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CS/CS/HB 7037, Engrossed 2

2014 Legislature

1
2 An act relating to residential communities; amending
3 s. 468.431, F.S.; revising the term "community
4 association management"; creating s. 468.4334, F.S.;
5 providing powers and duties of community association
6 managers and community association management firms;
7 authorizing the indemnification of a community
8 association manager or community association
9 management firm under certain conditions; amending s.
10 718.116, F.S.; requiring a release of lien to be in a
11 specific form; requiring a pre-foreclosure notice to
12 be in a specific form; amending s. 718.121, F.S.;
13 requiring a pre-lien notice to be in a specific form;
14 amending s. 719.108, F.S.; deleting a provision
15 providing for the expiration of certain liens;
16 revising notice requirements; requiring a pre-lien
17 notice to be in a specific form; providing for
18 execution and effect of lien; providing for the
19 content of a recording notice; requiring a release of
20 lien to be in a specific form; amending s. 720.3085,
21 F.S.; requiring a release of lien to be in a specific
22 form; requiring a pre-lien notice to be in a specific
23 form; requiring a pre-foreclosure notice to be in a
24 specific form; providing requirements for the
25 execution of a claim of lien; providing an effective
26 date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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 when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, determining the number of days required for statutory notices, determining amounts due to the association, collecting amounts due to the association before the filing of a civil action, calculating the votes required for a quorum or to approve a proposition or amendment, completing forms related to the management of a community association that have been created by statute or by a state agency, drafting meeting notices and agendas, calculating and preparing certificates of assessment and estoppel certificates, responding to requests for certificates of assessment and estoppel certificates, negotiating monetary or performance terms of a contract subject to approval by an association, drafting



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53 prearbitration demands, coordinating or performing maintenance
54 for real or personal property and other related routine services
55 involved in the operation of a community association, and
56 complying with the association's governing documents and the
57 requirements of law as necessary to perform such practices ~~and~~
58 ~~coordinating maintenance for the residential development and~~
59 ~~other day-to-day services involved with the operation of a~~
60 ~~community association.~~ A person who performs clerical or
61 ministerial functions under the direct supervision and control
62 of a licensed manager or who is charged only with performing the
63 maintenance of a community association and who does not assist
64 in any of the management services described in this subsection
65 is not required to be licensed under this part.

66 Section 2. Section 468.4334, Florida Statutes, is created
67 to read:

68 468.4334 Professional practice standards; liability.-

69 (1) A community association manager or a community
70 association management firm are deemed to act as agent on behalf
71 of a community association as principal within the scope of
72 authority authorized by a written contract or under this
73 chapter. A community association manager and a community
74 association management firm shall discharge duties performed on
75 behalf of the association as authorized by this chapter loyally,
76 skillfully, and diligently; dealing honestly and fairly; in good
77 faith; with care and full disclosure to the community



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78 association; accounting for all funds; and not charging
79 unreasonable or excessive fees.

80 (2) (a) A contract between a community association and a
81 community association manager or a contract between a community
82 association and a community association management firm may
83 provide that the community association indemnifies and holds
84 harmless the community association manager and the community
85 association management firm for ordinary negligence resulting
86 from the manager or management firm's act or omission that is
87 the result of an instruction or direction of the community
88 association. This paragraph does not preclude any other
89 negotiated indemnity or hold harmless provision.

90 (b) Indemnification under paragraph (a) may not cover any
91 act or omission that violates a criminal law; derives an
92 improper personal benefit, either directly or indirectly; is
93 grossly negligent; or is reckless, is in bad faith, is with
94 malicious purpose, or is in a manner exhibiting wanton and
95 willful disregard of human rights, safety, or property.

96 Section 3. Paragraph (d) is added to subsection (5) of
97 section 718.116, Florida Statutes, and subsection (6) of that
98 section is amended, to read:

99 718.116 Assessments; liability; lien and priority;
100 interest; collection.—

101 (5)

102 (d) A release of lien must be in substantially the
103 following form:



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RELEASE OF LIEN

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

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

<u>..(Signature of Authorized Agent)..</u>	<u>..(Signature of Witness)..</u>
<u>..(Print Name)..</u>	<u>..(Print Name)..</u>
	<u>..(Signature of Witness)..</u>
	<u>..(Print Name)..</u>



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130 Sworn to (or affirmed) and subscribed before me this day of
 131, ...(year)..., by ...(name of person making statement)....
 132 ..(Signature of Notary Public)..
 133 ..(Print, type, or stamp commissioned name of Notary Public)..
 134 Personally Known.... OR Produced.... as identification.

