



Safety & Security Council

**Wednesday, April 9, 2008
8:00 a.m. – 10:30 a.m.
102 House Office Building, Reed Hall**

ACTION PACKET

**Marco Rubio
Speaker**

**Dick Kravitz
Chair**

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dick Kravitz (Chair)	X		
Sandra Adams	X		
James Frishe	X		
Luis Garcia	X		
Audrey Gibson	X		
Dorothy Hukill	X		
Kurt Kelly	X		
Marcelo Llorente	X		
Mitch Needelman			X
Juan-Carlos Planas	X		
Dennis Ross	X		
Maria Sachs	X		
William Snyder	X		
Priscilla Taylor	X		
Nicholas Thompson	X		
Perry Thurston	X		
Totals:	15	0	1

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 223 : Missing Persons

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 223

Joyce and Drew Kesse (General Public) - Proponent

Parents of missing daughter Jennifer Kesse

6905 Arbor Oaks Ct W

Bradenton FL 34209

Phone: 813-404-7001

HB 223

Hilary Sessions (General Public) - Proponent

Mother of Tiffany Sessions

410 S Ware Blvd, Suite 710

Tampa FL 33619

Phone: 813-626-3001

HB 223

Donna Uzzell, Director (State Employee) - Information Only

FDLE

2331 Phillips Rd

Tallahassee FL 32317

Phone: 850-410-7100

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1s (for drafter's use only)

Bill No. HB 223

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*Favorable
4.9.08*

1 Council/Committee hearing bill: Safety & Security Council
2 Representative(s) Jenne offered the following:

3
4 **Substitute Amendment for Amendment (1) by Representative**
5 **Jenne (with title amendments)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 937.0201, Florida Statutes, is created
8 to read:

9 937.0201 Definitions.--As used in this chapter, the term:

10 (1) "Department" means the Department of Law Enforcement.

11 (2) "Missing adult" means a person 18 years of age or
12 older whose temporary or permanent residence is in, or is
13 believed to be in, this state, whose location has not been
14 determined, and who has been reported as missing to a law
15 enforcement agency.

16 (3) "Missing child" means a person younger than 18 years
17 of age whose temporary or permanent residence is in, or is
18 believed to be in, this state, whose location has not been
19 determined, and who has been reported as missing to a law
20 enforcement agency.

21 (4) "Missing endangered person" means:

22 (a) A missing child;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1s (for drafter's use only)

23 (b) A missing adult younger than 26 years of age; or

24 (c) A missing adult 26 years of age or older who is

25 suspected by a law enforcement agency of being endangered or the
26 victim of criminal activity.

27 (5) "Missing endangered person report" means a report
28 prepared on a form prescribed by the department by rule for use
29 by the public and law enforcement agencies in reporting
30 information to the Missing Endangered Persons Information
31 Clearinghouse about a missing endangered person.

32 Section 2. Section 937.021, Florida Statutes, is amended
33 to read:

34 937.021 Missing child and missing adult reports.--

35 (1) Law enforcement agencies in this state shall adopt
36 written policies that specify the procedures to be used to
37 investigate reports of missing children and missing adults. The
38 policies must ensure that cases involving missing children and
39 adults are investigated promptly using appropriate resources.
40 The policies must include:

41 (a) Requirements for accepting missing child and missing
42 adult reports;

43 (b) Procedures for initiating, maintaining, closing, or
44 referring a missing child or missing adult investigation; and

45 (c) Standards for maintaining and clearing computer data
46 of information concerning a missing child and missing adult
47 which is stored in the Florida Crime Information Center and the
48 National Crime Information Center. The standards must require,
49 at a minimum, a monthly review of each case and a determination
50 of whether the case should be maintained in the database.

51 (2) An entry concerning a missing child or missing adult
52 may not be removed from the Florida Crime Information Center or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1s (for drafter's use only)

53 the National Crime Information Center databases based solely on
54 the age of the missing child or missing adult.

55 (3) A report that a child or adult is missing must be
56 accepted by and filed with the law enforcement agency having
57 jurisdiction in the county or municipality in which the child or
58 adult was last seen. The filing and acceptance of the report
59 imposes the duties specified in this section upon the law
60 enforcement agency receiving the report. This subsection does
61 not preclude a law enforcement agency from accepting a missing
62 child or missing adult report when agency jurisdiction cannot be
63 determined.

64 (4) (a) (1) Upon the filing of a police report that a child
65 is missing by the parent or guardian, the law enforcement agency
66 receiving the report shall immediately inform all on-duty law
67 enforcement officers of the existence of the missing child
68 report, communicate the report to every other law enforcement
69 agency having jurisdiction in the county, and within 2 hours
70 after receipt of the report, transmit the report for inclusion
71 within the Florida Crime Information Center and the National
72 Crime Information Center databases computer.

73 (b) Upon the filing of a credible police report that an
74 adult is missing, the law enforcement agency receiving the
75 report shall, within 2 hours after receipt of the report,
76 transmit the report for inclusion within the Florida Crime
77 Information Center and the National Crime Information Center
78 databases.

79 ~~(2) A police report that a child is missing may be filed~~
80 ~~with the law enforcement agency having jurisdiction in the~~
81 ~~county or municipality in which the child was last seen prior to~~
82 ~~the filing of the report, without regard to whether the child~~
83 ~~resides in or has any significant contacts with that county or~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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84 ~~municipality. The filing of such a report shall impose the~~
85 ~~duties specified in subsection (1) upon that law enforcement~~
86 ~~agency.~~

87 (5)-(3)(a) Upon receiving a request to record, report,
88 transmit, display, or release Amber Alert or Missing Child Alert
89 information from the law enforcement agency having jurisdiction
90 over the missing ~~or endangered~~ child, the Department of Law
91 Enforcement as the state Amber Alert coordinator, + any state or
92 local law enforcement agency, and the personnel of these
93 agencies; any radio or television network, broadcaster, or other
94 media representative; any dealer of communications services as
95 defined in s. 202.11; or any agency, employee, individual, or
96 entity is immune from civil liability for damages for complying
97 in good faith with the request and is presumed to have acted in
98 good faith in recording, reporting, transmitting, displaying, or
99 releasing Amber Alert or Missing Child Alert information
100 pertaining to such child.

101 (b) Upon receiving a request to record, report, transmit,
102 display, or release information and photographs pertaining to a
103 missing adult from the law enforcement agency having
104 jurisdiction over the missing adult, the department, a state or
105 local law enforcement agency, and the personnel of these
106 agencies; any radio or television network, broadcaster, or other
107 media representative; any dealer of communications services as
108 defined in s. 202.11; or any agency, employee, individual, or
109 person is immune from civil liability for damages for complying
110 in good faith with the request to provide information and is
111 presumed to have acted in good faith in recording, reporting,
112 transmitting, displaying, or releasing information or
113 photographs pertaining to the missing adult.

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114 ~~(c)-(b)~~ The presumption of good faith is not overcome if a
115 technical or clerical error is made by any ~~such~~ agency,
116 employee, individual, or entity acting at the request of the
117 local law enforcement agency having jurisdiction, or if the
118 Amber Alert, ~~or~~ Missing Child Alert, or missing adult
119 information is incomplete or incorrect because the information
120 received from the local law enforcement agency was incomplete or
121 incorrect.

122 ~~(d)-(e)~~ Neither this subsection nor any other provision of
123 law creates a duty of the agency, employee, individual, or
124 entity to record, report, transmit, display, or release the
125 Amber Alert, ~~or~~ Missing Child Alert, or missing adult
126 information received from the local law enforcement agency
127 having jurisdiction. The decision to record, report, transmit,
128 display, or release information is discretionary with the
129 agency, employee, individual, or entity receiving the that
130 information ~~from the local law enforcement agency having~~
131 ~~jurisdiction.~~

132 (6) If a missing child or missing adult is not located
133 within 90 days after the missing child or missing adult report
134 is filed, the law enforcement agency that accepted the report
135 shall attempt to obtain a biological specimen for DNA analysis
136 from the missing child or missing adult or from appropriate
137 family members in addition to obtaining necessary documentation.
138 This subsection does not prevent a law enforcement agency from
139 attempting to obtain information or approved biological
140 specimens for DNA analysis before the expiration of the 90-day
141 period.

142 (7) The department shall adopt rules specific to cases
143 involving missing children and missing adults which will:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1s (for drafter's use only)

144 (a) Identify biological specimens that are approved by the
145 department for DNA analysis.

146 (b) Identify the documentation necessary for the
147 department to use the biological specimens for DNA analysis.

148 (c) Establish procedures for the collection of biological
149 specimens by law enforcement agencies.

150 (d) Establish procedures for forwarding biological
151 specimens by law enforcement agencies to the department.

152 (8) Subsections (6) and (7) are contingent upon the
153 availability of federal funding for the submission and
154 processing of approved biological specimens for DNA analysis.

155 Section 3. Section 937.022, Florida Statutes, is amended
156 to read:

157 937.022 Missing Endangered Persons Children Information
158 Clearinghouse.--

159 (1) There is created a Missing Endangered Persons Children
160 Information Clearinghouse within the department to serve of Law
161 Enforcement. The clearinghouse is established as a central
162 repository of information regarding missing endangered persons
163 children. Such information shall be collected and disseminated
164 to assist in the location of missing endangered persons
165 children.

166 (2) The clearinghouse shall be supervised by a director
167 who shall be employed upon the recommendation of the executive
168 director. The executive director shall establish services deemed
169 appropriate by the department to aid in the location of missing
170 endangered persons children.

171 (3) The clearinghouse shall:

172 (a) Establish a system of intrastate communication of
173 information relating to missing endangered persons children

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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174 ~~determined to be missing by their parents, guardians, or legal~~
175 ~~eustodians or by law enforcement agencies.~~

176 (b) Provide a centralized file for the exchange of
177 information on missing endangered persons ~~children within the~~
178 ~~state.~~

179 1. Every state, county, or municipal law enforcement
180 agency shall submit to the clearinghouse information concerning
181 missing endangered persons ~~received by it pursuant to s.~~
182 ~~937.021.~~

183 2. Any person having knowledge ~~parent, guardian, or legal~~
184 ~~eustodian~~ may submit a missing endangered person ~~child~~ report to
185 the clearinghouse concerning ~~about~~ a child or adult ~~younger than~~
186 26 years of age whose whereabouts is unknown, regardless of the
187 circumstances, subsequent to reporting such child or adult
188 missing to the appropriate law enforcement agency within the
189 county in which the child or adult became missing, and
190 subsequent to entry by the law enforcement agency of the child
191 or person into the Florida Crime Information Center and the
192 National Crime Information Center databases. The missing
193 endangered person ~~which missing child~~ report shall be included
194 in the clearinghouse database.

195 3. Only the law enforcement agency having jurisdiction
196 over the case may submit a missing endangered person report to
197 the clearinghouse involving a missing adult age 26 years or
198 older who is suspected by a law enforcement agency of being
199 endangered or the victim of criminal activity.

200 ~~(c) Interface with the National Crime Information Center~~
201 ~~for the exchange of information on children suspected of~~
202 ~~interstate travel.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1s (for drafter's use only)

203 ~~(c)~~(d) Collect, process, maintain, and disseminate
204 information on missing endangered persons ~~children~~ and strive to
205 maintain or disseminate only accurate and complete information.

206 (4) The person ~~parent, guardian, or legal custodian who is~~
207 responsible for notifying the clearinghouse or a law enforcement
208 agency about a missing endangered person ~~child~~ shall immediately
209 notify the clearinghouse or the agency of any child or adult
210 whose location has been determined.

211 (5) The law enforcement agency having jurisdiction over a
212 case involving a missing endangered person shall, upon locating
213 the child or adult, immediately purge information about the case
214 from the Florida Crime Information Center or the National Crime
215 Information Center databases and notify the clearinghouse.

216 ~~Information received pursuant to s. 937.021 about a missing~~
217 ~~child, which information has been included in the clearinghouse~~
218 ~~database, shall be purged by the appropriate law enforcement~~
219 ~~agency immediately upon location of such child.~~

220 ~~(6) As used in this section, the term:~~

221 ~~(a) "Missing child" means a person who is under the age of~~
222 ~~18 years; whose temporary or permanent residence is in, or is~~
223 ~~believed to be in, this state; whose location has not been~~
224 ~~determined; and who has been reported as missing to a law~~
225 ~~enforcement agency.~~

226 ~~(b) "Missing child report" means a report prepared on a~~
227 ~~form designed by the Department of Law Enforcement for the use~~
228 ~~by private citizens and law enforcement agencies to report~~
229 ~~information about missing children to the Missing Children~~
230 ~~Information Clearinghouse.~~

231 Section 4. This act shall take effect July 1, 2008.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1s (for drafter's use only)

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

Remove entire title and insert:

An act relating to missing persons; creating s. 937.0201, F.S.; providing definitions; amending s. 937.021, F.S.; requiring law enforcement agencies to adopt written policies and procedures to be used when investigating missing children and missing adult reports; requiring the law enforcement agency having jurisdiction to accept and file the report; providing a timeframe for transmitting the report to state and national databases; providing immunity from civil liability for certain persons providing information in good faith; requiring that a law enforcement agency obtain a DNA sample after a child or adult has been missing for more than 90 days; authorizing the Department of Law Enforcement to adopt rules; amending s. 937.022, F.S.; renaming the Missing Children Information Clearinghouse as the "Missing Endangered Persons Information Clearinghouse"; revising provisions to conform; requiring the state and national databases to be purged of information about a person who has been located; providing an effective date.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 271 : Sexual Battery

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 271

Jennifer Dritt, Executive Director (Lobbyist) - Proponent

Florida Council Against Sexual Violence

1311 N Paul Russell Road, Suite A-204

Tallahassee FL 32301

Phone: 850-297-2000

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 271

COUNCIL/COMMITTEE ACTION

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

*favourable
4.9.08*

1 Council/Committee hearing bill: Safety & Security Council
2 Representative Hooper offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (j) is added to subsection (1) of section 39.806, Florida Statutes, and subsection (2) of that section is amended, to read:

39.806 Grounds for termination of parental rights.--

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(j) When the parent has pled guilty or nolo contendere to, or is convicted of, a sexual battery as defined in s. 794.011, or a lewd or lascivious battery as defined in s. 800.04(4), which results in the victim giving birth to a child.

