



659808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2014	.	
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The Committee on Regulated Industries (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (2) of section 468.431, Florida  
Statutes, is amended to read:

468.431 Definitions.—As used in this part:

(2) "Community association management" means any of the  
following practices requiring substantial specialized knowledge,  
judgment, and managerial skill when done for remuneration and



11 when the association or associations served contain more than 10  
12 units or have an annual budget or budgets in excess of \$100,000:  
13 controlling or disbursing funds of a community association,  
14 preparing budgets or other financial documents for a community  
15 association, assisting in the noticing or conduct of community  
16 association meetings, determining the number of days required  
17 for statutory notices, determining amounts due to the  
18 association, collecting amounts due to the association before  
19 filing of a civil action, calculating the votes required for a  
20 quorum or to approve a proposition or amendment, completing  
21 forms related to the management of a community association that  
22 have been created by statute or by a state agency, drafting  
23 meeting notices and agendas, calculating and preparing  
24 certificates of assessment and estoppel certificates, responding  
25 to requests for certificates of assessment and estoppel  
26 certificates, negotiating monetary or performance terms of a  
27 contract subject to approval by an association, drafting  
28 prearbitration demands, coordinating or performing maintenance  
29 for real or personal property and other related routine services  
30 involved in the operation of a community association, and  
31 complying with the association's governing documents and the  
32 requirements of law as necessary to perform such practices and  
33 ~~coordinating maintenance for the residential development and~~  
34 ~~other day-to-day services involved with the operation of a~~  
35 ~~community association.~~ A person who performs clerical or  
36 ministerial functions under the direct supervision and control  
37 of a licensed manager or who is charged only with performing the  
38 maintenance of a community association and who does not assist  
39 in any of the management services described in this subsection



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40 is not required to be licensed under this part.

41 Section 2. Subsections (3), (5), and (6) of section  
42 718.116, Florida Statutes, are amended to read:

43 718.116 Assessments; liability; lien and priority;  
44 interest; collection.-

45 (3) Assessments and installments on assessments which are  
46 not paid when due bear interest at the rate provided in the  
47 declaration, from the due date until paid. The rate may not  
48 exceed the rate allowed by law, and, if no rate is provided in  
49 the declaration, interest accrues at the rate of 18 percent per  
50 year. If provided by the declaration or bylaws, the association  
51 may, in addition to such interest, charge an administrative late  
52 fee of up to the greater of \$25 or 5 percent of each delinquent  
53 installment for which the payment is late. The association may  
54 also recover from the unit owner any reasonable charges imposed  
55 upon the association under a contract with its management or  
56 bookkeeping company, or collection agent, incurred in connection  
57 with collecting a delinquent assessment. Any payment received by  
58 an association must be applied first to any interest accrued by  
59 the association, then to any administrative late fee, then to  
60 any costs and reasonable attorney ~~attorney's~~ fees incurred in  
61 collection, then to any reasonable costs for collection services  
62 contracted by the association, and then to the delinquent  
63 assessment. The foregoing is applicable notwithstanding any  
64 restrictive endorsement, designation, or instruction placed on  
65 or accompanying a payment. A late fee is not subject to chapter  
66 687 or s. 718.303(4).

67 (5) (a) The association has a lien on each condominium  
68 parcel to secure the payment of assessments. Except as otherwise



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69 provided in subsection (1) and as set forth below, the lien is  
70 effective from and shall relate back to the recording of the  
71 original declaration of condominium, or, in the case of lien on  
72 a parcel located in a phase condominium, the last to occur of  
73 the recording of the original declaration or amendment thereto  
74 creating the parcel. However, as to first mortgages of record,  
75 the lien is effective from and after recording of a claim of  
76 lien in the public records of the county in which the  
77 condominium parcel is located. Nothing in this subsection shall  
78 be construed to bestow upon any lien, mortgage, or certified  
79 judgment of record on April 1, 1992, including the lien for  
80 unpaid assessments created herein, a priority which, by law, the  
81 lien, mortgage, or judgment did not have before that date.