135
 136 After notice of contest of lien has been recorded, the clerk of
 137 the circuit court shall mail a copy of the recorded notice to
 138 the association by certified mail, return receipt requested, at
 139 the address shown in the claim of lien or most recent amendment
 140 to it and shall certify to the service on the face of the
 141 notice. Service is complete upon mailing. After service, the
 142 association has 90 days in which to file an action to enforce
 143 the lien; and, if the action is not filed within the 90-day
 144 period, the lien is void. However, the 90-day period shall be
 145 extended for any length of time during which the association is
 146 prevented from filing its action because of an automatic stay
 147 resulting from the filing of a bankruptcy petition by the unit
 148 owner or by any other person claiming an interest in the parcel.

149 (6) (a) The association may bring an action in its name to
 150 foreclose a lien for assessments in the manner a mortgage of
 151 real property is foreclosed and may also bring an action to
 152 recover a money judgment for the unpaid assessments without
 153 waiving any claim of lien. The association is entitled to
 154 recover its reasonable attorney's fees incurred in either a lien
 155 foreclosure action or an action to recover a money judgment for



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156 unpaid assessments.

157 (b) No foreclosure judgment may be entered until at least
 158 30 days after the association gives written notice to the unit
 159 owner of its intention to foreclose its lien to collect the
 160 unpaid assessments. The notice must be in substantially the
 161 following form:

162
 163 DELINQUENT ASSESSMENT

164 This letter is to inform you a Claim of Lien has been
 165 filed against your property because you have not paid
 166 the ...(type of assessment)... assessment to ...(name
 167 of association).... The association intends to
 168 foreclose the lien and collect the unpaid amount
 169 within 30 days of this letter being provided to you.

170
 171 You owe the interest accruing from ...(month/year)...
 172 to the present. As of the date of this letter, the
 173 total amount due with interest is \$..... All costs of
 174 any action and interest from this day forward will
 175 also be charged to your account.

176
 177 Any questions concerning this matter should be
 178 directed to ...(insert name, addresses, and telephone
 179 numbers of association representative)....

180
 181 If this notice is not given at least 30 days before the



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182 foreclosure action is filed, and if the unpaid assessments,
183 including those coming due after the claim of lien is recorded,
184 are paid before the entry of a final judgment of foreclosure,
185 the association shall not recover attorney's fees or costs. The
186 notice must be given by delivery of a copy of it to the unit
187 owner or by certified or registered mail, return receipt
188 requested, addressed to the unit owner at his or her last known
189 address; and, upon such mailing, the notice shall be deemed to
190 have been given, and the court shall proceed with the
191 foreclosure action and may award attorney's fees and costs as
192 permitted by law. The notice requirements of this subsection are
193 satisfied if the unit owner records a notice of contest of lien
194 as provided in subsection (5). The notice requirements of this
195 subsection do not apply if an action to foreclose a mortgage on
196 the condominium unit is pending before any court; if the rights
197 of the association would be affected by such foreclosure; and if
198 actual, constructive, or substitute service of process has been
199 made on the unit owner.

200 Section 4. Subsection (4) of section 718.121, Florida
201 Statutes, is amended to read:

202 718.121 Liens.—

203 (4) Except as otherwise provided in this chapter, no lien
204 may be filed by the association against a condominium unit until
205 30 days after the date on which a notice of intent to file a
206 lien has been delivered to the owner by registered or certified
207 mail, return receipt requested, and by first-class United States



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208 mail to the owner at his or her last address as reflected in the
 209 records of the association, if the address is within the United
 210 States, and delivered to the owner at the address of the unit if
 211 the owner's address as reflected in the records of the
 212 association is not the unit address. If the address reflected in
 213 the records is outside the United States, sending the notice to
 214 that address and to the unit address by first-class United
 215 States mail is sufficient. Delivery of the notice shall be
 216 deemed given upon mailing as required by this subsection. The
 217 notice must be in substantially the following form:

218
 219 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

220
 221 RE: Unit of ...(name of association)...

222
 223 The following amounts are currently due on your
 224 account to ...(name of association)..., and must be
 225 paid within 30 days after your receipt of this letter.
 226 This letter shall serve as the association's notice of
 227 intent to record a Claim of Lien against your property
 228 no sooner than 30 days after your receipt of this
 229 letter, unless you pay in full the amounts set forth
 230 below:

231
 232 Maintenance due ...(dates)... \$.....
 233 Late fee, if applicable \$.....



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234	<u>Interest through ... (dates) ... *</u>	\$.....
235	<u>Certified mail charges</u>	\$.....
236	<u>Other costs</u>	\$.....
237	<u>TOTAL OUTSTANDING</u>	\$.....