(2) Reasonable efforts to preserve and reunify families are not required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1) (e) - (j) ~~(1) (e) - (i)~~ have occurred.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 Section 2. Paragraph (e) of subsection (6) of section
23 39.811, Florida Statutes, is amended to read:

24 39.811 Powers of disposition; order of disposition.--

25 (6) The parental rights of one parent may be severed
26 without severing the parental rights of the other parent only
27 under the following circumstances:

28 (e) If the parent whose rights are being terminated meets
29 any of the criteria specified in s. 39.806(1)(d) and (f)-(j)
30 ~~(f)-(i)~~.

31 Section 3. Subsection (1) of section 775.089, Florida
32 Statutes, is amended to read:

33 775.089 Restitution.--

34 (1)(a) In addition to any punishment, the court shall
35 order the defendant to make restitution to the victim for:

36 1. Damage or loss caused directly or indirectly by the
37 defendant's offense; and

38 2. Damage or loss related to the defendant's criminal
39 episode, unless it finds clear and compelling reasons not to
40 order such restitution. Restitution may be monetary or
41 nonmonetary restitution. The court shall make the payment of
42 restitution a condition of probation in accordance with s.
43 948.03. An order requiring the defendant to make restitution to
44 a victim does not remove or diminish the requirement that the
45 court order payment to the Crimes Compensation Trust Fund
46 pursuant to chapter 960. Payment of an award by the Crimes
47 Compensation Trust Fund shall create an order of restitution to
48 the Crimes Compensation Trust Fund, unless specifically waived
49 in accordance with subparagraph (b)1.

50 (b)1. If the court does not order restitution, or orders
51 restitution of only a portion of the damages, as provided in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

52 this section, it shall state on the record in detail the reasons
53 therefor.

54 2. An order of restitution entered as part of a plea
55 agreement is as definitive and binding as any other order of
56 restitution, and a statement to such effect must be made part of
57 the plea agreement. A plea agreement may contain provisions that
58 order restitution relating to criminal offenses committed by the
59 defendant to which the defendant did not specifically enter a
60 plea.

61 (c) The term "victim" as used in this section and in any
62 provision of law relating to restitution means each person who
63 suffers property damage or loss, monetary expense, or physical
64 injury or death as a direct or indirect result of the
65 defendant's offense or criminal episode, and also includes the
66 victim's estate if the victim is deceased, and the victim's next
67 of kin if the victim is deceased as a result of the offense.

68 (d) If a child is born as the result of a sexual battery
69 as proscribed in s. 794.011, or a lewd or lascivious battery as
70 proscribed in s. 800.04(4), the court may order the defendant to
71 pay restitution to the victim, for the monetary expenses related
72 to the support of the child, unless the parental rights of the
73 victim have been terminated pursuant to chapter 39. This
74 subsection does not preclude the court from ordering any other
75 restitution to which the victim of a sexual battery or lewd or
76 lascivious battery may be entitled pursuant to this section,
77 regardless of whether or not a child is born. If restitution is
78 ordered:

79 1. The court shall give consideration to the child support
80 guideline schedules provided in s. 61.30 when determining the
81 amount of restitution.

Amendment No. 1

82 2. The amount may not be reduced due to the offender's
83 inability to pay.

84 Section 4. This act shall take effect July 1, 2008.

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88 -----
89 **T I T L E A M E N D M E N T**

90 Remove the entire title and insert:

91
92 An act relating to sexual battery; amending s. 39.806,
93 F.S.; providing grounds for terminating parental rights
94 based on sexual battery or lewd or lascivious battery;
95 amending s. 39.811, F.S., relating to the severance of the
96 rights of one parent; conforming a cross-reference;
97 amending s. 775.089, F.S.; authorizing restitution to the
98 victim of sexual battery or lewd or lascivious battery to
99 pay for the expenses of the child; providing an effective
100 date.
101

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 497 : Classification and Pay Plans for Public Defenders

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 497

Robert Trammel, General Counsel (Lobbyist) (State Employee) - Proponent

Florida Public Defender Association

907 Hayes Street

Tallahassee FL 32301

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 679 : Community Associations

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 679

Jennifer Hatfield, Government Affairs Director (Lobbyist) - Opponent

Florida Swimming Pool Association

2555 Porter Lake Drive, #106

Sarasota FL 34240

Phone: 941-345-3263

HB 679

John T. Salvo, President (General Public) - Opponent

Pensacola Pools East, Inc.

2591 Centerville Rd, Suite 201

Tallahassee FL 32308

Phone: 850-668-4202

HB 679

Kari Hebrank (Lobbyist) - Opponent

Florida Swimming Pool Association

7711 Deepwood Trail

Tallahassee FL 32317

Phone: 850-681-3290

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 679

Michael Haggard (General Public) - Proponent

13505 SW 72nd Avenue

Miami FL 33156

Phone: 305-234-1310

HB 679

Frank Mayernick (Lobbyist) - Proponent

Pool Safety Consortium

215 S Monroe Street, Suite 704

Tallahassee FL 32301

Phone: 850-251-8898

HB 679

Pete Dunbar (Lobbyist) - Proponent

Community Action Network

215 S Monroe Street

Tallahassee FL 32301

Phone: 850-222-3533

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 679**

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*Favorable
4-9-08*

Council/Committee hearing bill: Safety & Security Council
Representative(s) Gardiner offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 514.011, Florida Statutes, is amended
to read:

514.011 Definitions.--As used in this chapter, the term:

(1) "Department" means the Department of Health.

(2) "Homeowners' association" means a homeowners'
association as defined in s. 720.301.

(3)~~(2)~~ "Public swimming pool" or "public pool" means a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool or public pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 day care centers, group home facilities for eight or more
24 clients, health spas, institutions, parks, state agencies,
25 schools, subdivisions, or the cooperative living-type projects
26 of five or more living units, such as apartments,
27 boardinghouses, hotels, mobile home parks, motels, recreational
28 vehicle parks, and townhouses.

29 ~~(4)~~~~(3)~~ "Private pool" means a facility used only by an
30 individual, family, or living unit members and their guests
31 which does not serve any type of cooperative housing or joint
32 tenancy of five or more living units.

33 ~~(5)~~~~(4)~~ "Public bathing place" means a body of water,
34 natural or modified by humans, for swimming, diving, and
35 recreational bathing, together with adjacent shoreline or land
36 area, buildings, equipment, and appurtenances pertaining
37 thereto, used by consent of the owner or owners and held out to
38 the public by any person or public body, irrespective of whether
39 a fee is charged for the use thereof. The bathing water areas of
40 public bathing places include, but are not limited to, lakes,
41 ponds, rivers, streams, artificial impoundments, and waters
42 along the coastal and intracoastal beaches and shores of the
43 state.

44 ~~(5)~~~~(5)~~ "Portable pool" means a pool or spa, and related
45 equipment systems of any kind, which is designed or intended to
46 be movable from location to location.

47 Section 2. Subsection (2) of section 514.0115, Florida
48 Statutes, is amended to read:

49 514.0115 Exemptions from supervision or regulation;
50 variances.--

51 (2) (a) Pools serving no more than 32 condominium or
52 cooperative units or 32 parcels governed by a homeowners'
53 association which are not operated as a public lodging

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54 establishment shall be exempt from supervision under this
55 chapter, except for water quality.

56 (b) Pools serving condominium or cooperative associations
57 of more than 32 units or a homeowners' association of more than
58 32 parcels and whose recorded documents prohibit the rental or
59 sublease of the units for periods of less than 60 days are
60 exempt from supervision under this chapter, except that the
61 homeowners' association or condominium or cooperative owner or
62 association must file applications with the department and
63 obtain construction plans approval and receive an initial
64 operating permit. The department shall inspect the swimming
65 pools at such places annually, at the fee set forth in s.
66 514.033(3), or upon request by a unit owner, to determine
67 compliance with department rules relating to water quality and
68 lifesaving equipment. The department may not require compliance
69 with rules relating to swimming pool lifeguard standards.

70 Section 3. Subsection (9) of section 515.25, Florida
71 Statutes, is amended to read:

72 515.25 Definitions.--As used in this chapter, the term:

73 (9) "Public swimming pool" means a swimming pool, as
74 defined in s. 514.011(3)~~(2)~~, which is operated, with or without
75 charge, for the use of the general public; however, the term
76 does not include a swimming pool located on the grounds of a
77 private residence.

78 Section 4. Effective January 1, 2009, section 515.295,
79 Florida Statutes, is created to read:

80 515.295 Residential swimming pool and spa drain-cover
81 safety.--

82 (1) For purposes of this section, the term:

83 (a) "ASME/ANSI" as applied to a safety standard means a
84 standard that is accredited by the American National Standards

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85 Institute and published by the American Society of Mechanical
86 Engineers.

87 (b) "Main drain" means a submerged suction outlet
88 typically located at the bottom of a swimming pool or spa to
89 conduct water to a recirculating pump.

90 (c) "Safety vacuum release system" means a vacuum release
91 system capable of providing vacuum release at a suction outlet
92 caused by a high vacuum occurrence due to a suction outlet flow
93 blockage.

94 (d) "Unblockable drain" means a drain of any size and
95 shape which a human body cannot sufficiently block to create a
96 suction-entrapment hazard.

97 (2) All residential swimming pools and spas constructed on
98 or after January 1, 2009 must have more than one drain, one or
99 more unblockable drains, or no main drain.

100 (3) All residential swimming pools and spas constructed on
101 or after January 1, 2009 must be equipped with one or more of
102 the following devices and systems designed to prevent entrapment
103 by the pool or spa drain:

104 (a) A safety vacuum release system that ceases operation
105 of the pump, reverses the circulation flow, or otherwise
106 provides a vacuum release at a suction outlet when a blockage is
107 detected. Such system must have been tested by an independent
108 third party and found to conform to ASME/ANSI standard
109 A112.19.17 or ASTM standard F2387.

110 (b) A suction-limiting vent system that has a tamper-
111 resistant atmospheric opening.

112 (c) A gravity drainage system that uses a collector tank.

113 (d) An automatic pump shut-off system.

114 (e) A device or system that disables the drain.

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115 (f) Any other system determined by the department to be
116 equally effective as, or better than, the systems described in
117 this subsection at preventing or eliminating the risk of injury
118 or death associated with swimming pool and spa drainage systems.

119 (4) Any device or system described in subsection (3) must
120 meet the requirements of any ASME/ANSI or ASTM performance
121 standard, if there is such a standard for such a device or
122 system, or any applicable consumer product safety standard.

123 Section 5. Paragraphs (b) of subsection (2), paragraphs
124 (a) and (c) of subsection (5), paragraphs (b), (c), (d), (f),
125 and (g) of subsection (6) of section 720.303, Florida Statutes,
126 are amended, and subsection (12) is added to that section, to
127 read:

128 720.303 Association powers and duties; meetings of board;
129 official records; budgets; financial reporting; association
130 funds; recalls.--

131 (2) BOARD MEETINGS.--

132 (b) Members have the right to attend all meetings of the
133 board and to speak on any matter placed on the agenda by
134 petition of the voting interests for at least 3 minutes. The
135 association may adopt written reasonable rules expanding the
136 right of members to speak and governing the frequency, duration,
137 and other manner of member statements, which rules must be
138 consistent with this paragraph and may include a sign-up sheet
139 for members wishing to speak. Notwithstanding any other law, the
140 requirement that board meetings and committee meetings be open
141 to the members is inapplicable to meetings between the board or
142 a committee to discuss proposed or pending litigation with ~~and~~
143 the association's attorney, and with respect to meetings of the
144 board held for the purpose of discussing personnel matters.

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145 (5) INSPECTION AND COPYING OF RECORDS.--The official
146 records shall be maintained within the state and must be open to
147 inspection and available for photocopying by members or their
148 authorized agents at reasonable times and places within 10
149 business days after receipt of a written request for access.
150 This subsection may be complied with by having a copy of the
151 official records available for inspection or copying in the
152 community. If the association has a photocopy machine available
153 where the records are maintained, it must provide parcel owners
154 with copies on request during the inspection if the entire
155 request is limited to no more than 25 pages.

156 (a) The failure of an association to provide access to the
157 records within 10 business days after receipt of a written
158 request submitted by certified mail, return receipt requested,
159 creates a rebuttable presumption that the association willfully
160 failed to comply with this subsection.

161 (c) The association may adopt reasonable written rules
162 governing the frequency, time, location, notice, records to be
163 inspected, and manner of inspections, but may not impose a
164 requirement that a parcel owner demonstrate any proper purpose
165 for the inspection, state any reason for the inspection, or
166 limit a parcel owner's right to inspect records to less than one
167 8-hour business day per month. The association may impose fees
168 to cover the costs of providing copies of the official records,
169 including, without limitation, the costs of copying. The
170 association may charge up to 50 cents per page for copies made
171 on the association's photocopier. If the association does not
172 have a photocopy machine available where the records are kept,
173 or if the records requested to be copied exceed 25 pages in
174 length, the association may have copies made by an outside
175 vendor or association management company personnel and may

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176 charge the actual cost of copying, including any reasonable
177 costs involving personnel fees and charges at an hourly rate for
178 employee time to cover administrative costs to the association.

179 The association shall maintain an adequate number of copies of
180 the recorded governing documents, to ensure their availability
181 to members and prospective members. Notwithstanding the
182 provisions of this paragraph, the following records shall not be
183 accessible to members or parcel owners:

184 1. Any record protected by the lawyer-client privilege as
185 described in s. 90.502 and any record protected by the work-
186 product privilege, including, but not limited to, any record
187 prepared by an association attorney or prepared at the
188 attorney's express direction which reflects a mental impression,
189 conclusion, litigation strategy, or legal theory of the attorney
190 or the association and was prepared exclusively for civil or
191 criminal litigation or for adversarial administrative
192 proceedings or which was prepared in anticipation of imminent
193 civil or criminal litigation or imminent adversarial
194 administrative proceedings until the conclusion of the
195 litigation or adversarial administrative proceedings.

196 2. Information obtained by an association in connection
197 with the approval of the lease, sale, or other transfer of a
198 parcel.

199 3. Disciplinary, health, insurance, and personnel records
200 of the association's employees.

