

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 831 and 832, insert:

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

7 720.3085 Payment for assessments; lien claims.--

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

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

36 Section 9. Section 720.3095, Florida Statutes, is created  
37 to read:

38 720.3095 Management and maintenance agreements entered  
39 into by the association.--

40 (1) A written contract between a party contracting to  
41 provide maintenance or management services and an association  
42 which provides for operation, maintenance, or management of a  
43 homeowners' association is not valid or enforceable unless the  
44 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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72 services performed by another party from the party contracting  
73 to provide maintenance or management services.

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

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

87 Section 10. Section 720.3096, Florida Statutes, is created  
88 to read:

89 720.3096 Limitation on agreements entered into by the  
90 association.--As to any contract or other transaction between an  
91 association and one or more of its directors or any other  
92 corporation, firm, association, or entity in which one or more  
93 of its directors are directors or officers or are financially  
94 interested:

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

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

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

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

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113 -----  
114                   **T I T L E   A M E N D M E N T**

115       Remove line 37 and insert:  
116       certifications for a specified time; amending s. 720.3085, F.S.;  
117       requiring a tenant in a unit in which the regular assessments  
118       are delinquent to pay future regular assessments to the  
119       association; requiring notice; providing for eviction by the  
120       association; specifying rights of the tenant; creating s.  
121       720.3095, F.S.; providing requirements of maintenance and  
122       management contracts of a homeowners' association; requiring  
123       disclosures; providing a penalty; providing exceptions; creating  
124       s. 720.3096, F.S.; limiting contracts entered into by a  
125       homeowners' association; providing requirements for such  
126       contracts; amending s. 720.401,  
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