

By Senator Ring

29-00500C-15

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1                                   A bill to be entitled  
2       An act relating to residential properties; amending s.  
3       617.0721, F.S.; providing that any copy, facsimile, or  
4       other reliable reproduction of the original proxy may  
5       be substituted and used in lieu of, and for the same  
6       purposes as, the original proxy if the reproduction is  
7       a complete reproduction of the entire proxy; amending  
8       s. 718.111, F.S.; providing that certain written  
9       records of the association related to the operation of  
10      the association constitute official records that must  
11      be maintained by the association; providing that the  
12      vote necessary to charge use fees for the use of the  
13      common elements or association property may be  
14      approved by a majority of the voting interests  
15      present, in person or by proxy, at a meeting of the  
16      association if a quorum has been established; amending  
17      s. 718.112, F.S.; prohibiting a unit owner from  
18      posting specified recordings of a meeting in certain  
19      circumstances; clarifying that association property  
20      can be used to post notices; amending ss. 718.116,  
21      719.108, and 720.3085, F.S.; providing that the  
22      association may recover from the unit owner or parcel  
23      owner a reasonable charge imposed by a management or  
24      bookkeeping company, or collection agent, incurred in  
25      connection with a delinquent assessment; providing  
26      that such charges must be liquidated, noncontingent,  
27      and based upon actual time expended; providing that  
28      fees for collection are not recoverable in a certain  
29      circumstance; specifying the hierarchy for the

29-00500C-15

2015748\_\_

30 application of payments received for collection  
31 services contracted by the association; amending s.  
32 719.104, F.S.; providing that certain written records  
33 of the association related to the operation of the  
34 association constitute official records that must be  
35 maintained by the association; amending ss. 719.106  
36 and 720.306, F.S.; prohibiting a unit owner or parcel  
37 owner from posting specified recordings of a meeting  
38 in certain circumstances; creating s. 720.3015, F.S.;  
39 providing a short title; providing an effective date.  
40

41 Be It Enacted by the Legislature of the State of Florida:  
42

43 Section 1. Subsection (2) of section 617.0721, Florida  
44 Statutes, is amended to read:

45 617.0721 Voting by members.—

46 (2) A member who is entitled to vote may vote in person or,  
47 unless the articles of incorporation or the bylaws otherwise  
48 provide, may vote by proxy executed in writing by the member or  
49 by his or her duly authorized attorney in fact. Notwithstanding  
50 any provision to the contrary in the articles of incorporation  
51 or bylaws, any copy, facsimile, or other reliable reproduction  
52 of the original proxy may be substituted for or used in lieu of  
53 the original proxy for any purpose for which the original proxy  
54 could be used if the copy, facsimile, or other reproduction is a  
55 complete reproduction of the entire proxy. An appointment of a  
56 proxy is not valid after 11 months following the date of its  
57 execution unless otherwise provided in the proxy.

58 (a) If directors or officers are to be elected by members,

29-00500C-15

2015748\_\_

59 the bylaws may provide that such elections may be conducted by  
60 mail.

61 (b) A corporation may reject a vote, consent, waiver, or  
62 proxy appointment if the secretary or other officer or agent  
63 authorized to tabulate votes, acting in good faith, has a  
64 reasonable basis for doubting the validity of the signature on  
65 it or the signatory's authority to sign for the member.

66 Section 2. Subsection (4) and paragraph (a) of subsection  
67 (12) of section 718.111, Florida Statutes, are amended to read:  
68 718.111 The association.—

69 (4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The  
70 association has the power to make and collect assessments and to  
71 lease, maintain, repair, and replace the common elements or the  
72 association property; however, the association may not charge a  
73 use fee against a unit owner for the use of common elements or  
74 association property unless otherwise provided for in the  
75 declaration of condominium or by a majority of the voting  
76 interests present, in person or by proxy, at a meeting of the  
77 association if a quorum has been established ~~vote of the~~  
78 ~~association~~ or unless the charges relate to expenses incurred by  
79 an owner having exclusive use of the common elements or  
80 association property.

81 (12) OFFICIAL RECORDS.—

82 (a) From the inception of the association, the association  
83 shall maintain each of the following items, if applicable, which  
84 constitutes the official records of the association:

85 1. A copy of the plans, permits, warranties, and other  
86 items provided by the developer pursuant to s. 718.301(4).

87 2. A photocopy of the recorded declaration of condominium

29-00500C-15

2015748\_\_

88 of each condominium operated by the association and each  
89 amendment to each declaration.

90 3. A photocopy of the recorded bylaws of the association  
91 and each amendment to the bylaws.

92 4. A certified copy of the articles of incorporation of the  
93 association, or other documents creating the association, and  
94 each amendment thereto.

95 5. A copy of the current rules of the association.

96 6. A book or books that contain the minutes of all meetings  
97 of the association, the board of administration, and the unit  
98 owners, which minutes must be retained for at least 7 years.

99 7. A current roster of all unit owners and their mailing  
100 addresses, unit identifications, voting certifications, and, if  
101 known, telephone numbers. The association shall also maintain  
102 the electronic mailing addresses and facsimile numbers of unit  
103 owners consenting to receive notice by electronic transmission.  
104 The electronic mailing addresses and facsimile numbers are not  
105 accessible to unit owners if consent to receive notice by  
106 electronic transmission is not provided in accordance with  
107 subparagraph (c)5. However, the association is not liable for an  
108 inadvertent disclosure of the electronic mail address or  
109 facsimile number for receiving electronic transmission of  
110 notices.

111 8. All current insurance policies of the association and  
112 condominiums operated by the association.

113 9. A current copy of any management agreement, lease, or  
114 other contract to which the association is a party or under  
115 which the association or the unit owners have an obligation or  
116 responsibility.

29-00500C-15

2015748\_\_

117 10. Bills of sale or transfer for all property owned by the  
118 association.

119 11. Accounting records for the association and separate  
120 accounting records for each condominium that the association  
121 operates. All accounting records must be maintained for at least  
122 7 years. Any person who knowingly or intentionally defaces or  
123 destroys such records, or who knowingly or intentionally fails  
124 to create or maintain such records, with the intent of causing  
125 harm to the association or one or more of its members, is  
126 personally subject to a civil penalty pursuant to s.