201 4. Medical records of parcel owners or community
202 residents.

203 (6) BUDGETS.--

204 (b) In addition to annual operating expenses, the budget
205 may include reserve accounts for capital expenditures and
206 deferred maintenance for which the association is responsible.

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207 To the extent that such reserve accounts are not created or
208 established pursuant to paragraph (d), funding of such reserves
209 shall be limited to the extent that the governing documents ~~do~~
210 not limit increases in assessments, including reserves. If the
211 budget of the association includes reserve accounts created or
212 established pursuant to paragraph (d), such reserves shall be
213 determined, maintained, and waived in the manner provided in
214 this subsection. Once an association provides for reserve
215 accounts created or established pursuant to paragraph (d) in the
216 budget, the association shall thereafter determine, maintain,
217 and waive reserves in compliance with this subsection. Nothing
218 in this section precludes termination of a reserve account
219 established pursuant to this paragraph upon approval of a
220 majority of the voting interests of the association. Upon such
221 approval, the terminating reserve account shall be removed from
222 the budget.

223 (c)1. If the budget of the association does not provide
224 for reserve accounts created or established pursuant to
225 paragraph (d) governed by this subsection and the association is
226 responsible for the repair and maintenance of capital
227 improvements that may result in a special assessment if reserves
228 are not provided, each financial report for the preceding fiscal
229 year required by subsection (7) shall contain the following
230 statement in conspicuous type: THE BUDGET OF THE ASSOCIATION
231 DOES NOT PROVIDE FOR RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES
232 AND DEFERRED MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS.
233 OWNERS MAY ELECT TO PROVIDE FOR RESERVE ACCOUNTS PURSUANT TO THE
234 PROVISIONS OF SECTION 720.303(6), FLORIDA STATUTES, UPON THE
235 APPROVAL OF NOT LESS THAN A MAJORITY OF THE TOTAL VOTING
236 INTERESTS OF THE ASSOCIATION ATTAINED BY VOTE OF THE MEMBERS AT

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237 A MEETING OR BY WRITTEN CONSENT EXECUTED BY A MAJORITY OF THE
238 VOTING INTERESTS.

239 2. If the budget of the association does provide for
240 funding of accounts for deferred expenditures, including, but
241 not limited to, funds for capital expenditures and deferred
242 maintenance, but such accounts are not created or established
243 pursuant to paragraph (d), each financial report for the
244 preceding fiscal year required by subsection (7) shall also
245 contain the following statement in conspicuous type: THE BUDGET
246 OF THE ASSOCIATION DOES PROVIDE FOR LIMITED VOLUNTARY DEFERRED
247 EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES AND
248 DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED IN
249 OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED TO
250 PROVIDE FOR RESERVE ACCOUNTS PURSUANT TO THE PROVISIONS OF
251 SECTION 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT
252 SUBJECT TO THE RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN
253 THAT STATUTE, NOR ARE RESERVES CALCULATED IN ACCORDANCE WITH
254 THAT STATUTE.

255 (d) An association shall be deemed to have provided for
256 reserve accounts when reserve accounts have been initially
257 established by the developer or when the membership of the
258 association affirmatively elects to provide for reserves. If
259 reserve accounts are not initially provided for by the
260 developer, the membership of the association may elect to do so
261 upon the affirmative approval of not less than a majority of the
262 total voting interests of the association. Such approval may be
263 attained by vote of the members at a duly called meeting of the
264 membership or upon a written consent executed by not less than a
265 majority of the total voting interests in the community. The
266 approval action of the membership shall state that reserve
267 accounts shall be provided for in the budget and shall designate

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268 the components for which the reserve accounts are to be
269 established. Upon approval by the membership, the board of
270 directors shall provide for the required reserve accounts for
271 inclusion in the budget in the next fiscal year following the
272 approval and in each year thereafter. Once established as
273 provided in this subsection, the reserve accounts shall be
274 funded or maintained or shall have their funding waived in the
275 manner provided in paragraph (f).

276 (f) After one or more ~~Once a reserve account or~~ reserve
277 accounts are established, the membership of the association,
278 upon a majority vote at a meeting at which a quorum is present,
279 may provide for no reserves or less reserves than required by
280 this section. If a meeting of the unit owners has been called to
281 determine whether to waive or reduce the funding of reserves and
282 no such result is achieved or a quorum is not present, the
283 reserves as included in the budget shall go into effect. After
284 the turnover, the developer may vote its voting interest to
285 waive or reduce the funding of reserves. Any vote taken pursuant
286 to this subsection to waive or reduce reserves shall be
287 applicable only to one budget year.

288 (g) Funding formulas for reserves authorized by this
289 section shall be based on either a separate analysis of each of
290 the required assets or a pooled analysis of two or more of the
291 required assets.

292 1. If the association maintains separate reserve accounts
293 for each of the required assets, the amount of the contribution
294 to each reserve account shall be the sum of the following two
295 calculations:

296 a. The total amount necessary, if any, to bring a negative
297 component balance to zero.

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298 b. The total estimated deferred maintenance expense or
299 estimated replacement cost of the reserve component less the
300 estimated balance of the reserve component as of the beginning
301 of the period for which the budget will be in effect. The
302 remainder, if greater than zero, shall be divided by the
303 estimated remaining useful life of the component.

304
305 The formula may be adjusted each year for changes in estimates
306 and deferred maintenance performed during the year and may
307 include factors such as inflation and earnings on invested
308 funds.

309 2. If the association maintains a pooled account of two or
310 more of the required reserve assets, the amount of the
311 contribution to the pooled reserve account as disclosed on the
312 proposed budget shall not be less than that required to ensure
313 that the balance on hand at the beginning of the period for
314 which the budget will go into effect plus the projected annual
315 cash inflows over the remaining estimated useful life of all of
316 the assets that make up the reserve pool are equal to or greater
317 than the projected annual cash outflows over the remaining
318 estimated useful lives of all of the assets that make up the
319 reserve pool, based on the current reserve analysis. The
320 projected annual cash inflows may include estimated earnings
321 from investment of principal and accounts receivable minus the
322 allowance for doubtful accounts. The reserve funding formula
323 shall not include any type of balloon payments.

324 (12) COMPENSATION PROHIBITED.--A director, officer, or
325 committee member of the association may not receive directly or
326 indirectly any salary or compensation from the association for
327 performance of duties as a director, officer, or committee
328 member and such person may not in any other way benefit

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329 financially from service to the association. This subsection
330 shall not be construed to preclude:

331 (a) Participation by such person in a financial benefit
332 accruing to all or a significant number of members as a result
333 of actions lawfully taken by the board or a committee of which
334 he or she is a member, including, but not limited to, routine
335 maintenance, repair, or replacement of community assets;

336 (b) Reimbursement for out-of-pocket expenses incurred by
337 such person on behalf of the association, subject to approval of
338 such reimbursement in accordance with procedures established by
339 the association's governing documents or, in the absence of such
340 procedures, in accordance with an approval process established
341 by the board;

342 (c) Any recovery of insurance proceeds derived from a
343 policy of insurance maintained by the association for the
344 benefit of its members.

345 (d) Any fee or compensation authorized in the governing
346 documents; or

347 (e) Any fee or compensation authorized in advance by a vote
348 of a majority of the voting interests voting in person or by
349 proxy at the meeting of the members.

350 Section 6. Subsection (2) of section 720.305, Florida
351 Statutes, are amended to read:

352 720.305 Obligations of members; remedies at law or in
353 equity; levy of fines and suspension of use rights; failure to
354 fill sufficient number of vacancies on board of directors to
355 constitute a quorum; appointment of receiver upon petition of
356 any member.--

357 (2) If the governing documents so provide, an association
358 may suspend, for a reasonable period of time, the rights of a
359 member or a member's tenants, guests, or invitees, or both, to

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360 use common areas and facilities and may levy reasonable fines,
361 not to exceed \$100 per violation, against any member or any
362 tenant, guest, or invitee. A fine may be levied on the basis of
363 each day of a continuing violation, with a single notice and
364 opportunity for hearing, except that no such fine shall exceed
365 \$1,000 in the aggregate unless otherwise provided in the
366 governing documents. A fine of less than \$1,000 shall not become
367 a lien against a parcel. In any action to recover a fine, the
368 prevailing party is entitled to collect its reasonable
369 attorney's fees and costs from the nonprevailing party as
370 determined by the court.

371 (a) A fine or suspension may not be imposed without notice
372 of at least 14 days to the person sought to be fined or
373 suspended and an opportunity for a hearing before a committee of
374 at least three members appointed by the board who are not
375 officers, directors, or employees of the association, or the
376 spouse, parent, child, brother, or sister of an officer,
377 director, or employee. If the committee, by majority vote, does
378 not approve a proposed fine or suspension, it may not be
379 imposed.

380 (b) The requirements of this subsection do not apply to
381 the imposition of suspensions or fines upon any member because
382 of the failure of the member to pay assessments or other charges
383 when due if such action is authorized by the governing
384 documents.

385 (c) Suspension of common-area-use rights shall not impair
386 the right of an owner or tenant of a parcel to have vehicular
387 and pedestrian ingress to and egress from the parcel, including,
388 but not limited to, the right to park.

389 Section 7. Subsections (8) and (9) of section 720.306,
390 Florida Statutes, are amended to read:

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391 720.306 Meetings of members; voting and election
392 procedures; amendments.--

393 (8) PROXY VOTING.--The members have the right, unless
394 otherwise provided in this subsection or in the governing
395 documents, to vote in person or by proxy.

396 (a) To be valid, a proxy must be dated, must state the
397 date, time, and place of the meeting for which it was given, and
398 must be signed by the authorized person who executed the proxy.
399 A proxy is effective only for the specific meeting for which it
400 was originally given, as the meeting may lawfully be adjourned
401 and reconvened from time to time, and automatically expires 90
402 days after the date of the meeting for which it was originally
403 given. A proxy is revocable at any time at the pleasure of the
404 person who executes it. If the proxy form expressly so provides,
405 any proxy holder may appoint, in writing, a substitute to act in
406 his or her place.

407 (b) If the governing documents permit voting by secret
408 ballot by owners who are not in attendance at a meeting of the
409 members for the election of directors, such ballots shall be
410 placed in an inner envelope with no identifying markings and
411 mailed or delivered to the association in an outer envelope
412 bearing identifying information reflecting the name of the
413 owner, the lot or parcel for which the vote is being cast, and
414 the signature of the lot or parcel owner casting that ballot.
415 After the eligibility of the member to vote and confirmation
416 that no other ballot has been submitted for that lot or parcel
417 has been determined, the inner envelope shall be removed from
418 the outer envelope bearing the identification information and
419 placed with the ballots which were personally cast and shall be
420 opened when the ballots are counted. In the event that more
421 than one ballot is submitted for a lot or parcel, the ballots

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422 for that lot or parcel shall be disqualified. Any vote by
423 ballot received after the closing of the balloting by a vote of
424 the membership shall not be considered.

425 (9) ELECTIONS; BOARD MEMBER CERTIFICATION.--

426 (a) Elections of directors must be conducted in accordance
427 with the procedures set forth in the governing documents of the
428 association. All members of the association shall be eligible to
429 serve on the board of directors, and a member may nominate
430 himself or herself as a candidate for the board at a meeting
431 where the election is to be held or, in the case of an election
432 process that allows voting by absentee ballot, in advance of the
433 balloting. Except as otherwise provided in the governing
434 documents, boards of directors must be elected by a plurality of
435 the votes cast by eligible voters. Any election dispute between
436 a member and an association must be submitted to mandatory
437 binding arbitration with the division. Such proceedings shall be
438 conducted in the manner provided by s. 718.1255 and the
439 procedural rules adopted by the division.

440 (b) Within 30 days after being elected to the board of
441 directors, a new director shall certify in writing to the
442 secretary of the association that he or she has read the
443 association's declarations of covenants and restrictions,
444 articles of incorporation, bylaws, and current written policies
445 and that he or she will work to uphold each to the best of his
446 or her ability and will faithfully discharge his or her
447 fiduciary responsibility to the association's members. Failure
448 to timely file such statement shall automatically disqualify the
449 director from service on the association's board of directors.
450 The secretary shall cause the association to retain a director's
451 certification for inspection by the membership of the
452 association for a period of 5 years after a director's election.

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453 Failure to have such certification on file shall not affect the
454 validity of any appropriate action.

455 Section 8. Paragraph (a) of subsection (1) of section
456 720.401, Florida Statutes, is amended to read:

457 720.401 Prospective purchasers subject to association
458 membership requirement; disclosure required; covenants;
459 assessments; contract cancellation.--

460 (1) (a) A prospective parcel owner in a community must be
461 presented a disclosure summary before executing the contract for
462 sale. The disclosure summary must be in a form substantially
463 similar to the following form:

464
465 DISCLOSURE SUMMARY
466 FOR
467 (NAME OF COMMUNITY)
468

469 1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU WILL
470 BE OBLIGATED TO BE A MEMBER OF A HOMEOWNERS' ASSOCIATION.

471 2. THERE HAVE BEEN OR WILL BE RECORDED RESTRICTIVE
472 COVENANTS GOVERNING THE USE AND OCCUPANCY OF PROPERTIES IN THIS
473 COMMUNITY.

474 3. YOU WILL BE OBLIGATED TO PAY ASSESSMENTS TO THE
475 ASSOCIATION. ASSESSMENTS MAY BE SUBJECT TO PERIODIC CHANGE. IF
476 APPLICABLE, THE CURRENT AMOUNT IS \$ _____ PER _____. YOU WILL
477 ALSO BE OBLIGATED TO PAY ANY SPECIAL ASSESSMENTS IMPOSED BY THE
478 ASSOCIATION. SUCH SPECIAL ASSESSMENTS MAY BE SUBJECT TO CHANGE.
479 IF APPLICABLE, THE CURRENT AMOUNT IS \$ _____ PER _____.

480 4. YOU MAY BE OBLIGATED TO PAY SPECIAL ASSESSMENTS TO THE
481 RESPECTIVE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT. ALL
482 ASSESSMENTS ARE SUBJECT TO PERIODIC CHANGE.

