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Naples lawmaker proposes foreclosure reform bill

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Republican Representative Kathleen Passidomo filed a bill called the "Florida Fair Foreclosure Act," designed, she says, to streamline the foreclosure process.



The measure, House Bill 213, would keep courts involved in the foreclosure process up until the sale.

"I don't think it would be right or fair or would follow due process to change it mid-stream," Passidomo says of proposals to move Florida to a non-judicial foreclosure state. "If we file a bill, a non-judicial bill, it would have to be for future mortgages, not just for future foreclosures, but future mortgages."

The proposal's provisions include:

- A lender can foreclose without going to public auction if the amount owed by the borrower exceeds 120 percent of the value of the property, as determined by the county appraiser's office.
- A borrower challenging a final foreclosure judgment could not seek to regain the home, only monetary damages would be available.
- A final judgment would have to be entered within 45 days for uncontested cases.
- Lenders would be required to describe its authority to foreclose on a property and identify the proper documents.
- Interested parties like condominium and homeowners' associations could join the proceedings.

"Why not do it all at once?" queries Passidomo. "Give the associations the tools to be a part of the process, to help speed it along where it should be sped along."

Real estate attorney Kevin Jursinski does not think Florida should become a non-judicial foreclosure state.

"It's not the court system or the quality of our judges," says Jursinski. "It's the fact that we had an issue with so many foreclosures at one time that so swamped the system that it made it hard for the judges and it taxed the system quite a bit."

Jursinski says he believes the only advocates for moving the state to a non-judicial foreclosure system are the financial institutions.

"The lenders and the banking lobby want to take control of the foreclosure process for their own benefit and their own business needs to fit their own agenda," he said.



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