127 718.501(1)(d). The accounting records must include, but are not  
128 limited to:

129 a. Accurate, itemized, and detailed records of all receipts  
130 and expenditures.

131 b. A current account and a monthly, bimonthly, or quarterly  
132 statement of the account for each unit designating the name of  
133 the unit owner, the due date and amount of each assessment, the  
134 amount paid on the account, and the balance due.

135 c. All audits, reviews, accounting statements, and  
136 financial reports of the association or condominium.

137 d. All contracts for work to be performed. Bids for work to  
138 be performed are also considered official records and must be  
139 maintained by the association.

140 12. Ballots, sign-in sheets, voting proxies, and all other  
141 papers relating to voting by unit owners, which must be  
142 maintained for 1 year from the date of the election, vote, or  
143 meeting to which the document relates, notwithstanding paragraph  
144 (b).

145 13. All rental records if the association is acting as

29-00500C-15

2015748\_\_

146 agent for the rental of condominium units.

147 14. A copy of the current question and answer sheet as  
148 described in s. 718.504.

149 15. All other written records of the association not  
150 specifically included in the foregoing which are related to the  
151 operation of the association.

152 16. A copy of the inspection report as described in s.  
153 718.301(4) (p).

154 Section 3. Paragraphs (c) and (d) of subsection (2) of  
155 section 718.112, Florida Statutes, are amended to read:

156 718.112 Bylaws.—

157 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
158 following and, if they do not do so, shall be deemed to include  
159 the following:

160 (c) *Board of administration meetings.*—Meetings of the board  
161 of administration at which a quorum of the members is present  
162 are open to all unit owners. Members of the board of  
163 administration may use e-mail as a means of communication but  
164 may not cast a vote on an association matter via e-mail. A unit  
165 owner may tape record or videotape the meetings; however, a unit  
166 owner may not post such recordings on any website or other media  
167 that can be readily viewed by persons who are not members of the  
168 association. The right to attend such meetings includes the  
169 right to speak at such meetings with reference to all designated  
170 agenda items. The division shall adopt reasonable rules  
171 governing the tape recording and videotaping of the meeting. The  
172 association may adopt written reasonable rules governing the  
173 frequency, duration, and manner of unit owner statements.

174 1. Adequate notice of all board meetings, which must

29-00500C-15

2015748\_\_

175 specifically identify all agenda items, must be posted  
176 conspicuously on the condominium property or association  
177 property at least 48 continuous hours before the meeting except  
178 in an emergency. If 20 percent of the voting interests petition  
179 the board to address an item of business, the board, within 60  
180 days after receipt of the petition, shall place the item on the  
181 agenda at its next regular board meeting or at a special meeting  
182 called for that purpose. An item not included on the notice may  
183 be taken up on an emergency basis by a vote of at least a  
184 majority plus one of the board members. Such emergency action  
185 must be noticed and ratified at the next regular board meeting.  
186 However, written notice of a meeting at which a nonemergency  
187 special assessment or an amendment to rules regarding unit use  
188 will be considered must be mailed, delivered, or electronically  
189 transmitted to the unit owners and posted conspicuously on the  
190 condominium property or association property at least 14 days  
191 before the meeting. Evidence of compliance with this 14-day  
192 notice requirement must be made by an affidavit executed by the  
193 person providing the notice and filed with the official records  
194 of the association. Upon notice to the unit owners, the board  
195 shall, by duly adopted rule, designate a specific location on  
196 the condominium or association property where all notices of  
197 board meetings must be posted. If there is no condominium  
198 property or association property where notices can be posted,  
199 notices shall be mailed, delivered, or electronically  
200 transmitted to each unit owner at least 14 days before the  
201 meeting. In lieu of or in addition to the physical posting of  
202 the notice on the condominium property or association property,  
203 the association may, by reasonable rule, adopt a procedure for

29-00500C-15

2015748\_\_

204 conspicuously posting and repeatedly broadcasting the notice and  
205 the agenda on a closed-circuit cable television system serving  
206 the condominium association. However, if broadcast notice is  
207 used in lieu of a notice physically posted on condominium  
208 property or association property, the notice and agenda must be  
209 broadcast at least four times every broadcast hour of each day  
210 that a posted notice is otherwise required under this section.  
211 If broadcast notice is provided, the notice and agenda must be  
212 broadcast in a manner and for a sufficient continuous length of  
213 time so as to allow an average reader to observe the notice and  
214 read and comprehend the entire content of the notice and the  
215 agenda. Notice of any meeting in which regular or special  
216 assessments against unit owners are to be considered must  
217 specifically state that assessments will be considered and  
218 provide the nature, estimated cost, and description of the  
219 purposes for such assessments.

220 2. Meetings of a committee to take final action on behalf  
221 of the board or make recommendations to the board regarding the  
222 association budget are subject to this paragraph. Meetings of a  
223 committee that does not take final action on behalf of the board  
224 or make recommendations to the board regarding the association  
225 budget are subject to this section, unless those meetings are  
226 exempted from this section by the bylaws of the association.

227 3. Notwithstanding any other law, the requirement that  
228 board meetings and committee meetings be open to the unit owners  
229 does not apply to:

230 a. Meetings between the board or a committee and the  
231 association's attorney, with respect to proposed or pending  
232 litigation, if the meeting is held for the purpose of seeking or



29-00500C-15

2015748\_\_

233 rendering legal advice; or

234 b. Board meetings held for the purpose of discussing  
235 personnel matters.

236 (d) *Unit owner meetings.*—

237 1. An annual meeting of the unit owners shall be held at  
238 the location provided in the association bylaws and, if the  
239 bylaws are silent as to the location, the meeting shall be held  
240 within 45 miles of the condominium property. However, such  
241 distance requirement does not apply to an association governing  
242 a timeshare condominium.

