert the form of certain trusts, etc. Effective Date: January 1, 2013

Current Committee of Reference: No Current Committee

2/15/2012 SENATE Meeting cancelled - Judiciary, 02/17/12, 10:30 am, 110 S

2/16/2012 SENATE Favorable by Judiciary; 7 Yeas, 0 Nays

2/16/2012 SENATE Placed on Calendar, on 2nd reading

Compare

[HB 0505](#) Relating to Mortgages (Bernard)
02/16/2012 HOUSE Placed on Calendar, on 2nd reading

Similar

[HB 0823](#) Relating to Florida Uniform Principal and Income Act (McBurney)

02/08/2012 HOUSE Placed on Calendar, on 2nd reading

[SB 0978](#) Relating to Florida Uniform Principal and Income Act (Fasano)

01/27/2012 SENATE Now in Banking and Insurance

Bill Comments

This is RPPTL Mortgage Law committee's proposal to allow subsequent owners to obtain estoppel information. Similar concept appears in HB 213

[HB 1103](#) Relating to Ordinary High-Water Mark for Navigable, Nontidal Waterbodies Goodson

Ordinary High-Water Mark for Navigable, Nontidal Waterbodies: Provides criteria for determining location of ordinary high-water line for navigable, nontidal waterbodies; provides definitions & construction. Effective Date: July 1, 2012

Current Committee of Reference: Civil Justice Subcommittee

1/12/2012 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 01/17/12, 12:30 pm,

FLTA Active Bill Tracking Report

2/17/12

102 H
1/17/2012 HOUSE Favorable by Agriculture & Natural Resources Subcommittee; 9 Yeas, 4 Nays
1/17/2012 HOUSE Now in Civil Justice Subcommittee

Identical

[SB 1362](#) Relating to Ordinary High-water Mark for Navigable, Nontidal Waterbodies (Hays)

01/13/2012 SENATE Referred to Environmental Preservation and Conservation; Budget

Bill Comments

No comments.

[HB 1149](#) **Relating to Mortgage Foreclosures** Steube

Mortgage Foreclosures: Reduces limitations period for commencing action to enforce claim of deficiency judgment pursuant to foreclosure action; provides that entry of deficiency judgment must be commenced within specified period after date of court foreclosure sale or short sale; bars attempts to collect deficiency judgment if not commenced within such period; limits amount of deficiency judgment in foreclosure action; authorizes reduction of amount of deficiency judgment by insurance setoff; authorizes lienholders & condominium or homeowners' associations to request order to show cause for entry of final judgment of foreclosure; provides requirements & procedures with respect to order directed to defendants to show cause why final judgment of foreclosure should not be entered; provides that failures by defendant to make certain filings or to make certain appearances may have specified legal consequences; requires court to enter final judgment of foreclosure & order foreclosure sale; establishes expedited foreclosure proceedings for abandoned residential real property & procedures & requirements with respect thereto; provides procedures & requirements for actions to foreclose on mortgages on actual or potential homestead property. Effective Date: July 1, 2012

Current Committee of Reference: Civil Justice Subcommittee

12/27/2011 HOUSE Filed

1/9/2012 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

1/9/2012 HOUSE Now in Civil Justice Subcommittee

Compare

[HB 0213](#) Relating to Mortgage Foreclosures (Passidomo)
02/09/2012 HOUSE Now in Judiciary Committee

[SB 1890](#) Relating to Mortgage Foreclosure Proceedings (Latvala)
02/15/2012 SENATE On Committee agenda - Judiciary, 02/20/12, 10:30 am, 110 S

Bill Comments

No comments.

