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A bill to be entitled
 An act relating to bankruptcy matters in foreclosure proceedings; creating s. 702.12, F.S.; authorizing certain lienholders to use certain documents as an admission in an action to foreclose a mortgage; providing that submission of certain documents in a foreclosure action creates certain presumptions; authorizing a lienholder to make a request for judicial notice; providing construction; providing applicability; providing an effective date.

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

Section 1. Section 702.12, Florida Statutes, is created to read:

702.12 Actions in foreclosure.—

(1) (a) A lienholder, in an action to foreclose a mortgage, may submit any document the defendant filed in the defendant's bankruptcy case under penalty of perjury for use as an admission by the defendant.

(b) The lienholder's submission of a document the defendant filed in the defendant's bankruptcy case that evidences intention to surrender to the lienholder the property that is the subject of the foreclosure, which document has not been withdrawn by the defendant, together with the submission of

26 | a final order entered in the bankruptcy case that discharges the
27 | defendant's debts or confirms the defendant's repayment plan
28 | which intention is contained therein, creates a rebuttable
29 | presumption that the defendant has waived any defenses to the
30 | foreclosure.

31 | (2) In addition to a request set forth in s. 90.203, the
32 | lienholder may request that the court take judicial notice of
33 | any final order entered in a bankruptcy case.

34 | (3) This section does not preclude the defendant in a
35 | foreclosure action from raising a defense based upon the
36 | lienholder's conduct subsequent to the filing of the document
37 | filed in the bankruptcy case that evidenced the defendant's
38 | intention to surrender the mortgaged property to the lienholder.

39 | (4) This section applies to any foreclosure action filed
40 | on or after October 1, 2017.

41 | Section 2. This act shall take effect October 1, 2017.