82 (b) ~~To be valid,~~ A claim of lien must be in substantially  
83 the following form:

84  
85 CLAIM OF LIEN

86  
87 Before me, the undersigned notary public, personally appeared  
88 ...(name)..., who was duly sworn and says that he/she is the  
89 authorized agent of the lienor, ...(name of association)...,  
90 whose address is ...(address)..., and that in accordance with  
91 the Condominium Act and the declaration of ...(name of  
92 condominium)..., a condominium, and the articles of  
93 incorporation and bylaws of the association, the association  
94 makes this claim of lien for ...(basis for claim of lien and  
95 date(s) of delinquency)..., for the following described real  
96 property:

97





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127 Personally Known.... OR Produced.... as identification.  
128  
129 ~~must state the description of the condominium parcel, the name~~  
130 ~~of the record owner, the name and address of the association,~~  
131 ~~the amount due, and the due dates.~~ It must be executed and  
132 acknowledged by an officer or authorized agent of the  
133 association. The lien is not effective 1 year after the claim of  
134 lien was recorded unless, within that time, an action to enforce  
135 the lien is commenced. The 1-year period is automatically  
136 extended for any length of time during which the association is  
137 prevented from filing a foreclosure action by an automatic stay  
138 resulting from a bankruptcy petition filed by the parcel owner  
139 or any other person claiming an interest in the parcel. The  
140 claim of lien secures all unpaid assessments that are due and  
141 that may accrue after the claim of lien is recorded and through  
142 the entry of a final judgment, as well as interest, authorized  
143 administrative late fees, and all reasonable costs and attorney  
144 attorney's fees incurred by the association incident to the  
145 collection process, including but not limited to, any reasonable  
146 costs for collection services contracted by the association.  
147 Upon payment in full, the person making the payment is entitled  
148 to a satisfaction of the lien.

149 (c) By recording a notice in substantially the following  
150 form, a unit owner or the unit owner's agent or attorney may  
151 require the association to enforce a recorded claim of lien  
152 against his or her condominium parcel:

153 NOTICE OF CONTEST OF LIEN

154 TO: ...(Name and address of association)... You are  
155 notified that the undersigned contests the claim of lien filed



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156 by you on ....., ...(year)..., and recorded in Official Records  
157 Book .... at Page ....., of the public records of .... County,  
158 Florida, and that the time within which you may file suit to  
159 enforce your lien is limited to 90 days from the date of service  
160 of this notice. Executed this .... day of ....., ...(year)....

161 Signed: ...(Owner or Attorney)...

162  
163 After notice of contest of lien has been recorded, the clerk of  
164 the circuit court shall mail a copy of the recorded notice to  
165 the association by certified mail, return receipt requested, at  
166 the address shown in the claim of lien or most recent amendment  
167 to it and shall certify to the service on the face of the  
168 notice. Service is complete upon mailing. After service, the  
169 association has 90 days in which to file an action to enforce  
170 the lien; and, if the action is not filed within the 90-day  
171 period, the lien is void. However, the 90-day period shall be  
172 extended for any length of time during which the association is  
173 prevented from filing its action because of an automatic stay  
174 resulting from the filing of a bankruptcy petition by the unit  
175 owner or by any other person claiming an interest in the parcel.

176 (d) A release of lien must be in substantially the  
177 following form:

178  
179 RELEASE OF LIEN

180  
181 The undersigned lienor, in consideration of the final payment in  
182 the amount of \$....., hereby waives and releases its lien and  
183 right to claim a lien for unpaid assessments through .....,  
184 ...(year)..., recorded in the Official Records Book .... at Page



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185 ....., of the public records of .... County, Florida, for the  
186 following described real property:

187  
188 UNIT NO. .... OF (NAME OF CONDOMINIUM), A CONDOMINIUM  
189 AS SET FORTH IN THE DECLARATION OF CONDOMINIUM AND THE  
190 EXHIBITS ANNEXED THERETO AND FORMING A PART THEREOF,  
191 RECORDED IN OFFICIAL RECORDS BOOK ....., PAGE ....., OF  
192 THE PUBLIC RECORDS OF .... COUNTY, FLORIDA. THE ABOVE  
193 DESCRIPTION INCLUDES, BUT IS NOT LIMITED TO, ALL  
194 APPURTENANCES TO THE CONDOMINIUM UNIT ABOVE DESCRIBED,  
195 INCLUDING THE UNDIVIDED INTEREST IN THE COMMON  
196 ELEMENTS OF SAID CONDOMINIUM.

