

1 A bill to be entitled
2 An act relating to condominium unit unpaid
3 assessments; amending s. 718.116, F.S.;
4 limiting liability of certain mortgagees for
5 certain unpaid assessments; providing a
6 definition; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (b) of subsection (1) of section
11 718.116, Florida Statutes, is amended, and paragraph (g) is
12 added to said section, to read:

13 718.116 Assessments; liability; lien and priority;
14 interest; collection.--

15 (1)

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

21 1. The unit's unpaid common expenses and regular
22 periodic assessments which accrued or came due during the 6
23 months immediately preceding the acquisition of title and for
24 which payment in full has not been received by the
25 association; or

26 2. One percent of the original mortgage debt.

27

28 The provisions of this paragraph ~~shall not~~ apply only if
29 ~~unless~~ the first mortgagee joined the association as a
30 defendant in the foreclosure action. Joinder of the
31 association is not required if, on the date the complaint is

1 filed, the association was dissolved or did not maintain an
2 office or agent for service of process at a location which was
3 known to or reasonably discoverable by the mortgagee.

4 (g) For purposes of this subsection, the term
5 "successor or assignee" of a first mortgagee includes only a
6 subsequent holder of the first mortgage.

7 Section 2. This act shall take effect October 1, 2000.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31