238

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

241 Section 5. Subsections (3) and (4) of section 719.108,
 242 Florida Statutes, are amended to read:

243 719.108 Rents and assessments; liability; lien and
 244 priority; interest; collection; cooperative ownership.—

245 (3) Rents and assessments, and installments on them, not
 246 paid when due bear interest at the rate provided in the
 247 cooperative documents from the date due until paid. This rate
 248 may not exceed the rate allowed by law and, if a rate is not
 249 provided in the cooperative documents, accrues at 18 percent per
 250 annum. If the cooperative documents or bylaws so provide, the
 251 association may charge an administrative late fee in addition to
 252 such interest, not to exceed the greater of \$25 or 5 percent of
 253 each installment of the assessment for each delinquent
 254 installment that the payment is late. Any payment received by an
 255 association must be applied first to any interest accrued by the
 256 association, then to any administrative late fee, then to any
 257 costs and reasonable attorney ~~attorney's~~ fees incurred in
 258 collection, and then to the delinquent assessment. The foregoing
 259 applies notwithstanding any restrictive endorsement,



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260 designation, or instruction placed on or accompanying a payment.
261 A late fee is not subject to chapter 687 or s. 719.303(4).

262 (4) The association has a lien on each cooperative parcel
263 for any unpaid rents and assessments, plus interest, and any
264 authorized administrative late fees. If authorized by the
265 cooperative documents, the lien also secures reasonable attorney
266 ~~attorney's~~ fees incurred by the association incident to the
267 collection of the rents and assessments or enforcement of such
268 lien. The lien is effective from and after recording a claim of
269 lien in the public records in the county in which the
270 cooperative parcel is located which states the description of
271 the cooperative parcel, the name of the unit owner, the amount
272 due, and the due dates. ~~The lien expires if a claim of lien is~~
273 ~~not filed within 1 year after the date the assessment was due,~~
274 ~~and the lien does not continue for longer than 1 year after the~~
275 ~~claim of lien has been recorded unless, within that time, an~~
276 ~~action to enforce the lien is commenced.~~ Except as otherwise
277 provided in this chapter, a lien may not be filed by the
278 association against a cooperative parcel until 30 days after the
279 date on which a notice of intent to file a lien has been
280 delivered to the owner.

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

284
285 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

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RE: Unit ...(unit number)... of ...(name of cooperative)...

The following amounts are currently due on your account to ...(name of association)..., and must be paid within 30 days after your receipt of this letter. This letter shall serve as the association's notice of intent to record a Claim of Lien against your property no sooner than 30 days after your receipt of this letter, unless you pay in full the amounts set forth below:

<u>Maintenance due ...(dates)...</u>	<u>\$.....</u>
<u>Late fee, if applicable</u>	<u>\$.....</u>
<u>Interest through ...(dates)...*</u>	<u>\$.....</u>
<u>Certified mail charges</u>	<u>\$.....</u>
<u>Other costs</u>	<u>\$.....</u>
<u>TOTAL OUTSTANDING</u>	<u>\$.....</u>

*Interest accrues at the rate of percent per annum.

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



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312 2. If the most recent address of the unit owner on the
313 records of the association is in the United States, but is not
314 the address of the unit, the notice must be sent by ~~registered~~
315 ~~or~~ certified mail, return receipt requested, to the unit owner
316 at his or her most recent address.

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

321 (b) A notice that is sent pursuant to this subsection is
322 deemed delivered upon mailing. A claim of lien must be executed
323 and acknowledged by an officer or authorized agent of the
324 association. The lien is not effective 1 year after the claim of
325 lien was recorded unless, within that time, an action to enforce
326 the lien is commenced. The 1-year period is automatically
327 extended for any length of time during which the association is
328 prevented from filing a foreclosure action by an automatic stay
329 resulting from a bankruptcy petition filed by the parcel owner
330 or any other person claiming an interest in the parcel. The
331 claim of lien secures all unpaid rents and assessments that are
332 due and that may accrue after the claim of lien is recorded and
333 through the entry of a final judgment, as well as interest and
334 all reasonable costs and attorney fees incurred by the
335 association incident to the collection process. Upon payment in
336 full, the person making the payment is entitled to a
337 satisfaction of the lien.