197  
198 (signature of witness) (signature of authorized agent)  
199 Print name: Print name:

200  
201 (signature of witness)  
202 Print name:

203  
204 Sworn to (or affirmed) and subscribed before me this .... day of  
205 ....., ...(year)...., by ...(name of person making statement)....  
206 ...(Signature of Notary Public)...  
207 ...(Print, type, or stamp commissioned name of Notary Public)...  
208 Personally Known.... OR Produced.... as identification.

209 (6) (a) The association may bring an action in its name to  
210 foreclose a lien for assessments in the manner a mortgage of  
211 real property is foreclosed and may also bring an action to  
212 recover a money judgment for the unpaid assessments without  
213 waiving any claim of lien. The association is entitled to





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214 recover its reasonable attorney's fees incurred in either a lien  
215 foreclosure action or an action to recover a money judgment for  
216 unpaid assessments.

217 (b) No foreclosure judgment may be entered until at least  
218 30 days after the association gives written notice to the unit  
219 owner of its intention to foreclose its lien to collect the  
220 unpaid assessments. The notice must be in substantially the  
221 following form:

222  
223 DELINQUENT ASSESSMENT  
224

225 This letter is to inform you a Claim of Lien has been filed  
226 against your property because you have not paid the  
227 assessment to Association. The Association intends  
228 to foreclose the lien and collect the unpaid amount within 30  
229 days of this letter being provided to you.

230  
231 You owe the interest accruing from (month/year) to the present.  
232 As of the date of this letter, the total amount due with  
233 interest is \$ . . All costs of any action and interest from  
234 this day forward will also be charged to your account.

235  
236 Any questions concerning this matter should be directed to  
237 (insert name, addresses and phone numbers of Association  
238 representative).

239  
240 If this notice is not given at least 30 days before the  
241 foreclosure action is filed, and if the unpaid assessments,  
242 including those coming due after the claim of lien is recorded,



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243 are paid before the entry of a final judgment of foreclosure,  
244 the association shall not recover attorney's fees or costs. The  
245 notice must be given by delivery of a copy of it to the unit  
246 owner or by certified or registered mail, return receipt  
247 requested, addressed to the unit owner at his or her last known  
248 address; and, upon such mailing, the notice shall be deemed to  
249 have been given, and the court shall proceed with the  
250 foreclosure action and may award attorney's fees and costs as  
251 permitted by law. The notice requirements of this subsection are  
252 satisfied if the unit owner records a notice of contest of lien  
253 as provided in subsection (5). The notice requirements of this  
254 subsection do not apply if an action to foreclose a mortgage on  
255 the condominium unit is pending before any court; if the rights  
256 of the association would be affected by such foreclosure; and if  
257 actual, constructive, or substitute service of process has been  
258 made on the unit owner.

259 Section 3. Subsection (4) of section 718.121, Florida  
260 Statutes, is amended to read:

261 718.121 Liens.—

262 (4) Except as otherwise provided in this chapter, no lien  
263 may be filed by the association against a condominium unit until  
264 30 days after the date on which a notice of intent to file a  
265 lien has been delivered to the owner by registered or certified  
266 mail, return receipt requested, and by first-class United States  
267 mail to the owner at his or her last address as reflected in the  
268 records of the association, if the address is within the United  
269 States, and delivered to the owner at the address of the unit if  
270 the owner's address as reflected in the records of the  
271 association is not the unit address. If the address reflected in