243 2. Unless the bylaws provide otherwise, a vacancy on the  
244 board caused by the expiration of a director's term shall be  
245 filled by electing a new board member, and the election must be  
246 by secret ballot. An election is not required if the number of  
247 vacancies equals or exceeds the number of candidates. For  
248 purposes of this paragraph, the term "candidate" means an  
249 eligible person who has timely submitted the written notice, as  
250 described in sub-subparagraph 4.a., of his or her intention to  
251 become a candidate. Except in a timeshare or nonresidential  
252 condominium, or if the staggered term of a board member does not  
253 expire until a later annual meeting, or if all members' terms  
254 would otherwise expire but there are no candidates, the terms of  
255 all board members expire at the annual meeting, and such members  
256 may stand for reelection unless prohibited by the bylaws. If the  
257 bylaws or articles of incorporation permit terms of no more than  
258 2 years, the association board members may serve 2-year terms.  
259 If the number of board members whose terms expire at the annual  
260 meeting equals or exceeds the number of candidates, the  
261 candidates become members of the board effective upon the

29-00500C-15

2015748\_\_

262 adjournment of the annual meeting. Unless the bylaws provide  
263 otherwise, any remaining vacancies shall be filled by the  
264 affirmative vote of the majority of the directors making up the  
265 newly constituted board even if the directors constitute less  
266 than a quorum or there is only one director. In a residential  
267 condominium association of more than 10 units or in a  
268 residential condominium association that does not include  
269 timeshare units or timeshare interests, coowners of a unit may  
270 not serve as members of the board of directors at the same time  
271 unless they own more than one unit or unless there are not  
272 enough eligible candidates to fill the vacancies on the board at  
273 the time of the vacancy. A unit owner in a residential  
274 condominium desiring to be a candidate for board membership must  
275 comply with sub-subparagraph 4.a. and must be eligible to be a  
276 candidate to serve on the board of directors at the time of the  
277 deadline for submitting a notice of intent to run in order to  
278 have his or her name listed as a proper candidate on the ballot  
279 or to serve on the board. A person who has been suspended or  
280 removed by the division under this chapter, or who is delinquent  
281 in the payment of any monetary obligation due to the  
282 association, is not eligible to be a candidate for board  
283 membership and may not be listed on the ballot. A person who has  
284 been convicted of any felony in this state or in a United States  
285 District or Territorial Court, or who has been convicted of any  
286 offense in another jurisdiction which would be considered a  
287 felony if committed in this state, is not eligible for board  
288 membership unless such felon's civil rights have been restored  
289 for at least 5 years as of the date such person seeks election  
290 to the board. The validity of an action by the board is not

29-00500C-15

2015748\_\_

291 affected if it is later determined that a board member is  
292 ineligible for board membership due to having been convicted of  
293 a felony. This subparagraph does not limit the term of a member  
294 of the board of a nonresidential condominium.

295 3. The bylaws must provide the method of calling meetings  
296 of unit owners, including annual meetings. Written notice must  
297 include an agenda, must be mailed, hand delivered, or  
298 electronically transmitted to each unit owner at least 14 days  
299 before the annual meeting, and must be posted in a conspicuous  
300 place on the condominium property or association property at  
301 least 14 continuous days before the annual meeting. Upon notice  
302 to the unit owners, the board shall, by duly adopted rule,  
303 designate a specific location on the condominium property or  
304 association property where all notices of unit owner meetings  
305 shall be posted. This requirement does not apply if there is no  
306 condominium property or association property for posting  
307 notices. In lieu of, or in addition to, the physical posting of  
308 meeting notices, the association may, by reasonable rule, adopt  
309 a procedure for conspicuously posting and repeatedly  
310 broadcasting the notice and the agenda on a closed-circuit cable  
311 television system serving the condominium association. However,  
312 if broadcast notice is used in lieu of a notice posted  
313 physically on the condominium property or association property,  
314 the notice and agenda must be broadcast at least four times  
315 every broadcast hour of each day that a posted notice is  
316 otherwise required under this section. If broadcast notice is  
317 provided, the notice and agenda must be broadcast in a manner  
318 and for a sufficient continuous length of time so as to allow an  
319 average reader to observe the notice and read and comprehend the

29-00500C-15

2015748\_\_

320 entire content of the notice and the agenda. Unless a unit owner  
321 waives in writing the right to receive notice of the annual  
322 meeting, such notice must be hand delivered, mailed, or  
323 electronically transmitted to each unit owner. Notice for  
324 meetings and notice for all other purposes must be mailed to  
325 each unit owner at the address last furnished to the association  
326 by the unit owner, or hand delivered to each unit owner.  
327 However, if a unit is owned by more than one person, the  
328 association must provide notice to the address that the  
329 developer identifies for that purpose and thereafter as one or  
330 more of the owners of the unit advise the association in  
331 writing, or if no address is given or the owners of the unit do  
332 not agree, to the address provided on the deed of record. An  
333 officer of the association, or the manager or other person  
334 providing notice of the association meeting, must provide an  
335 affidavit or United States Postal Service certificate of  
336 mailing, to be included in the official records of the  
337 association affirming that the notice was mailed or hand  
338 delivered in accordance with this provision.

339 4. The members of the board of a residential condominium  
340 shall be elected by written ballot or voting machine. Proxies  
341 may not be used in electing the board in general elections or  
342 elections to fill vacancies caused by recall, resignation, or  
343 otherwise, unless otherwise provided in this chapter. This  
344 subparagraph does not apply to an association governing a  
345 timeshare condominium.

346 a. At least 60 days before a scheduled election, the  
347 association shall mail, deliver, or electronically transmit, by  
348 separate association mailing or included in another association

29-00500C-15

2015748\_\_

349 mailing, delivery, or transmission, including regularly  
350 published newsletters, to each unit owner entitled to a vote, a  
351 first notice of the date of the election. A unit owner or other  
352 eligible person desiring to be a candidate for the board must  
353 give written notice of his or her intent to be a candidate to  
354 the association at least 40 days before a scheduled election.  
355 Together with the written notice and agenda as set forth in  
356 subparagraph 3., the association shall mail, deliver, or  
357 electronically transmit a second notice of the election to all  
358 unit owners entitled to vote, together with a ballot that lists  
359 all candidates. Upon request of a candidate, an information  
360 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
361 furnished by the candidate at least 35 days before the election,  
362 must be included with the mailing, delivery, or transmission of  
363 the ballot, with the costs of mailing, delivery, or electronic  
364 transmission and copying to be borne by the association. The  
365 association is not liable for the contents of the information  
366 sheets prepared by the candidates. In order to reduce costs, the  
367 association may print or duplicate the information sheets on  
368 both sides of the paper. The division shall by rule establish  
369 voting procedures consistent with this sub-subparagraph,  
370 including rules establishing procedures for giving notice by  
371 electronic transmission and rules providing for the secrecy of  
372 ballots. Elections shall be decided by a plurality of ballots  
373 cast. There is no quorum requirement; however, at least 20  
374 percent of the eligible voters must cast a ballot in order to  
375 have a valid election. A unit owner may not permit any other  
376 person to vote his or her ballot, and any ballots improperly  
377 cast are invalid. A unit owner who violates this provision may

29-00500C-15

2015748\_\_

378 be fined by the association in accordance with s. 718.303. A  
379 unit owner who needs assistance in casting the ballot for the  
380 reasons stated in s. 101.051 may obtain such assistance. The  
381 regular election must occur on the date of the annual meeting.  
382 Notwithstanding this sub-subparagraph, an election is not  
383 required unless more candidates file notices of intent to run or  
384 are nominated than board vacancies exist.

