

Amendment No. 9

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Daniels offered the following:

**Amendment**

Between lines 1111 and 1112, insert:

Section 11. Section 720.311, Florida Statutes, is amended to read:

720.311 Dispute resolution.—

(1) The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation. The filing of any petition for arbitration or the serving of a demand for presuit mediation as provided for in this section shall toll the applicable statute of limitations. Any recall dispute filed with the department under s.

720.303(10) shall be conducted by the department in accordance

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17 with the provisions of ss. 718.112(2)(1) and 718.1255 and the  
18 rules adopted by the division. In addition, the department shall  
19 conduct binding arbitration of election disputes; disputes  
20 between an association and a parcel owner regarding use of or  
21 changes to the parcel or the common areas and other covenant  
22 enforcement; disputes regarding amendments to the association  
23 documents; disputes regarding meetings of the board and  
24 committees appointed by the board; disputes regarding membership  
25 meetings not including election meetings, and disputes regarding  
26 access to the official records of the association between a  
27 member and an association in accordance with s. 718.1255 and  
28 rules adopted by the division. Election disputes and recall  
29 disputes are not eligible for presuit mediation; these disputes  
30 must be arbitrated by the department or filed in a court of  
31 competent jurisdiction. At the conclusion of an arbitration  
32 proceeding, the department shall charge the parties a fee in an  
33 amount adequate to cover all costs and expenses incurred by the  
34 department in conducting the proceeding. Initially, the  
35 petitioner shall remit a filing fee of at least \$200 to the  
36 department. The fees paid to the department shall become a  
37 recoverable cost in the arbitration proceeding, and the  
38 prevailing party in an arbitration proceeding shall recover its  
39 reasonable costs and attorney fees in an amount found reasonable  
40 by the arbitrator. The department shall adopt rules to  
41 effectuate the purposes of this section.

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