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272 the records is outside the United States, sending the notice to  
273 that address and to the unit address by first-class United  
274 States mail is sufficient. Delivery of the notice shall be  
275 deemed given upon mailing as required by this subsection. The  
276 notice must be in substantially the following form:

277  
278 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

279  
280 Re: Unit \_\_\_\_\_ of (name of association)

281  
282 The following amounts are currently due on your account to  
283 \_\_\_\_\_ Association, and must be paid within thirty (30)  
284 days after your receipt of this letter. This letter shall serve  
285 as the Association's notice of intent to record a Claim of Lien  
286 against your property after thirty (30) days from your receipt  
287 of this letter, unless you pay in full the amounts set forth  
288 below:

289

290 Maintenance due	(dates)	\$
291 Late fee, if applicable		\$
292 Interest through	*	\$
293 Certified mail charges		\$
294 Other costs		\$
295		
296 TOTAL OUTSTANDING		\$

297  
298 \* interest accrues at the rate of \$ \_\_\_\_\_ per day.

299 Section 4. Subsections (3) and (4) of section 719.108,  
300 Florida Statutes, are amended to read:



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301           719.108 Rents and assessments; liability; lien and  
302 priority; interest; collection; cooperative ownership.—

303           (3) Rents and assessments, and installments on them, not  
304 paid when due bear interest at the rate provided in the  
305 cooperative documents from the date due until paid. This rate  
306 may not exceed the rate allowed by law and, if a rate is not  
307 provided in the cooperative documents, accrues at 18 percent per  
308 annum. If the cooperative documents or bylaws so provide, the  
309 association may charge an administrative late fee in addition to  
310 such interest, not to exceed the greater of \$25 or 5 percent of  
311 each installment of the assessment for each delinquent  
312 installment that the payment is late. The association may also  
313 recover from the unit owner any reasonable charges imposed upon  
314 the association under a contract with its management or  
315 bookkeeping company, or collection agent, incurred in connection  
316 with collecting a delinquent assessment. Any payment received by  
317 an association must be applied first to any interest accrued by  
318 the association, then to any administrative late fee, then to  
319 any costs and reasonable attorney ~~attorney's~~ fees incurred in  
320 collection, then to any reasonable costs for collection services  
321 contracted for by the association, and then to the delinquent  
322 assessment. The foregoing applies notwithstanding any  
323 restrictive endorsement, designation, or instruction placed on  
324 or accompanying a payment. A late fee is not subject to chapter  
325 687 or s. 719.303(4).

326           (4) The association has a lien on each cooperative parcel  
327 for any unpaid rents and assessments, plus interest, authorized  
328 administrative late fees and any reasonable costs for collection  
329 services contracted for by the association, and any authorized



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330 administrative late fees. If authorized by the cooperative  
331 documents, the lien also secures reasonable ~~attorney~~ ~~attorney's~~  
332 fees incurred by the association and all reasonable collection  
333 costs incident to the collection of the rents and assessments or  
334 enforcement of such lien. The lien is effective from and after  
335 recording a claim of lien in the public records in the county in  
336 which the cooperative parcel is located which states the  
337 description of the cooperative parcel, the name of the unit  
338 owner, the amount due, and the due dates. ~~The lien expires if a~~  
339 ~~claim of lien is not filed within 1 year after the date the~~  
340 ~~assessment was due, and the lien does not continue for longer~~  
341 ~~than 1 year after the claim of lien has been recorded unless,~~  
342 ~~within that time, an action to enforce the lien is commenced.~~  
343 Except as otherwise provided in this chapter, a lien may not be  
344 filed by the association against a cooperative parcel until 30  
345 days after the date on which a notice of intent to file a lien  
346 has been delivered to the owner.

