Committee/Subcommittee hearing bill: Civil Justice Subcommittee Representative Moraitis offered the following:

Amendment

Remove lines 576-619 and insert:

Section 6. Paragraphs (a), (b), and (c) of subsection (1) of section 718.116, Florida Statutes, are amended to read:

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

(1)(a) A unit owner, regardless of how the unit owner has acquired his or her title has been acquired, including, but not limited to, by purchase at a foreclosure sale or by deed in lieu of foreclosure, is liable for all assessments due while he or she is the unit owner. Additionally, a unit owner is jointly and severally liable with the previous owner for all unpaid assessments, late fees, interest, costs, and reasonable attorney fees incurred by the association in an attempt to collect all such amounts. is jointly and severally liable with the previous owner for all unpaid assessments that
Amendment No. 2

came due up to the time of transfer of title. This liability is
without prejudice to any right the owner may have to recover
from the previous owner the amounts paid by the owner.

(b)1. The liability of a first mortgagee or its successors
   successor or assignees who acquire title to a unit by
   foreclosure or by deed in lieu of foreclosure for the unpaid
   assessments, interest, administrative late fees, reasonable
   costs and attorney fees, and any other fee, cost, or expense
   incurred in the collection process that became due before the
   mortgagee's acquisition of title is limited to the lesser of:
   a. Only the unit's unpaid common expenses and regular
      periodic assessments which accrued or came due during the
      12 months immediately preceding the acquisition of title and for
      which payment in full has not been received by the association;
      or
   b. One percent of the original mortgage debt.

2. Subparagraph 1. applies The provisions of this
   paragraph apply only if the first mortgagee joined the
   association as a defendant in the foreclosure action. Joinder of
   the association is not required if, on the date the complaint is
   filed, the association was dissolved or did not maintain an
   office or agent for service of process at a location which
   was known to or reasonably discoverable by the mortgagee.

3. The first mortgagee or its successors or assignees who
   acquire title to a unit by foreclosure or by deed in lieu of
   foreclosure are not liable for any interest, administrative late
   fee, reasonable cost or attorney fee, or any other fee, cost, or
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This amendment clarifies existing law. This subchapter is intended to clarify existing law.

4.2. An association, or its successor or assignee, that acquires title to a unit through the foreclosure of its lien for assessments is not liable for any unpaid assessments, late fees, interest, or reasonable attorney's fees and costs that came due before the association's acquisition of title in favor of any other association, as defined in s. 718.103(2) or s. 720.301(9), which holds a superior lien interest on the unit. This subchapter is intended to clarify existing law.

(c) The person acquiring title shall pay the amount owed to the association within 30 days after transfer of title. Failure to pay the full amount when due shall entitle the association to record a claim of lien against the parcel for the amounts specified in this subsection and proceed in the same manner as provided in this section for the collection of the amount owed and any unpaid assessments coming due after the acquisition of title and other charges authorized by subsection (3) on any unpaid assessments coming due after the acquisition of title.