



104322

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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04/28/2014 06:13 PM

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Senator Ring moved the following:

Senate Amendment

Delete lines 331 - 373

and insert:

(a) The association has the irrevocable right of access to each unit during reasonable hours, when necessary for the maintenance, repair, or replacement of any common elements or of any portion of a unit to be maintained by the association pursuant to the declaration or as necessary to prevent damage to the common elements or to a unit ~~or units~~.

(b)1. In addition to the association's right of access in



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12 paragraph (a) and regardless of whether authority is provided in
13 the declaration or other recorded condominium documents, an
14 association, at the sole discretion of the board, may enter an
15 abandoned unit to inspect the unit and adjoining common
16 elements; make repairs to the unit or to the common elements
17 serving the unit, as needed; repair the unit if mold or
18 deterioration is present; turn on the utilities for the unit; or
19 otherwise maintain, preserve, or protect the unit and adjoining
20 common elements. For purposes of this paragraph, a unit is
21 presumed to be abandoned if:

22 a. The unit is the subject of a foreclosure action and no
23 tenant appears to have resided in the unit for at least 4
24 continuous weeks without prior written notice to the
25 association; or

26 b. No tenant appears to have resided in the unit for 2
27 consecutive months without prior written notice to the
28 association, and the association is unable to contact the owner
29 or determine the whereabouts of the owner after reasonable
30 inquiry.

31 2. Except in the case of an emergency, an association may
32 not enter an abandoned unit until 2 days after notice of the
33 association's intent to enter the unit has been mailed or hand-
34 delivered to the owner at the address of the owner as reflected
35 in the records of the association. The notice may be given by
36 electronic transmission to unit owners who previously consented
37 to receive notice by electronic transmission.

38 3. Any expense incurred by an association pursuant to this
39 paragraph is chargeable to the unit owner and enforceable as an
40 assessment pursuant to s. 718.116, and the association may use



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41 its lien authority provided by s. 718.116 to enforce collection
42 of the expense.

43 4. The association may petition a court of competent
44 jurisdiction to appoint a receiver to lease out an abandoned
45 unit for the benefit of the association to offset against the
46 rental income the association's costs and expenses of
47 maintaining, preserving, and protecting the unit and the
48 adjoining common elements, including the costs of the
49 receivership and all unpaid assessments, interest,
50 administrative late fees, costs, and reasonable attorney fees.