385       b. Within 90 days after being elected or appointed to the  
386 board of an association of a residential condominium, each newly  
387 elected or appointed director shall certify in writing to the  
388 secretary of the association that he or she has read the  
389 association's declaration of condominium, articles of  
390 incorporation, bylaws, and current written policies; that he or  
391 she will work to uphold such documents and policies to the best  
392 of his or her ability; and that he or she will faithfully  
393 discharge his or her fiduciary responsibility to the  
394 association's members. In lieu of this written certification,  
395 within 90 days after being elected or appointed to the board,  
396 the newly elected or appointed director may submit a certificate  
397 of having satisfactorily completed the educational curriculum  
398 administered by a division-approved condominium education  
399 provider within 1 year before or 90 days after the date of  
400 election or appointment. The written certification or  
401 educational certificate is valid and does not have to be  
402 resubmitted as long as the director serves on the board without  
403 interruption. A director of an association of a residential  
404 condominium who fails to timely file the written certification  
405 or educational certificate is suspended from service on the  
406 board until he or she complies with this sub-subparagraph. The

29-00500C-15

2015748\_\_

407 board may temporarily fill the vacancy during the period of  
408 suspension. The secretary shall cause the association to retain  
409 a director's written certification or educational certificate  
410 for inspection by the members for 5 years after a director's  
411 election or the duration of the director's uninterrupted tenure,  
412 whichever is longer. Failure to have such written certification  
413 or educational certificate on file does not affect the validity  
414 of any board action.

415 c. Any challenge to the election process must be commenced  
416 within 60 days after the election results are announced.

417 5. Any approval by unit owners called for by this chapter  
418 or the applicable declaration or bylaws, including, but not  
419 limited to, the approval requirement in s. 718.111(8), must be  
420 made at a duly noticed meeting of unit owners and is subject to  
421 all requirements of this chapter or the applicable condominium  
422 documents relating to unit owner decisionmaking, except that  
423 unit owners may take action by written agreement, without  
424 meetings, on matters for which action by written agreement  
425 without meetings is expressly allowed by the applicable bylaws  
426 or declaration or any law that provides for such action.

427 6. Unit owners may waive notice of specific meetings if  
428 allowed by the applicable bylaws or declaration or any law. If  
429 authorized by the bylaws, notice of meetings of the board of  
430 administration, unit owner meetings, except unit owner meetings  
431 called to recall board members under paragraph (j), and  
432 committee meetings may be given by electronic transmission to  
433 unit owners who consent to receive notice by electronic  
434 transmission.

435 7. Unit owners have the right to participate in meetings of

29-00500C-15

2015748\_\_

436 unit owners with reference to all designated agenda items.  
437 However, the association may adopt reasonable rules governing  
438 the frequency, duration, and manner of unit owner participation.

439 8. A unit owner may tape record or videotape a meeting of  
440 the unit owners subject to reasonable rules adopted by the  
441 division; however, a unit owner may not post such recordings on  
442 any website or other media that can be readily viewed by persons  
443 who are not members of the association.

444 9. Unless otherwise provided in the bylaws, any vacancy  
445 occurring on the board before the expiration of a term may be  
446 filled by the affirmative vote of the majority of the remaining  
447 directors, even if the remaining directors constitute less than  
448 a quorum, or by the sole remaining director. In the alternative,  
449 a board may hold an election to fill the vacancy, in which case  
450 the election procedures must conform to sub-subparagraph 4.a.  
451 unless the association governs 10 units or fewer and has opted  
452 out of the statutory election process, in which case the bylaws  
453 of the association control. Unless otherwise provided in the  
454 bylaws, a board member appointed or elected under this section  
455 shall fill the vacancy for the unexpired term of the seat being  
456 filled. Filling vacancies created by recall is governed by  
457 paragraph (j) and rules adopted by the division.

458 10. This chapter does not limit the use of general or  
459 limited proxies, require the use of general or limited proxies,  
460 or require the use of a written ballot or voting machine for any  
461 agenda item or election at any meeting of a timeshare  
462 condominium association or nonresidential condominium  
463 association.

464



29-00500C-15

2015748\_\_

465 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
466 association of 10 or fewer units may, by affirmative vote of a  
467 majority of the total voting interests, provide for different  
468 voting and election procedures in its bylaws, which may be by a  
469 proxy specifically delineating the different voting and election  
470 procedures. The different voting and election procedures may  
471 provide for elections to be conducted by limited or general  
472 proxy.

473 Section 4. Subsection (3) and paragraph (b) of subsection  
474 (5) of section 718.116, Florida Statutes, are amended to read:

475 718.116 Assessments; liability; lien and priority;  
476 interest; collection.—

477 (3) Assessments and installments on assessments which are  
478 not paid when due bear interest at the rate provided in the  
479 declaration, from the due date until paid. The rate may not  
480 exceed the rate allowed by law, and, if no rate is provided in  
481 the declaration, interest accrues at the rate of 18 percent per  
482 year. If provided by the declaration or bylaws, the association  
483 may, in addition to such interest, charge an administrative late  
484 fee of up to the greater of \$25 or 5 percent of each delinquent  
485 installment for which the payment is late. The association may  
486 also recover from the unit owner any reasonable charges imposed  
487 upon the association under a written contract with its  
488 management or bookkeeping company, or collection agent, incurred  
489 in connection with collecting a delinquent assessment. Such  
490 charges must be in a liquidated and noncontingent amount and  
491 must be based on the actual time expended performing necessary  
492 services that are not duplicative. Fees for collection are not  
493 recoverable after referral of the matter to an association's

29-00500C-15

2015748\_\_

494 legal counsel. Any payment received by an association must be  
495 applied first to any interest accrued by the association, then  
496 to any administrative late fee, then to any costs and reasonable  
497 attorney ~~attorney's~~ fees incurred in collection, then to any  
498 reasonable costs for collection services contracted by the  
499 association, and then to the delinquent assessment. The  
500 foregoing is applicable notwithstanding any restrictive  
501 endorsement, designation, or instruction placed on or  
502 accompanying a payment. A late fee is not subject to chapter 687  
503 or s. 718.303(4).

