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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2009	.	
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The Committee on Regulated Industries (Deutch) recommended the following:

1           **Senate Amendment to Amendment (893816) (with title**  
2 **amendment)**

3  
4           Delete lines 76 - 128  
5 and insert:

6           due before ~~prior to~~ the mortgagee's acquisition of title is  
7 limited to ~~the lesser of:~~

8           ~~1.~~ the unit's unpaid common expenses and regular periodic  
9 assessments which accrued or came due during the 12 ~~6~~ months  
10 immediately preceding the acquisition of title and for which  
11 payment in full has not been received by the association; ~~or~~



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12           ~~2. One percent of the original mortgage debt. The~~  
13 ~~provisions of this paragraph apply only if the first mortgagee~~  
14 ~~joined the association as a defendant in the foreclosure action.~~  
15 ~~Joinder of the association is not required if, on the date the~~  
16 ~~complaint is filed, the association was dissolved or did not~~  
17 ~~maintain an office or agent for service of process at a location~~  
18 ~~which was known to or reasonably discoverable by the mortgagee.~~  
19 If a first mortgagee or its successor or assignee has not  
20 acquired title to an owner-occupied unit 6 months after the date  
21 on which a foreclosure action is filed, the first mortgagee or  
22 its successor or assignee shall pay to the association the  
23 unit's unpaid common expenses and regular periodic assessments  
24 that accrued or came due during the immediately preceding 6  
25 months. If a first mortgagee or its successor or assignee has  
26 not acquired title to an owner-occupied unit 1 year after the  
27 date on which a foreclosure action is filed, the first mortgagee  
28 or its successor or assignee shall pay to the association the  
29 unit's unpaid common expenses and regular periodic assessments  
30 which accrued or came due during the remaining 6 months of the  
31 1-year period. The liability of the first mortgagee or its  
32 successor or assignee for all unpaid assessments when title to a  
33 unit is acquired by foreclosure or by recorded deed in lieu of  
34 foreclosure is limited to the payment required under this  
35 subparagraph.

36           Section 3. Subsection (2) of section 553.509, Florida  
37 Statutes, is repealed.

38           Section 4. Paragraph (c) of subsection (2) of section  
39 720.3085, Florida Statutes, is amended to read:

40           720.3085 Payment for assessments; lien claims.—



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41 (2)  
42 (c) Notwithstanding anything to the contrary contained in  
43 this section, the liability of a first mortgagee, or its  
44 successor or assignee as a subsequent holder of the first  
45 mortgage who acquires title to a parcel by foreclosure or by  
46 deed in lieu of foreclosure for the unpaid assessments that  
47 became due before the mortgagee's acquisition of title, shall be  
48 for the lesser of:

49 ~~1. the parcel's unpaid common expenses and regular periodic~~  
50 ~~or special assessments that accrued or came due during the 12~~  
51 ~~months immediately preceding the acquisition of title and for~~  
52 ~~which payment in full has not been received by the association;~~  
53 ~~or~~

54 ~~2. One percent of the original mortgage debt. If a first~~  
55 ~~mortgagee or its successor or assignee has not acquired title to~~  
56 ~~an owner-occupied unit 6 months after the date on which a~~  
57 ~~foreclosure action is filed, the first mortgagee or its~~  
58 ~~successor or assignee shall pay to the association the unit's~~  
59 ~~unpaid common expenses and regular periodic assessments which~~  
60 ~~accrued or came due during the immediately preceding 6 months.~~  
61 ~~If a first mortgagee or its successor or assignee has not~~  
62 ~~acquired title to an owner-occupied unit 1 year after the date~~  
63 ~~on which a foreclosure action is filed, the first mortgagee or~~  
64 ~~its successor or assignee shall pay to the association the~~  
65 ~~unit's unpaid common expenses and regular periodic assessments~~  
66 ~~which accrued or came due during the remaining 6 months of the~~  
67 ~~1-year period.~~



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

71 And the title is amended as follows:

72       Delete lines 155 - 169

73 and insert:

74 assignee pay to the association the unit's unpaid common  
75 expenses and regular periodic assessments which accrued or came  
76 due during a specified period under certain circumstances;  
77 repealing s. 553.509(2), F.S., relating to the requirement that  
78 certain multifamily dwellings have a least one elevator capable  
79 of operating on an alternate power source for emergency  
80 purposes; amending s. 720.3085, F.S.; requiring that a first  
81 mortgagee or its successor or assignee pay to the association  
82 the unit's unpaid common expenses and regular periodic  
83 assessments which accrued or came due during a specified period