



1                   A bill to be entitled  
2           An act relating to residential communities; amending  
3           s. 468.431, F.S.; revising the term "community  
4           association management"; creating s. 468.4334, F.S.;  
5           providing powers and duties of community association  
6           managers and community association management firms;  
7           authorizing the indemnification of a community  
8           association manager or community association  
9           management firm under certain conditions; amending s.  
10          718.116, F.S.; requiring a release of lien to be in a  
11          specific form; requiring a pre-foreclosure notice to  
12          be in a specific form; amending s. 718.121, F.S.;  
13          requiring a pre-lien notice to be in a specific form;  
14          amending s. 719.108, F.S.; deleting a provision  
15          providing for the expiration of certain liens;  
16          revising notice requirements; requiring a pre-lien  
17          notice to be in a specific form; providing for  
18          execution and effect of lien; providing for the  
19          content of a recording notice; requiring a release of  
20          lien to be in a specific form; amending s. 720.3085,  
21          F.S.; requiring a release of lien to be in a specific  
22          form; requiring a pre-lien notice to be in a specific  
23          form; requiring a pre-foreclosure notice to be in a  
24          specific form; providing requirements for the  
25          execution of a claim of lien; providing an effective  
26          date.



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

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 when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, determining the number of days required for statutory notices, determining amounts due to the association, collecting amounts due to the association before the filing of a civil action, calculating the votes required for a quorum or to approve a proposition or amendment, completing forms related to the management of a community association that have been created by statute or by a state agency, drafting meeting notices and agendas, calculating and preparing certificates of assessment and estoppel certificates, responding to requests for certificates of assessment and estoppel certificates, negotiating monetary or performance terms of a contract subject to approval by an association, drafting



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53 prearbitration demands, coordinating or performing maintenance  
54 for real or personal property and other related routine services  
55 involved in the operation of a community association, and  
56 complying with the association's governing documents and the  
57 requirements of law as necessary to perform such practices ~~and~~  
58 ~~coordinating maintenance for the residential development and~~  
59 ~~other day-to-day services involved with the operation of a~~  
60 ~~community association.~~ A person who performs clerical or  
61 ministerial functions under the direct supervision and control  
62 of a licensed manager or who is charged only with performing the  
63 maintenance of a community association and who does not assist  
64 in any of the management services described in this subsection  
65 is not required to be licensed under this part.

66 Section 2. Section 468.4334, Florida Statutes, is created  
67 to read:

68 468.4334 Professional practice standards; liability.—

69 (1) A community association manager or a community  
70 association management firm are deemed to act as agent on behalf  
71 of a community association as principal within the scope of  
72 authority authorized by a written contract or under this  
73 chapter. A community association manager and a community  
74 association management firm shall discharge duties performed on  
75 behalf of the association as authorized by this chapter loyally,  
76 skillfully, and diligently; dealing honestly and fairly; in good  
77 faith; with care and full disclosure to the community



78 association; accounting for all funds; and not charging  
79 unreasonable or excessive fees.

80 (2) (a) A contract between a community association and a  
81 community association manager or a contract between a community  
82 association and a community association management firm may  
83 provide that the community association indemnifies and holds  
84 harmless the community association manager and the community  
85 association management firm for ordinary negligence resulting  
86 from the manager or management firm's act or omission that is  
87 the result of an instruction or direction of the community  
88 association. This paragraph does not preclude any other  
89 negotiated indemnity or hold harmless provision.

90 (b) Indemnification under paragraph (a) may not cover any  
91 act or omission that violates a criminal law; derives an  
92 improper personal benefit, either directly or indirectly; is  
93 grossly negligent; or is reckless, is in bad faith, is with  
94 malicious purpose, or is in a manner exhibiting wanton and  
95 willful disregard of human rights, safety, or property.