[SB 1202](#) **Relating to Construction Liens and Bonds** Bogdanoff

Construction Liens and Bonds; Deleting a provision for the limitation of actions against a bond; requiring that the bond number be stated on the first page of the bond; requiring that the state, a county, a municipality, or any other public body or institution open sealed bids received in response to a competitive solicitation at a public meeting, announce the name of each bidder and the price submitted, and make available upon request the names of bidders and submitted prices; revising requirements for demands for a copy of a construction contract and a statement of account; requiring that a contractor serve rather than mail a notice of contest of claim against the payment bond and a notice of bond, etc. EFFECTIVE DATE: October 1, 2012

Current Committee of Reference: Budget

2/9/2012 SENATE Favorable with CS by Judiciary; 6 Yeas, 0 Nays

2/13/2012 SENATE Committee Substitute Text (C1) Filed

2/14/2012 SENATE Now in Budget

Similar

[HB 0897](#) Relating to Construction Liens and Bonds (Moraitis, Jr.)
02/16/2012 HOUSE Favorable with CS by Judiciary Committee; 18 Yeas, 0 Nays

Bill Comments

No title issues. Expands persons to receive notice of termination, cleans up other language in Construction Lien. RPPTL Bill.

[SB 1266](#) **Relating to Actions for Foreclosure** Simmons

Actions for Foreclosure; Deleting a restriction on a mortgagee to request a court to order a mortgagor defendant to make payments or to vacate the premises during an action to foreclose on residential real estate; making technical and grammatical changes, etc. Effective Date: July 1, 2012

Current Committee of Reference: Judiciary
 12/13/2011 SENATE Filed
 1/11/2012 SENATE Referred to Judiciary; Banking and Insurance; Budget
Bill Comments
 No comments.

[HB 1331](#) Relating to Property Fraud Wood
 Property Fraud: Prohibits person, with intent to defraud or harass another, from filing or causing to be filed document relating to ownership, transfer, or encumbrance of or claim against real or personal property, or any interest in real or personal property, which person knows contains material misstatement, misrepresentation, or omission of fact; provides person who records claim of lien in official records pursuant to part I of ch. 713, F.S., be subject to fraud provisions of s. 713.31, F.S., & not this provision. Effective Date: October 1, 2012
Current Committee of Reference: No Current Committee
 2/6/2012 HOUSE On Committee agenda - Judiciary Committee, 02/08/12, 8:30 am, 404 H
 2/8/2012 HOUSE Favorable by Judiciary Committee; 12 Yeas, 0 Nays
 2/8/2012 HOUSE Placed on Calendar, on 2nd reading
Similar
[SB 0996](#) Relating to Property Fraud (Dean)
 02/17/2012 SENATE On Committee agenda - Criminal Justice, 02/22/12, 3:30 pm, 37 S
Bill Comments
 No comments.

[SB 1362](#) Relating to Ordinary High-water Mark for Navigable, Nontidal Waterbodies Hays
 Ordinary High-water Mark for Navigable, Nontidal Waterbodies; Providing criteria for determining the location of the ordinary high-water mark for navigable, nontidal waterbodies, etc. Effective Date: July 1, 2012
Current Committee of Reference: Environmental Preservation and Conservation
 12/22/2011 SENATE Filed
 1/13/2012 SENATE Referred to Environmental Preservation and Conservation; Budget
Identical
[HB 1103](#) Relating to Ordinary High-Water Mark for Navigable, Nontidal Waterbodies (Goodson)
 01/17/2012 HOUSE Now in Civil Justice Subcommittee
Bill Comments
 No comments.

