



880242

LEGISLATIVE ACTION

Senate	.	House
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Senator Bogdanoff moved the following:

Senate Amendment (with title amendment)

Delete lines 1840 - 1861

and insert:

Section 19. Paragraphs (b), (c), and (d) of subsection (2) of section 720.3085, Florida Statutes, are amended to read:

720.3085 Payment for assessments; lien claims.-

(2)

(b) A parcel owner, regardless of how the parcel owner has acquired title, including, but not limited to, by purchase at a foreclosure sale, is liable for all assessments that come due while he or she is the parcel owner. Additionally, a parcel owner is jointly and severally liable with the previous parcel



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14 owner for all unpaid assessments, late fees, interest, costs,
15 and reasonable attorney fees incurred by the association in an
16 attempt to collect all such amounts that came due up to the time
17 of transfer of title. This liability is without prejudice to any
18 right the present parcel owner may have to recover ~~any amounts~~
19 ~~paid by the present owner~~ from the previous owner the amounts
20 paid by the present owner.

21 (c) ~~1. Notwithstanding anything to the contrary contained in~~
22 ~~this section,~~ The liability of a first mortgagee, or its
23 successors ~~successor~~ or assignees ~~assignee~~ as a subsequent
24 ~~holder of the first mortgage~~ who acquire ~~acquires~~ title to a
25 parcel by foreclosure or by deed in lieu of foreclosure for the
26 unpaid assessments, interest, administrative late fees,
27 reasonable costs and attorney fees, and any other fee, cost, or
28 expense incurred in the collection process that became due
29 before the mortgagee's acquisition of title is limited to, ~~shall~~
30 ~~be~~ the lesser of:

31 ~~a.1.~~ Only the parcel's unpaid common expenses and regular
32 periodic or special assessments that accrued or came due during
33 the 12 months immediately preceding the acquisition of title and
34 for which payment in full has not been received by the
35 association; or

36 ~~b.2.~~ One percent of the original mortgage debt.

37 2. Subparagraph 1. applies ~~The limitations on first~~
38 ~~mortgagee liability provided by this paragraph apply~~ only if the
39 first mortgagee ~~filed suit against the parcel owner and~~
40 ~~initially~~ joined the association as a defendant in the mortgagee
41 foreclosure action. Joinder of the association is not required
42 if, on the date the complaint is filed, the association was



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43 dissolved or did not maintain an office or agent for service of
44 process at a location that was known to or reasonably
45 discoverable by the mortgagee.

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

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

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

69 Section 20. Subsection (3) of section 721.16, Florida
70 Statutes, is amended to read:

71 721.16 Liens for overdue assessments; liens for labor



72 performed on, or materials furnished to, a timeshare unit.-
73 (3) The lien is effective from the date of recording a
74 claim of lien in the official records of the county or counties
75 in which the timeshare interest is located. The claim of lien
76 shall state the name of the timeshare plan and identify the
77 timeshare interest for which the lien is effective, state the
78 name of the purchaser, state the assessment amount due, and
79 state the due dates. Notwithstanding any provision of s.
80 718.116(5) or s. 719.108(6) ~~719.108(4)~~ to the contrary, the lien
81 is effective until satisfied or until 5 years have expired after
82 the date the claim of lien is recorded unless, within that time,
83 an action to enforce the lien is commenced pursuant to
84 subsection (2). A claim of lien for assessments may include only
85 assessments which are due when the claim is recorded. A claim of
86 lien shall be signed and acknowledged by an officer or agent of
87 the managing entity. Upon full payment, the person making the
88 payment is entitled to receive a satisfaction of the lien.

89
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Between lines 115 and 116
93 insert:
94 requiring a person acquiring title to pay certain
95 amounts due within a certain time period; amending s.
96 721.16, F.S.; conforming a cross-reference;