96 Section 3. Paragraph (d) is added to subsection (5) of  
97 section 718.116, Florida Statutes, and subsection (6) of that  
98 section is amended, to read:

99 718.116 Assessments; liability; lien and priority;  
100 interest; collection.—

101 (5)

102 (d) A release of lien must be in substantially the  
103 following form:



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RELEASE OF LIEN

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

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

<u>..(Signature of Authorized Agent)..</u>	<u>..(Signature of Witness)..</u>
<u>..(Print Name)..</u>	<u>..(Print Name)..</u>
	<u>..(Signature of Witness)..</u>
	<u>..(Print Name)..</u>



130 Sworn to (or affirmed) and subscribed before me this .... day of  
 131 ...., ...(year)..., by ...(name of person making statement)....  
 132 ..(Signature of Notary Public)..  
 133 ..(Print, type, or stamp commissioned name of Notary Public)..  
 134 Personally Known.... OR Produced.... as identification.

135  
 136 After notice of contest of lien has been recorded, the clerk of  
 137 the circuit court shall mail a copy of the recorded notice to  
 138 the association by certified mail, return receipt requested, at  
 139 the address shown in the claim of lien or most recent amendment  
 140 to it and shall certify to the service on the face of the  
 141 notice. Service is complete upon mailing. After service, the  
 142 association has 90 days in which to file an action to enforce  
 143 the lien; and, if the action is not filed within the 90-day  
 144 period, the lien is void. However, the 90-day period shall be  
 145 extended for any length of time during which the association is  
 146 prevented from filing its action because of an automatic stay  
 147 resulting from the filing of a bankruptcy petition by the unit  
 148 owner or by any other person claiming an interest in the parcel.

149 (6) (a) The association may bring an action in its name to  
 150 foreclose a lien for assessments in the manner a mortgage of  
 151 real property is foreclosed and may also bring an action to  
 152 recover a money judgment for the unpaid assessments without  
 153 waiving any claim of lien. The association is entitled to  
 154 recover its reasonable attorney's fees incurred in either a lien  
 155 foreclosure action or an action to recover a money judgment for



156 unpaid assessments.

157 (b) No foreclosure judgment may be entered until at least  
158 30 days after the association gives written notice to the unit  
159 owner of its intention to foreclose its lien to collect the  
160 unpaid assessments. The notice must be in substantially the  
161 following form:

162  
163 DELINQUENT ASSESSMENT

164 This letter is to inform you a Claim of Lien has been  
165 filed against your property because you have not paid  
166 the ...(type of assessment)... assessment to ...(name  
167 of association).... The association intends to  
168 foreclose the lien and collect the unpaid amount  
169 within 30 days of this letter being provided to you.

170  
171 You owe the interest accruing from ...(month/year)...  
172 to the present. As of the date of this letter, the  
173 total amount due with interest is \$..... All costs of  
174 any action and interest from this day forward will  
175 also be charged to your account.

176  
177 Any questions concerning this matter should be  
178 directed to ...(insert name, addresses, and telephone  
179 numbers of association representative)....

180  
181 If this notice is not given at least 30 days before the



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182 foreclosure action is filed, and if the unpaid assessments,  
183 including those coming due after the claim of lien is recorded,  
184 are paid before the entry of a final judgment of foreclosure,  
185 the association shall not recover attorney's fees or costs. The  
186 notice must be given by delivery of a copy of it to the unit  
187 owner or by certified or registered mail, return receipt  
188 requested, addressed to the unit owner at his or her last known  
189 address; and, upon such mailing, the notice shall be deemed to  
190 have been given, and the court shall proceed with the  
191 foreclosure action and may award attorney's fees and costs as  
192 permitted by law. The notice requirements of this subsection are  
193 satisfied if the unit owner records a notice of contest of lien  
194 as provided in subsection (5). The notice requirements of this  
195 subsection do not apply if an action to foreclose a mortgage on  
196 the condominium unit is pending before any court; if the rights  
197 of the association would be affected by such foreclosure; and if  
198 actual, constructive, or substitute service of process has been  
199 made on the unit owner.

