



659808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2014	.	
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	.	
	.	

The Committee on Regulated Industries (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 468.431, Florida
Statutes, is amended to read:

468.431 Definitions.—As used in this part:

(2) "Community association management" means any of the
following practices requiring substantial specialized knowledge,
judgment, and managerial skill when done for remuneration and



659808

11 when the association or associations served contain more than 10
12 units or have an annual budget or budgets in excess of \$100,000:
13 controlling or disbursing funds of a community association,
14 preparing budgets or other financial documents for a community
15 association, assisting in the noticing or conduct of community
16 association meetings, determining the number of days required
17 for statutory notices, determining amounts due to the
18 association, collecting amounts due to the association before
19 filing of a civil action, calculating the votes required for a
20 quorum or to approve a proposition or amendment, completing
21 forms related to the management of a community association that
22 have been created by statute or by a state agency, drafting
23 meeting notices and agendas, calculating and preparing
24 certificates of assessment and estoppel certificates, responding
25 to requests for certificates of assessment and estoppel
26 certificates, negotiating monetary or performance terms of a
27 contract subject to approval by an association, drafting
28 prearbitration demands, coordinating or performing maintenance
29 for real or personal property and other related routine services
30 involved in the operation of a community association, and
31 complying with the association's governing documents and the
32 requirements of law as necessary to perform such practices and
33 ~~coordinating maintenance for the residential development and~~
34 ~~other day-to-day services involved with the operation of a~~
35 ~~community association.~~ A person who performs clerical or
36 ministerial functions under the direct supervision and control
37 of a licensed manager or who is charged only with performing the
38 maintenance of a community association and who does not assist
39 in any of the management services described in this subsection



659808

40 is not required to be licensed under this part.

41 Section 2. Subsections (3), (5), and (6) of section
42 718.116, Florida Statutes, are amended to read:

43 718.116 Assessments; liability; lien and priority;
44 interest; collection.-

45 (3) Assessments and installments on assessments which are
46 not paid when due bear interest at the rate provided in the
47 declaration, from the due date until paid. The rate may not
48 exceed the rate allowed by law, and, if no rate is provided in
49 the declaration, interest accrues at the rate of 18 percent per
50 year. If provided by the declaration or bylaws, the association
51 may, in addition to such interest, charge an administrative late
52 fee of up to the greater of \$25 or 5 percent of each delinquent
53 installment for which the payment is late. The association may
54 also recover from the unit owner any reasonable charges imposed
55 upon the association under a contract with its management or
56 bookkeeping company, or collection agent, incurred in connection
57 with collecting a delinquent assessment. Any payment received by
58 an association must be applied first to any interest accrued by
59 the association, then to any administrative late fee, then to
60 any costs and reasonable attorney ~~attorney's~~ fees incurred in
61 collection, then to any reasonable costs for collection services
62 contracted by the association, and then to the delinquent
63 assessment. The foregoing is applicable notwithstanding any
64 restrictive endorsement, designation, or instruction placed on
65 or accompanying a payment. A late fee is not subject to chapter
66 687 or s. 718.303(4).

67 (5) (a) The association has a lien on each condominium
68 parcel to secure the payment of assessments. Except as otherwise



659808

69 provided in subsection (1) and as set forth below, the lien is
70 effective from and shall relate back to the recording of the
71 original declaration of condominium, or, in the case of lien on
72 a parcel located in a phase condominium, the last to occur of
73 the recording of the original declaration or amendment thereto
74 creating the parcel. However, as to first mortgages of record,
75 the lien is effective from and after recording of a claim of
76 lien in the public records of the county in which the
77 condominium parcel is located. Nothing in this subsection shall
78 be construed to bestow upon any lien, mortgage, or certified
79 judgment of record on April 1, 1992, including the lien for
80 unpaid assessments created herein, a priority which, by law, the
81 lien, mortgage, or judgment did not have before that date.

