

By the Committee on Regulated Industries; and Senator Justice

580-04800-10

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1 A bill to be entitled

2 An act relating to condominiums; amending s. 718.116,
3 F.S.; providing requirements for the collection of
4 unit owner debts; providing requirements for a notice
5 of delinquency; prohibiting a condominium association
6 from imposing certain penalties for delinquency during
7 a notice period or while an objection made within such
8 notice period is unresolved; providing an effective
9 date.

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

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

15 718.116 Assessments; liability; lien and priority;
16 interest; collection.-

17 (11) (a) Prior to referring a collection matter to its
18 attorney or other third-party debt collector, the association
19 must first give written notice to the unit owner of its
20 intention to do so. If this notice is not given at least 30 days
21 before the matter is sent to the attorney for collection, the
22 association shall not recover attorney's fees or costs. The
23 notice must be given by hand delivery of a copy of it to the
24 unit owner or by certified or registered mail, return receipt
25 requested, addressed to the unit owner at his or her last known
26 address; and upon such mailing, the notice shall be deemed to
27 have been given. The notice requirements of this subsection are
28 also satisfied if the unit owner acknowledges in writing that he
29 or she owes the debt to the association. The notice requirements

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30 of this subsection do not apply if the association has been in
31 lien collection or foreclosure proceedings with the same unit
32 owner within the preceding 12-month period. A notice of
33 delinquency sent to a unit owner shall separately list each
34 assessment or the charge that is delinquent. The notice shall
35 state the date on which each assessment or other charge was
36 made, the principal amount of each assessment or other charge,
37 and list separately all collection fees and charges, including,
38 but not limited to, interest and late fees. The notice shall
39 also state the total amount due to the association.

40 (b) As to any statute or any provision in the governing
41 documents which creates a restriction or condition upon a unit
42 owner related to delinquency in the payment of moneys owed to
43 the association, no such restriction or condition shall be in
44 effect until 20 days after receipt of the delinquency notice by
45 the unit owner. If the unit owner objects to the amount claimed
46 within the 20-day period, no restriction or condition shall be
47 enforced until the objection is resolved. For purposes of this
48 paragraph, a "restriction or condition" includes any restriction
49 on running for office, holding office, serving on a committee,
50 leasing the unit, or using common areas.

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