200 Section 4. Subsection (4) of section 718.121, Florida  
201 Statutes, is amended to read:

202 718.121 Liens.—

203 (4) Except as otherwise provided in this chapter, no lien  
204 may be filed by the association against a condominium unit until  
205 30 days after the date on which a notice of intent to file a  
206 lien has been delivered to the owner by registered or certified  
207 mail, return receipt requested, and by first-class United States





208 mail to the owner at his or her last address as reflected in the  
 209 records of the association, if the address is within the United  
 210 States, and delivered to the owner at the address of the unit if  
 211 the owner's address as reflected in the records of the  
 212 association is not the unit address. If the address reflected in  
 213 the records is outside the United States, sending the notice to  
 214 that address and to the unit address by first-class United  
 215 States mail is sufficient. Delivery of the notice shall be  
 216 deemed given upon mailing as required by this subsection. The  
 217 notice must be in substantially the following form:

218  
 219 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

220  
 221 RE: Unit .... of ...(name of association)...

222  
 223 The following amounts are currently due on your  
 224 account to ...(name of association)..., and must be  
 225 paid within 30 days after your receipt of this letter.  
 226 This letter shall serve as the association's notice of  
 227 intent to record a Claim of Lien against your property  
 228 no sooner than 30 days after your receipt of this  
 229 letter, unless you pay in full the amounts set forth  
 230 below:

231  
 232 Maintenance due ...(dates)... \$.....  
 233 Late fee, if applicable \$.....



234	<u>Interest through ... (dates) ... *</u>	\$.....
235	<u>Certified mail charges</u>	\$.....
236	<u>Other costs</u>	\$.....
237	<u>TOTAL OUTSTANDING</u>	\$.....

238

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

240 Section 5. Subsections (3) and (4) of section 719.108,  
 241 Florida Statutes, are amended to read:

242 719.108 Rents and assessments; liability; lien and  
 243 priority; interest; collection; cooperative ownership.—

244 (3) Rents and assessments, and installments on them, not  
 245 paid when due bear interest at the rate provided in the  
 246 cooperative documents from the date due until paid. This rate  
 247 may not exceed the rate allowed by law and, if a rate is not  
 248 provided in the cooperative documents, accrues at 18 percent per  
 249 annum. If the cooperative documents or bylaws so provide, the  
 250 association may charge an administrative late fee in addition to  
 251 such interest, not to exceed the greater of \$25 or 5 percent of  
 252 each installment of the assessment for each delinquent  
 253 installment that the payment is late. Any payment received by an  
 254 association must be applied first to any interest accrued by the  
 255 association, then to any administrative late fee, then to any  
 256 costs and reasonable attorney ~~attorney's~~ fees incurred in  
 257 collection, and then to the delinquent assessment. The foregoing  
 258 applies notwithstanding any restrictive endorsement,  
 259 designation, or instruction placed on or accompanying a payment.



260 A late fee is not subject to chapter 687 or s. 719.303(4).

261 (4) The association has a lien on each cooperative parcel  
262 for any unpaid rents and assessments, plus interest, and any  
263 authorized administrative late fees. If authorized by the  
264 cooperative documents, the lien also secures reasonable attorney  
265 ~~attorney's~~ fees incurred by the association incident to the  
266 collection of the rents and assessments or enforcement of such  
267 lien. The lien is effective from and after recording a claim of  
268 lien in the public records in the county in which the  
269 cooperative parcel is located which states the description of  
270 the cooperative parcel, the name of the unit owner, the amount  
271 due, and the due dates. ~~The lien expires if a claim of lien is~~  
272 ~~not filed within 1 year after the date the assessment was due,~~  
273 ~~and the lien does not continue for longer than 1 year after the~~  
274 ~~claim of lien has been recorded unless, within that time, an~~  
275 ~~action to enforce the lien is commenced.~~ Except as otherwise  
276 provided in this chapter, a lien may not be filed by the  
277 association against a cooperative parcel until 30 days after the  
278 date on which a notice of intent to file a lien has been  
279 delivered to the owner.

