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LEGISLATIVE ACTION

Senate

House

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Floor: 4/AD/2R

05/03/2011 04:16 PM

Senator Fasano moved the following:

Senate Amendment (with title amendment)

Delete lines 1887 - 1930

and insert:

(8) (a) If the parcel is occupied by a tenant and the parcel owner is delinquent in paying any monetary obligation due to the association, the association may demand that the tenant pay to the association the subsequent rental payments and continue to make such payments until all the monetary obligations of the parcel owner related to the parcel have been paid in full to the association and ~~the future monetary obligations related to the parcel. The demand is continuing in nature, and upon demand, the tenant must continue to pay the monetary obligations until the~~



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14 association releases the tenant or until the tenant discontinues
15 tenancy in the parcel.

16 1. The association must provide the tenant a notice, by
17 hand delivery or United States mail, in substantially the
18 following form:

19
20 Pursuant to section 720.3085(8), Florida
21 Statutes, we demand that you make your rent payments
22 directly to the homeowners' association and continue
23 doing so until the association notifies you otherwise.

24 Payment due the homeowners' association may be in
25 the same form as you paid your landlord and must be
26 sent by United States mail or hand delivery to
27 ...(full address)..., payable to ...(name)....

28 Your obligation to pay your rent to the
29 association begins immediately, unless you have
30 already paid rent to your landlord for the current
31 period before receiving this notice. In that case, you
32 must provide the association written proof of your
33 payment within 14 days after receiving this notice and
34 your obligation to pay rent to the association would
35 then begin with the next rental period.

36 Pursuant to section 720.3085(8), Florida
37 Statutes, your payment of rent to the association
38 gives you complete immunity from any claim for the
39 rent by your landlord.

40
41 2. A tenant who acts in good faith in response to a written
42 demand from an association is immune from any claim by ~~from~~ the



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43 parcel owner related to the rent timely paid to the association
44 after the association has made written demand.

45 (b)~~(a)~~ If the tenant paid ~~prepaid~~ rent to the landlord or
46 parcel owner for a given rental period before receiving the
47 demand from the association and provides written evidence to the
48 association of having paid ~~paying~~ the rent ~~to the association~~
49 within 14 days after receiving the demand, the tenant shall
50 begin making rental payments to the association for the
51 following rental period and shall continue making ~~receive credit~~
52 ~~for the prepaid rent for the applicable period and must make any~~
53 ~~subsequent~~ rental payments to the association to be credited
54 against the monetary obligations of the parcel owner until the
55 association releases the tenant or the tenant discontinues
56 tenancy in the unit ~~to the association~~. The association shall,
57 upon request, provide the tenant with written receipts for
58 payments made. The association shall mail written notice to the
59 parcel owner of the association's demand that the tenant pay
60 monetary obligations to the association.

61 (c)~~(b)~~ The liability of the tenant may not exceed the
62 amount due from the tenant to the tenant's landlord. ~~The tenant~~
63 ~~is not liable for increases in the amount of the monetary~~
64 ~~obligations due unless the tenant was notified in writing of the~~
65 ~~increase at least 10 days before the date on which the rent is~~
66 ~~due.~~ The tenant shall be given a credit against rents due to the
67 landlord ~~parcel owner~~ in the amount of assessments paid to the
68 association.

69 (d)~~(c)~~ The association may issue notice ~~notices~~ under s.
70 83.56 and ~~may~~ sue for eviction under ss. 83.59-83.625 as if the
71 association were a landlord under part II of chapter 83 if the



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72 tenant fails to pay a monetary obligation. However, the
73 association is not otherwise considered a landlord under chapter
74 83 and specifically has no obligations ~~duties~~ under s. 83.51.

75 (e) ~~(d)~~ The tenant does not, by virtue of payment of
76 monetary obligations, have any of the rights of a parcel owner
77 to vote in any election or to examine the books and records of
78 the association.

79 (f) ~~(e)~~ A court may supersede the effect of this subsection
80 by appointing a receiver.

81

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

83 And the title is amended as follows:

84 Delete line 106

85 and insert:

86 specified circumstances; providing association notice
87 requirements regarding tenants delinquent in paying
88 any monetary obligation due to the association;
89 amending s. 720.309, F.S.;