

724-115AX-32

Bill No. CS/HB 251

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Detert offered the following:

**Amendment (with title amendment)**

On page 1, line 12, through page 2, line 20,  
remove from the bill: all of said lines,

and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (1) of section  
718.116, Florida Statutes, is amended, and paragraph (g) is  
added to said section, to read:

718.116 Assessments; liability; lien and priority;  
interest; collection.--

(1)

(b) The liability of a first mortgagee or its  
successor or assignees who acquire title to a unit by  
foreclosure or by deed in lieu of foreclosure for the unpaid  
assessments that became due prior to the mortgagee's  
acquisition of title is limited to the lesser of:

1. The unit's unpaid common expenses and regular  
periodic assessments which accrued or came due during the 6  
months immediately preceding the acquisition of title and for

1 which payment in full has not been received by the  
 2 association; or  
 3           2. One percent of the original mortgage debt.  
 4  
 5 The provisions of this paragraph ~~shall not~~ apply only if  
 6 ~~unless~~ the first mortgagee joined the association as a  
 7 defendant in the foreclosure action. Joinder of the  
 8 association is not required if, on the date the complaint is  
 9 filed, the association was dissolved or did not maintain an  
 10 office or agent for service of process at a location which was  
 11 known to or reasonably discoverable by the mortgagee.  
 12           (g) For purposes of this subsection, the term  
 13 "successor or assignee" of a first mortgagee includes only a  
 14 subsequent holder of the first mortgage.

17 ===== T I T L E   A M E N D M E N T =====

18 And the title is amended as follows:  
 19           On page 1, lines 4-6,  
 20 remove from the title of the bill: all of said lines,  
 21  
 22 and insert in lieu thereof:  
 23           limiting liability of certain mortgagees for  
 24           certain unpaid assessments;