347 (a) The notice must be sent to the unit owner at the  
348 address of the unit by first-class United States mail and the  
349 notice must be in substantially the following form:

351 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

352  
353 Re: Unit \_\_\_\_\_ of (name of cooperative)

354  
355 The following amounts are currently due on your account to  
356 \_\_\_\_\_ Association, and must be paid within thirty (30)  
357 days after your receipt of this letter. This letter shall serve  
358 as the Association's notice of intent to record a Claim of Lien



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359 against your property after thirty (30) days from your receipt  
360 of this letter, unless you pay in full the amounts set forth  
361 below:

362		
363	Maintenance due (dates)	\$
364	Late fee, if applicable	\$
365	Interest through *	\$
366	Certified mail charges	\$
367	Other costs	\$
368		
369	TOTAL OUTSTANDING	\$

370  
371 \* interest accrues at the rate of \$ per day

372 1. If the most recent address of the unit owner on the  
373 records of the association is the address of the unit, the  
374 notice must be sent by ~~registered~~ or certified mail, return  
375 receipt requested, to the unit owner at the address of the unit.

376 2. If the most recent address of the unit owner on the  
377 records of the association is in the United States, but is not  
378 the address of the unit, the notice must be sent by ~~registered~~  
379 ~~or~~ certified mail, return receipt requested, to the unit owner  
380 at his or her most recent address.

381 3. If the most recent address of the unit owner on the  
382 records of the association is not in the United States, the  
383 notice must be sent by first-class United States mail to the  
384 unit owner at his or her most recent address.

385 ~~(b)~~

386 A notice that is sent pursuant to this paragraph ~~subsection~~ is  
387 deemed delivered upon mailing.



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388 (b) A claim of lien must be in substantially the following  
389 form:

390

391 CLAIM OF LIEN

392

393 Before me, the undersigned notary public, personally appeared  
394 ...(name)... who was duly sworn and says that he/she is the  
395 authorized agent of the lienor, ...(name of association)...,  
396 whose address is ...(address)..., and that in accordance with  
397 the Cooperative Act and the cooperative documents of ...(name of  
398 cooperative)..., a cooperative, and the articles of  
399 incorporation and bylaws of the association, the association  
400 makes this claim of lien for ...(basis for claim of lien and  
401 date(s) of delinquency)..., for the following described  
402 property:

403

404 THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO. ....  
405 OF ...(NAME OF COOPERATIVE)..., A COOPERATIVE AS SET  
406 FORTH IN THE COOPERATIVE DOCUMENTS AND THE EXHIBITS  
407 ANNEXED THERETO AND FORMING A PART THEREOF, RECORDED  
408 IN OFFICIAL RECORDS BOOK ....., PAGE ....., OF THE  
409 PUBLIC RECORDS OF .... COUNTY, FLORIDA.

410

411 Upon which the association asserts this lien. The cooperative  
412 parcel is owned by ...(name of debtor)..., Debtor. There remains  
413 unpaid to the association, the sum of \$..... This lien secures  
414 these amounts, as well as any other amounts which a lien may  
415 secure pursuant to Chapter 719, Florida Statutes.

416







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446 require the association to enforce a recorded claim of lien  
447 against his or her cooperative parcel:

448  
449 NOTICE OF CONTEST OF LIEN  
450

451 TO: ... (Name and address of association) ... You are  
452 notified that the undersigned contests the claim of lien filed  
453 by you on ...., ... (year) ..., and recorded in Official Records  
454 Book .... at Page ...., of the public records of .... County,  
455 Florida, and that the time within which you may file suit to  
456 enforce your lien is limited to 90 days from the date of service  
457 of this notice. Executed this .... day of ...., ... (year) ....  
458 Signed: ... (Owner or Attorney) ...

459  
460 After notice of contest of lien has been recorded, the clerk of  
461 the circuit court shall mail a copy of the recorded notice to  
462 the association by certified mail, return receipt requested, at  
463 the address shown in the claim of lien or most recent amendment  
464 to it and shall certify to the service on the face of the  
465 notice. Service is complete upon mailing. After service, the  
466 association has 90 days in which to file an action to enforce  
467 the lien; and, if the action is not filed within the 90-day  
468 period, the lien is void. However, the 90-day period shall be  
469 extended for any length of time during which the association is  
470 prevented from filing its action because of an automatic stay  
471 resulting from the filing of a bankruptcy petition by the unit  
472 owner or by any other person claiming an interest in the parcel.