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

283  
284 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN  
285



286 RE: Unit ... (unit number) ... of ... (name of  
 287 cooperative) ...

288  
 289 The following amounts are currently due on your  
 290 account to ... (name of association) ..., and must be  
 291 paid within 30 days after your receipt of this letter.  
 292 This letter shall serve as the association's notice of  
 293 intent to record a Claim of Lien against your property  
 294 no sooner than 30 days after your receipt of this  
 295 letter, unless you pay in full the amounts set forth  
 296 below:

298	<u>Maintenance due ... (dates) ...</u>	<u>\$.....</u>
299	<u>Late fee, if applicable</u>	<u>\$.....</u>
300	<u>Interest through ... (dates) ...*</u>	<u>\$.....</u>
301	<u>Certified mail charges</u>	<u>\$.....</u>
302	<u>Other costs</u>	<u>\$.....</u>
303	<u>TOTAL OUTSTANDING</u>	<u>\$.....</u>

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

306 1. If the most recent address of the unit owner on the  
 307 records of the association is the address of the unit, the  
 308 notice must be sent by ~~registered or~~ certified mail, return  
 309 receipt requested, to the unit owner at the address of the unit.

310 2. If the most recent address of the unit owner on the  
 311 records of the association is in the United States, but is not



312 the address of the unit, the notice must be sent by ~~registered~~  
313 ~~or~~ certified mail, return receipt requested, to the unit owner  
314 at his or her most recent address.

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

319 (b) A notice that is sent pursuant to this subsection is  
320 deemed delivered upon mailing. A claim of lien must be executed  
321 and acknowledged by an officer or authorized agent of the  
322 association. The lien is not effective 1 year after the claim of  
323 lien was recorded unless, within that time, an action to enforce  
324 the lien is commenced. The 1-year period is automatically  
325 extended for any length of time during which the association is  
326 prevented from filing a foreclosure action by an automatic stay  
327 resulting from a bankruptcy petition filed by the parcel owner  
328 or any other person claiming an interest in the parcel. The  
329 claim of lien secures all unpaid rents and assessments that are  
330 due and that may accrue after the claim of lien is recorded and  
331 through the entry of a final judgment, as well as interest and  
332 all reasonable costs and attorney fees incurred by the  
333 association incident to the collection process. Upon payment in  
334 full, the person making the payment is entitled to a  
335 satisfaction of the lien.

336 (c) By recording a notice in substantially the following  
337 form, a unit owner or the unit owner's agent or attorney may



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

340

341 NOTICE OF CONTEST OF LIEN

342

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

344

345 You are notified that the undersigned contests the  
346 claim of lien filed by you on ...., ... (year) ..., and  
347 recorded in Official Records Book .... at Page ....,  
348 of the public records of .... County, Florida, and  
349 that the time within which you may file suit to  
350 enforce your lien is limited to 90 days from the date  
351 of service of this notice. Executed this .... day of  
352 ...., ... (year) ....

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

354

355 After notice of contest of lien has been recorded, the clerk of  
356 the circuit court shall mail a copy of the recorded notice to  
357 the association by certified mail, return receipt requested, at  
358 the address shown in the claim of lien or most recent amendment  
359 to it and shall certify to the service on the face of the  
360 notice. Service is complete upon mailing. After service, the  
361 association has 90 days in which to file an action to enforce  
362 the lien. If the action is not filed within the 90-day period,  
363 the lien is void. However, the 90-day period shall be extended

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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364 for any length of time during which the association is prevented  
 365 from filing its action because of an automatic stay resulting  
 366 from the filing of a bankruptcy petition by the unit owner or by  
 367 any other person claiming an interest in the parcel.