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483 5. YOUR FAILURE TO PAY SPECIAL ASSESSMENTS OR ASSESSMENTS
484 LEVIED BY A MANDATORY HOMEOWNERS' ASSOCIATION COULD RESULT IN A
485 LIEN ON YOUR PROPERTY.

486 6. THERE MAY BE AN OBLIGATION TO PAY RENT OR LAND USE FEES
487 FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES AS AN
488 OBLIGATION OF MEMBERSHIP IN THE HOMEOWNERS' ASSOCIATION. IF
489 APPLICABLE, THE CURRENT AMOUNT IS \$ _____ PER _____.

490 7. IF THE ASSOCIATION IS STILL UNDER THE CONTROL OF THE
491 DEVELOPER, THE DEVELOPER MAY HAVE THE RIGHT TO AMEND THE
492 RESTRICTIVE COVENANTS WITHOUT THE APPROVAL OF THE ASSOCIATION
493 MEMBERSHIP OR THE APPROVAL OF THE PARCEL OWNERS.

494 8. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE
495 ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU
496 SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING
497 DOCUMENTS BEFORE PURCHASING PROPERTY.

498 9. THESE DOCUMENTS ARE EITHER MATTERS OF PUBLIC RECORD AND
499 CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE
500 PROPERTY IS LOCATED, OR ARE NOT RECORDED AND CAN BE OBTAINED
501 FROM THE DEVELOPER.

502 10. THERE MAY BE AN OBLIGATION TO PAY ASSESSMENTS (TAXES
503 AND/OR FEES) TO A COMMUNITY DEVELOPMENT DISTRICT FOR THE PURPOSE
504 OF RETIRING BOND OBLIGATIONS USED TO CONSTRUCT INFRASTRUCTURE
505 AND/OR OTHER IMPROVEMENTS.

506 11. YOU ARE JOINTLY AND SEVERALLY LIABLE WITH THE PREVIOUS
507 OWNER OF YOUR PROPERTY FOR ALL UNPAID ASSESSMENTS THAT BECAME
508 DUE UP TO THE TIME OF TRANSFER OF TITLE.

509

510 DATE:

PURCHASER:

511

PURCHASER:

512 The disclosure must be supplied by the developer, or by the
513 parcel owner if the sale is by an owner that is not the

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514 developer. Any contract or agreement for sale shall refer to and
515 incorporate the disclosure summary and shall include, in
516 prominent language, a statement that the potential buyer should
517 not execute the contract or agreement until they have received
518 and read the disclosure summary required by this section.

519 Section 9. The Department of Health shall apply for and
520 implement, if awarded, a federal grant for swimming pool and spa
521 safety standards education and enforcement under the State
522 Swimming Pool Safety Grant Program as established in 15 U.S.C.
523 s. 8004. To ensure the state's eligibility for the grant award,
524 the Department of Health, in coordination with the Department of
525 Community Affairs and the Florida Building Commission, shall
526 assess the Florida Statutes and the Florida Building Code to
527 determine if additional changes are necessary to ensure
528 compliance with federal standards regarding swimming pool and
529 spa safety. The Department of Health shall provide the
530 assessment to the Legislature by January 1, 2009.

531 Section 10. Except as otherwise provided, this act shall
532 take effect July 1, 2008.

533
534
535 -----
536 **T I T L E A M E N D M E N T**

537 Remove the entire title and insert:

538 An act relating to residential properties; amending s. 514.011,
539 F.S.; providing definitions; amending s. 514.0115, F.S.;

540 providing specified supervision and regulation exemptions for
541 homeowners' association swimming pools; amending s. 515.25,
542 F.S.; conforming a cross-reference; creating s. 515.295, F.S.;

543 creating definitions; requiring residential pools and spas built
544 after a specified date to have certain features; requiring the

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545 Department of Health to provide educational materials to owners
546 of residential swimming pools and spas of recommended safety
547 improvements; amending s. 720.303, F.S.; revising provisions
548 relating to homeowners' association board meetings, inspection
549 and copying of records, reserve accounts of budgets; prohibiting
550 salary or compensation of certain association personnel;
551 providing exceptions; amending s. 720.305, F.S.; providing for
552 liens on parcels in certain situations; amending s. 720.306,
553 F.S.; providing absentee ballot voting requirements; requiring
554 newly elected members of a board of directors to make certain
555 certifications in writing to the association; providing for
556 disqualification for failure to make such certifications;
557 requiring an association to retain such certifications for a
558 certain time; amending s. 720.401, F.S.; revising certain
559 prospective parcel owner disclosure summary requirements;
560 requiring the department to apply for and implement a federal
561 grant for enforcing swimming pool safety standards; requiring
562 the Department of Health, the Department of Community Affairs,
563 and the Florida Building Commission to assess state statutes and
564 the Florida Building Code to determine if changes are needed to
565 comply with federal standards pertaining to swimming pool and
566 spa safety; requiring the Department of Health to present the
567 assessment to the Legislature by a specified date; providing an
568 effective date.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 755 : Sexual Offenders and Sexual Predators

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia			X		
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1s

Bill No. 755

COUNCIL/COMMITTEE ACTION

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

*Favorable
4-9-08*

1 Council/Committee hearing bill: Safety & Security Council
 2 Representative Nelson offered the following:
 3

4 **Substitute Amendment for Amendment (1) by Representative**
 5 **Nelson (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 943.04355, Florida Statutes, is created
 8 to read:

9 943.04355 Dwelling rental or solicitation; sexual
 10 offenders and predators.--

11 (1) A landlord who knowingly solicits an individual who is
 12 registered as a sexual offender or a sexual predator to rent or
 13 lease a dwelling unit because of his or her status as a
 14 registered sexual offender or a sexual predator, shall, within 5
 15 days after the date the individual occupies the dwelling unit as
 16 a tenant, do all of the following:

17 (a) Conduct a search for the tenant's name in the sexual
 18 offender database.

19 (b) Confirm that the address of the tenant identified as a
 20 sexual offender or sexual predator is correctly reflected on the
 21 sexual offender database.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1s

22 (c) Notify the sheriff of the county in which the dwelling
23 is located if the address of a tenant identified as a sexual
24 offender or sexual predator is not correctly reflected on the
25 sexual offender database.

26 (2) As used in this section, the term:

27 (a) "Dwelling unit," "landlord," "rent," and "tenant" have
28 the same meanings as provided in s. 83.43.

29 (b) "Sexual offender" has the same meaning as provided in
30 s. 943.0435.

31 (c) "Sexual offender database" means the database of
32 registration information regarding sexual predators and sexual
33 offenders maintained by the department under s. 943.043.

34 (d) "Sexual predator" has the same meaning as provided in
35 s. 775.21.

36 (e) "Solicit" means to initiate contact with a sexual
37 offender or sexual predator for the purpose of attempting to
38 rent or lease a dwelling unit, where such sexual offender or
39 sexual predator has expressed no previous interest in renting or
40 leasing the dwelling unit.

41 (3) Any person who willfully violates this section is
42 liable for a civil penalty that may not be more than \$10,000 for
43 each violation. A civil penalty may be recovered in any action
44 brought in the circuit court by the Attorney General to enforce
45 this section. If a civil penalty is assessed against the
46 landlord, the Attorney General is entitled to recover reasonable
47 attorney's fees and costs. A civil penalty collected under this
48 subsection shall accrue to the state and be deposited as
49 received into the General Revenue Fund unallocated.

50 Section 2. This act shall take effect July 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1s

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

Remove the entire title and insert:
An act relating to sexual offenders and sexual predators;
creating s. 943.04355, F.S.; requiring a landlord who
knowingly solicits, rents, or leases a dwelling unit to a
sexual offender or sexual predator to verify that
individual's address; requiring that the landlord notify
the sheriff in certain instances; providing definitions;
providing that the Attorney General may enforce the stated
obligations; providing that a circuit court may assess a
civil penalty against a landlord who willfully violates
the required obligations; limiting the amount of the civil
penalty; providing that the Attorney General is entitled
to reasonable attorney's fees and costs if a civil penalty
is assessed; providing an effective date.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 789 : Surveyors and Mappers

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson			X		
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 789

Ben Parks, Legislative Director (Lobbyist) - Proponent

Florida Farm Bureau
315 S Calhoun Street, Suite 850
Tallahassee FL 32301
Phone: 850-222-2557

HB 789

Ron Villella (Lobbyist) - Information Only

Florida Surveyor's
311 E Park Avenue
Tallahassee FL 32301
Phone: 850-224-5081

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 789

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION x (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Homeland Security
2 & Public Safety

3 Representative(s) Kendrick offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (3) is added to section 472.029,
8 Florida Statutes, to read:

9 472.029 Authorization to enter lands of third parties;
10 conditions.--

11 (3) BREAKING OR INJURING FENCES ON AGRICULTURAL LAND.--

12 (a) Any person authorized to enter lands pursuant to
 13 subsection (1) who willfully and maliciously breaks down, mars,
 14 injures, defaces, cuts, or otherwise creates or causes to be
 15 created an opening, gap, interruption, or break in any fence, or
 16 any part thereof, belonging to or enclosing land not his or her
 17 own, or whoever willfully and maliciously causes to be broken
 18 down, marred, injured, defaced, or cut any fence belonging to or
 19 enclosing land not his or her own, commits a misdemeanor of the
 20 first degree, punishable as provided in s. 775.082 or s.
 21 775.083. A person who commits a second or subsequent offense

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 under this subsection commits a felony of the third degree,
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

24 (b) If an offender willfully and maliciously breaks or
25 injures a fence as provided in paragraph (a) and the fence or
26 any part thereof is used to contain livestock as defined in s.
27 588.13(1) at the time of the offense, the offender commits a
28 felony of the third degree, punishable as provided in s.
29 775.082, s. 775.083, or s. 775.084.

30 (c) The court may require full compensation to the owner
31 of the damaged fence for any and all damages or losses resulting
32 directly or indirectly from the act or commission pursuant to s.
33 775.089.

34 (d) This subsection applies only to land classified as
35 agricultural pursuant to s. 193.461.

36 (e) Nothing in subsection (3) shall be construed to
37 restrict or modify the rights of entry or authority granted to
38 surveyors and mappers or their subordinates under subsection
39 (1).

40 Section 2. This act shall take effect October 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 789

COUNCIL/COMMITTEE ACTION

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

TP'd
4-9-08

1 Council/Committee hearing bill: Safety & Security Council
 2 Representative Coley offered the following:

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Amendment to Amendment (1) by Representative Coley

Between lines 39-40 insert:

(4) NOTICE AND IDENTIFICATION.--

Notwithstanding any other provision of this section,
surveyors, mappers, and their subordinates authorized to enter
lands pursuant to subsection (1) shall:

(a) Attempt to notify the landowner or the landowner's
registered agent at least 3 business days prior to entry on,
over, and upon the lands of others.

(b) Clearly display an identification badge or other
insignia on their person which prominently indicates the person
is a surveyor or mapper, or is a subordinate of a surveyor or
mapper. The badge or other insignia shall also clearly display
the name of the employer of the surveyor, mapper, or
subordinate.

Amendment No. 2

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D I R E C T O R Y A M E N D M E N T

Remove lines 7-8 and insert:

Section 1. Subsections (3) and (4) are added to section
472.029, Florida Statutes, to read:

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 801 : Lewdness and Indecent Exposure

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson			X		
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 801

Jennifer Dritt, Executive Director (Lobbyist) - Proponent

Florida Council Against Sexual Violence

1311 N Paul Russell Road, Suite A-204

Tallahassee FL 32301

Phone: 850-297-2000

HB 801

Ramon Maury, President (Lobbyist) - Proponent

South Florida Free Beaches

514 E College

Tallahassee FL 32301

Phone: 850-222-1568

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 801

COUNCIL/COMMITTEE ACTION

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

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Homeland Security & Public
2 Safety

3 Representative(s) Snyder offered the following:

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5 **Amendment (with directory and title amendments)**

6 Remove line(s) 43-110.

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

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Remove entire title and insert:

12

A bill to be entitled

13

An act relating to unnatural and lascivious acts; amending s.

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800.02 F.S.; providing enhanced penalties for third and

15

subsequent violations of specified provisions; providing

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enhanced penalties for offenses involving unnatural and

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lascivious acts committed within a specified distance of certain

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locations; providing an effective date.

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COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 869 : Court Costs

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 869

Jay Romine, Chief (General Public) - Proponent

Criminal Justice Standards & Training Commission, Florida Police Chiefs Association

5801 Marina Drive

Holmes Beach FL 34217

Phone: 941-708-5804

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 0869

COUNCIL/COMMITTEE ACTION

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

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Committee on Courts

2 Representative Reagan offered the following:

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4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 938.01, Florida
7 Statutes, is amended to read:

8 938.01 Additional Court Cost Clearing Trust Fund.--

9 (1) All courts created by Art. V of the State Constitution
 10 shall, in addition to any fine or other penalty, require every
 11 person convicted for violation of a state penal or criminal
 12 statute or convicted for violation of a municipal or county
 13 ordinance to pay \$5 ~~\$3~~ as a court cost. ~~Any person whose~~
 14 ~~adjudication is withheld pursuant to the provisions of s.~~
 15 ~~318.14(9) or (10) shall also be liable for payment of such cost.~~
 16 In addition, \$5 ~~\$3~~ from every bond estreature or forfeited bail
 17 bond related to such penal statutes or penal ordinances shall be
 18 remitted to the Department of Revenue as described in this
 19 subsection. However, no such assessment may be made against any
 20 person convicted for violation of any state statute, municipal
 21 ordinance, or county ordinance relating to the parking of
 22 vehicles.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 (a) All costs collected by the courts pursuant to this
24 subsection shall be remitted to the Department of Revenue in
25 accordance with administrative rules adopted by the executive
26 director of the Department of Revenue for deposit in the
27 Additional Court Cost Clearing Trust Fund.

28 1. These funds and the funds deposited in the Additional
29 Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall
30 be distributed as follows:

31 a.1. Ninety-five and two-tenths ~~Ninety-two~~ percent to the
32 Department of Law Enforcement Criminal Justice Standards and
33 Training Trust Fund.

34 b.2. Three and seventy-eight one-hundredths ~~Six and three-~~
35 ~~tenths~~ percent to the Department of Law Enforcement Operating
36 Trust Fund for the Criminal Justice Grant Program.