504 (5)

505 (b) To be valid, a claim of lien must state the description  
506 of the condominium parcel, the name of the record owner, the  
507 name and address of the association, the amount due, and the due  
508 dates. It must be executed and acknowledged by an officer or  
509 authorized agent of the association. The lien is not effective 1  
510 year after the claim of lien was recorded unless, within that  
511 time, an action to enforce the lien is commenced. The 1-year  
512 period is automatically extended for any length of time during  
513 which the association is prevented from filing a foreclosure  
514 action by an automatic stay resulting from a bankruptcy petition  
515 filed by the parcel owner or any other person claiming an  
516 interest in the parcel. The claim of lien secures all unpaid  
517 assessments that are due and that may accrue after the claim of  
518 lien is recorded and through the entry of a final judgment, as  
519 well as interest, authorized administrative late fees, and all  
520 reasonable costs and attorney ~~attorney's~~ fees incurred by the  
521 association incident to the collection process, including, but  
522 not limited to, any reasonable costs for collection services

29-00500C-15

2015748\_\_

523 contracted by the association. Upon payment in full, the person  
524 making the payment is entitled to a satisfaction of the lien.

525 Section 5. Paragraph (a) of subsection (2) of section  
526 719.104, Florida Statutes, is amended to read:

527 719.104 Cooperatives; access to units; records; financial  
528 reports; assessments; purchase of leases.—

529 (2) OFFICIAL RECORDS.—

530 (a) From the inception of the association, the association  
531 shall maintain a copy of each of the following, where  
532 applicable, which shall constitute the official records of the  
533 association:

534 1. The plans, permits, warranties, and other items provided  
535 by the developer pursuant to s. 719.301(4).

536 2. A photocopy of the cooperative documents.

537 3. A copy of the current rules of the association.

538 4. A book or books containing the minutes of all meetings  
539 of the association, of the board of directors, and of the unit  
540 owners, which minutes shall be retained for a period of not less  
541 than 7 years.

542 5. A current roster of all unit owners and their mailing  
543 addresses, unit identifications, voting certifications, and, if  
544 known, telephone numbers. The association shall also maintain  
545 the electronic mailing addresses and the numbers designated by  
546 unit owners for receiving notice sent by electronic transmission  
547 of those unit owners consenting to receive notice by electronic  
548 transmission. The electronic mailing addresses and numbers  
549 provided by unit owners to receive notice by electronic  
550 transmission shall be removed from association records when  
551 consent to receive notice by electronic transmission is revoked.

29-00500C-15

2015748\_\_

552 However, the association is not liable for an erroneous  
553 disclosure of the electronic mail address or the number for  
554 receiving electronic transmission of notices.

555 6. All current insurance policies of the association.

556 7. A current copy of any management agreement, lease, or  
557 other contract to which the association is a party or under  
558 which the association or the unit owners have an obligation or  
559 responsibility.

560 8. Bills of sale or transfer for all property owned by the  
561 association.

562 9. Accounting records for the association and separate  
563 accounting records for each unit it operates, according to good  
564 accounting practices. All accounting records shall be maintained  
565 for a period of not less than 7 years. The accounting records  
566 shall include, but not be limited to:

567 a. Accurate, itemized, and detailed records of all receipts  
568 and expenditures.

569 b. A current account and a monthly, bimonthly, or quarterly  
570 statement of the account for each unit designating the name of  
571 the unit owner, the due date and amount of each assessment, the  
572 amount paid upon the account, and the balance due.

573 c. All audits, reviews, accounting statements, and  
574 financial reports of the association.

575 d. All contracts for work to be performed. Bids for work to  
576 be performed shall also be considered official records and shall  
577 be maintained for a period of 1 year.

578 10. Ballots, sign-in sheets, voting proxies, and all other  
579 papers relating to voting by unit owners, which shall be  
580 maintained for a period of 1 year after the date of the

29-00500C-15

2015748\_\_

581 election, vote, or meeting to which the document relates.

582 11. All rental records where the association is acting as  
583 agent for the rental of units.

584 12. A copy of the current question and answer sheet as  
585 described in s. 719.504.

586 13. All other written records of the association not  
587 specifically included in the foregoing which are related to the  
588 operation of the association.

589 Section 6. Paragraphs (c) and (d) of subsection (1) of  
590 section 719.106, Florida Statutes, are amended to read:

591 719.106 Bylaws; cooperative ownership.—

592 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
593 documents shall provide for the following, and if they do not,  
594 they shall be deemed to include the following:

595 (c) *Board of administration meetings.*—Meetings of the board  
596 of administration at which a quorum of the members is present  
597 shall be open to all unit owners. Any unit owner may tape record  
598 or videotape meetings of the board of administration; however, a  
599 unit owner may not post such recordings on any website or other  
600 media that can be readily viewed by persons who are not members  
601 of the association. The right to attend such meetings includes  
602 the right to speak at such meetings with reference to all  
603 designated agenda items. The division shall adopt reasonable  
604 rules governing the tape recording and videotaping of the  
605 meeting. The association may adopt reasonable written rules  
606 governing the frequency, duration, and manner of unit owner  
607 statements. Adequate notice of all meetings shall be posted in a  
608 conspicuous place upon the cooperative property at least 48  
609 continuous hours preceding the meeting, except in an emergency.

