

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Robaina offered the following:

Amendment (with title amendment)

Between lines 618 and 619, insert:

Section 5. Section (8) is added to section 720.3085,
Florida Statutes, to read:

720.3085 Payment for assessments; lien claims.--

(8) During the pendency of any foreclosure action of a
parcel within a homeowners' association, if the home is occupied
by a tenant and the parcel owner is delinquent in the payment of
regular assessments, the association may demand that the tenant
pay to the association the future regular assessments related to
the parcel. The demand shall be continuing in nature, and upon
demand the tenant shall continue to pay the regular assessments
to the association until the association releases the tenant or
the tenant discontinues tenancy in the unit. The association

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shall mail written notice to the parcel owner of the association's demand that the tenant pay regular assessments to the association. The tenant shall not be liable for increases in the amount of the regular assessment due unless the tenant was reasonably notified of the increase prior to the day that the rent is due. The tenant shall be given a credit against rents due to the parcel owner in the amount of assessments paid to the association. The association shall, upon request, provide the tenant with written receipts for payments made. The association may issue notices under s. 83.56 and may sue for eviction under ss. 83.59-83.625 as if the association were a landlord under part II of chapter 83 should the tenant fail to pay an assessment. However, the association shall not otherwise be considered a landlord under chapter 83 and shall specifically not have any duty under s. 83.51. The tenant shall not, by virtue of payment of assessments, have any of the rights of a unit owner to vote in any election or to examine the books and records of the association. A court may supersede the effect of this subsection by appointing a receiver.

Section 6. Section 720.3095, Florida Statutes, is created to read:

720.3095 Management and maintenance agreements entered into by the association.--

(1) A written contract between a party contracting to provide maintenance or management services and an association which provides for operation, maintenance, or management of a homeowners' association is not valid or enforceable unless the contract:

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45 (a) Specifies the services, obligations, and
46 responsibilities of the party contracting to provide maintenance
47 or management services to the unit owners.

48 (b) Specifies those costs incurred in the performance of
49 those services, obligations, or responsibilities which are to be
50 reimbursed by the association to the party contracting to
51 provide maintenance or management services.

52 (c) Provides an indication of how often each service,
53 obligation, or responsibility is to be performed, whether stated
54 for each service, obligation, or responsibility or in categories
55 thereof.

56 (d) Specifies a minimum number of personnel to be employed
57 by the party contracting to provide maintenance or management
58 services for the purpose of providing service to the
59 association.

60 (e) Discloses any financial or ownership interest which
61 the developer, if the developer is in control of the
62 association, holds with regard to the party contracting to
63 provide maintenance or management services.

64 (f) Discloses any financial or ownership interest a board
65 member or any party providing maintenance or management services
66 to the association holds with the contracting party.

67 (2) In any case in which the party contracting to provide
68 maintenance or management services fails to provide such
69 services in accordance with the contract, the association is
70 authorized to procure such services from some other party and
71 shall be entitled to collect any fees or charges paid for

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services performed by another party from the party contracting to provide maintenance or management services.

(3) Any services or obligations not stated on the face of the contract shall be unenforceable.

(4) Notwithstanding the fact that certain vendors contract with associations to maintain equipment or property which is made available to serve unit owners, it is the intent of the Legislature that this section applies to contracts for maintenance or management services for which the association pays compensation. This section does not apply to contracts for services or property made available for the convenience of unit owners by lessees or licensees of the association, such as coin-operated laundry, food, soft drink, or telephone vendors; cable television operators; retail store operators; businesses; restaurants; or similar vendors.

Section 7. Section 720.3096, Florida Statutes, is created to read:

720.3096 Limitation on agreements entered into by the association.--As to any contract or other transaction between an association and one or more of its directors or any other corporation, firm, association, or entity in which one or more of its directors are directors or officers or are financially interested:

(1) The association shall comply with the requirements of s. 617.0832.

(2) The disclosures required by s. 617.0832 shall be entered into the written minutes of the meeting.

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(3) Approval of the contract or other transaction shall require an affirmative vote of two-thirds of the directors present.

(4) At the next regular or special meeting of the members, the existence of the contract or other transaction shall be disclosed to the members. Upon motion of any member, the contract or transaction shall be brought up for a vote and may be canceled by a majority vote of the members present. If the members cancel the contract, the association shall be liable for only the reasonable value of goods and services provided up to the time of cancellation and shall not be liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

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

Remove line 28 and insert:
certifications for a specified time; amending s. 720.3085, F.S.; requiring a tenant in a unit in which the regular assessments are delinquent to pay future regular assessments to the association; requiring notice; providing for eviction by the association; specifying rights of the tenant; creating s. 720.3095, F.S.; providing requirements of maintenance and management contracts of a homeowners' association; requiring disclosures; providing a penalty; providing exceptions; creating s. 720.3096, F.S.; limiting contracts entered into by a homeowners' association; providing requirements for such contracts; amending s. 720.401,

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