37 c.3. One and two one-hundredths and seven-tenths percent
38 to the Department of Children and Family Services Domestic
39 Violence Trust Fund for the domestic violence program pursuant
40 to s. 39.903(3).

41 2. Notwithstanding subparagraph 1., the funds deposited in
42 the Additional Court Cost Clearing Trust Fund pursuant to s.
43 318.21(2)(c) shall be distributed as follows:

44 a. Ninety-two percent to the Department of Law Enforcement
45 Criminal Justice Standards and Training Trust Fund.

46 b. Six and three-tenths percent to the Department of Law
47 Enforcement Operating Trust Fund for the Criminal Justice Grant
48 Program.

49 c. One and seven-tenths percent to the Department of
50 Children and Family Services Domestic Violence Trust Fund for
51 the domestic violence program pursuant to s. 39.903(3).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

52 (b) All funds in the Department of Law Enforcement
53 Criminal Justice Standards and Training Trust Fund shall be
54 disbursed only in compliance with s. 943.25(9).

55 Section 2. Subsection (12) of section 938.30, Florida
56 Statutes, is renumbered as subsection (13), and a new subsection
57 (12) is added to that section to read:

58 938.30 Financial obligations in criminal cases;
59 supplementary proceedings.--

60 (12) The court may not enter an order sealing or expunging
61 criminal history records under court rule, s. 943.0585, or s.
62 943.059 until the person has paid all outstanding criminal costs
63 and fines assessed against the moving party, unless the court
64 makes written findings about the appropriateness of sealing or
65 expunging despite the outstanding costs and fines.

66 Section 3. Paragraph (d) of subsection (11) of section
67 318.18, Florida Statutes, is amended to read:

68 318.18 Amount of penalties.--The penalties required for a
69 noncriminal disposition pursuant to s. 318.14 or a criminal
70 offense listed in s. 318.17 are as follows:

71 (11)

72 (d) In addition to the court cost required under paragraph
73 (a), a \$3 court cost must be paid for each noncriminal
74 infraction as provided in s. 318.14, and a \$5 court cost must be
75 paid for each criminal offense listed in s. 318.17 to be
76 distributed as provided in s. 938.01. Any person whose
77 adjudication is withheld pursuant to the provisions of s.
78 318.14(9) or (10) shall also be liable for payment of the
79 additional \$3 court cost. and A \$2 court cost as provided in s.
80 938.15 must be paid for each infraction when assessed by a
81 municipality or county.

82 Section 4. This act shall take effect July 1, 2008.

Amendment No. 1 (for drafter's use only)

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

Remove the entire title and insert:

A bill to be entitled

An act relating to court costs; amending s. 938.01, F.S.; increasing the court cost assessed against any person convicted of violating a state penal or criminal statute or convicted of violating a municipal or county ordinance; deleting requirement that a person whose adjudication is withheld under specified provisions is also liable for such costs; increasing the amount deducted from every bond estreature or forfeited bail bond related to such penal statutes or ordinances which is remitted to the Department of Revenue; revising the allocation of funds received from the court costs and distributed to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program, and the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program; amending s. 938.30, F.S.; requiring defendants to pay all outstanding criminal costs and fines prior to the court entering an order to seal or expunge criminal history records unless the court makes specified written findings; amending s. 318.18, F.S., relating to civil penalties for noncriminal traffic and boating infractions; conforming provisions to changes made by the act; providing that a person whose adjudication is withheld under specified

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

114 provisions is liable for a specified court cost;
115 providing an effective date.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 881 : Property Rights

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 881

Tim Stanfield (Lobbyist) - Opponent

Florida League of Cities

301 S Bronough St

Tallahassee FL 32302

Phone: 850-728-5365

HB 881

Carol Saviak, Executive Director (Lobbyist) - Proponent

Coalition for Property Rights

2898 S. Osceola Avenue

Orlando FL 32806

Phone: 321-231-6085

HB 881

Sarah Bleakley (Lobbyist) - Opponent

Florida Association of Counties

1500 Mahan Drive, Suite 200

Tallahassee FL 32308

Phone: 850-224-4070

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 881

Dan Stengle (Lobbyist) - Proponent

Property Rights Coalition

123 S Calhoun St

Tallahassee FL 32301

HB 881

Ben Parks, Legislative Director (Lobbyist) - Proponent

Florida Farm Bureau

315 S Calhoun Street, Suite 850

Tallahassee FL 32301

Phone: 850-222-2557

HB 881

Joanna Bonfanti, Government Affairs (Lobbyist) - Proponent

Florida Chamber of Commerce

136 S Bronough St

Tallahassee FL 32301

Phone: 850-521-1253

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 921 : Liens Claims by Homeowners' Associations

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente			X		
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HB 921

Pete Dunbar (Lobbyist) - Proponent

Community Action Network

215 S Monroe Street

Tallahassee FL 32301

Phone: 850-222-3533

HB 921

Anthony Dimarco, Executive Vice President of Government Affairs (Lobbyist) - Proponent

Florida Banker Association

1001 Thomasville Rd

Tallahassee FL 32303

Phone: 850-224-2265

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 921**

COUNCIL/COMMITTEE ACTION

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

*favourable
4.9.08*

1 Council/Committee hearing bill: Safety & Security Council
 2 Representative Jenne offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 720.3085, Florida Statutes, is amended to read:

720.3085 Payment for assessments; lien claims.--

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

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 (a) To be valid, a claim of lien must state the
23 description of the parcel, the name of the record owner, the
24 name and address of the association, the assessment amount due,
25 and the due date. The claim of lien shall secure all unpaid
26 assessments that are due and that may accrue subsequent to the
27 recording of the claim of lien and before entry of a certificate
28 of title, as well as interest, late charges, and reasonable
29 costs and attorney's fees incurred by the association incident
30 to the collection process. The person making the payment is
31 entitled to a satisfaction of the lien upon payment in full.

32 (b) By recording a notice in substantially the following
33 form, a parcel owner or the parcel owner's agent or attorney may
34 require the association to enforce a recorded claim of lien
35 against his or her parcel:

36
37 NOTICE OF CONTEST OF LIEN
38

39 TO: (Name and address of association)
40

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

48
49 Signed: (Owner or Attorney)
50

51 After the notice of a contest of lien has been recorded, the
52 clerk of the circuit court shall mail a copy of the recorded

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

53 notice to the association by certified mail, return receipt
54 requested, at the address shown in the claim of lien or the most
55 recent amendment to it and shall certify to the service on the
56 face of the notice. Service is complete upon mailing. After
57 service, the association has 90 days in which to file an action
58 to enforce the lien and, if the action is not filed within the
59 90-day period, the lien is void. However, the 90-day period
60 shall be extended for any length of time that the association is
61 prevented from filing its action because of an automatic stay
62 resulting from the filing of a bankruptcy petition by the parcel
63 owner or by any other person claiming an interest in the parcel.

64 (d) The association may bring an action in its name to
65 foreclose a lien for assessments in the same manner in which a
66 mortgage of real property is foreclosed and may also bring an
67 action to recover a money judgment for the unpaid assessments
68 without waiving any claim of lien. The association is entitled
69 to recover its reasonable attorney's fees incurred in an action
70 to foreclose a lien or an action to recover a money judgment for
71 unpaid assessments.

72 (e) If the parcel owner remains in possession of the
73 parcel after a foreclosure judgment has been entered, the court
74 may require the parcel owner to pay a reasonable rent for the
75 parcel. If the parcel is rented or leased during the pendency of
76 the foreclosure action, the association is entitled to the
77 appointment of a receiver to collect the rent. The expenses of
78 the receiver must be paid by the party who does not prevail in
79 the foreclosure action.

80 (f) The association may purchase the parcel at the
81 foreclosure sale and hold, lease, mortgage, or convey the
82 parcel.

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83 (2) (a) ~~(1)~~ A parcel owner, regardless of how his or her
84 title to property has been acquired, including by purchase at a
85 foreclosure sale or by deed in lieu of foreclosure, is liable
86 for all assessments that come due while he or she is the parcel
87 owner. The parcel owner's liability for assessments may not be
88 avoided by waiver or suspension of the use or enjoyment of any
89 common area or by abandonment of the parcel upon which the
90 assessments are made.

91 (b) ~~(2)~~ A parcel owner is jointly and severally liable with
92 the previous parcel owner for all unpaid assessments that came
93 due up to the time of transfer of title. This liability is
94 without prejudice to any right the present parcel owner may have
95 to recover any amounts paid by the present owner from the
96 previous owner.

97 (c) Notwithstanding anything to the contrary contained in
98 this section, the liability of a first mortgagee, or its
99 successor or assignee as a subsequent holder of the first
100 mortgage who acquires title to a parcel by foreclosure or by
101 deed in lieu of foreclosure for the unpaid assessments that
102 became due before the mortgagee's acquisition of title, shall be
103 the lesser of:

104 1. The parcel's unpaid common expenses and regular
105 periodic or special assessments that accrued or came due during
106 the 12 months immediately preceding the acquisition of title and
107 for which payment in full has not been received by the
108 association; or

109 2. One percent of the original mortgage debt.

110
111 The limitations on first mortgagee liability provided by this
112 paragraph apply only if the first mortgagee filed suit against
113 the parcel owner and initially joined the association as a

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114 defendant in the mortgagee foreclosure action. Joinder of the
115 association is not required if, on the date the complaint is
116 filed, the association was dissolved or did not maintain an
117 office or agent for service of process at a location that was
118 known to or reasonably discoverable by the mortgagee.

119 (3) Assessments and installments on assessments that are
120 not paid when due bear interest from the due date until paid at
121 the rate provided in the declaration of covenants or the bylaws
122 of the association, which rate may not exceed the rate allowed
123 by law. If no rate is provided in the declaration or bylaws,
124 interest accrues at the rate of 18 percent per year.

125 (a) If the declaration or bylaws so provide, the
126 association may also charge an administrative late fee in an
127 amount not to exceed the greater of \$25 or 5 percent of the
128 amount of each installment that is paid past the due date.

129 (b) Any payment received by an association and accepted
130 shall be applied first to any interest accrued, then to any
131 administrative late fee, then to any costs and reasonable
132 attorney's fees incurred in collection, and then to the
133 delinquent assessment. This paragraph applies notwithstanding
134 any restrictive endorsement, designation, or instruction placed
135 on or accompanying a payment. A late fee is not subject to the
136 provisions of chapter 687 and is not a fine.

137 (4) A homeowners' association may not file a record claim
138 of lien against a parcel for unpaid assessments unless a written
139 notice or demand for past due assessments as well as any other
140 amounts owed to the association pursuant to its governing
141 documents has been made by the association. The written notice
142 or demand must:

143 (a) Provide the owner with 45 days following the date the
144 notice is deposited in the mail to make payment for all amounts

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145 due, including, but not limited to, any attorney's fees and
146 actual costs associated with the preparation and delivery of the
147 written demand.

148 (b) Be sent by registered or certified mail, return
149 receipt requested, and by first-class United States mail to the
150 parcel owner at his or her last address as reflected in the
151 records of the association, if the address is within the United
152 States, and to the parcel owner subject to the demand at the
153 address of the parcel if the owner's address as reflected in the
154 records of the association is not the parcel address. If the
155 address reflected in the records is outside the United States,
156 then sending the notice to that address and to the parcel
157 address by first-class United States mail is sufficient.

158 (5) The association may bring an action in its name to
159 foreclose a lien for unpaid assessments secured by a lien in the
160 same manner that a mortgage of real property is foreclosed and
161 may also bring an action to recover a money judgment for the
162 unpaid assessments without waiving any claim of lien. The Such
163 action to foreclose the lien may not be brought until 45 days
164 after the parcel owner has been provided notice of the
165 association's intent to foreclose and collect the unpaid amount.
166 The notice must be given in the manner provided in paragraph
167 (4) (b) and the notice may not be provided until the passage of
168 the 45 days required in paragraph (4) (a).

169 (a) The association may recover any interest, late
170 charges, costs, and reasonable attorney's fees incurred in a
171 lien foreclosure action or in an action to recover a money
172 judgment for the unpaid assessments.

173 (b) The time limitations in this subsection do not apply
174 if the parcel is subject to a foreclosure action or forced sale
175 of another party, or if an owner of the parcel is a debtor in a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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176 bankruptcy proceeding ~~The association may purchase the parcel at~~
177 ~~the foreclosure sale and hold, lease, mortgage, or convey the~~
178 ~~parcel.~~

179 (6) If after service of a summons on a complaint to
180 foreclose a lien the parcel is not the subject of a mortgage
181 foreclosure or a notice of tax certificate sale, ~~or~~ the parcel
182 owner is not a debtor in bankruptcy proceedings, or the trial of
183 or trial docket for the lien foreclosure action is not set to
184 begin within 30 days, the parcel owner may serve and file with
185 the court a qualifying offer at any time before the entry of a
186 foreclosure judgment. For purposes of this subsection, the term
187 "qualifying offer" means a written offer to pay all amounts
188 secured by the lien of the association plus amounts interest
189 accruing during the pendency of the offer at the rate of
190 interest provided in this section. The parcel owner may make
191 only one qualifying offer during the pendency of a foreclosure
192 action. If a parcel becomes the subject of a mortgage
193 foreclosure or a notice of tax certificate sale while a
194 qualifying offer is pending, the qualifying offer becomes
195 voidable at the election of the association. If the parcel owner
196 becomes a debtor in bankruptcy proceedings while a qualifying
197 offer is pending, the qualifying offer becomes void.

198 (a) The parcel owner shall deliver a copy of the filed
199 qualifying offer to the association's attorney by hand delivery,
200 obtaining a written receipt, or by certified mail, return
201 receipt requested.

202 (b) The parcel owner's filing of the qualifying offer with
203 the court stays the foreclosure action for the period stated in
204 the qualifying offer, which may not exceed 60 days following the
205 date of service of the qualifying offer and no sooner than 30
206 days before the date of trial, arbitration, or the beginning of

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207 the trial docket, whichever occurs first, to permit the parcel
208 owner to pay the qualifying offer to the association plus any
209 amounts ~~interest~~ accruing during the pendency of the offer.