82 (b) ~~To be valid,~~ A claim of lien must be in substantially
83 the following form:

84
85 CLAIM OF LIEN

86
87 Before me, the undersigned notary public, personally appeared
88 ...(name)..., who was duly sworn and says that he/she is the
89 authorized agent of the lienor, ...(name of association)...,
90 whose address is ...(address)..., and that in accordance with
91 the Condominium Act and the declaration of ...(name of
92 condominium)..., a condominium, and the articles of
93 incorporation and bylaws of the association, the association
94 makes this claim of lien for ...(basis for claim of lien and
95 date(s) of delinquency)..., for the following described real
96 property:
97



659808

127 Personally Known.... OR Produced.... as identification.
128
129 ~~must state the description of the condominium parcel, the name~~
130 ~~of the record owner, the name and address of the association,~~
131 ~~the amount due, and the due dates.~~ It must be executed and
132 acknowledged by an officer or authorized agent of the
133 association. The lien is not effective 1 year after the claim of
134 lien was recorded unless, within that time, an action to enforce
135 the lien is commenced. The 1-year period is automatically
136 extended for any length of time during which the association is
137 prevented from filing a foreclosure action by an automatic stay
138 resulting from a bankruptcy petition filed by the parcel owner
139 or any other person claiming an interest in the parcel. The
140 claim of lien secures all unpaid assessments that are due and
141 that may accrue after the claim of lien is recorded and through
142 the entry of a final judgment, as well as interest, authorized
143 administrative late fees, and all reasonable costs and attorney
144 attorney's fees incurred by the association incident to the
145 collection process, including but not limited to, any reasonable
146 costs for collection services contracted by the association.
147 Upon payment in full, the person making the payment is entitled
148 to a satisfaction of the lien.

149 (c) By recording a notice in substantially the following
150 form, a unit owner or the unit owner's agent or attorney may
151 require the association to enforce a recorded claim of lien
152 against his or her condominium parcel:

153 NOTICE OF CONTEST OF LIEN

154 TO: ...(Name and address of association)... You are
155 notified that the undersigned contests the claim of lien filed



659808

156 by you on, ...(year)..., and recorded in Official Records
157 Book at Page, of the public records of County,
158 Florida, and that the time within which you may file suit to
159 enforce your lien is limited to 90 days from the date of service
160 of this notice. Executed this day of, ...(year)....

161 Signed: ...(Owner or Attorney)...

162
163 After notice of contest of lien has been recorded, the clerk of
164 the circuit court shall mail a copy of the recorded notice to
165 the association by certified mail, return receipt requested, at
166 the address shown in the claim of lien or most recent amendment
167 to it and shall certify to the service on the face of the
168 notice. Service is complete upon mailing. After service, the
169 association has 90 days in which to file an action to enforce
170 the lien; and, if the action is not filed within the 90-day
171 period, the lien is void. However, the 90-day period shall be
172 extended for any length of time during which the association is
173 prevented from filing its action because of an automatic stay
174 resulting from the filing of a bankruptcy petition by the unit
175 owner or by any other person claiming an interest in the parcel.

176 (d) A release of lien must be in substantially the
177 following form:

178
179 RELEASE OF LIEN

180
181 The undersigned lienor, in consideration of the final payment in
182 the amount of \$....., hereby waives and releases its lien and
183 right to claim a lien for unpaid assessments through,
184 ...(year)..., recorded in the Official Records Book at Page



659808

185, of the public records of County, Florida, for the
186 following described real property:

187
188 UNIT NO. OF (NAME OF CONDOMINIUM), A CONDOMINIUM
189 AS SET FORTH IN THE DECLARATION OF CONDOMINIUM AND THE
190 EXHIBITS ANNEXED THERETO AND FORMING A PART THEREOF,
191 RECORDED IN OFFICIAL RECORDS BOOK, PAGE, OF
192 THE PUBLIC RECORDS OF COUNTY, FLORIDA. THE ABOVE
193 DESCRIPTION INCLUDES, BUT IS NOT LIMITED TO, ALL
194 APPURTENANCES TO THE CONDOMINIUM UNIT ABOVE DESCRIBED,
195 INCLUDING THE UNDIVIDED INTEREST IN THE COMMON
196 ELEMENTS OF SAID CONDOMINIUM.