473 (d) A release of lien must be in substantially the  
474 following form:





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504 720.3085, Florida Statutes, are amended to read:

505 720.3085 Payment for assessments; lien claims.—

506 (1) When authorized by the governing documents, the  
507 association has a lien on each parcel to secure the payment of  
508 assessments and other amounts provided for by this section.  
509 Except as otherwise set forth in this section, the lien is  
510 effective from and shall relate back to the date on which the  
511 original declaration of the community was recorded. However, as  
512 to first mortgages of record, the lien is effective from and  
513 after recording of a claim of lien in the public records of the  
514 county in which the parcel is located. This subsection does not  
515 bestow upon any lien, mortgage, or certified judgment of record  
516 on July 1, 2008, including the lien for unpaid assessments  
517 created in this section, a priority that, by law, the lien,  
518 mortgage, or judgment did not have before July 1, 2008.

519 (a) ~~To be valid,~~ A claim of lien must be in substantially  
520 the following form:

521  
522 CLAIM OF LIEN

523  
524 Before me, the undersigned notary public, personally appeared  
525 ...(name)... who was duly sworn and says that he/she is the  
526 authorized agent of the lienor, ...(name of association)...,  
527 whose address is ...(address)..., and that in accordance with  
528 Chapter 720, Florida Statutes and the governing documents of  
529 ...(name of association)..., a homeowners' association, the  
530 association makes this claim of lien for ...(basis for claim of  
531 lien and date(s) of delinquency)..., for the following described  
532 real property:



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533  
534       (PARCEL NO. .... OR LOT AND BLOCK) OF  
535       SUBDIVISION AS SHOWN IN THE PLAT THEREOF, RECORDED AT  
536       PLAT BOOK , PAGE , OF THE OFFICIAL RECORDS  
537       OF COUNTY, FLORIDA.  
538  
539       (or insert appropriate metes and bounds description  
540       here)  
541  
542       upon which the association asserts this lien. The property is  
543       owned by ...(name of debtor)..., Debtor. There remains unpaid to  
544       the association, the sum of \$..... This lien secures these  
545       amounts, as well as any other amounts which a lien may secure  
546       pursuant to Chapter 720, Florida Statutes.  
547  
548       (signature of witness) (signature of authorized agent)  
549       Print name: Print name:  
550  
551       (signature of witness)  
552       Print name:  
553  
554       Sworn to (or affirmed) and subscribed before me this .... day of  
555       ..., ...(year)..., by ...(name of person making statement)....  
556       ...(Signature of Notary Public)...  
557       ...(Print, type, or stamp commissioned name of Notary Public)...  
558       Personally Known.... OR Produced.... as identification.  
559  
560       ~~must state the description of the parcel, the name of the record~~  
561       ~~owner, the name and address of the association, the assessment~~



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562 ~~amount due, and the due date.~~ The claim of lien secures all  
563 unpaid assessments that are due and that may accrue subsequent  
564 to the recording of the claim of lien and before entry of a  
565 certificate of title, as well as interest, late charges, and  
566 reasonable collection costs and attorney ~~attorney's~~ fees  
567 incurred by the association incident to the collection process.  
568 The person making payment is entitled to a satisfaction of the  
569 lien upon payment in full.

570 (b) By recording a notice in substantially the following  
571 form, a parcel owner or the parcel owner's agent or attorney may  
572 require the association to enforce a recorded claim of lien  
573 against his or her parcel:

574 NOTICE OF CONTEST OF LIEN

575 TO: ...(Name and address of association)...

576 You are notified that the undersigned contests the claim of lien  
577 filed by you on ....., ...(year)..., and recorded in Official  
578 Records Book .... at page ....., of the public records of ....  
579 County, Florida, and that the time within which you may file  
580 suit to enforce your lien is limited to 90 days following the  
581 date of service of this notice. Executed this .... day of .....,  
582 ...(year)....

