

1 A bill to be entitled
 2 An act relating to condominiums; amending s. 718.116,
 3 F.S.; providing requirements for a notice of delinquency;
 4 prohibiting a condominium association from imposing
 5 certain penalties for delinquency during a notice period
 6 or while an objection made within such notice period and
 7 accompanied by proof of payment of certain assessments or
 8 charges is unresolved; providing an effective date.

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

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 12 Section 1. Subsection (11) is added to section 718.116,
 13 Florida Statutes, to read:

14 718.116 Assessments; liability; lien and priority;
 15 interest; collection.—

16 (11) (a) A notice of delinquency shall provide a unit owner
 17 with an overall total of assessments claimed and shall specify
 18 each assessment or charge that is claimed by the association,
 19 listing for each assessment or charge the date of the assessment
 20 or charge, the principal balance owed for the assessment or
 21 charge, and affiliated late fees or collection charges. A copy
 22 of the notice must be provided to the unit owner by hand
 23 delivery or by certified or registered mail, return receipt
 24 requested, addressed to the unit owner at his or her last known
 25 address. Upon such hand delivery or mailing, the notice shall be
 26 deemed to have been given.

27 (b) As to any statute or any provision in the governing
 28 documents that creates a restriction or condition upon a unit

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29 owner related to delinquency in the payment of moneys owed to
30 the association, no such restriction or condition shall be in
31 effect until 20 days after the delinquency notice is given to
32 the unit owner. If the unit owner objects to the amount claimed
33 within the 20-day period and provides proof of payment of the
34 assessments or charges specified in the notice under paragraph
35 (a), no restriction or condition shall be enforced until the
36 objection is resolved. For purposes of this paragraph, a
37 "restriction or condition" includes any restriction on running
38 for office, holding office, serving on a committee, leasing the
39 unit, or using common areas.

40 Section 2. This act shall take effect January 1, 2011.