197
198 (signature of witness) (signature of authorized agent)
199 Print name: Print name:

200
201 (signature of witness)
202 Print name:

203
204 Sworn to (or affirmed) and subscribed before me this day of
205, ...(year)...., by ...(name of person making statement)....
206 ...(Signature of Notary Public)...
207 ...(Print, type, or stamp commissioned name of Notary Public)...
208 Personally Known.... OR Produced.... as identification.

209 (6) (a) The association may bring an action in its name to
210 foreclose a lien for assessments in the manner a mortgage of
211 real property is foreclosed and may also bring an action to
212 recover a money judgment for the unpaid assessments without
213 waiving any claim of lien. The association is entitled to



659808

214 recover its reasonable attorney's fees incurred in either a lien
215 foreclosure action or an action to recover a money judgment for
216 unpaid assessments.

217 (b) No foreclosure judgment may be entered until at least
218 30 days after the association gives written notice to the unit
219 owner of its intention to foreclose its lien to collect the
220 unpaid assessments. The notice must be in substantially the
221 following form:

222
223 DELINQUENT ASSESSMENT

224
225 This letter is to inform you a Claim of Lien has been filed
226 against your property because you have not paid the
227 assessment to Association. The Association intends
228 to foreclose the lien and collect the unpaid amount within 30
229 days of this letter being provided to you.

230
231 You owe the interest accruing from (month/year) to the present.
232 As of the date of this letter, the total amount due with
233 interest is \$. . All costs of any action and interest from
234 this day forward will also be charged to your account.

235
236 Any questions concerning this matter should be directed to
237 (insert name, addresses and phone numbers of Association
238 representative).

239
240 If this notice is not given at least 30 days before the
241 foreclosure action is filed, and if the unpaid assessments,
242 including those coming due after the claim of lien is recorded,



659808

243 are paid before the entry of a final judgment of foreclosure,
244 the association shall not recover attorney's fees or costs. The
245 notice must be given by delivery of a copy of it to the unit
246 owner or by certified or registered mail, return receipt
247 requested, addressed to the unit owner at his or her last known
248 address; and, upon such mailing, the notice shall be deemed to
249 have been given, and the court shall proceed with the
250 foreclosure action and may award attorney's fees and costs as
251 permitted by law. The notice requirements of this subsection are
252 satisfied if the unit owner records a notice of contest of lien
253 as provided in subsection (5). The notice requirements of this
254 subsection do not apply if an action to foreclose a mortgage on
255 the condominium unit is pending before any court; if the rights
256 of the association would be affected by such foreclosure; and if
257 actual, constructive, or substitute service of process has been
258 made on the unit owner.

259 Section 3. Subsection (4) of section 718.121, Florida
260 Statutes, is amended to read:

261 718.121 Liens.—

262 (4) Except as otherwise provided in this chapter, no lien
263 may be filed by the association against a condominium unit until
264 30 days after the date on which a notice of intent to file a
265 lien has been delivered to the owner by registered or certified
266 mail, return receipt requested, and by first-class United States
267 mail to the owner at his or her last address as reflected in the
268 records of the association, if the address is within the United
269 States, and delivered to the owner at the address of the unit if
270 the owner's address as reflected in the records of the
271 association is not the unit address. If the address reflected in



659808

272 the records is outside the United States, sending the notice to
273 that address and to the unit address by first-class United
274 States mail is sufficient. Delivery of the notice shall be
275 deemed given upon mailing as required by this subsection. The
276 notice must be in substantially the following form:

277
278 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

279
280 Re: Unit _____ of (name of association)

281
282 The following amounts are currently due on your account to
283 _____ Association, and must be paid within thirty (30)
284 days after your receipt of this letter. This letter shall serve
285 as the Association's notice of intent to record a Claim of Lien
286 against your property after thirty (30) days from your receipt
287 of this letter, unless you pay in full the amounts set forth
288 below:

289

290 Maintenance due	(dates)	\$
291 Late fee, if applicable		\$
292 Interest through	*	\$
293 Certified mail charges		\$
294 Other costs		\$
295		
296 TOTAL OUTSTANDING		\$

297
298 * interest accrues at the rate of \$ _____ per day.