583 Signed: ...(Owner or Attorney)...

584 After the notice of a contest of lien has been recorded, the  
585 clerk of the circuit court shall mail a copy of the recorded  
586 notice to the association by certified mail, return receipt  
587 requested, at the address shown in the claim of lien or the most  
588 recent amendment to it and shall certify to the service on the  
589 face of the notice. Service is complete upon mailing. After  
590 service, the association has 90 days in which to file an action



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591 to enforce the lien and, if the action is not filed within the  
592 90-day period, the lien is void. However, the 90-day period  
593 shall be extended for any length of time that the association is  
594 prevented from filing its action because of an automatic stay  
595 resulting from the filing of a bankruptcy petition by the parcel  
596 owner or by any other person claiming an interest in the parcel.

597 (c) The association may bring an action in its name to  
598 foreclose a lien for assessments in the same manner in which a  
599 mortgage of real property is foreclosed and may also bring an  
600 action to recover a money judgment for the unpaid assessments  
601 without waiving any claim of lien. The association is entitled  
602 to recover its reasonable attorney's fees incurred in an action  
603 to foreclose a lien or an action to recover a money judgment for  
604 unpaid assessments.

605 (d) A release of lien must be in substantially the  
606 following form:

607  
608 RELEASE OF LIEN

609  
610 The undersigned lienor, in consideration of the final payment in  
611 the amount of \$...., hereby waives and releases its lien and  
612 right to claim a lien for unpaid assessments through ....,  
613 ...(year)..., recorded in the Official Records Book .... at Page  
614 ...., of the public records of .... County, Florida, for the  
615 following described real property:

616  
617 (PARCEL NO. .... OR LOT AND BLOCK) OF  
618 SUBDIVISION AS SHOWN IN THE PLAT THEREOF, RECORDED AT  
619 PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, OF THE OFFICIAL RECORDS





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649 of the association, which rate may not exceed the rate allowed  
650 by law. If no rate is provided in the declaration or bylaws,  
651 interest accrues at the rate of 18 percent per year.

652 (a) If the declaration or bylaws so provide, the  
653 association may also charge an administrative late fee not to  
654 exceed the greater of \$25 or 5 percent of the amount of each  
655 installment that is paid past the due date. The association may  
656 also recover from the parcel owner any reasonable charges  
657 imposed upon the association under a contract with its  
658 management or bookkeeping company, or collection agent, incurred  
659 in connection with collecting a delinquent assessment.

660 (b) Any payment received by an association and accepted  
661 shall be applied first to any interest accrued, then to any  
662 administrative late fee, then to any costs and reasonable  
663 attorney ~~attorney's~~ fees incurred in collection, then to any  
664 reasonable costs for collection services contracted for by the  
665 association, and then to the delinquent assessment. This  
666 paragraph applies notwithstanding any restrictive endorsement,  
667 designation, or instruction placed on or accompanying a payment.  
668 A late fee is not subject to the provisions of chapter 687 and  
669 is not a fine.

670 (4) A homeowners' association may not file a record of lien  
671 against a parcel for unpaid assessments unless a written notice  
672 or demand for past due assessments as well as any other amounts  
673 owed to the association pursuant to its governing documents has  
674 been made by the association. The written notice or demand must:

675 (a) Provide the owner with 45 days following the date the  
676 notice is deposited in the mail to make payment for all amounts  
677 due, including, but not limited to, any attorney's fees and





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678 actual costs associated with the preparation and delivery of the  
679 written demand. The notice must be in substantially the  
680 following form:

681  
682 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

683  
684 Re: Parcel or (lot/block) of ...(name of association)...

685  
686 The following amounts are currently due on your account to  
687 Association, and must be paid within forty-five (45) days after  
688 your receipt of this letter. This letter shall serve as the  
689 Association's notice of intent to record a Claim of Lien against  
690 your property after forty-five (45) days from your receipt of  
691 this letter, unless you pay in full the amounts set forth below:

692		
693	<u>Maintenance due (dates)</u>	<u>\$</u>
694	<u>Late fee, if applicable</u>	<u>\$</u>
695	<u>Interest through *</u>	<u>\$</u>
696	<u>Certified mail charges</u>	<u>\$</u>
697	<u>Other costs</u>	<u>\$</u>
698		
699	<u>TOTAL OUTSTANDING</u>	<u>\$</u>

700  
701 \*Interest accrues at the rate of \$ per day.