[SB 1404](#) Relating to Title Insurance Altman
 Title Insurance; Specifying continuing education requirements for title insurance agents; specifying additional grounds to deny, suspend, revoke, or refuse to renew or continue the license or appointment of a title insurance agent or agency; requiring an attorney serving as a title or real estate settlement agent to deposit and maintain certain funds in a separate trust account and permit the account to be audited by the applicable title insurer, unless prohibited by the rules of The Florida Bar; providing procedures and requirements relating to the approval or disapproval of title insurance forms by the Office of Insurance Regulation, etc. Effective Date: July 1, 2012
Current Committee of Reference: Budget
 2/9/2012 SENATE Favorable with CS by Judiciary; 6 Yeas, 0 Nays
 2/13/2012 SENATE Committee Substitute Text (C2) Filed
 2/14/2012 SENATE Now in Budget
Compare
[HB 0645](#) Relating to Pub. Rec./Title Insurance Data/Office of Insurance Regulation (Moraitis, Jr.)
 02/09/2012 HOUSE Placed on Calendar, on 2nd reading
Similar
[HB 0643](#) Relating to Title Insurance (Moraitis, Jr.)
 02/16/2012 HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)
Linked
[SB 1406](#) Relating to Public Records/Title Insurance Data/Office of Insurance Regulation (Altman)
 02/09/2012 SENATE Now in Budget Subcommittee on General Government Appropriations

Bill Comments

No comments.

SB 1406	Relating to Public Records/Title Insurance Data/Office of Insurance Regulation	Altman
<p>Public Records/Title Insurance Data/Office of Insurance Regulation; Providing an exemption from public records requirements for proprietary business information provided by title insurance agencies and insurers to the Office of Insurance Regulation; providing a definition; authorizing disclosure of aggregated information; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: on the same date that CS for SB 1404 or similar legislation takes effect, if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law</p> <p>Current Committee of Reference: Budget Subcommittee on General Government Appropriations</p> <p>2/8/2012 SENATE Now in Budget</p> <p>2/9/2012 SENATE Subreferred to Budget Subcommittee on General Government Appropriations</p> <p>2/9/2012 SENATE Now in Budget Subcommittee on General Government Appropriations</p> <p>Compare</p> <p>HB 0643 Relating to Title Insurance (Moraitis, Jr.) 02/16/2012 HOUSE Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)</p> <p>Identical</p> <p>HB 0645 Relating to Pub. Rec./Title Insurance Data/Office of Insurance Regulation (Moraitis, Jr.) 02/09/2012 HOUSE Placed on Calendar, on 2nd reading</p> <p>Linked</p> <p>SB 1404 Relating to Title Insurance (Altman) 02/14/2012 SENATE Now in Budget</p> <p>Bill Comments</p> <p>No comments.</p>		

HB 1453	Relating to Mortgage Foreclosure	Randolph
<p>Mortgage Foreclosure: Provides for automatic stay of foreclosure proceedings concerning owner-occupied residential property upon submission of proof owner is currently receiving unemployment compensation benefits; provides for remedies in foreclosure proceeding concerning residential property upon finding holder of mortgage or corporation hired to service or collect payments on mortgage has engaged in fraudulent or bad faith act in relation to mortgage; prohibits deficiency judgments following foreclosures of homestead property. Effective Date: July 1, 2012</p> <p>Current Committee of Reference: Civil Justice Subcommittee</p> <p>1/10/2012 HOUSE Filed</p> <p>1/12/2012 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee</p> <p>1/12/2012 HOUSE Now in Civil Justice Subcommittee</p> <p>Bill Comments</p> <p>Automatic 120 day stay of foreclosure if homeowner receives unemployment. On finding of fraud or bad faith, automatic principal reduction, penalty of 2x outstanding balance plus atty fees. Absolute prohibition of deficiency against homestead.</p>		

SB 1672	Relating to Mortgages	Fasano
<p>Mortgages; Providing that a mortgage instrument recorded in the name of a nominee does not provide sufficient notice of the existence of a lien; providing that the use of the term "nominee" in a mortgage instrument does not provide sufficient notice of the actual economic ownership of interests in the real property; requiring that an assignment of a mortgage be recorded upon each transfer of beneficial ownership of the mortgage before a foreclosure action may be initiated, etc. Effective Date: July 1, 2012</p> <p>Current Committee of Reference: Banking and Insurance</p> <p>1/6/2012 SENATE Filed</p> <p>1/17/2012 SENATE Referred to Banking and Insurance; Commerce and Tourism; Budget</p> <p>Bill Comments</p> <p>Attempts to preclude holding a mortgage as nominee, require assignments to foreclose. Serious technical concerns. Line 28 can be read to suggest a mortgage to a nominee does not provide constructive notice. Lines 39 and 87 both define the term mortgagee but differently, need to be combined. The requirement for catch up assignments at line 98 as a precondition to filing suit invites more robo-signing. Language doesn't require a complete chain of assignments into the plaintiff. Since case law allowed mortgages to follow the note, there may be a constitutional issue in</p>		