299 Section 4. Subsections (3) and (4) of section 719.108,
300 Florida Statutes, are amended to read:



659808

301 719.108 Rents and assessments; liability; lien and
302 priority; interest; collection; cooperative ownership.—

303 (3) Rents and assessments, and installments on them, not
304 paid when due bear interest at the rate provided in the
305 cooperative documents from the date due until paid. This rate
306 may not exceed the rate allowed by law and, if a rate is not
307 provided in the cooperative documents, accrues at 18 percent per
308 annum. If the cooperative documents or bylaws so provide, the
309 association may charge an administrative late fee in addition to
310 such interest, not to exceed the greater of \$25 or 5 percent of
311 each installment of the assessment for each delinquent
312 installment that the payment is late. The association may also
313 recover from the unit owner any reasonable charges imposed upon
314 the association under a contract with its management or
315 bookkeeping company, or collection agent, incurred in connection
316 with collecting a delinquent assessment. Any payment received by
317 an association must be applied first to any interest accrued by
318 the association, then to any administrative late fee, then to
319 any costs and reasonable attorney ~~attorney's~~ fees incurred in
320 collection, then to any reasonable costs for collection services
321 contracted for by the association, and then to the delinquent
322 assessment. The foregoing applies notwithstanding any
323 restrictive endorsement, designation, or instruction placed on
324 or accompanying a payment. A late fee is not subject to chapter
325 687 or s. 719.303(4).

326 (4) The association has a lien on each cooperative parcel
327 for any unpaid rents and assessments, plus interest, authorized
328 administrative late fees and any reasonable costs for collection
329 services contracted for by the association, and any authorized



659808

330 administrative late fees. If authorized by the cooperative
331 documents, the lien also secures reasonable ~~attorney~~ ~~attorney's~~
332 fees incurred by the association and all reasonable collection
333 costs incident to the collection of the rents and assessments or
334 enforcement of such lien. The lien is effective from and after
335 recording a claim of lien in the public records in the county in
336 which the cooperative parcel is located which states the
337 description of the cooperative parcel, the name of the unit
338 owner, the amount due, and the due dates. ~~The lien expires if a~~
339 ~~claim of lien is not filed within 1 year after the date the~~
340 ~~assessment was due, and the lien does not continue for longer~~
341 ~~than 1 year after the claim of lien has been recorded unless,~~
342 ~~within that time, an action to enforce the lien is commenced.~~
343 Except as otherwise provided in this chapter, a lien may not be
344 filed by the association against a cooperative parcel until 30
345 days after the date on which a notice of intent to file a lien
346 has been delivered to the owner.

347 (a) The notice must be sent to the unit owner at the
348 address of the unit by first-class United States mail and the
349 notice must be in substantially the following form:

351 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

352
353 Re: Unit _____ of (name of cooperative)

354
355 The following amounts are currently due on your account to
356 _____ Association, and must be paid within thirty (30)
357 days after your receipt of this letter. This letter shall serve
358 as the Association's notice of intent to record a Claim of Lien



659808

359 against your property after thirty (30) days from your receipt
360 of this letter, unless you pay in full the amounts set forth
361 below:

362		
363	Maintenance due (dates)	\$
364	Late fee, if applicable	\$
365	Interest through *	\$
366	Certified mail charges	\$
367	Other costs	\$
368		
369	TOTAL OUTSTANDING	\$

370
371 * interest accrues at the rate of \$ per day

372 1. If the most recent address of the unit owner on the
373 records of the association is the address of the unit, the
374 notice must be sent by ~~registered~~ or certified mail, return
375 receipt requested, to the unit owner at the address of the unit.

