

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative La Rosa offered the following:

Amendment

5 Remove lines 1007-1099 and insert:

6 (f) If a member has assessments that are more than 24
 7 months past due, the association may not file any claim of lien
 8 or a foreclosure action against that member for such past due
 9 assessments or fees charged related to such past due
 10 assessments. The 24-month limit is automatically extended for
 11 any length of time during which the association is prevented
 12 from filing a foreclosure action by an automatic stay resulting
 13 from a bankruptcy petition filed by the member or any other
 14 person claiming an interest in the parcel.

15 (g)1. Before an association transfers the rights to
 16 collect past due assessments to a third party, transfers a lien
 17 to a third party, or files a complaint to obtain a judgment in

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18 foreclosure, the association must offer payment plans for
19 members to pay any past due assessments and related fees. The
20 payment plans must allow a member to pay past due assessments
21 and any related fees levied by the association within the past
22 24 months. In addition to payments made pursuant to the payment
23 plan, members are responsible for paying any current assessments
24 that arise during the payment plan at the time the assessments
25 become due. A service charge may be assessed and included in the
26 fees collected in the payment plan if additional fees were not
27 charged in addition to the original total of the past due
28 assessments.

29 2. If a member agrees to participate in the payment plan,
30 the time limit in paragraph (f) is tolled until the past due
31 assessments, related fees, and any assessments that arise during
32 the payment plan are paid. If the member does not comply with
33 the terms of the payment plan, the association is no longer
34 subject to the time limit in paragraph (f).

35 3. The payment plan must:

36 a. Consist of at least 12 monthly payments, if the past
37 due assessments and related fines total \$500 or less.

38 b. Consist of at least 18 monthly payments, if the past
39 due assessments and related fines total more than \$500.

40 c. Require the member to pay current assessments that
41 arise during the payment plan in full at the time the
42 assessments become due.

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43 d. Divide the total past due assessments and related fees
44 into equal payments to be paid on a monthly basis.

45 e. Not provide any additional terms or requirements other
46 than to comply with the existing governing documents of the
47 association.

48 (2) TRANSFER OF PAST DUE ASSESSMENTS TO THIRD PARTY.-If an
49 association transfers the right to collect past due assessments
50 to a third party, the association must provide notice to the
51 member at least 30 days before such transfer. The notice must
52 state that the transfer includes the right to place a lien. The
53 notice must be served on the member by certified mail, return
54 receipt requested, or by personal service.

55 Section 11. Paragraphs (d) through (f) of subsection (1)
56 of section 720.3085, Florida Statutes, are redesignated as
57 paragraphs (e) through (g), respectively, and a new paragraph
58 (d) is added to that subsection, to read:

59 720.3085 Payment for assessments; lien claims.-

60 (1) When authorized by the governing documents, the
61 association has a lien on each parcel to secure the payment of
62 assessments and other amounts provided for by this section.
63 Except as otherwise set forth in this section, the lien is
64 effective from and shall relate back to the date on which the
65 original declaration of the community was recorded. However, as
66 to first mortgages of record, the lien is effective from and
67 after recording of a claim of lien in the public records of the
68 county in which the parcel is located. This subsection does not

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69 bestow upon any lien, mortgage, or certified judgment of record
70 on July 1, 2008, including the lien for unpaid assessments
71 created in this section, a priority that, by law, the lien,
72 mortgage, or judgment did not have before July 1, 2008.

73 (d) If an association transfers a lien to a third party,
74 the association must provide notice to the member at least 30
75 days before such transfer. The notice must state that the
76 transfer includes the right to foreclose on the property. The
77 notice must be served on the member by certified mail, return
78 receipt requested, or by personal service.