29-00500C-15

2015748\_\_

610 Any item not included on the notice may be taken up on an  
611 emergency basis by at least a majority plus one of the members  
612 of the board. Such emergency action shall be noticed and  
613 ratified at the next regular meeting of the board. However,  
614 written notice of any meeting at which nonemergency special  
615 assessments, or at which amendment to rules regarding unit use,  
616 will be considered shall be mailed, delivered, or electronically  
617 transmitted to the unit owners and posted conspicuously on the  
618 cooperative property not less than 14 days before the meeting.  
619 Evidence of compliance with this 14-day notice shall be made by  
620 an affidavit executed by the person providing the notice and  
621 filed among the official records of the association. Upon notice  
622 to the unit owners, the board shall by duly adopted rule  
623 designate a specific location on the cooperative property upon  
624 which all notices of board meetings shall be posted. In lieu of  
625 or in addition to the physical posting of notice of any meeting  
626 of the board of administration on the cooperative property, the  
627 association may, by reasonable rule, adopt a procedure for  
628 conspicuously posting and repeatedly broadcasting the notice and  
629 the agenda on a closed-circuit cable television system serving  
630 the cooperative association. However, if broadcast notice is  
631 used in lieu of a notice posted physically on the cooperative  
632 property, the notice and agenda must be broadcast at least four  
633 times every broadcast hour of each day that a posted notice is  
634 otherwise required under this section. When broadcast notice is  
635 provided, the notice and agenda must be broadcast in a manner  
636 and for a sufficient continuous length of time so as to allow an  
637 average reader to observe the notice and read and comprehend the  
638 entire content of the notice and the agenda. Notice of any

29-00500C-15

2015748\_\_

639 meeting in which regular assessments against unit owners are to  
640 be considered for any reason shall specifically contain a  
641 statement that assessments will be considered and the nature of  
642 any such assessments. Meetings of a committee to take final  
643 action on behalf of the board or to make recommendations to the  
644 board regarding the association budget are subject to the  
645 provisions of this paragraph. Meetings of a committee that does  
646 not take final action on behalf of the board or make  
647 recommendations to the board regarding the association budget  
648 are subject to the provisions of this section, unless those  
649 meetings are exempted from this section by the bylaws of the  
650 association. Notwithstanding any other law to the contrary, the  
651 requirement that board meetings and committee meetings be open  
652 to the unit owners does not apply to board or committee meetings  
653 held for the purpose of discussing personnel matters or meetings  
654 between the board or a committee and the association's attorney,  
655 with respect to proposed or pending litigation, if the meeting  
656 is held for the purpose of seeking or rendering legal advice.

657 (d) *Shareholder meetings.*—There shall be an annual meeting  
658 of the shareholders. All members of the board of administration  
659 shall be elected at the annual meeting unless the bylaws provide  
660 for staggered election terms or for their election at another  
661 meeting. Any unit owner desiring to be a candidate for board  
662 membership must comply with subparagraph 1. The bylaws must  
663 provide the method for calling meetings, including annual  
664 meetings. Written notice, which must incorporate an  
665 identification of agenda items, shall be given to each unit  
666 owner at least 14 days before the annual meeting and posted in a  
667 conspicuous place on the cooperative property at least 14

29-00500C-15

2015748\_\_

668 continuous days preceding the annual meeting. Upon notice to the  
669 unit owners, the board must by duly adopted rule designate a  
670 specific location on the cooperative property upon which all  
671 notice of unit owner meetings are posted. In lieu of or in  
672 addition to the physical posting of the meeting notice, the  
673 association may, by reasonable rule, adopt a procedure for  
674 conspicuously posting and repeatedly broadcasting the notice and  
675 the agenda on a closed-circuit cable television system serving  
676 the cooperative association. However, if broadcast notice is  
677 used in lieu of a posted notice, the notice and agenda must be  
678 broadcast at least four times every broadcast hour of each day  
679 that a posted notice is otherwise required under this section.  
680 If broadcast notice is provided, the notice and agenda must be  
681 broadcast in a manner and for a sufficient continuous length of  
682 time to allow an average reader to observe the notice and read  
683 and comprehend the entire content of the notice and the agenda.  
684 Unless a unit owner waives in writing the right to receive  
685 notice of the annual meeting, the notice of the annual meeting  
686 must be sent by mail, hand delivered, or electronically  
687 transmitted to each unit owner. An officer of the association  
688 must provide an affidavit or United States Postal Service  
689 certificate of mailing, to be included in the official records  
690 of the association, affirming that notices of the association  
691 meeting were mailed, hand delivered, or electronically  
692 transmitted, in accordance with this provision, to each unit  
693 owner at the address last furnished to the association.

694 1. The board of administration shall be elected by written  
695 ballot or voting machine. A proxy may not be used in electing  
696 the board of administration in general elections or elections to



29-00500C-15

2015748\_\_

697 fill vacancies caused by recall, resignation, or otherwise  
698 unless otherwise provided in this chapter.

699 a. At least 60 days before a scheduled election, the  
700 association shall mail, deliver, or transmit, whether by  
701 separate association mailing, delivery, or electronic  
702 transmission or included in another association mailing,  
703 delivery, or electronic transmission, including regularly  
704 published newsletters, to each unit owner entitled to vote, a  
705 first notice of the date of the election. Any unit owner or  
706 other eligible person desiring to be a candidate for the board  
707 of administration must give written notice to the association at  
708 least 40 days before a scheduled election. Together with the  
709 written notice and agenda as set forth in this section, the  
710 association shall mail, deliver, or electronically transmit a  
711 second notice of election to all unit owners entitled to vote,  
712 together with a ballot that lists all candidates. Upon request  
713 of a candidate, the association shall include an information  
714 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
715 furnished by the candidate at least 35 days before the election,  
716 to be included with the mailing, delivery, or electronic  
717 transmission of the ballot, with the costs of mailing, delivery,  
718 or transmission and copying to be borne by the association. The  
719 association is not liable for the contents of the information  
720 sheets provided by the candidates. In order to reduce costs, the  
721 association may print or duplicate the information sheets on  
722 both sides of the paper. The division shall by rule establish  
723 voting procedures consistent with this subparagraph, including  
724 rules establishing procedures for giving notice by electronic  
725 transmission and rules providing for the secrecy of ballots.

