

By Senator Abruzzo

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1 A bill to be entitled
2 An act relating to condominium assessments; amending
3 s. 718.116, F.S.; revising the limitations of
4 liability for assessments; providing an effective
5 date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Paragraph (b) of subsection (1) of section
10 718.116, Florida Statutes, is amended to read:

11 718.116 Assessments; liability; lien and priority;
12 interest; collection.—

13 (1)

14 (b)1. The liability of a first mortgagee or its successor
15 or assignees who acquire title to a unit by foreclosure or by
16 deed in lieu of foreclosure for the unpaid assessments that
17 became due before the mortgagee's acquisition of title is
18 limited to the lesser of:

19 a. The unit's unpaid common expenses and regular periodic
20 assessments which accrued or came due during the 24 ~~12~~ months
21 immediately preceding the acquisition of title and for which
22 payment in full has not been received by the association; or

23 b. Three ~~one~~ percent of the original mortgage debt. ~~The~~
24 ~~provisions of~~ This paragraph applies ~~apply~~ only if the first
25 mortgagee joined the association as a defendant in the
26 foreclosure action. Joinder of the association is not required
27 if, on the date the complaint is filed, the association was
28 dissolved or did not maintain an office or agent for service of
29 process at a location which was known to or reasonably

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30 discoverable by the mortgagee.

31 2. An association, or its successor or assignee, which ~~that~~
32 acquires title to a unit through the foreclosure of its lien for
33 assessments is not liable for any unpaid assessments, late fees,
34 interest, or reasonable attorney fees ~~attorney's fees~~ and costs
35 that came due before the association's acquisition of title in
36 favor of any other association, as defined in s. 718.103(2) or
37 s. 720.301(9), which holds a superior lien interest on the unit.
38 This subparagraph is intended to clarify existing law.

39 Section 2. This act shall take effect July 1, 2014.