

Bill No. CS for SB 1844

Barcode 934576

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Ring moved the following amendment:

Senate Amendment (with title amendment)

On page 2, line 6, through page 5, line 18, delete those lines

and insert:

Section 1. Section 720.3085, Florida Statutes, is created to read:

720.3085 Payment for assessments; lien claims.--

(1) A parcel owner, regardless of how his or her title to property has been acquired, including by purchase at a foreclosure sale or by deed in lieu of foreclosure, is liable for all assessments that come due while he or she is the parcel owner. The parcel owner's liability for assessments may not be avoided by waiver or suspension of the use or enjoyment of any common area or by abandonment of the parcel upon which the assessments are made.

(2) A parcel owner is jointly and severally liable with the previous parcel owner for all unpaid assessments that came due up to the time of transfer of title. This liability

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1 is without prejudice to any right the present parcel owner may
2 have to recover any amounts paid by the present owner from the
3 previous owner.

4 (3) Assessments and installments on assessments that
5 are not paid when due bear interest from the due date until
6 paid at the rate provided in the declaration of covenants or
7 the bylaws of the association, which rate may not exceed the
8 rate allowed by law. If no rate is provided in the declaration
9 or bylaws, interest accrues at the rate of 18 percent per
10 year.

11 (a) If the declaration or bylaws so provide, the
12 association may also charge an administrative late fee in an
13 amount not to exceed the greater of \$25 or 5 percent of the
14 amount of each installment that is paid past the due date.

15 (b) Any payment received by an association and
16 accepted shall be applied first to any interest accrued, then
17 to any administrative late fee, then to any costs and
18 reasonable attorney's fees incurred in collection, and then to
19 the delinquent assessment. This paragraph applies
20 notwithstanding any restrictive endorsement, designation, or
21 instruction placed on or accompanying a payment. A late fee is
22 not subject to the provisions of chapter 687 and is not a
23 fine.

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

27 And the title is amended as follows:

28 On page 1, lines 2 - 22, delete those lines

29

30 and insert:

31 An act relating to homeowners' associations;

Bill No. CS for SB 1844

Barcode 934576

1 creating s. 720.3085, F.S.; providing that a
2 parcel owner is liable for all assessments on a
3 parcel; providing for the payment of interest
4 and late fees on unpaid assessments;
5 prioritizing the application of any payment
6 received; prohibiting the placement of a
7 restriction statement on the payment;

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