29-00500C-15

2015748\_\_

726 Elections shall be decided by a plurality of those ballots cast.  
727 There is no quorum requirement. However, at least 20 percent of  
728 the eligible voters must cast a ballot in order to have a valid  
729 election. A unit owner may not permit any other person to vote  
730 his or her ballot, and any such ballots improperly cast are  
731 invalid. A unit owner who needs assistance in casting the ballot  
732 for the reasons stated in s. 101.051 may obtain assistance in  
733 casting the ballot. Any unit owner violating this provision may  
734 be fined by the association in accordance with s. 719.303. The  
735 regular election must occur on the date of the annual meeting.  
736 This subparagraph does not apply to timeshare cooperatives.  
737 Notwithstanding this subparagraph, an election and balloting are  
738 not required unless more candidates file a notice of intent to  
739 run or are nominated than vacancies exist on the board. Any  
740 challenge to the election process must be commenced within 60  
741 days after the election results are announced.

742       b. Within 90 days after being elected or appointed to the  
743 board, each new director shall certify in writing to the  
744 secretary of the association that he or she has read the  
745 association's bylaws, articles of incorporation, proprietary  
746 lease, and current written policies; that he or she will work to  
747 uphold such documents and policies to the best of his or her  
748 ability; and that he or she will faithfully discharge his or her  
749 fiduciary responsibility to the association's members. Within 90  
750 days after being elected or appointed to the board, in lieu of  
751 this written certification, the newly elected or appointed  
752 director may submit a certificate of having satisfactorily  
753 completed the educational curriculum administered by an  
754 education provider as approved by the division pursuant to the

29-00500C-15

2015748\_\_

755 requirements established in chapter 718 within 1 year before or  
756 90 days after the date of election or appointment. The  
757 educational certificate is valid and does not have to be  
758 resubmitted as long as the director serves on the board without  
759 interruption. A director who fails to timely file the written  
760 certification or educational certificate is suspended from  
761 service on the board until he or she complies with this sub-  
762 subparagraph. The board may temporarily fill the vacancy during  
763 the period of suspension. The secretary of the association shall  
764 cause the association to retain a director's written  
765 certification or educational certificate for inspection by the  
766 members for 5 years after a director's election or the duration  
767 of the director's uninterrupted tenure, whichever is longer.  
768 Failure to have such written certification or educational  
769 certificate on file does not affect the validity of any board  
770 action.

771 2. Any approval by unit owners called for by this chapter,  
772 or the applicable cooperative documents, must be made at a duly  
773 noticed meeting of unit owners and is subject to this chapter or  
774 the applicable cooperative documents relating to unit owner  
775 decisionmaking, except that unit owners may take action by  
776 written agreement, without meetings, on matters for which action  
777 by written agreement without meetings is expressly allowed by  
778 the applicable cooperative documents or law which provides for  
779 the unit owner action.

780 3. Unit owners may waive notice of specific meetings if  
781 allowed by the applicable cooperative documents or law. If  
782 authorized by the bylaws, notice of meetings of the board of  
783 administration, shareholder meetings, except shareholder

29-00500C-15

2015748\_\_

784 meetings called to recall board members under paragraph (f), and  
785 committee meetings may be given by electronic transmission to  
786 unit owners who consent to receive notice by electronic  
787 transmission.

788 4. Unit owners have the right to participate in meetings of  
789 unit owners with reference to all designated agenda items.  
790 However, the association may adopt reasonable rules governing  
791 the frequency, duration, and manner of unit owner participation.

792 5. Any unit owner may tape record or videotape meetings of  
793 the unit owners subject to reasonable rules adopted by the  
794 division; however, a unit owner may not post such recordings on  
795 any website or other media that can be readily viewed by persons  
796 who are not members of the association.

797 6. Unless otherwise provided in the bylaws, a vacancy  
798 occurring on the board before the expiration of a term may be  
799 filled by the affirmative vote of the majority of the remaining  
800 directors, even if the remaining directors constitute less than  
801 a quorum, or by the sole remaining director. In the alternative,  
802 a board may hold an election to fill the vacancy, in which case  
803 the election procedures must conform to the requirements of  
804 subparagraph 1. unless the association has opted out of the  
805 statutory election process, in which case the bylaws of the  
806 association control. Unless otherwise provided in the bylaws, a  
807 board member appointed or elected under this subparagraph shall  
808 fill the vacancy for the unexpired term of the seat being  
809 filled. Filling vacancies created by recall is governed by  
810 paragraph (f) and rules adopted by the division.

811  
812 Notwithstanding subparagraphs (b)2. and (d)1., an association

29-00500C-15

2015748\_\_

813 may, by the affirmative vote of a majority of the total voting  
814 interests, provide for a different voting and election procedure  
815 in its bylaws, which vote may be by a proxy specifically  
816 delineating the different voting and election procedures. The  
817 different voting and election procedures may provide for  
818 elections to be conducted by limited or general proxy.

819 Section 7. Subsections (3) and (4) of section 719.108,  
820 Florida Statutes, are amended to read:

821 719.108 Rents and assessments; liability; lien and  
822 priority; interest; collection; cooperative ownership.—

823 (3) Rents and assessments, and installments on them, not  
824 paid when due bear interest at the rate provided in the  
825 cooperative documents from the date due until paid. This rate  
826 may not exceed the rate allowed by law and, if a rate is not  
827 provided in the cooperative documents, accrues at 18 percent per  
828 annum. If the cooperative documents or bylaws so provide, the  
829 association may charge an administrative late fee in addition to  
830 such interest, not to exceed the greater of \$25 or 5 percent of  
831 each installment of the assessment for each delinquent  
832 installment that the payment is late. The association may also  
833 recover from the unit owner any reasonable charges imposed upon  
834 the association under a written contract with its management or  
835 bookkeeping company, or collection agent, incurred in connection  
836 with collecting a delinquent assessment. Such charges must be in  
837 a liquidated and noncontingent amount and must be based on the  
838 actual time expended performing necessary services that are not  
839 duplicative. Fees for collection are not recoverable after  
840 referral of the matter to an association's legal counsel. Any  
841 payment received by an association must be applied first to any

29-00500C-15

2015748\_\_

842 interest accrued by the association, then to any administrative  
843 late fee, then to any costs and reasonable attorney fees  
844 incurred in collection, then to any reasonable costs for  
845 collection services contracted by the association, and then to  
846 the delinquent assessment. The foregoing applies notwithstanding  
847 any restrictive endorsement, designation, or instruction placed  
848 on or accompanying a payment. A late fee is not subject to  
849 chapter 687 or s. 719.303(4).