FLTA Active Bill Tracking Report

2/17/12

retroactively requiring assignments.

SB 1694	Relating to Title Insurance Agency Licensure	Hays
Title Insurance Agency Licensure; Deleting a requirement that an applicant for licensure as a title insurance agency deposit with the Department of Financial Services a specified amount or post a surety bond of like amount payable to the department for the benefit of appointing title insurers damaged by the title insurance agency's failure to meet contractual obligations, etc. Effective Date: July 1, 2012		
Current Committee of Reference: Banking and Insurance		
1/6/2012	SENATE Filed	
1/17/2012	SENATE Referred to Banking and Insurance; Budget	
Compare		
SB 0938	Relating to Insurance Agents and Adjusters (Richter) 02/16/2012 SENATE On Committee agenda - Budget, 02/21/12, 3:45 pm, 412 K	
Identical		
HB 4147	Relating to Title Insurance Agency Licensure (Logan) 12/21/2011 HOUSE Now in Insurance & Banking Subcommittee	
Bill Comments		
No comments.		
SB 1890	Relating to Mortgage Foreclosure Proceedings	Latvala
Mortgage Foreclosure Proceedings; Citing this act as the "Florida Fair Foreclosure Act"; specifying the limitation period for initiating an action to collect a deficiency following the foreclosure of certain dwellings; requiring certain individuals to execute instruments acknowledging the satisfaction of liens and judgments and to provide a certified copy of the recorded satisfaction to the person who made the full payment; requiring a foreclosing party in certain mortgage foreclosure actions to provide notice to the mortgagors and tenants relating to their rights and obligations, etc. Effective Date: upon becoming a law		
Current Committee of Reference: Judiciary		
1/24/2012	SENATE References corrected to Judiciary; Banking and Insurance	
1/24/2012	SENATE Now in Judiciary	
2/15/2012	SENATE On Committee agenda - Judiciary, 02/20/12, 10:30 am, 110 S	
Compare		
HB 0213	Relating to Mortgage Foreclosures (Passidomo) 02/09/2012 HOUSE Now in Judiciary Committee	
HB 1149	Relating to Mortgage Foreclosures (Steube) 01/09/2012 HOUSE Now in Civil Justice Subcommittee	
Bill Comments		
No comments.		
HB 4147	Relating to Title Insurance Agency Licensure	Logan
Title Insurance Agency Licensure: Deletes requirement that applicant for licensure as title insurance agency deposit with DFS specified amount or post surety bond of like amount payable to department for benefit of appointing title insurers damaged by title insurance agency's failure to meet contractual obligations. Effective Date: July 1, 2012		
Current Committee of Reference: Insurance & Banking Subcommittee		
12/7/2011	HOUSE Filed	
12/21/2011	HOUSE Referred to Insurance & Banking Subcommittee; Economic Affairs Committee	
12/21/2011	HOUSE Now in Insurance & Banking Subcommittee	
Compare		
SB 0938	Relating to Insurance Agents and Adjusters (Richter) 02/16/2012 SENATE On Committee agenda - Budget, 02/21/12, 3:45 pm, 412 K	
Identical		
SB 1694	Relating to Title Insurance Agency Licensure (Hays) 01/17/2012 SENATE Referred to Banking and Insurance; Budget	
Bill Comments		
No comments.		