210 (c) The qualifying offer ~~of the parcel owner~~ must be in
211 writing, be signed by all owners ~~the owner~~ of the parcel and the
212 spouse of any ~~the~~ owner if the spouse resides in or otherwise
213 claims ~~holds~~ a homestead interest in the parcel, be acknowledged
214 by a notary public, and be in substantially the following form:
215 ~~state the total amount due the association, state that the total~~
216 ~~amount due the association is secured by the lien of the~~
217 ~~association, state that the association is entitled to foreclose~~
218 ~~the lien and obtain a foreclosure judgment for the total amount~~
219 ~~due if the parcel owner breaches the qualifying offer, state~~
220 ~~that the parcel owner will not endanger the priority of the lien~~
221 ~~of the association or the amounts secured by the lien, and state~~
222 ~~the actual date or dates the association will receive the total~~
223 ~~amount due from the parcel owner.~~

224

225 QUALIFYING OFFER

226 AUTOMATIC STAY INVOKED PURSUANT TO F.S. 720.3085

227

228 I/We, [Name(s) of Parcel Owner(s)], admit the following:

229 1. The total amount due the association is secured by the
230 lien of the association.

231 2. The association is entitled to foreclose its claim of
232 lien and obtain a foreclosure judgment for the total amount due
233 if I/we breach this qualifying offer by failing to pay the
234 amount due by the date specified in this qualifying offer.

235 3. I/We will not permit the priority of the lien of the
236 association or the amounts secured by the lien to be endangered.

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237 4. I/We hereby affirm that the date(s) by which the
238 association will receive \$ [specify amount] as the total amount
239 due is [specify date, no later than 60 days after the date of
240 service of the qualifying offer and at least 30 days before the
241 trial or arbitration date], in the following amounts and dates:

242 5. I/We hereby confirm that I/we have requested and have
243 received from the homeowners' association a breakdown and total
244 of all sums due the association and that the amount offered
245 above is equal to or greater than the total amount provided by
246 the association.

247 6. This qualifying offer operates as a stay to all
248 portions of the foreclosure action which seek to collect unpaid
249 assessments as provided in s. 720.3085.

250

251 Signed: (Signatures of all parcel owners and spouses, if any)

252

253 Sworn to and subscribed this (date) day of (month), (year),
254 before the undersigned authority.

255

256 Notary Public: (Signature of notary public)

257

258 If the parcel owner makes a qualifying offer under this
259 subsection, the association may not add the cost of any legal
260 fees incurred by the association within the period of the stay
261 other than costs acquired in defense of a mortgage foreclosure
262 action concerning the parcel, a bankruptcy proceeding in which
263 the parcel owner is a debtor, or in response to filings by a
264 party other than the association in the lien foreclosure action
265 of the association.

266 (7) ~~(d)~~ If the parcel owner breaches the qualifying offer,
267 the stay shall be vacated and the association may proceed in its

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268 action to obtain a foreclosure judgment against the parcel and
269 the parcel owners for the amount in the qualifying offer and any
270 amounts accruing after the date of the qualifying offer.

271 Section 2. This act shall take effect July 1, 2008.

272

273

274

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

275

Remove the entire title and insert:

276

An act relating to lien claims by homeowners' associations;

277

amending s. 720.3085, F.S.; providing that when authorized by

278

the governing documents, a homeowners' association has a lien on

279

each parcel to secure the payment of assessments and other

280

amounts; providing an exception to first mortgages of record;

281

providing that the act does not bestow upon any lien, mortgage,

282

or certified judgment of record on July 1, 2008, a priority that

283

the lien, mortgage, or judgment did not have before that date;

284

providing for the elements of a valid claim of lien; providing

285

for the content of a recording notice; requiring a parcel owner

286

or the parcel owner's agent or attorney to require the

287

homeowners' association to enforce a recorded claim of lien

288

against his or her parcel; providing procedures for notifying

289

the homeowners' association; requiring that service be made by

290

certified mail, return receipt requested; authorizing the

291

homeowners' association to bring a civil action to foreclose a

292

lien for assessments in the same manner in which a mortgage of

293

real property is foreclosed; providing that the homeowners'

294

association may also bring an action to recover a money judgment

295

for the unpaid assessments without waiving any claim of lien;

296

providing that if a parcel owner remains in possession of the

297

parcel after a foreclosure judgment has been entered, the court

298

may require the parcel owner to pay a reasonable rent for the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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299 parcel; providing that the homeowners' association may purchase
300 the parcel at the foreclosure sale and hold, lease, mortgage, or
301 convey the parcel; limiting the liability of a first mortgagee
302 or its successor or assignee as a subsequent holder of the first
303 mortgage who acquires title to a parcel by foreclosure or by
304 deed in lieu of foreclosure for the unpaid assessments that
305 became due before the mortgagee's acquisition of title;
306 providing that the time limitations in the act do not apply if
307 the parcel is subject to a foreclosure action or forced sale of
308 another party; providing for a qualified offer during the
309 pendency of a foreclosure action; providing procedures for
310 offering and accepting a qualifying offer; requiring that the
311 qualifying offer be in a particular format; providing an
312 effective date.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 995 : Condominiums

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs			X		
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HB 995

Pete Dunbar (Lobbyist) - Proponent

Community Action Network

215 S Monroe Street

Tallahassee FL 32301

Phone: 850-222-3533

HB 995

Richard Pinsky (Lobbyist) - Proponent

Florida Community Associations Managers

811 Forest Hill Blvd

West Palm Beach FL

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. HB 995

COUNCIL/COMMITTEE ACTION

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

*Favorable
4-9-08*

1 Council/Committee hearing bill: Committee on Courts

2 Representative(s) Robaina offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 468.431, Florida Statutes, is amended
6 to read:

7 468.431 Definitions.--As used in this part:

8 (1) "Community association" means a residential
9 homeowners' association in which membership is a condition of
10 ownership of a unit in a planned unit development, or of a lot
11 for a home or a mobile home, or of a townhouse, villa,
12 condominium, cooperative, or other residential unit which is
13 part of a residential development scheme and which is authorized
14 to impose a fee which may become a lien on the parcel.

15 (2) "Community association management" means any of the
16 following practices requiring substantial specialized knowledge,
17 judgment, and managerial skill when done for remuneration and
18 when the association or associations served contain more than 10
19 ~~50~~ units or have an annual budget or budgets in excess of
20 \$100,000: controlling or disbursing funds of a community
21 association, preparing budgets or other financial documents for
22 a community association, assisting in the noticing or conduct of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 community association meetings, and coordinating maintenance for
24 the residential development and other day-to-day services
25 involved with the operation of a community association. A person
26 who performs clerical or ministerial functions under the direct
27 supervision and control of a licensed manager or who is charged
28 only with performing the maintenance of a community association
29 and who does not assist in any of the management services
30 described in this subsection is not required to be licensed
31 under this part.

32 (3) "Community association management firm" means a
33 corporation, limited liability company, partnership, trust,
34 association, sole proprietorship, or other similar organization
35 engaging in the business of community association management for
36 the purpose of providing any of the services described in
37 subsection (2).

38 (4)-(3) "Community association manager" means a natural
39 person who is licensed pursuant to this part to perform
40 community association management services.

41 (5)-(4) "Council" means the Regulatory Council of Community
42 Association Managers.

43 (6)-(5) "Department" means the Department of Business and
44 Professional Regulation.

45 Section 2. Section 468.4315, Florida Statutes, is amended
46 to read:

47 468.4315 Regulatory Council of Community Association
48 Managers.--

49 (1) The Regulatory Council of Community Association
50 Managers is created within the department and shall consist of
51 seven members appointed by the Governor and confirmed by the
52 Senate.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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53 (a) Five members of the council shall be licensed
54 community association managers, one of whom may ~~shall~~ be a
55 community association manager employed by a timeshare managing
56 entity as described in ss. 468.438 and 721.13, who have held an
57 active license for at least 5 years. The remaining two council
58 members shall be residents of this state, ~~and~~ must not be or
59 ever have been connected with the business of community
60 association management, and shall not be prohibited from serving
61 because the member is or has been a resident or board member of
62 a community association.

63 (b) The Governor shall appoint members for terms of 4
64 years. Such members shall serve until their successors are
65 appointed. Members' service on the council shall begin upon
66 appointment and shall continue until their successors are
67 appointed.

68 (2) The council may adopt rules relating to the licensure
69 examination, continuing education requirements, continuing
70 education providers, fees, and professional practice standards
71 to assist the department in carrying out the duties and
72 authorities conferred upon the department by this part.

73 (3) To the extent the council is authorized to exercise
74 functions otherwise exercised by a board pursuant to chapter
75 455, the provisions of chapter 455 and s. 20.165 relating to
76 regulatory boards shall apply, including, but not limited to,
77 provisions relating to board rules and the accountability and
78 liability of board members. All proceedings and actions of the
79 council are subject to the provisions of chapter 120. In
80 addition, the provisions of chapter 455 and s. 20.165 shall
81 apply to the department in carrying out the duties and
82 authorities conferred upon the department by this part.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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83 (4) The council may establish a public education program
84 relating to professional community association management.

85 (5) Members of the council shall serve without
86 compensation but are entitled to receive per diem and travel
87 expenses pursuant to s. 112.061 while carrying out business
88 approved by the council.

89 (6) The responsibilities of the council shall include, but
90 not be limited to:

91 (a) Receiving input regarding issues of concern with
92 respect to community association management and recommendations
93 for changes in applicable laws.

94 (b) Reviewing, evaluating, and advising the division
95 concerning revisions and adoption of rules affecting community
96 association management.

97 (c) Recommending improvements, if needed, in the education
98 programs offered by the division.

99 Section 3. Section 468.432, Florida Statutes, is amended
100 to read:

101 468.432 Licensure of community association managers and
102 community association management firms; exceptions.--

103 (1) A person shall not manage or hold herself or himself
104 out to the public as being able to manage a community
105 association in this state unless she or he is licensed by the
106 department in accordance with the provisions of this part.
107 However, nothing in this part prohibits any person licensed in
108 this state under any other law or court rule from engaging in
109 the profession for which she or he is licensed.

110 (2) As of January 1, 2009, a community association
111 management firm or other similar organization responsible for
112 the management of more than 10 units or a budget of \$100,000 or
113 greater shall not engage or hold itself out to the public as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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114 being able to engage in the business of community association
115 management in this state unless it is licensed by the department
116 as a community association management firm in accordance with
117 the provisions of this part.

118 (a) A community association management firm or other
119 similar organization desiring to be licensed as a community
120 association management firm shall apply to the department on a
121 form approved by the department together with the application
122 and licensure fees required by s. 468.435(1)(a) and (c). Each
123 community association management firm applying for licensure
124 under this subsection must be actively registered and authorized
125 to do business in this state.

126 (b) Each applicant shall designate on its application a
127 licensed community association manager who shall be required to
128 respond to all inquires from and investigations by the
129 department or division.

130 (c) Each licensed community association management firm
131 shall notify the department within 30 days of any change of
132 information contained in the application upon which licensure is
133 based.

134 (d) Community association management firm licenses shall
135 expire on September 30 of odd-numbered years and shall be
136 renewed every 2 years. An application for renewal shall be
137 accompanied by the renewal fee as required by s. 468.435(1)(d).

138 (e) The department shall license each applicant whom the
139 department certifies as meeting the requirements of this
140 subsection.

141 (f) If the license of at least one individual active
142 community association manager member is not in force, the
143 license of the community association management firm or other
144 similar organization is canceled automatically during that time.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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145 (g) Any community association management firm or other
146 similar organization agrees by being licensed that it will
147 employ only licensed persons in the direct provision of
148 community association management services as described in s.
149 468.431(3).

150 ~~(2) Nothing in this part prohibits a corporation,~~
151 ~~partnership, trust, association, or other like organization from~~
152 ~~engaging in the business of community association management~~
153 ~~without being licensed if it employs licensed natural persons in~~
154 ~~the direct provision of community association management~~
155 ~~services. Such corporation, partnership, trust, association, or~~
156 ~~other organization shall also file with the department a~~
157 ~~statement on a form approved by the department that it submits~~
158 ~~itself to the rules of the council and the department and the~~
159 ~~provisions of this part which the department deems applicable.~~

160 Section 4. Subsections (2) and (4) of section 468.433,
161 Florida Statutes, are amended to read:

162 468.433 Licensure by examination.--

163 (2) The department shall examine each applicant who is at
164 least 18 years of age, who has successfully completed all
165 prelicensure education requirements, and who the department
166 certifies is of good moral character.

167 (a) Good moral character means a personal history of
168 honesty, fairness, and respect for the rights of others and for
169 the laws of this state and nation.

170 (b) The department may refuse to certify an applicant ~~only~~
171 if:

172 1. There is a substantial connection between the lack of
173 good moral character of the applicant and the professional
174 responsibilities of a community association manager; and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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175 2. The finding by the department of lack of good moral
176 character is supported by clear and convincing evidence; or

177 3. The applicant is found to have provided management
178 services requiring licensure without the requisite license.

179 (c) When an applicant is found to be unqualified for a
180 license because of a lack of good moral character, the
181 department shall furnish the applicant a statement containing
182 its findings, a complete record of the evidence upon which the
183 determination was based, and a notice of the rights of the
184 applicant to a rehearing and appeal.

185 (d) The council shall establish by rule the required
186 amount of prelicensure education, which shall consist of not
187 more than 24 hours of in-person instruction by a department-
188 approved provider and which shall cover all areas of the
189 examination specified in subsection (3). Such instruction shall
190 be completed within 12 months prior to the date of the
191 examination. Prelicensure education providers shall be
192 considered continuing education providers for purposes of
193 establishing provider approval fees. A licensee shall not be
194 required to comply with the continuing education requirements of
195 s. 468.4337 prior to the first license renewal. The department
196 shall, by rule, set standards for exceptions to the requirement
197 of in-person instruction in cases of hardship or disability.

198 (4) The department shall issue a license to practice in
199 this state as a community association manager to any qualified
200 applicant who successfully completes the examination in
201 accordance with this section and pays the appropriate fee.

