

Questions and Answers

Can a property management company help me comply with Federal, State and Local Laws?

A: Yes. Property Management companies must understand and comply with provisions of legislation, such as the Americans with Disabilities Act and the Federal Fair Housing Amendment Act, as well as local fair housing laws.

What if a tenant needs evicting?

A: Even though our property management company will do everything possible to avoid problem tenants, if an eviction is necessary, our property management company can help you deal with the whole process, from providing the required eviction notices, to filing court documents and working with the local sheriff.

What should I do with a security deposit?

83.49 Deposit money or advance rent; duty of landlord and tenant

Whenever money is deposited or advanced by a tenant on a rental agreement as security for performance of the rental agreement or as advance rent for other than the next immediate rental period, the landlord or the landlord's agent shall either:

(a) Hold the total amount of such money in a separate non-interest-bearing account in a Florida banking institution for the benefit of the tenant or tenants. The landlord shall not commingle such moneys with any other funds of the landlord or hypothecate, pledge, or in any other way make use of such moneys until such moneys are actually due the landlord;

(b) Hold the total amount of such money in a separate interest-bearing account in a Florida banking institution for the benefit of the tenant or tenants, in which case the tenant shall receive and collect interest in an amount of at least 75 percent of the annualized average interest rate payable on such account or interest at the rate of 5 percent per year, simple interest, whichever the landlord elects. The landlord shall not commingle such moneys with any other funds of the landlord or hypothecate, pledge, or in any other way make use of such moneys until such moneys are actually due the landlord; or

(c) Post a surety bond, executed by the landlord as principal and a surety company authorized and licensed to do business in the state as surety, with the clerk of the circuit court in the county in which the dwelling unit is located in the total amount of the security deposits and advance rent he or she holds on behalf of the tenants or \$50,000, whichever is less. The bond shall be conditioned upon the faithful compliance of the landlord with the provisions of this section and shall run to the Governor for the benefit of any tenant injured by the landlord's violation of the provisions of this section. In addition to posting the surety bond, the landlord shall

pay to the tenant interest at the rate of 5 percent per year, simple interest. A landlord, or the landlord's agent, engaged in the renting of dwelling units in five or more counties, who holds deposit moneys or advance rent and who is otherwise subject to the provisions of this section, may, in lieu of posting a surety bond in each county, elect to post a surety bond in the form and manner provided in this paragraph with the office of the Secretary of State. The bond shall be in the total amount of the security deposit or advance rent held on behalf of tenants or in the amount of \$250,000, whichever is less. The bond shall be conditioned upon the faithful compliance of the landlord with the provisions of this section and shall run to the Governor for the benefit of any tenant injured by the landlord's violation of this section. In addition to posting a surety bond, the landlord shall pay to the tenant interest on the security deposit or advance rent held on behalf of that tenant at the rate of 5 percent per year simple interest.

What is a homeowner's association?

A: It is a non-profit corporation registered with the State and managed by a duly elected Board of Directors. Its purpose is to maintain all common areas and to govern the community in accordance with the provision of the legal documents.

What is the Board of Directors?

A: The Board of Directors are elected by the Association, or as otherwise specified in the bylaws. They are a governing body that is required to oversee the associations business.

What are the Bylaws?

A: The Bylaws are the guidelines for the operation of the non-profit corporation. The Bylaws define the duties of the offices of the Board of Directors, the terms of the Directors, the membership's voting rights, required meetings and frequency of meetings, and the principal office of the association, as well as other specific items that are necessary to run the Association as a business.

Are there any other rules?

A: Most associations have developed Rules and Regulations as provided for in the CC&R's and adopted by the Board of Directors. Rules are established to provide direction to the homeowners for common courtesies with regard to parking, vehicles, pets and pool use hours, etc. In addition, your Association will adopt Architectural Guidelines with procedures for submitting requests to make exterior changes to your home. Such changes may include patio covers, decks, landscaping, exterior color changes or extensive interior changes and additions. These rules and guidelines are set up to maintain the aesthetic value and integrity of the community on behalf of all owners, and hopefully protect the market value of your investment as well. Violations of these rules may result in action by the Board of Directors and a fine. In addition, if you proceed with an exterior improvement or change, without written approval of the Board of Directors, or Architectural Committee, as applicable, you will be required to remove or correct the alteration and/or be fined for the violation. For more information about this topic visit the Resource Center page of this site.

If I am having a problem with a neighbor for a violation of the Policies and Guidelines, what can I do?

A: If residents cannot resolve a situation between themselves, then turn to your Association. Should you have a situation that does not appear to be resolved through neighborly means, and you are willing to actively participate in the enforcement provided by the Policies and Guidelines, you may complete a Violation form online. The Violation form may be found within the Owner and Renter section on this site. If the situation is deemed in violation of the Policies and Guidelines, the Board of Directors will institute the enforcement policy. Your continued assistance may be required.

Are Board Meetings open to all residents? If so, where and when are they held?

A: Yes. Notice of the time and place of any regular board meeting will be posted.

What is my assessment?

A: The assessment is the periodic amount due from each homeowner to cover the operating expenses of the common area and provide for reserve funds for replacement of common facilities in future years. Your assessments are due on the first of the month. Coupons have been sent for assessments as a reminder of the amount due.

Will my assessment go up?

A: There is no concrete answer to this. Typically the Civil Code provides for annual increases, but not to exceed 20 percent per year without the vote of the membership. The Board of Directors may approve an increased budget, increasing your assessment up to this percentage in order to cover increased costs of operating and maintaining the common area and sufficient reserve funds.

What happens if I don't pay my assessment?

A: The maintenance and management services incurred by the Association are dependent upon timely receipt of the assessments due from each homeowner. Late payments will result in a late charge as assessments are due on the first of the month. In addition, the CC&R's allows the Association to charge late charges and interest and proceed with a lien on your property, or foreclosure proceeding for nonpayment of assessments.