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338 (c) By recording a notice in substantially the following
 339 form, a unit owner or the unit owner's agent or attorney may
 340 require the association to enforce a recorded claim of lien
 341 against his or her cooperative parcel:

342
 343 NOTICE OF CONTEST OF LIEN

344
 345 TO: ... (Name and address of association) ...:

346
 347 You are notified that the undersigned contests the
 348 claim of lien filed by you on, ... (year) ..., and
 349 recorded in Official Records Book at Page,
 350 of the public records of County, Florida, and
 351 that the time within which you may file suit to
 352 enforce your lien is limited to 90 days from the date
 353 of service of this notice. Executed this day of
 354, ... (year)

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

356
 357 After notice of contest of lien has been recorded, the clerk of
 358 the circuit court shall mail a copy of the recorded notice to
 359 the association by certified mail, return receipt requested, at
 360 the address shown in the claim of lien or most recent amendment
 361 to it and shall certify to the service on the face of the
 362 notice. Service is complete upon mailing. After service, the
 363 association has 90 days in which to file an action to enforce



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364 the lien. If the action is not filed within the 90-day period,
 365 the lien is void. However, the 90-day period shall be extended
 366 for any length of time during which the association is prevented
 367 from filing its action because of an automatic stay resulting
 368 from the filing of a bankruptcy petition by the unit owner or by
 369 any other person claiming an interest in the parcel.

370 (d) A release of lien must be in substantially the
 371 following form:

372
 373 RELEASE OF LIEN

374 The undersigned lienor, in consideration of the final payment in
 375 the amount of \$...., hereby waives and releases its lien and
 376 right to claim a lien for unpaid assessments through,
 377 ...(year)..., recorded in the Official Records Book at Page
 378, of the public records of County, Florida, for the
 379 following described real property:

380
 381 THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO.
 382 OF ... (NAME OF COOPERATIVE) ..., A COOPERATIVE AS SET
 383 FORTH IN THE COOPERATIVE DOCUMENTS AND THE EXHIBITS
 384 ANNEXED THERETO AND FORMING A PART THEREOF, RECORDED
 385 IN OFFICIAL RECORDS BOOK, PAGE, OF THE
 386 PUBLIC RECORDS OF COUNTY, FLORIDA.

387
 388 ..(Signature of Authorized Agent).. ..(Signature of Witness)..
 389 ..(Print Name).. ..(Print Name)..



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391

..(Signature of Witness)..

392

..(Print Name)..

393

394 Sworn to (or affirmed) and subscribed before me this day of

395, ...(year)...., by ...(name of person making statement)....

396 ..(Signature of Notary Public)..

397 ..(Print, type, or stamp commissioned name of Notary Public)..

398 Personally Known.... OR Produced.... as identification.

399 Section 6. Paragraphs (d) and (e) of subsection (1) of
 400 section 720.3085, Florida Statutes, are redesignated as
 401 paragraphs (e) and (f), respectively, paragraph (a) of
 402 subsection (1), paragraph (b) of subsection (3), and subsections
 403 (4) and (5) are amended, and a new paragraph (d) is added to
 404 subsection (1) of that section, to read:

405 720.3085 Payment for assessments; lien claims.—

406 (1) When authorized by the governing documents, the
 407 association has a lien on each parcel to secure the payment of
 408 assessments and other amounts provided for by this section.
 409 Except as otherwise set forth in this section, the lien is
 410 effective from and shall relate back to the date on which the
 411 original declaration of the community was recorded. However, as
 412 to first mortgages of record, the lien is effective from and
 413 after recording of a claim of lien in the public records of the
 414 county in which the parcel is located. This subsection does not
 415 bestow upon any lien, mortgage, or certified judgment of record



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416 on July 1, 2008, including the lien for unpaid assessments
 417 created in this section, a priority that, by law, the lien,
 418 mortgage, or judgment did not have before July 1, 2008.

419 (a) To be valid, a claim of lien must state the
 420 description of the parcel, the name of the record owner, the
 421 name and address of the association, the assessment amount due,
 422 and the due date. The claim of lien secures all unpaid
 423 assessments that are due and that may accrue subsequent to the
 424 recording of the claim of lien and before entry of a certificate
 425 of title, as well as interest, late charges, and reasonable
 426 costs and attorney ~~attorney's~~ fees incurred by the association
 427 incident to the collection process. The person making payment is
 428 entitled to a satisfaction of the lien upon payment in full.

429 (d) A release of lien must be in substantially the
 430 following form:

431
 432 RELEASE OF LIEN

433 The undersigned lienor, in consideration of the final payment in
 434 the amount of \$...., hereby waives and releases its lien and
 435 right to claim a lien for unpaid assessments through,
 436 ...(year)..., recorded in the Official Records Book at Page
 437, of the public records of County, Florida, for the
 438 following described real property:

439
 440 (PARCEL NO. OR LOT AND BLOCK) OF ...(subdivision
 441 name)...SUBDIVISION AS SHOWN IN THE PLAT THEREOF,



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442 RECORDED AT PLAT BOOK , PAGE , OF THE OFFICIAL
 443 RECORDS OF COUNTY, FLORIDA.