376 2. If the most recent address of the unit owner on the
377 records of the association is in the United States, but is not
378 the address of the unit, the notice must be sent by ~~registered~~
379 ~~or~~ certified mail, return receipt requested, to the unit owner
380 at his or her most recent address.

381 3. If the most recent address of the unit owner on the
382 records of the association is not in the United States, the
383 notice must be sent by first-class United States mail to the
384 unit owner at his or her most recent address.

385 ~~(b)~~

386 A notice that is sent pursuant to this paragraph ~~subsection~~ is
387 deemed delivered upon mailing.



659808

388 (b) A claim of lien must be in substantially the following
389 form:

390

391 CLAIM OF LIEN

392

393 Before me, the undersigned notary public, personally appeared
394 ...(name)... who was duly sworn and says that he/she is the
395 authorized agent of the lienor, ...(name of association)...,
396 whose address is ...(address)..., and that in accordance with
397 the Cooperative Act and the cooperative documents of ...(name of
398 cooperative)..., a cooperative, and the articles of
399 incorporation and bylaws of the association, the association
400 makes this claim of lien for ...(basis for claim of lien and
401 date(s) of delinquency)..., for the following described
402 property:

403

404 THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO.
405 OF ...(NAME OF COOPERATIVE)..., A COOPERATIVE AS SET
406 FORTH IN THE COOPERATIVE DOCUMENTS AND THE EXHIBITS
407 ANNEXED THERETO AND FORMING A PART THEREOF, RECORDED
408 IN OFFICIAL RECORDS BOOK, PAGE, OF THE
409 PUBLIC RECORDS OF COUNTY, FLORIDA.

410

411 Upon which the association asserts this lien. The cooperative
412 parcel is owned by ...(name of debtor)..., Debtor. There remains
413 unpaid to the association, the sum of \$..... This lien secures
414 these amounts, as well as any other amounts which a lien may
415 secure pursuant to Chapter 719, Florida Statutes.

416



659808

417 (signature of witness) (signature of authorized agent)
 418 Print name: Print name:
 419 _____
 420 (signature of witness)
 421 Print name:
 422 _____
 423 Sworn to (or affirmed) and subscribed before me this day of
 424, ...(year)...., by ...(name of person making statement)....
 425 ...(Signature of Notary Public)...
 426 ...(Print, type, or stamp Commissioned name of Notary Public)...
 427 Personally Known.... OR Produced.... as identification.
 428 _____
 429 The claim must be executed and acknowledged by an officer or
 430 authorized agent of the association. The lien is not effective 1
 431 year after the claim of lien was recorded unless, within that
 432 time, an action to enforce the lien is commenced. The 1-year
 433 period is automatically extended for any length of time during
 434 which the association is prevented from filing a foreclosure
 435 action by an automatic stay resulting from a bankruptcy petition
 436 filed by the parcel owner or any other person claiming an
 437 interest in the parcel. The claim of lien secures all unpaid
 438 rents and assessments that are due and that may accrue after the
 439 claim of lien is recorded and through the entry of a final
 440 judgment, as well as interest and all reasonable costs and
 441 attorney's fees incurred by the association incident to the
 442 collection process. Upon payment in full, the person making the
 443 payment is entitled to a satisfaction of the lien.
 444 (c) By recording a notice in substantially the following
 445 form, a unit owner or the unit owner's agent or attorney may



659808

446 require the association to enforce a recorded claim of lien
447 against his or her cooperative parcel:

448

449 NOTICE OF CONTEST OF LIEN

450

451 TO: ... (Name and address of association) ... You are
452 notified that the undersigned contests the claim of lien filed
453 by you on, ... (year) ..., and recorded in Official Records
454 Book at Page, of the public records of County,
455 Florida, and that the time within which you may file suit to
456 enforce your lien is limited to 90 days from the date of service
457 of this notice. Executed this day of, ... (year)

458 Signed: ... (Owner or Attorney) ...

459

460 After notice of contest of lien has been recorded, the clerk of
461 the circuit court shall mail a copy of the recorded notice to
462 the association by certified mail, return receipt requested, at
463 the address shown in the claim of lien or most recent amendment
464 to it and shall certify to the service on the face of the
465 notice. Service is complete upon mailing. After service, the
466 association has 90 days in which to file an action to enforce
467 the lien; and, if the action is not filed within the 90-day
468 period, the lien is void. However, the 90-day period shall be
469 extended for any length of time during which the association is
470 prevented from filing its action because of an automatic stay
471 resulting from the filing of a bankruptcy petition by the unit
472 owner or by any other person claiming an interest in the parcel.