202 Section 5. Section 468.436, Florida Statutes, is amended
203 to read:

204 468.436 Disciplinary proceedings.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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205 (1) The department shall investigate complaints and
206 allegations of a violation of this part or chapter 455, or any
207 rule promulgated thereunder, filed against community association
208 managers or firms, forwarded from other divisions under the
209 Department of Business and Professional Regulation. After a
210 complaint is received, the department shall conduct its inquiry
211 with due regard to the interests of the affected parties. Within
212 30 days after receipt of a complaint, the department shall
213 acknowledge the complaint in writing and notify the complainant
214 whether or not the complaint is within the jurisdiction of the
215 department and whether or not additional information is needed
216 by the department from the complainant. The department shall
217 conduct an investigation and shall, within 90 days after receipt
218 of the original complaint or of timely requested additional
219 information, take action upon the complaint. However, the
220 failure to complete the investigation within 90 days does not
221 prevent the department from continuing the investigation,
222 accepting or considering evidence obtained or received after 90
223 days, or taking administrative action if reasonable cause exists
224 to believe that a violation of this part or chapter 455 or a
225 rule of the department has occurred. If an investigation is not
226 completed within the time limits established in this subsection,
227 the department shall, on a monthly basis, notify the complainant
228 in writing of the status of the investigation. When reporting
229 its action to the complainant, the department shall inform the
230 complainant of any right to a hearing pursuant to ss. 120.569
231 and 120.57.

232 (2) ~~(1)~~ The following acts constitute grounds for which the
233 disciplinary actions in subsection (4) ~~(3)~~ may be taken:

234 (a) Violation of any provision of s. 455.227(1).

235 (b)1. Violation of any provision of this part.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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236 2. Violation of any lawful order or rule rendered or
237 adopted by the department or the council.

238 3. Being convicted of or pleading nolo contendere to a
239 felony in any court in the United States.

240 4. Obtaining a license or certification or any other
241 order, ruling, or authorization by means of fraud,
242 misrepresentation, or concealment of material facts.

243 5. Committing acts of gross misconduct or gross negligence
244 in connection with the profession.

245 6. Contracting, on behalf of an association, with any
246 entity in which the licensee has a financial interest that is
247 not disclosed.

248 ~~(3)-(2)~~ The council shall specify by rule the acts or
249 omissions that constitute a violation of subsection (2) ~~(1)~~.

250 ~~(4)-(3)~~ When the department finds any community association
251 manager or firm guilty of any of the grounds set forth in
252 subsection (2) ~~(1)~~, it may enter an order imposing one or more
253 of the following penalties:

254 (a) Denial of an application for licensure.

255 (b) Revocation or suspension of a license.

256 (c) Imposition of an administrative fine not to exceed
257 \$5,000 for each count or separate offense.

258 (d) Issuance of a reprimand.

259 (e) Placement of the community association manager on
260 probation for a period of time and subject to such conditions as
261 the department specifies.

262 (f) Restriction of the authorized scope of practice by the
263 community association manager.

264 ~~(5)-(4)~~ The department may ~~shall~~ reissue the license of a
265 disciplined community association manager or firm upon
266 certification by the department that the disciplined person or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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267 firm has complied with all of the terms and conditions set forth
268 in the final order.

269 Section 6. Paragraph (d) is added to subsection (1) of
270 section 718.111, Florida Statutes, and subsections (12) and (13)
271 of that section are amended, to read:

272 718.111 The association.--

273 (1) CORPORATE ENTITY.--

274 (d) As required by s. 617.0830, an officer, director, or
275 agent shall discharge his or her duties in good faith, with the
276 care an ordinarily prudent person in a like position would
277 exercise under similar circumstances, and in a manner he or she
278 reasonably believes to be in the interests of the association.
279 Regardless of any indemnification provision in the documents or
280 contract, an officer, director, or agent shall be liable for
281 monetary damages as provided in s. 617.0834 if such officer,
282 director, or agent breached or failed to perform his or her
283 duties and the breach of, or failure to perform, his or her
284 duties constitutes a violation of criminal law as provided in s.
285 617.0834; constitutes a transaction from which the officer or
286 director derived an improper personal benefit, either directly
287 or indirectly; or constitutes recklessness or an act or omission
288 that was in bad faith, with malicious purpose, or in a manner
289 exhibiting wanton and willful disregard of human rights, safety,
290 or property.

291 (12) OFFICIAL RECORDS.--

292 (a) From the inception of the association, the association
293 shall maintain each of the following items, when applicable,
294 which shall constitute the official records of the association:

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

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297 2. A photocopy of the recorded declaration of condominium
298 of each condominium operated by the association and of each
299 amendment to each declaration.

300 3. A photocopy of the recorded bylaws of the association
301 and of each amendment to the bylaws.

302 4. A certified copy of the articles of incorporation of
303 the association, or other documents creating the association,
304 and of each amendment thereto.

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

306 6. A book or books which contain the minutes of all
307 meetings of the association, of the board of administration
308 ~~directors~~, and of unit owners, which minutes shall be retained
309 for a period of not less than 7 years.

310 7. A current roster of all unit owners and their mailing
311 addresses, unit identifications, voting certifications, and, if
312 known, telephone numbers. The association shall also maintain
313 the electronic mailing addresses and the numbers designated by
314 unit owners for receiving notice sent by electronic transmission
315 of those unit owners consenting to receive notice by electronic
316 transmission. The electronic mailing addresses and numbers
317 provided by unit owners to receive notice by electronic
318 transmission shall be removed from association records when
319 consent to receive notice by electronic transmission is revoked.
320 However, the association is not liable for an erroneous
321 disclosure of the electronic mail address or the number for
322 receiving electronic transmission of notices.

323 8. All current insurance policies of the association and
324 condominiums operated by the association.

325 9. A current copy of any management agreement, lease, or
326 other contract to which the association is a party or under

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327 which the association or the unit owners have an obligation or
328 responsibility.

329 10. Bills of sale or transfer for all property owned by
330 the association.

331 11. Accounting records for the association and separate
332 accounting records for each condominium which the association
333 operates. All accounting records shall be maintained for a
334 period of not less than 7 years. Any person who knowingly or
335 intentionally defaces or destroys accounting records required to
336 be maintained by this chapter, or who knowingly or intentionally
337 fails to create or maintain accounting records required to be
338 maintained by this chapter, is personally subject to a civil
339 penalty pursuant to s. 718.501(1)(d). The accounting records
340 shall include, but are not limited to:

341 a. Accurate, itemized, and detailed records of all
342 receipts and expenditures.

343 b. A current account and a monthly, bimonthly, or
344 quarterly statement of the account for each unit designating the
345 name of the unit owner, the due date and amount of each
346 assessment, the amount paid upon the account, and the balance
347 due.

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

350 d. All contracts for work to be performed. Bids for work
351 to be performed shall also be considered official records and
352 shall be maintained by the association ~~for a period of 1 year.~~

353 12. Ballots, sign-in sheets, voting proxies, and all other
354 papers relating to voting by unit owners, which shall be
355 maintained for a period of 1 year from the date of the election,
356 vote, or meeting to which the document relates, notwithstanding
357 paragraph (b).

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358 13. All rental records, when the association is acting as
359 agent for the rental of condominium units.

360 14. A copy of the current question and answer sheet as
361 described by s. 718.504.

362 15. All other records of the association not specifically
363 included in the foregoing which are related to the operation of
364 the association.

365 16. A copy of the inspection report as provided for in s.
366 718.301(4)(p).

367 (b) The official records of the association shall be
368 maintained within the state for at least 7 years. The records of
369 the association shall be made available to a unit owner within
370 45 miles of the condominium property within 5 working days after
371 receipt of written request by the board or its designee,
372 provided, however, that the foregoing distance requirement shall
373 not be applicable to an association governing a timeshare
374 condominium. This paragraph may be complied with by having a
375 copy of the official records of the association available for
376 inspection or copying on the condominium property or association
377 property. The association may offer the option of making the
378 records of the association available to a unit owner either
379 electronically via the Internet or by allowing the records to be
380 viewed in electronic format on a computer screen and printed
381 upon request.

382 (c) The official records of the association are open to
383 inspection by any association member or the authorized
384 representative of such member at all reasonable times. The right
385 to inspect the records includes the right to make or obtain
386 copies, at the reasonable expense, if any, of the association
387 member. The association may adopt reasonable rules regarding the
388 frequency, time, location, notice, and manner of record

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389 inspections and copying. The failure of an association to
390 provide the records within 10 working days after receipt of a
391 written request shall create a rebuttable presumption that the
392 association willfully failed to comply with this paragraph. A
393 unit owner who is denied access to official records is entitled
394 to the actual damages or minimum damages for the association's
395 willful failure to comply with this paragraph. The minimum
396 damages shall be \$50 per calendar day up to 10 days, the
397 calculation to begin on the 11th working day after receipt of
398 the written request. The failure to permit inspection of the
399 association records as provided herein entitles any person
400 prevailing in an enforcement action to recover reasonable
401 attorney's fees from the person in control of the records who,
402 directly or indirectly, knowingly denied access to the records
403 for inspection. Any person who knowingly or intentionally
404 defaces or destroys accounting records that are required by this
405 chapter, or knowingly or intentionally fails to create or
406 maintain accounting records that are required by this chapter,
407 is personally subject to a civil penalty pursuant to s.
408 718.501(1)(d). The association shall maintain an adequate number
409 of copies of the declaration, articles of incorporation, bylaws,
410 and rules, and all amendments to each of the foregoing, as well
411 as the question and answer sheet provided for in s. 718.504 and
412 year-end financial information required in this section on the
413 condominium property to ensure their availability to unit owners
414 and prospective purchasers, and may charge its actual costs for
415 preparing and furnishing these documents to those requesting the
416 same. Notwithstanding the provisions of this paragraph, the
417 following records shall not be accessible to unit owners:
418 1. Any record protected by the lawyer-client privilege as
419 described in s. 90.502; and any record protected by the work-

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420 product privilege, including any record prepared by an
421 association attorney or prepared at the attorney's express
422 direction; which reflects a mental impression, conclusion,
423 litigation strategy, or legal theory of the attorney or the
424 association, and which was prepared exclusively for civil or
425 criminal litigation or for adversarial administrative
426 proceedings, or which was prepared in anticipation of imminent
427 civil or criminal litigation or imminent adversarial
428 administrative proceedings until the conclusion of the
429 litigation or adversarial administrative proceedings.

430 2. Information obtained by an association in connection
431 with the approval of the lease, sale, or other transfer of a
432 unit.

433 3. Medical records of unit owners.

434 4. Social security numbers, driver's license numbers,
435 credit card numbers, and other personal identifying information
436 of any person.

437 (d) The association shall prepare a question and answer
438 sheet as described in s. 718.504, and shall update it annually.

439 (e)1. The association or its authorized agent is not
440 required to provide a prospective purchaser or lienholder with
441 information about the condominium or the association other than
442 information or documents required by this chapter to be made
443 available or disclosed. The association or its authorized agent
444 may charge a reasonable fee to the prospective purchaser,
445 lienholder, or the current unit owner for providing good faith
446 responses to requests for information by or on behalf of a
447 prospective purchaser or lienholder, other than that required by
448 law, if the fee does not exceed \$150 plus the reasonable cost of
449 photocopying and any attorney's fees incurred by the association
450 in connection with the response.

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451 2. An association and its authorized agent are not liable
452 for providing such information in good faith pursuant to a
453 written request if the person providing the information includes
454 a written statement in substantially the following form: "The
455 responses herein are made in good faith and to the best of my
456 ability as to their accuracy."

457 (13) FINANCIAL REPORTING.--Within 90 days after the end of
458 the fiscal year, or annually on a date provided in the bylaws,
459 the association shall prepare and complete, or contract for the
460 preparation and completion of, a financial report for the
461 preceding fiscal year. Within 21 days after the final financial
462 report is completed by the association or received from the
463 third party, but not later than 120 days after the end of the
464 fiscal year or other date as provided in the bylaws, the
465 association shall mail to each unit owner at the address last
466 furnished to the association by the unit owner, or hand deliver
467 to each unit owner, a copy of the financial report or a notice
468 that a copy of the financial report will be mailed or hand
469 delivered to the unit owner, without charge, upon receipt of a
470 written request from the unit owner. The division shall adopt
471 rules setting forth uniform accounting principles and standards
472 to be used by all associations and shall adopt rules addressing
473 financial reporting requirements for multicondominium
474 associations. The rules shall include, but not be limited to,
475 uniform accounting principles and standards for stating the
476 disclosure of at least a summary of the reserves, including
477 information as to whether such reserves are being funded at a
478 level sufficient to prevent the need for a special assessment
479 and, if not, the amount of assessments necessary to bring the
480 reserves up to the level necessary to avoid a special
481 assessment. The person preparing the financial reports shall be

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482 entitled to rely on an inspection report prepared for or
483 provided to the association to meet the fiscal and fiduciary
484 standards of this chapter. In adopting such rules, the division
485 shall consider the number of members and annual revenues of an
486 association. Financial reports shall be prepared as follows:

487 (a) An association that meets the criteria of this
488 paragraph shall prepare or cause to be prepared a complete set
489 of financial statements in accordance with generally accepted
490 accounting principles. The financial statements shall be based
491 upon the association's total annual revenues, as follows:

492 1. An association with total annual revenues of \$100,000
493 or more, but less than \$200,000, shall prepare compiled
494 financial statements.

495 2. An association with total annual revenues of at least
496 \$200,000, but less than \$400,000, shall prepare reviewed
497 financial statements.

498 3. An association with total annual revenues of \$400,000
499 or more shall prepare audited financial statements.

500 (b)1. An association with total annual revenues of less
501 than \$100,000 shall prepare a report of cash receipts and
502 expenditures.

503 2. An association which operates less than 50 units,
504 regardless of the association's annual revenues, shall prepare a
505 report of cash receipts and expenditures in lieu of financial
506 statements required by paragraph (a).

507 3. A report of cash receipts and disbursements must
508 disclose the amount of receipts by accounts and receipt
509 classifications and the amount of expenses by accounts and
510 expense classifications, including, but not limited to, the
511 following, as applicable: costs for security, professional and
512 management fees and expenses, taxes, costs for recreation

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513 facilities, expenses for refuse collection and utility services,
514 expenses for lawn care, costs for building maintenance and
515 repair, insurance costs, administration and salary expenses, and
516 reserves accumulated and expended for capital expenditures,
517 deferred maintenance, and any other category for which the
518 association maintains reserves.