850 (4) The association has a lien on each cooperative parcel  
851 for any unpaid rents and assessments, plus interest, any  
852 reasonable costs for collection services contracted by the  
853 association, and any authorized administrative late fees. If  
854 authorized by the cooperative documents, the lien also secures  
855 reasonable attorney fees incurred by the association incident to  
856 the collection of the rents and assessments or enforcement of  
857 such lien. The lien is effective from and after recording a  
858 claim of lien in the public records in the county in which the  
859 cooperative parcel is located which states the description of  
860 the cooperative parcel, the name of the unit owner, the amount  
861 due, and the due dates. Except as otherwise provided in this  
862 chapter, a lien may not be filed by the association against a  
863 cooperative parcel until 30 days after the date on which a  
864 notice of intent to file a lien has been delivered to the owner.

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

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NOTICE OF INTENT  
TO RECORD A CLAIM OF LIEN

29-00500C-15

2015748\_\_

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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:

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

\*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 certified mail, return receipt requested, to the unit owner at the address of the unit.

2. If the most recent address of the unit owner on the records of the association is in the United States, but is not the address of the unit, the notice must be sent by certified

29-00500C-15

2015748\_\_

900 mail, return receipt requested, to the unit owner at his or her  
901 most recent address.

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

906 (b) A notice that is sent pursuant to this subsection is  
907 deemed delivered upon mailing. A claim of lien must be executed  
908 and acknowledged by an officer or authorized agent of the  
909 association. The lien is not effective 1 year after the claim of  
910 lien was recorded unless, within that time, an action to enforce  
911 the lien is commenced. The 1-year period is automatically  
912 extended for any length of time during which the association is  
913 prevented from filing a foreclosure action by an automatic stay  
914 resulting from a bankruptcy petition filed by the parcel owner  
915 or any other person claiming an interest in the parcel. The  
916 claim of lien secures all unpaid rents and assessments that are  
917 due and that may accrue after the claim of lien is recorded and  
918 through the entry of a final judgment, as well as interest and  
919 all reasonable costs and attorney fees incurred by the  
920 association incident to the collection process. Upon payment in  
921 full, the person making the payment is entitled to a  
922 satisfaction of the lien.

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

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NOTICE OF CONTEST OF LIEN



29-00500C-15

2015748\_\_

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

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

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

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

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



29-00500C-15

2015748\_\_

987 to read:

988 720.3015 Short title.—This chapter shall be known and may  
989 be cited as the "Homeowners' Association Act."

990 Section 9. Subsection (10) of section 720.306, Florida  
991 Statutes, is amended to read:

992 720.306 Meetings of members; voting and election  
993 procedures; amendments.—

994 (10) RECORDING.—Any parcel owner may tape record or  
995 videotape meetings of the board of directors and meetings of the  
996 members; however, a parcel owner may not post such recordings on  
997 any website or other media that can be readily viewed by persons  
998 who are not members of the association. The board of directors  
999 of the association may adopt reasonable rules governing the  
1000 taping of meetings of the board and the membership.

1001 Section 10. Paragraph (a) of subsection (1) and subsection  
1002 (3) of section 720.3085, Florida Statutes, are amended to read:

1003 720.3085 Payment for assessments; lien claims.—

1004 (1) When authorized by the governing documents, the  
1005 association has a lien on each parcel to secure the payment of  
1006 assessments and other amounts provided for by this section.  
1007 Except as otherwise set forth in this section, the lien is  
1008 effective from and shall relate back to the date on which the  
1009 original declaration of the community was recorded. However, as  
1010 to first mortgages of record, the lien is effective from and  
1011 after recording of a claim of lien in the public records of the  
1012 county in which the parcel is located. This subsection does not  
1013 bestow upon any lien, mortgage, or certified judgment of record  
1014 on July 1, 2008, including the lien for unpaid assessments  
1015 created in this section, a priority that, by law, the lien,

29-00500C-15

2015748\_\_

1016 mortgage, or judgment did not have before July 1, 2008.

1017 (a) To be valid, a claim of lien must state the description  
1018 of the parcel, the name of the record owner, the name and  
1019 address of the association, the assessment amount due, and the  
1020 due date. The claim of lien secures all unpaid assessments that  
1021 are due and that may accrue subsequent to the recording of the  
1022 claim of lien and before entry of a certificate of title, as  
1023 well as interest, late charges, and reasonable collection costs  
1024 and attorney fees incurred by the association incident to the  
1025 collection process. The person making payment is entitled to a  
1026 satisfaction of the lien upon payment in full.

1027 (3) Assessments and installments on assessments that are  
1028 not paid when due bear interest from the due date until paid at  
1029 the rate provided in the declaration of covenants or the bylaws  
1030 of the association, which rate may not exceed the rate allowed  
1031 by law. If no rate is provided in the declaration or bylaws,  
1032 interest accrues at the rate of 18 percent per year.

1033 (a) If the declaration or bylaws so provide, the  
1034 association may also charge an administrative late fee not to  
1035 exceed the greater of \$25 or 5 percent of the amount of each  
1036 installment that is paid past the due date. The association may  
1037 also recover from the parcel owner any reasonable charges  
1038 imposed upon the association under a written contract with its  
1039 management or bookkeeping company, or collection agent, incurred  
1040 in connection with collecting a delinquent assessment. Such  
1041 charges must be in a liquidated and noncontingent amount and  
1042 must be based on the actual time expended performing necessary  
1043 services that are not duplicative. Fees for collection are not  
1044 recoverable after referral of the matter to an association's

29-00500C-15

2015748\_\_

1045 legal counsel.

1046 (b) Any payment received by an association and accepted  
1047 shall be applied first to any interest accrued, then to any  
1048 administrative late fee, then to any costs and reasonable  
1049 attorney fees incurred in collection, then to any reasonable  
1050 costs for collection services contracted for by the association,  
1051 and then to the delinquent assessment. This paragraph applies  
1052 notwithstanding any restrictive endorsement, designation, or  
1053 instruction placed on or accompanying a payment. A late fee is  
1054 not subject to the provisions of chapter 687 and is not a fine.

1055 Section 11. This act shall take effect July 1, 2015.