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LEGISLATIVE ACTION

Senate	.	House
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Senator Bogdanoff moved the following:

1   **Senate Amendment**
2
3   Delete lines 585 - 628
4 and insert:
5   Section 5. Paragraphs (a), (b), and (c) of subsection (1)
6 of section 718.116, Florida Statutes, are amended to read:
7   718.116 Assessments; liability; lien and priority;
8 interest; collection.—
9   (1)(a) A unit owner, regardless of how the unit owner has
10 acquired his or her title has been acquired, including, but not
11 limited to, by purchase at a foreclosure sale or by deed in lieu
12 of foreclosure, is liable for all assessments that which come
13 due while he or she is the unit owner. Additionally, a unit

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14 owner is jointly and severally liable with the previous unit

15 owner for all unpaid assessments, late fees, interest, costs,

16 and reasonable attorney fees incurred by the association in an

17 attempt to collect all such amounts is jointly and severally

18 liable with the previous owner for all unpaid assessments that

19 came due up to the time of transfer of title. This liability is

20 without prejudice to any right the present unit owner may have

21 to recover from the previous unit owner the amounts paid by the

22 present unit owner.

23   (b)1. The liability of a first mortgagee or its successors

24 successor or assignees who acquire title to a unit by

25 foreclosure or by deed in lieu of foreclosure for the unpaid

26 assessments, interest, administrative late fees, reasonable

27 costs and attorney fees, and any other fee, cost, or expense

28 incurred in the collection process which that became due before

29 the mortgagee's acquisition of title is limited to the lesser

30 of:

31   a. Only the unit's unpaid common expenses and regular

32 periodic assessments that which accrued or came due during the

33 12 months immediately preceding the acquisition of title and for

34 which payment in full has not been received by the association;

35 or

36   b. One percent of the original mortgage debt.

37   2. Subparagraph 1. applies The provisions of this paragraph

38 apply only if the first mortgagee joined the association as a

39 defendant in the foreclosure action. Joinder of the association

40 is not required if, on the date the complaint is filed, the

41 association was dissolved or did not maintain an office or agent

42 for service of process at a location that which was known to or

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43 reasonably discoverable by the mortgagee.

44   3. The first mortgagee or its successors or assignees who
45 acquire title to a unit by foreclosure or by deed in lieu of
46 foreclosure are not liable for any interest, administrative late
47 fee, reasonable cost, attorney fee, or any other fee, cost, or
48 expense that came due before its acquisition of title. This
49 subparagraph is intended to clarify existing law.

50   4.2. An association, or its successor or assignee, that
51 acquires title to a unit through the foreclosure of its lien for
52 assessments is not liable for any unpaid assessments, late fees,
53 interest, or reasonable attorney ~~attorney's~~ fees and costs that
54 came due before the association's acquisition of title in favor
55 of any other association, as defined in s. 718.103(2) or s.
56 720.301(9), which holds a ~~superior~~ lien interest on the unit.
57 This subparagraph is intended to clarify existing law.

58   (c) The person acquiring title shall pay the amount owed to
59 the association within 30 days after transfer of title. Failure
60 to pay the full amount when due entitles ~~shall entitle~~ the
61 association to record a claim of lien against the parcel for the
62 amounts specified in this subsection and proceed in the same
63 manner as provided in this section for the collection of the
64 amount owed and any unpaid assessments coming due after the
65 acquisition of title and other charges authorized by subsection
66 (3) on any unpaid assessments coming due after the acquisition
67 of title.