702 (b) Be sent by registered or certified mail, return receipt  
703 requested, and by first-class United States mail to the parcel  
704 owner at his or her last address as reflected in the records of  
705 the association, if the address is within the United States, and  
706 to the parcel owner subject to the demand at the address of the



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707 parcel if the owner's address as reflected in the records of the  
708 association is not the parcel address. If the address reflected  
709 in the records is outside the United States, then sending the  
710 notice to that address and to the parcel address by first-class  
711 United States mail is sufficient.

712 (5) The association may bring an action in its name to  
713 foreclose a lien for unpaid assessments secured by a lien in the  
714 same manner that a mortgage of real property is foreclosed and  
715 may also bring an action to recover a money judgment for the  
716 unpaid assessments without waiving any claim of lien. The action  
717 to foreclose the lien may not be brought until 45 days after the  
718 parcel owner has been provided notice of the association's  
719 intent to foreclose and collect the unpaid amount. The notice  
720 must be given in the manner provided in paragraph (4) (b), and  
721 the notice may not be provided until the passage of the 45 days  
722 required in paragraph (4) (a). The notice must be in  
723 substantially the following form:

724  
725 DELINQUENT ASSESSMENT

726  
727 This letter is to inform you a Claim of Lien has been filed  
728 against your property because you have not paid the  
729 assessment to Association. The Association intends to  
730 foreclose the lien and collect the unpaid amount within 45 days  
731 of this letter being provided to you.

732  
733 You owe the interest accruing from (month/year) to the present.  
734 As of the date of this letter, the total amount due with  
735 interest is \$ . All costs of any action and interest from



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736 this day forward will also be charged to your account.

737

738 Any questions concerning this matter should be directed to  
739 ...(insert name, addresses and phone numbers of Association  
740 representative)....

741 (a) The association may recover any interest, late charges,  
742 costs, and reasonable attorney's fees incurred in a lien  
743 foreclosure action or in an action to recover a money judgment  
744 for the unpaid assessments.

745 (b) The time limitations in this subsection do not apply if  
746 the parcel is subject to a foreclosure action or forced sale of  
747 another party, or if an owner of the parcel is a debtor in a  
748 bankruptcy proceeding.

749 Section 6. This act shall take effect July 1, 2014.

750

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

752 And the title is amended as follows:

753 Delete everything before the enacting clause  
754 and insert:

755 A bill to be entitled  
756 An act relating to residential communities; amending  
757 s. 468.431, F.S.; revising the term "community  
758 association management"; amending s. 718.116, F.S.;  
759 allowing for reasonable charges to be imposed for  
760 collection of a delinquent assessment; requiring a  
761 claim of lien on a condominium parcel to be in a  
762 specific form; requiring a release of lien to be in a  
763 specific form; requiring a pre-foreclosure notice to  
764 be in a specific form; amending s. 718.121, F.S.;



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765 requiring a pre-lien notice to be in a specific form;  
766 amending s. 719.108, F.S.; allowing for reasonable  
767 charges to be imposed for collection of a delinquent  
768 assessment; deleting a provision providing for the  
769 expiration of certain liens; revising notice  
770 requirements; requiring a pre-lien notice to be in a  
771 specific form; requiring a claim of lien on a  
772 cooperative parcel to be in a specific form; providing  
773 for the content of a recording notice; requiring a  
774 release of lien to be in a specific form; amending s.  
775 720.3085, F.S.; requiring a claim of lien on a parcel  
776 within a homeowners' association to be in a specific  
777 form; requiring a release of lien to be in a specific  
778 form; allowing for reasonable charges to be imposed  
779 for collection of a delinquent assessment; requiring a  
780 pre-lien notice to be in a specific form; requiring a  
781 pre-foreclosure notice to be in a specific form;  
782 providing an effective date.