473 (d) A release of lien must be in substantially the
474 following form:



659808

504 720.3085, Florida Statutes, are amended to read:

505 720.3085 Payment for assessments; lien claims.—

506 (1) When authorized by the governing documents, the
507 association has a lien on each parcel to secure the payment of
508 assessments and other amounts provided for by this section.
509 Except as otherwise set forth in this section, the lien is
510 effective from and shall relate back to the date on which the
511 original declaration of the community was recorded. However, as
512 to first mortgages of record, the lien is effective from and
513 after recording of a claim of lien in the public records of the
514 county in which the parcel is located. This subsection does not
515 bestow upon any lien, mortgage, or certified judgment of record
516 on July 1, 2008, including the lien for unpaid assessments
517 created in this section, a priority that, by law, the lien,
518 mortgage, or judgment did not have before July 1, 2008.

519 (a) ~~To be valid,~~ A claim of lien must be in substantially
520 the following form:

521
522 CLAIM OF LIEN

523
524 Before me, the undersigned notary public, personally appeared
525 ...(name)... who was duly sworn and says that he/she is the
526 authorized agent of the lienor, ...(name of association)...,
527 whose address is ...(address)..., and that in accordance with
528 Chapter 720, Florida Statutes and the governing documents of
529 ...(name of association)..., a homeowners' association, the
530 association makes this claim of lien for ...(basis for claim of
531 lien and date(s) of delinquency)..., for the following described
532 real property:



659808

533
534 (PARCEL NO. OR LOT AND BLOCK) OF
535 SUBDIVISION AS SHOWN IN THE PLAT THEREOF, RECORDED AT
536 PLAT BOOK , PAGE , OF THE OFFICIAL RECORDS
537 OF COUNTY, FLORIDA.
538
539 (or insert appropriate metes and bounds description
540 here)
541
542 upon which the association asserts this lien. The property is
543 owned by ...(name of debtor)..., Debtor. There remains unpaid to
544 the association, the sum of \$..... This lien secures these
545 amounts, as well as any other amounts which a lien may secure
546 pursuant to Chapter 720, Florida Statutes.
547
548 (signature of witness) (signature of authorized agent)
549 Print name: Print name:
550
551 (signature of witness)
552 Print name:
553
554 Sworn to (or affirmed) and subscribed before me this day of
555 ..., ...(year)..., by ...(name of person making statement)....
556 ...(Signature of Notary Public)...
557 ...(Print, type, or stamp commissioned name of Notary Public)...
558 Personally Known.... OR Produced.... as identification.
559
560 ~~must state the description of the parcel, the name of the record~~
561 ~~owner, the name and address of the association, the assessment~~



659808

562 ~~amount due, and the due date.~~ The claim of lien secures all
563 unpaid assessments that are due and that may accrue subsequent
564 to the recording of the claim of lien and before entry of a
565 certificate of title, as well as interest, late charges, and
566 reasonable collection costs and attorney ~~attorney's~~ fees
567 incurred by the association incident to the collection process.
568 The person making payment is entitled to a satisfaction of the
569 lien upon payment in full.

570 (b) By recording a notice in substantially the following
571 form, a parcel owner or the parcel owner's agent or attorney may
572 require the association to enforce a recorded claim of lien
573 against his or her parcel:

574 NOTICE OF CONTEST OF LIEN

575 TO: ...(Name and address of association)...

576 You are notified that the undersigned contests the claim of lien
577 filed by you on, ...(year)..., and recorded in Official
578 Records Book at page, of the public records of
579 County, Florida, and that the time within which you may file
580 suit to enforce your lien is limited to 90 days following the
581 date of service of this notice. Executed this day of,
582 ...(year)....

