



751420

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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The Committee on Regulated Industries (Diaz de la Portilla) recommended the following:

**Senate Amendment to Amendment (626528) (with title amendment)**

Between lines 552 and 553  
insert:

Section 5. Section 720.315, Florida Statutes, is created to read:

720.315 Passage of special assessments before turnover by developer.—

(1) Before the turnover of an association by a developer as described in this chapter, the board of directors may not pass



751420

12 more than one special assessment during a calendar year.

13 (2) Each special assessment must be adopted at a meeting of  
14 the board conducted solely for the purpose of discussing and  
15 adopting such assessment. The location of the meeting must be in  
16 the same county in which the association is located. The board  
17 shall provide at least 30 days' notice of the meeting by:

18 (a) Posting a sign in the association's common area listing  
19 the date, time, and location of the meeting and containing, in  
20 at least 36-point, boldface type, the words "SPECIAL MEETING  
21 REGARDING PROPOSED SPECIAL ASSESSMENT."

22 (b) Mailing to all members of the association, at the  
23 address contained in the association's membership log or, if the  
24 association does not maintain a membership log, at the address  
25 of the property located within the association, a letter  
26 containing:

27 1. The date, time, and location of the meeting;

28 2. The amount of the proposed special assessment to be  
29 assessed to each member of the association;

30 3. A copy of each document used or relied upon by the  
31 association or its agents in calculating the amount of the  
32 special assessment; and

33 4. A letter of explanation from a certified public  
34 accountant disclosing the method and manner used to calculate  
35 the amount of the special assessment.

36 (3) The proposed special assessment may not exceed 20  
37 percent of the current year's regular annual assessment. Moneys  
38 collected as a result of a special assessment may not be used to  
39 supplement or fund reserve items.

40 (4) Lots or units owned by the developer, excluding common



751420

41 areas, are subject to the same payment requirements or payment  
42 deadlines as those owned by members, effective on the date on  
43 which a special assessment is adopted by the board. The  
44 developer may not delay payment of a special assessment based on  
45 the use of a developer's guarantee. If the board existing before  
46 turnover of the association initiates or authorizes collection  
47 efforts against any member for nonpayment of the special  
48 assessment, it must simultaneously initiate or authorize  
49 collection efforts against any developer-owned units or property  
50 if the special assessment has not been paid by the developer. If  
51 the board fails to pursue the developer for nonpayment of the  
52 special assessment in the same manner and at the same time it  
53 pursues members for nonpayment, a presumption of selective  
54 enforcement is created which constitutes a defense that may be  
55 raised by a member as a complete defense to nonpayment of the  
56 special assessment.

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58  
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete line 1449

62 and insert:

63 retain certifications for a specified period; creating  
64 s. 720.315, F.S.; prohibiting the board of directors  
65 of a homeowners' association from passing more than  
66 one special assessment per calendar year under certain  
67 circumstances; requiring that each special assessment  
68 be adopted at a board meeting conducted solely for the  
69 purpose of discussing and adopting such assessment;



751420

70 requiring that the board provide a notice for a  
71 specified period before such meeting; providing  
72 procedures for providing such notice; requiring that  
73 such notice contain certain information; requiring  
74 that the meeting be held in the same county in which  
75 the association is located; limiting the amount of a  
76 special assessment and restricting the manner in which  
77 moneys collected pursuant thereto may be used;  
78 providing that lots or units owned by the developer  
79 are subject to the same payment requirements and  
80 deadlines as those owned by members; providing  
81 exceptions; prohibiting a developer from delaying  
82 payment of a special assessment based on the use of a  
83 developer's guarantee; requiring that a board of  
84 directors initiate or authorize collection efforts  
85 against units owned by a developer under certain  
86 circumstances; providing that failure of the board to  
87 take certain action constitutes a defense to  
88 nonpayment of a special assessment for certain members  
89 of the association; amending