368 (d) A release of lien must be in substantially the  
 369 following form:

370  
 371 RELEASE OF LIEN

372 The undersigned lienor, in consideration of the final payment in  
 373 the amount of \$...., hereby waives and releases its lien and  
 374 right to claim a lien for unpaid assessments through ....,  
 375 ...(year)..., recorded in the Official Records Book .... at Page  
 376 ...., of the public records of .... County, Florida, for the  
 377 following described real property:

378  
 379 THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO. ....  
 380 OF ...(NAME OF COOPERATIVE)..., A COOPERATIVE AS SET  
 381 FORTH IN THE COOPERATIVE DOCUMENTS AND THE EXHIBITS  
 382 ANNEXED THERETO AND FORMING A PART THEREOF, RECORDED  
 383 IN OFFICIAL RECORDS BOOK ...., PAGE ...., OF THE  
 384 PUBLIC RECORDS OF .... COUNTY, FLORIDA.

385  
 386 ..(Signature of Authorized Agent)..      ..(Signature of Witness)..  
 387 ..(Print Name)..      ..(Print Name)..

388  
 389 ..(Signature of Witness)..



390 ..(Print Name)..  
 391  
 392 Sworn to (or affirmed) and subscribed before me this .... day of  
 393 ...., ...(year)..., by ...(name of person making statement)....  
 394 ..(Signature of Notary Public)..  
 395 ..(Print, type, or stamp commissioned name of Notary Public)..  
 396 Personally Known.... OR Produced.... as identification.

397 Section 6. Paragraphs (d) and (e) of subsection (1) of  
 398 section 720.3085, Florida Statutes, are redesignated as  
 399 paragraphs (e) and (f), respectively, paragraph (a) of  
 400 subsection (1), paragraph (b) of subsection (3), and subsections  
 401 (4) and (5) are amended, and a new paragraph (d) is added to  
 402 subsection (1) of that section, to read:

403 720.3085 Payment for assessments; lien claims.—

404 (1) When authorized by the governing documents, the  
 405 association has a lien on each parcel to secure the payment of  
 406 assessments and other amounts provided for by this section.  
 407 Except as otherwise set forth in this section, the lien is  
 408 effective from and shall relate back to the date on which the  
 409 original declaration of the community was recorded. However, as  
 410 to first mortgages of record, the lien is effective from and  
 411 after recording of a claim of lien in the public records of the  
 412 county in which the parcel is located. This subsection does not  
 413 bestow upon any lien, mortgage, or certified judgment of record  
 414 on July 1, 2008, including the lien for unpaid assessments  
 415 created in this section, a priority that, by law, the lien,





416 mortgage, or judgment did not have before July 1, 2008.

417 (a) To be valid, a claim of lien must state the  
 418 description of the parcel, the name of the record owner, the  
 419 name and address of the association, the assessment amount due,  
 420 and the due date. The claim of lien secures all unpaid  
 421 assessments that are due and that may accrue subsequent to the  
 422 recording of the claim of lien and before entry of a certificate  
 423 of title, as well as interest, late charges, and reasonable  
 424 costs and attorney ~~attorney's~~ fees incurred by the association  
 425 incident to the collection process. The person making payment is  
 426 entitled to a satisfaction of the lien upon payment in full.

427 (d) A release of lien must be in substantially the  
 428 following form:

429  
 430 RELEASE OF LIEN

431 The undersigned lienor, in consideration of the final payment in  
 432 the amount of \$...., hereby waives and releases its lien and  
 433 right to claim a lien for unpaid assessments through ....,  
 434 ...(year)..., recorded in the Official Records Book .... at Page  
 435 ...., of the public records of .... County, Florida, for the  
 436 following described real property:

437  
 438 (PARCEL NO. .... OR LOT AND BLOCK) OF ...(subdivision  
 439 name)...SUBDIVISION AS SHOWN IN THE PLAT THEREOF,  
 440 RECORDED AT PLAT BOOK ...., PAGE ...., OF THE OFFICIAL  
 441 RECORDS OF ....COUNTY, FLORIDA.



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(or insert appropriate metes and bounds description here)

..(Signature of Authorized Agent)..      ..(Signature of Witness)..  
..(Print Name)..      ..(Print Name)..

..(Signature of Witness)..  
..(Print Name)..