583 Signed: ...(Owner or Attorney)...

584 After the notice of a contest of lien has been recorded, the
585 clerk of the circuit court shall mail a copy of the recorded
586 notice to the association by certified mail, return receipt
587 requested, at the address shown in the claim of lien or the most
588 recent amendment to it and shall certify to the service on the
589 face of the notice. Service is complete upon mailing. After
590 service, the association has 90 days in which to file an action



659808

591 to enforce the lien and, if the action is not filed within the
592 90-day period, the lien is void. However, the 90-day period
593 shall be extended for any length of time that the association is
594 prevented from filing its action because of an automatic stay
595 resulting from the filing of a bankruptcy petition by the parcel
596 owner or by any other person claiming an interest in the parcel.

597 (c) The association may bring an action in its name to
598 foreclose a lien for assessments in the same manner in which a
599 mortgage of real property is foreclosed and may also bring an
600 action to recover a money judgment for the unpaid assessments
601 without waiving any claim of lien. The association is entitled
602 to recover its reasonable attorney's fees incurred in an action
603 to foreclose a lien or an action to recover a money judgment for
604 unpaid assessments.

605 (d) A release of lien must be in substantially the
606 following form:

607
608 RELEASE OF LIEN

609
610 The undersigned lienor, in consideration of the final payment in
611 the amount of \$...., hereby waives and releases its lien and
612 right to claim a lien for unpaid assessments through,
613 ...(year)..., recorded in the Official Records Book at Page
614, of the public records of County, Florida, for the
615 following described real property:

616
617 (PARCEL NO. OR LOT AND BLOCK) OF
618 SUBDIVISION AS SHOWN IN THE PLAT THEREOF, RECORDED AT
619 PLAT BOOK _____, PAGE _____, OF THE OFFICIAL RECORDS



659808

649 of the association, which rate may not exceed the rate allowed
650 by law. If no rate is provided in the declaration or bylaws,
651 interest accrues at the rate of 18 percent per year.

652 (a) If the declaration or bylaws so provide, the
653 association may also charge an administrative late fee not to
654 exceed the greater of \$25 or 5 percent of the amount of each
655 installment that is paid past the due date. The association may
656 also recover from the parcel owner any reasonable charges
657 imposed upon the association under a contract with its
658 management or bookkeeping company, or collection agent, incurred
659 in connection with collecting a delinquent assessment.

660 (b) Any payment received by an association and accepted
661 shall be applied first to any interest accrued, then to any
662 administrative late fee, then to any costs and reasonable
663 attorney ~~attorney's~~ fees incurred in collection, then to any
664 reasonable costs for collection services contracted for by the
665 association, and then to the delinquent assessment. This
666 paragraph applies notwithstanding any restrictive endorsement,
667 designation, or instruction placed on or accompanying a payment.
668 A late fee is not subject to the provisions of chapter 687 and
669 is not a fine.

670 (4) A homeowners' association may not file a record of lien
671 against a parcel for unpaid assessments unless a written notice
672 or demand for past due assessments as well as any other amounts
673 owed to the association pursuant to its governing documents has
674 been made by the association. The written notice or demand must:

675 (a) Provide the owner with 45 days following the date the
676 notice is deposited in the mail to make payment for all amounts
677 due, including, but not limited to, any attorney's fees and



659808

678 actual costs associated with the preparation and delivery of the
679 written demand. The notice must be in substantially the
680 following form:

681
682 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

683
684 Re: Parcel or (lot/block) of ...(name of association)...

685
686 The following amounts are currently due on your account to
687 Association, and must be paid within forty-five (45) days after
688 your receipt of this letter. This letter shall serve as the
689 Association's notice of intent to record a Claim of Lien against
690 your property after forty-five (45) days from your receipt of
691 this letter, unless you pay in full the amounts set forth below:

692		
693	<u>Maintenance due (dates)</u>	<u>\$</u>
694	<u>Late fee, if applicable</u>	<u>\$</u>
695	<u>Interest through *</u>	<u>\$</u>
696	<u>Certified mail charges</u>	<u>\$</u>
697	<u>Other costs</u>	<u>\$</u>
698		
699	<u>TOTAL OUTSTANDING</u>	<u>\$</u>

700
701 *Interest accrues at the rate of \$ per day.