444
 445 (or insert appropriate metes and bounds description
 446 here)

447
 448 ..(Signature of Authorized Agent).. ..(Signature of Witness)..
 449 ..(Print Name).. ..(Print Name)..

450
 451 ..(Signature of Witness)..
 452 ..(Print Name)..

453
 454 Sworn to (or affirmed) and subscribed before me this day of
 455 , . . . (year) . . . , by . . . (name of person making statement) . . .

456 ..(Signature of Notary Public)..
 457 ..(Print, type, or stamp commissioned name of Notary Public)..
 458 Personally Known OR Produced as identification.

459 (3) Assessments and installments on assessments that are
 460 not paid when due bear interest from the due date until paid at
 461 the rate provided in the declaration of covenants or the bylaws
 462 of the association, which rate may not exceed the rate allowed
 463 by law. If no rate is provided in the declaration or bylaws,
 464 interest accrues at the rate of 18 percent per year.

465 (b) Any payment received by an association and accepted
 466 shall be applied first to any interest accrued, then to any
 467 administrative late fee, then to any costs and reasonable



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468 attorney ~~attorney's~~ fees incurred in collection, and then to the
469 delinquent assessment. This paragraph applies notwithstanding
470 any restrictive endorsement, designation, or instruction placed
471 on or accompanying a payment. A late fee is not subject to the
472 provisions of chapter 687 and is not a fine.

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

479 (a) Provide the owner with 45 days following the date the
480 notice is deposited in the mail to make payment for all amounts
481 due, including, but not limited to, any attorney's fees and
482 actual costs associated with the preparation and delivery of the
483 written demand. The notice must be in substantially the
484 following form:

485
486 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

487
488 RE: Parcel or (lot/block)...(lot/parcel number)... of
489 ...(name of association)...

490
491 The following amounts are currently due on your
492 account to ...(name of association)..., and must be
493 paid within 45 days after your receipt of this letter.



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494 This letter shall serve as the association's notice of
 495 intent to record a Claim of Lien against your property
 496 no sooner than 45 days after your receipt of this
 497 letter, unless you pay in full the amounts set forth
 498 below:

500	<u>Maintenance due ... (dates) ...</u>	<u>\$.....</u>
501	<u>Late fee, if applicable</u>	<u>\$.....</u>
502	<u>Interest through ... (dates) ...*</u>	<u>\$.....</u>
503	<u>Certified mail charges</u>	<u>\$.....</u>
504	<u>Other costs</u>	<u>\$.....</u>
505	<u>TOTAL OUTSTANDING</u>	<u>\$.....</u>

506
 507 *Interest accrues at the rate of percent per
 508 annum.

509 (b) Be sent by registered or certified mail, return
 510 receipt requested, and by first-class United States mail to the
 511 parcel owner at his or her last address as reflected in the
 512 records of the association, if the address is within the United
 513 States, and to the parcel owner subject to the demand at the
 514 address of the parcel if the owner's address as reflected in the
 515 records of the association is not the parcel address. If the
 516 address reflected in the records is outside the United States,
 517 then sending the notice to that address and to the parcel
 518 address by first-class United States mail is sufficient.

519 (5) The association may bring an action in its name to



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520 foreclose a lien for unpaid assessments secured by a lien in the
521 same manner that a mortgage of real property is foreclosed and
522 may also bring an action to recover a money judgment for the
523 unpaid assessments without waiving any claim of lien. The action
524 to foreclose the lien may not be brought until 45 days after the
525 parcel owner has been provided notice of the association's
526 intent to foreclose and collect the unpaid amount. The notice
527 must be given in the manner provided in paragraph (4)(b), and
528 the notice may not be provided until the passage of the 45 days
529 required in paragraph (4)(a). The notice must be in
530 substantially the following form:

531
532 DELINQUENT ASSESSMENT
533 This letter is to inform you a Claim of Lien has been filed
534 against your property because you have not paid the ...(type of
535 assessment)... assessment to ...(name of association).... The
536 association intends to foreclose the lien and collect the unpaid
537 amount within 45 days of this letter being provided to you.

538
539 You owe the interest accruing from ...(month/year)... to the
540 present. As of the date of this letter, the total amount due
541 with interest is \$..... All costs of any action and interest
542 from this day forward will also be charged to your account.

543
544 Any questions concerning this matter should be directed to
545 (insert name, addresses, and telephone numbers of association



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546 representative).

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

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

555 Section 7. This act shall take effect July 1, 2014.