

06.21.2021

2021 Changes to Florida Statutes: SB 56 Creates New Delinquent Assessment Collection Time Limits and Notice Requirements for Condominium, Cooperative, and Homeowners Associations

Junior Ambeau, Associate | jambeau@shumaker.com | 813.227.2231
Cristina J. Ayo, Associate | cayo@shumaker.com | 813.227.2253
Jason W. Davis, Associate | jdavis@shumaker.com | 813.227.2351
Jonathan J. Ellis, Partner | jellis@shumaker.com | 813.227.2335
Clinton S. Morrell, Partner | cmorrell@shumaker.com | 813.227.2224
Kathleen G. Reres, Partner | kreres@shumaker.com | 813.221.7167

On June 16, 2021, Governor Ron DeSantis signed Senate Bill (SB) 56, adding new requirements to various sections of the Florida Statutes relating to condominium, homeowners, and cooperative associations, with an effective date of July 1, 2021.

SB 56 increases the period of time a condominium or cooperative unit owner has to pay a monetary obligation under current statutory lien notices from 30 to 45 days, synchronizing the time frames with homeowners associations.

Additionally, SB 56 adds an additional mandatory notice for condominium, cooperative, and homeowners associations as part of the assessment collection process: the association must provide owners with written notice of a past due assessment before it may require payment of attorney fees by an owner in connection with the past due assessment. The association must send the notice by first-class mail to the owner at his or her last known address reflected in the association's records in addition to the unit address in substantially the following form for condominium, cooperative, and homeowners associations:

NOTICE OF LATE ASSESSMENT

RE: Unit ... Of ... (name of association) ...

The following amounts are currently due on your account to ... (name of association) ..., and must be paid within 30 days of the date of this letter. This letter shall serve as the association's notice of its intent to proceed with further collection action against your property no sooner than 30 days of the date of this letter, unless you pay in full the amounts set forth below:

Maintenance due ... (dates) ...	\$....
Late fee, if applicable	\$....
Interest through ... (dates) ... *	\$....
TOTAL OUTSTANDING	\$....

*Interest accrues at the rate of ... percent per annum.

The notice is deemed to have been delivered upon mailing, and the association may utilize a sworn affidavit to provide a rebuttable presumption that the association complied with the notice and delivery requirements for this new notice of late assessment.



Ambeau



Ayo



Davis



Ellis



Morrell



Reres

Additionally, SB 56 changes how, and by what delivery method, condominium, cooperative, and homeowners associations may deliver invoices or a statement of account to an owner by requiring the following:

- The association must send invoices or statements of account by first-class mail or electronic transmission to the owner's email address maintained as part of the association's official records;
- The association must give written notice to the owner by first-class mail to the owner's address maintained in the association's official records at least thirty (30) days in advance before changing the delivery method for invoices or statements of account;
- The owner must affirmatively acknowledge his or her understanding that the association has changed the delivery method of invoices or statements of account to deliver by electronic transmission;
- The association must maintain an owner's affirmative acknowledgment as part of the official records, however such record is exempt from inspection or copying by other members.

Condominium, cooperative, and homeowners associations and their board members should carefully review their delinquent assessment collection practices with their attorney to ensure the association and its agent's collection practices are compliant with these statutory changes.

A complete PDF copy of SB 56 is available at this [link](#).

To receive the latest legal and legislative information straight to your inbox, subscribe [here](#).

shumaker.com



This is a publication of Shumaker, Loop & Kendrick, LLP and is intended as a report of legal issues and other developments of general interest to our clients, attorneys and staff. This publication is not intended to provide legal advice on specific subjects or to create an attorney-client relationship.