



534354

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Regulated Industries (Hill) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (11) is added to section 718.116,  
Florida Statutes, to read:

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

(11) (a) Prior to referring a collection matter to its  
attorney and/or other third party debt collector, the  
association must first give written notice to the unit owner of  
its intention to do so. If this notice is not given at least 30



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13 days before the matter is sent over to the attorney for  
14 collection, the association shall not recover attorney's fees or  
15 costs. The notice must be given by hand delivery of a copy of it  
16 to the unit owner or by certified or registered mail, return  
17 receipt requested, addressed to the unit owner at his or her  
18 last known address; and upon such mailing, the notice shall be  
19 deemed to have been given. The notice requirements of this  
20 subsection are also satisfied if the unit owner acknowledges in  
21 writing that he or she owes the debt to the association. The  
22 notice requirements of this subsection do not apply if the  
23 association has been in lien collection or foreclosure  
24 proceedings with the same unit owner(s) within the preceding  
25 twelve (12) month period. A notice of delinquency sent to a unit  
26 owner shall separately list each assessment or the charge that  
27 is delinquent. The notice shall state the date on which each  
28 assessment or other charge was made, the principal amount of  
29 each assessment or other charge, and list separately all  
30 collection fees and charges, including, but not limited to,  
31 interest and late fees. The notice shall also state the total  
32 amount due to the association.

33 (b) As to any statute or any provision in the governing  
34 documents that creates a restriction or condition upon a unit  
35 owner related to delinquency in the payment of moneys owed to  
36 the association, no such restriction or condition shall be in  
37 effect until 20 days after receipt of the delinquency notice by  
38 the unit owner. If the unit owner objects to the amount claimed  
39 within the 20-day period, no restriction or condition shall be  
40 enforced until the objection is resolved. For purposes of this  
41 paragraph, a "restriction or condition" includes any restriction



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42 on running for office, holding office, serving on a committee,  
43 leasing the unit, or using common areas.

44 Section 2. This act shall take effect July 1, 2010.

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

47 And the title is amended as follows:

48 Delete everything before the enacting clause

49 and insert:

50 A bill to be entitled

51 An act relating to condominiums; amending s. 718.116,  
52 F.S.; providing requirements for the collection of  
53 unit owner debts; providing requirements for a notice  
54 of delinquency; prohibiting a condominium association  
55 from imposing certain penalties for delinquency during  
56 a notice period or while an objection made within such  
57 notice period is unresolved; providing an effective  
58 date.