702 (b) Be sent by registered or certified mail, return receipt
703 requested, and by first-class United States mail to the parcel
704 owner at his or her last address as reflected in the records of
705 the association, if the address is within the United States, and
706 to the parcel owner subject to the demand at the address of the



659808

707 parcel if the owner's address as reflected in the records of the
708 association is not the parcel address. If the address reflected
709 in the records is outside the United States, then sending the
710 notice to that address and to the parcel address by first-class
711 United States mail is sufficient.

712 (5) The association may bring an action in its name to
713 foreclose a lien for unpaid assessments secured by a lien in the
714 same manner that a mortgage of real property is foreclosed and
715 may also bring an action to recover a money judgment for the
716 unpaid assessments without waiving any claim of lien. The action
717 to foreclose the lien may not be brought until 45 days after the
718 parcel owner has been provided notice of the association's
719 intent to foreclose and collect the unpaid amount. The notice
720 must be given in the manner provided in paragraph (4) (b), and
721 the notice may not be provided until the passage of the 45 days
722 required in paragraph (4) (a). The notice must be in
723 substantially the following form:

724
725 DELINQUENT ASSESSMENT

726
727 This letter is to inform you a Claim of Lien has been filed
728 against your property because you have not paid the
729 assessment to Association. The Association intends to
730 foreclose the lien and collect the unpaid amount within 45 days
731 of this letter being provided to you.

732
733 You owe the interest accruing from (month/year) to the present.
734 As of the date of this letter, the total amount due with
735 interest is \$. All costs of any action and interest from



659808

736 this day forward will also be charged to your account.

737

738 Any questions concerning this matter should be directed to
739 ...(insert name, addresses and phone numbers of Association
740 representative)....

741 (a) The association may recover any interest, late charges,
742 costs, and reasonable attorney's fees incurred in a lien
743 foreclosure action or in an action to recover a money judgment
744 for the unpaid assessments.

745 (b) The time limitations in this subsection do not apply if
746 the parcel is subject to a foreclosure action or forced sale of
747 another party, or if an owner of the parcel is a debtor in a
748 bankruptcy proceeding.

749 Section 6. This act shall take effect July 1, 2014.

750

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

752 And the title is amended as follows:

753 Delete everything before the enacting clause
754 and insert:

755 A bill to be entitled
756 An act relating to residential communities; amending
757 s. 468.431, F.S.; revising the term "community
758 association management"; amending s. 718.116, F.S.;
759 allowing for reasonable charges to be imposed for
760 collection of a delinquent assessment; requiring a
761 claim of lien on a condominium parcel to be in a
762 specific form; requiring a release of lien to be in a
763 specific form; requiring a pre-foreclosure notice to
764 be in a specific form; amending s. 718.121, F.S.;



659808

765 requiring a pre-lien notice to be in a specific form;
766 amending s. 719.108, F.S.; allowing for reasonable
767 charges to be imposed for collection of a delinquent
768 assessment; deleting a provision providing for the
769 expiration of certain liens; revising notice
770 requirements; requiring a pre-lien notice to be in a
771 specific form; requiring a claim of lien on a
772 cooperative parcel to be in a specific form; providing
773 for the content of a recording notice; requiring a
774 release of lien to be in a specific form; amending s.
775 720.3085, F.S.; requiring a claim of lien on a parcel
776 within a homeowners' association to be in a specific
777 form; requiring a release of lien to be in a specific
778 form; allowing for reasonable charges to be imposed
779 for collection of a delinquent assessment; requiring a
780 pre-lien notice to be in a specific form; requiring a
781 pre-foreclosure notice to be in a specific form;
782 providing an effective date.