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

(3) Assessments and installments on assessments that are not paid when due bear interest from the due date until paid at the rate provided in the declaration of covenants or the bylaws of the association, which rate may not exceed the rate allowed by law. If no rate is provided in the declaration or bylaws, interest accrues at the rate of 18 percent per year.

(b) Any payment received by an association and accepted shall be applied first to any interest accrued, then to any administrative late fee, then to any costs and reasonable attorney ~~attorney's~~ fees incurred in collection, and then to the delinquent assessment. This paragraph applies notwithstanding



468 any restrictive endorsement, designation, or instruction placed  
469 on or accompanying a payment. A late fee is not subject to the  
470 provisions of chapter 687 and is not a fine.

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

477 (a) Provide the owner with 45 days following the date the  
478 notice is deposited in the mail to make payment for all amounts  
479 due, including, but not limited to, any attorney's fees and  
480 actual costs associated with the preparation and delivery of the  
481 written demand. The notice must be in substantially the  
482 following form:

483

484 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

485

486 RE: Parcel or (lot/block)...(lot/parcel number)... of  
487 ...(name of association)...

488

489 The following amounts are currently due on your  
490 account to ...(name of association)..., and must be  
491 paid within 45 days after your receipt of this letter.  
492 This letter shall serve as the association's notice of  
493 intent to record a Claim of Lien against your property



494 no sooner than 45 days after your receipt of this  
 495 letter, unless you pay in full the amounts set forth  
 496 below:

498	<u>Maintenance due ... (dates)...</u>	<u>\$.....</u>
499	<u>Late fee, if applicable</u>	<u>\$.....</u>
500	<u>Interest through ... (dates)...</u> *	<u>\$.....</u>
501	<u>Certified mail charges</u>	<u>\$.....</u>
502	<u>Other costs</u>	<u>\$.....</u>
503	<u>TOTAL OUTSTANDING</u>	<u>\$.....</u>

504  
 505 \*Interest accrues at the rate of \$.... per day.

506 (b) Be sent by registered or certified mail, return  
 507 receipt requested, and by first-class United States mail to the  
 508 parcel owner at his or her last address as reflected in the  
 509 records of the association, if the address is within the United  
 510 States, and to the parcel owner subject to the demand at the  
 511 address of the parcel if the owner's address as reflected in the  
 512 records of the association is not the parcel address. If the  
 513 address reflected in the records is outside the United States,  
 514 then sending the notice to that address and to the parcel  
 515 address by first-class United States mail is sufficient.

516 (5) The association may bring an action in its name to  
 517 foreclose a lien for unpaid assessments secured by a lien in the  
 518 same manner that a mortgage of real property is foreclosed and  
 519 may also bring an action to recover a money judgment for the



520 unpaid assessments without waiving any claim of lien. The action  
521 to foreclose the lien may not be brought until 45 days after the  
522 parcel owner has been provided notice of the association's  
523 intent to foreclose and collect the unpaid amount. The notice  
524 must be given in the manner provided in paragraph (4)(b), and  
525 the notice may not be provided until the passage of the 45 days  
526 required in paragraph (4)(a). The notice must be in  
527 substantially the following form:

528

529 DELINQUENT ASSESSMENT

530 This letter is to inform you a Claim of Lien has been filed  
531 against your property because you have not paid the ... (type of  
532 assessment)... assessment to ... (name of association).... The  
533 association intends to foreclose the lien and collect the unpaid  
534 amount within 45 days of this letter being provided to you.

535

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

540

541 Any questions concerning this matter should be directed to  
542 (insert name, addresses, and telephone numbers of association  
543 representative).

544 (a) The association may recover any interest, late  
545 charges, costs, and reasonable attorney's fees incurred in a



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546 | lien foreclosure action or in an action to recover a money  
547 | judgment for the unpaid assessments.

548 |       (b) The time limitations in this subsection do not apply  
549 | if the parcel is subject to a foreclosure action or forced sale  
550 | of another party, or if an owner of the parcel is a debtor in a  
551 | bankruptcy proceeding.

552 |       Section 7. This act shall take effect July 1, 2014.