



118156

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2014	.	
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	.	
	.	

The Committee on Judiciary (Lee) recommended the following:

1 **Senate Amendment to Amendment (730906) (with directory and**
2 **title amendments)**

3
4 Between lines 453 and 454
5 insert:

6 (5) Liens for rents and assessments may be foreclosed by
7 suit brought in the name of the association, in like manner as a
8 foreclosure of a mortgage on real property. In any foreclosure,
9 the unit owner shall pay a reasonable rental for the cooperative
10 parcel, if so provided in the cooperative documents, and the
11 plaintiff in the foreclosure is entitled to the appointment of a



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12 receiver to collect the rent. The association has the power,
13 unless prohibited by the cooperative documents, to bid on the
14 cooperative parcel at the foreclosure sale and to acquire and
15 hold, lease, mortgage, or convey it. Suit to recover a money
16 judgment for unpaid rents and assessments may be maintained
17 without waiving the lien securing them. No foreclosure judgment
18 may be entered until at least 30 days after the association
19 gives written notice to the unit owner of its intention to
20 foreclose its lien to collect the unpaid assessments. The notice
21 must be in substantially the following form:

22
23 DELINQUENT ASSESSMENT

24
25 This letter is to inform you a Claim of Lien has been filed
26 against your property because you have not paid the
27 assessment to Association. The Association intends to
28 foreclose the lien and collect the unpaid amount within 30 days
29 after this letter is provided to you.

30
31 You owe the interest accruing from ... (month/year)... to the
32 present. As of the date of this letter, the total amount due
33 with interest is \$..... All costs of any action and interest
34 from this day forward will also be charged to your account.

35
36 Any questions concerning this matter should be directed to
37 ...(insert name, addresses, and phone numbers of Association
38 representative).....

39
40 If this notice is not given at least 30 days before the



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41 foreclosure action is filed, and if the unpaid assessments,
42 including those coming due after the claim of lien is recorded,
43 are paid before the entry of a final judgment of foreclosure,
44 the association shall not recover attorney's fees or costs. The
45 notice must be given by delivery of a copy of it to the unit
46 owner or by certified or registered mail, return receipt
47 requested, addressed to the unit owner at his or her last known
48 address; and, upon such mailing, the notice shall be deemed to
49 have been given, and the court shall proceed with the
50 foreclosure action and may award attorney's fees and costs as
51 permitted by law. The notice requirements of this subsection are
52 satisfied if the unit owner records a notice of contest of lien
53 as provided in subsection (4). The notice requirements of this
54 subsection do not apply if an action to foreclose a mortgage on
55 the cooperative unit is pending before any court; if the rights
56 of the association would be affected by such foreclosure; and if
57 actual, constructive, or substitute service of process has been
58 made on the unit owner.

60 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

61 And the directory clause is amended as follows:

62 Delete line 292

63 and insert:

64 Section 5. Subsections (3), (4), and (5) of section
65 719.108,

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

68 And the title is amended as follows:

69 Delete line 686



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70 and insert:
71 a specific form; requiring a preforeclosure notice to
72 be in a specific form; providing notice requirements;
73 amending s. 720.3085, F.S.; requiring