519 (c) An association may prepare or cause to be prepared,
520 without a meeting of or approval by the unit owners:

521 1. Compiled, reviewed, or audited financial statements, if
522 the association is required to prepare a report of cash receipts
523 and expenditures;

524 2. Reviewed or audited financial statements, if the
525 association is required to prepare compiled financial
526 statements; or

527 3. Audited financial statements if the association is
528 required to prepare reviewed financial statements.

529 (d) If approved by a majority of the voting interests
530 present at a properly called meeting of the association, an
531 association may prepare or cause to be prepared:

532 1. A report of cash receipts and expenditures in lieu of a
533 compiled, reviewed, or audited financial statement;

534 2. A report of cash receipts and expenditures or a
535 compiled financial statement in lieu of a reviewed or audited
536 financial statement; or

537 3. A report of cash receipts and expenditures, a compiled
538 financial statement, or a reviewed financial statement in lieu
539 of an audited financial statement.

540

541 Such meeting and approval must occur prior to the end of the
542 fiscal year and is effective only for the fiscal year in which
543 the vote is taken except that the approval may be effective for

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544 the following fiscal year also. With respect to an association
545 to which the developer has not turned over control of the
546 association, all unit owners, including the developer, may vote
547 on issues related to the preparation of financial reports for
548 the first 2 fiscal years of the association's operation,
549 beginning with the fiscal year in which the declaration is
550 recorded. Thereafter, all unit owners except the developer may
551 vote on such issues until control is turned over to the
552 association by the developer. Any audit or review prepared under
553 this section shall be paid for by the developer if done prior to
554 turnover of control of the association. An association may not
555 waive the financial reporting requirements of this section for
556 more than 4 consecutive years.

557 Section 7. Section 718.112, Florida Statutes, is amended
558 to read:

559 718.112 Bylaws.--

560 (2) REQUIRED PROVISIONS.--The bylaws shall provide for the
561 following and, if they do not do so, shall be deemed to include
562 the following:

563 (a) Administration.--

564 1. The form of administration of the association shall be
565 described indicating the title of the officers and board of
566 administration and specifying the powers, duties, manner of
567 selection and removal, and compensation, if any, of officers and
568 boards. In the absence of such a provision, the board of
569 administration shall be composed of five members, except in the
570 case of a condominium which has five or fewer units, in which
571 case in a not-for-profit corporation the board shall consist of
572 not fewer than three members. In the absence of provisions to
573 the contrary in the bylaws, the board of administration shall
574 have a president, a secretary, and a treasurer, who shall

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575 perform the duties of such officers customarily performed by
576 officers of corporations. Unless prohibited in the bylaws, the
577 board of administration may appoint other officers and grant
578 them the duties it deems appropriate. Unless otherwise provided
579 in the bylaws, the officers shall serve without compensation and
580 at the pleasure of the board of administration. Unless otherwise
581 provided in the bylaws, the members of the board shall serve
582 without compensation.

583 2. When a unit owner files a written inquiry by certified
584 mail with the board of administration, the board shall respond
585 in writing to the unit owner within 30 days of receipt of the
586 inquiry. The board's response shall either give a substantive
587 response to the inquirer, notify the inquirer that a legal
588 opinion has been requested, or notify the inquirer that advice
589 has been requested from the division. If the board requests
590 advice from the division, the board shall, within 10 days of its
591 receipt of the advice, provide in writing a substantive response
592 to the inquirer. If a legal opinion is requested, the board
593 shall, within 60 days after the receipt of the inquiry, provide
594 in writing a substantive response to the inquiry. The failure to
595 provide a substantive response to the inquiry as provided herein
596 precludes the board from recovering attorney's fees and costs in
597 any subsequent litigation, administrative proceeding, or
598 arbitration arising out of the inquiry. The association may
599 through its board of administration adopt reasonable rules and
600 regulations regarding the frequency and manner of responding to
601 unit owner inquiries, one of which may be that the association
602 is only obligated to respond to one written inquiry per unit in
603 any given 30-day period. In such a case, any additional inquiry
604 or inquiries must be responded to in the subsequent 30-day
605 period, or periods, as applicable.

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606 (b) Quorum; voting requirements; proxies.--

607 1. Unless a lower number is provided in the bylaws, the
608 percentage of voting interests required to constitute a quorum
609 at a meeting of the members shall be a majority of the voting
610 interests. Unless otherwise provided in this chapter or in the
611 declaration, articles of incorporation, or bylaws, and except as
612 provided in subparagraph (d)3., decisions shall be made by
613 owners of a majority of the voting interests represented at a
614 meeting at which a quorum is present.

615 2. Except as specifically otherwise provided herein, after
616 January 1, 1992, unit owners may not vote by general proxy, but
617 may vote by limited proxies substantially conforming to a
618 limited proxy form adopted by the division. No voting interest
619 or consent right allocated to a unit owned by the association
620 shall be exercised or considered for any purpose, whether
621 quorum, election or otherwise. Limited proxies and general
622 proxies may be used to establish a quorum. Limited proxies shall
623 be used for votes taken to waive or reduce reserves in
624 accordance with subparagraph (f)2.; for votes taken to waive the
625 financial reporting requirements of s. 718.111(13); for votes
626 taken to amend the declaration pursuant to s. 718.110; for votes
627 taken to amend the articles of incorporation or bylaws pursuant
628 to this section; and for any other matter for which this chapter
629 requires or permits a vote of the unit owners. Except as
630 provided in paragraph (d), after January 1, 1992, no proxy,
631 limited or general, shall be used in the election of board
632 members. General proxies may be used for other matters for which
633 limited proxies are not required, and may also be used in voting
634 for nonsubstantive changes to items for which a limited proxy is
635 required and given. Notwithstanding the provisions of this
636 subparagraph, unit owners may vote in person at unit owner

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637 meetings. Nothing contained herein shall limit the use of
638 general proxies or require the use of limited proxies for any
639 agenda item or election at any meeting of a timeshare
640 condominium association.

641 3. Any proxy given shall be effective only for the
642 specific meeting for which originally given and any lawfully
643 adjourned meetings thereof. In no event shall any proxy be valid
644 for a period longer than 90 days after the date of the first
645 meeting for which it was given. Every proxy is revocable at any
646 time at the pleasure of the unit owner executing it.

647 4. A member of the board of administration or a committee
648 may submit in writing his or her agreement or disagreement with
649 any action taken at a meeting that the member did not attend.
650 This agreement or disagreement may not be used as a vote for or
651 against the action taken and may not be used for the purposes of
652 creating a quorum.

653 5. When any of the board or committee members meet by
654 telephone conference, those board or committee members attending
655 by telephone conference may be counted toward obtaining a quorum
656 and may vote by telephone. A telephone speaker must be used so
657 that the conversation of those board or committee members
658 attending by telephone may be heard by the board or committee
659 members attending in person as well as by any unit owners
660 present at a meeting.

661 (c) Board of administration meetings.--Meetings of the
662 board of administration at which a quorum of the members is
663 present shall be open to all unit owners. Any unit owner may
664 tape record or videotape meetings of the board of
665 administration. The right to attend such meetings includes the
666 right to speak at such meetings with reference to all designated
667 agenda items. The division shall adopt reasonable rules

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668 governing the tape recording and videotaping of the meeting. The
669 association may adopt written reasonable rules governing the
670 frequency, duration, and manner of unit owner statements.
671 Adequate notice of all meetings, which notice shall specifically
672 incorporate an identification of agenda items, shall be posted
673 conspicuously on the condominium property at least 48 continuous
674 hours preceding the meeting except in an emergency. If 20
675 percent of the voting interests petition the board to address an
676 item of business, the board shall at its next regular board
677 meeting or at a special meeting of the board, but not later than
678 60 days after the receipt of the petition, place the item on the
679 agenda. Any item not included on the notice may be taken up on
680 an emergency basis by at least a majority plus one of the
681 members of the board. Such emergency action shall be noticed and
682 ratified at the next regular meeting of the board. However,
683 written notice of any meeting at which nonemergency special
684 assessments, or at which amendment to rules regarding unit use,
685 will be considered shall be mailed, delivered, or electronically
686 transmitted to the unit owners and posted conspicuously on the
687 condominium property not less than 14 days prior to the meeting.
688 Evidence of compliance with this 14-day notice shall be made by
689 an affidavit executed by the person providing the notice and
690 filed among the official records of the association. Upon notice
691 to the unit owners, the board shall by duly adopted rule
692 designate a specific location on the condominium property or
693 association property upon which all notices of board meetings
694 shall be posted. If there is no condominium property or
695 association property upon which notices can be posted, notices
696 of board meetings shall be mailed, delivered, or electronically
697 transmitted at least 14 days before the meeting to the owner of
698 each unit. In lieu of or in addition to the physical posting of

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699 notice of any meeting of the board of administration on the
700 condominium property, the association may, by reasonable rule,
701 adopt a procedure for conspicuously posting and repeatedly
702 broadcasting the notice and the agenda on a closed-circuit cable
703 television system serving the condominium association. However,
704 if broadcast notice is used in lieu of a notice posted
705 physically on the condominium property, the notice and agenda
706 must be broadcast at least four times every broadcast hour of
707 each day that a posted notice is otherwise required under this
708 section. When broadcast notice is provided, the notice and
709 agenda must be broadcast in a manner and for a sufficient
710 continuous length of time so as to allow an average reader to
711 observe the notice and read and comprehend the entire content of
712 the notice and the agenda. Notice of any meeting in which
713 regular or special assessments against unit owners are to be
714 considered for any reason shall specifically state ~~contain a~~
715 ~~statement~~ that assessments will be considered and the nature,
716 estimated cost, and description of the purposes for any such
717 assessments. Meetings of a committee to take final action on
718 behalf of the board or make recommendations to the board
719 regarding the association budget are subject to the provisions
720 of this paragraph. Meetings of a committee that does not take
721 final action on behalf of the board or make recommendations to
722 the board regarding the association budget are subject to the
723 provisions of this section, unless those meetings are exempted
724 from this section by the bylaws of the association.
725 Notwithstanding any other law, the requirement that board
726 meetings and committee meetings be open to the unit owners is
727 inapplicable to meetings between the board or a committee and
728 the association's attorney, with respect to proposed or pending

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729 litigation, when the meeting is held for the purpose of seeking
730 or rendering legal advice.

731 (d) Unit owner meetings.--

732 1. There shall be an annual meeting of the unit owners
733 held at the location provided in the association bylaws and, if
734 the bylaws are silent as to the location, the meeting shall be
735 held within 45 miles of the condominium property, provided
736 however, the foregoing distance requirement shall not be
737 applicable to an association governing a timeshare condominium.
738 Unless the bylaws provide otherwise, a vacancy on the board
739 caused by the expiration of a director's term shall be filled by
740 electing a new board member, and the election shall be by secret
741 ballot; however, if the number of vacancies equals or exceeds
742 the number of candidates, no election is required. ~~If there is~~
743 ~~no provision in the bylaws for terms of the members of the~~
744 ~~board,~~ The terms of all members of the board shall expire ~~upon~~
745 ~~the election of their successors at the annual meeting and they~~
746 may stand for reelection. However, if no person is interested
747 in or demonstrates an intention to run for the position of a
748 board member whose term has expired according to the provisions
749 of this subparagraph, such board member whose term has expired
750 shall be automatically reappointed to the board of
751 administration and need not stand for reelection. In a
752 condominium association of more than 10 units, coowners of a
753 unit may not serve as members of the board of directors at the
754 same time. Any unit owner desiring to be a candidate for board
755 membership shall comply with subparagraph 3. A person who has
756 been suspended or removed by the division under this chapter, or
757 who is delinquent in the payment of any fee or assessment as
758 provided in s. 718.112(2)(n), is not eligible for board
759 membership. A person who has been convicted of any felony in

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760 the State of Florida or by any court of record in the a United
761 States District or Territorial Court, or who has been convicted
762 of any offense in another jurisdiction that would be considered
763 a felony if committed in the State of Florida, and who has not
764 had his or her right to vote restored pursuant to law in the
765 jurisdiction of his or her residence is not eligible for board
766 membership unless such felon's civil rights have been restored
767 for a period of no less than 5 years as of the date on which
768 such person seeks election to the board. The validity of an
769 action by the board is not affected if it is later determined
770 that a member of the board is ineligible for board membership
771 due to having been convicted of a felony.

772 2. The bylaws shall provide the method of calling meetings
773 of unit owners, including annual meetings. Written notice, which
774 notice must include an agenda, shall be mailed, hand delivered,
775 or electronically transmitted to each unit owner at least 14
776 days prior to the annual meeting and shall be posted in a
777 conspicuous place on the condominium property at least 14
778 continuous days preceding the annual meeting. Upon notice to the
779 unit owners, the board shall by duly adopted rule designate a
780 specific location on the condominium property or association
781 property upon which all notices of unit owner meetings shall be
782 posted; however, if there is no condominium property or
783 association property upon which notices can be posted, this
784 requirement does not apply. In lieu of or in addition to the
785 physical posting of notice of any meeting of the unit owners on
786 the condominium property, the association may, by reasonable
787 rule, adopt a procedure for conspicuously posting and repeatedly
788 broadcasting the notice and the agenda on a closed-circuit cable
789 television system serving the condominium association. However,
790 if broadcast notice is used in lieu of a notice posted

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791 physically on the condominium property, the notice and agenda
792 must be broadcast at least four times every broadcast hour of
793 each day that a posted notice is otherwise required under this
794 section. When broadcast notice is provided, the notice and
795 agenda must be broadcast in a manner and for a sufficient
796 continuous length of time so as to allow an average reader to
797 observe the notice and read and comprehend the entire content of
798 the notice and the agenda. Unless a unit owner waives in writing
799 the right to receive notice of the annual meeting, such notice
800 shall be hand delivered, mailed, or electronically transmitted
801 to each unit owner. Notice for meetings and notice for all other
802 purposes shall be mailed to each unit owner at the address last
803 furnished to the association by the unit owner, or hand
804 delivered to each unit owner. However, if a unit is owned by
805 more than one person, the association shall provide notice, for
806 meetings and all other purposes, to that one address which the
807 developer initially identifies for that purpose and thereafter
808 as one or more of the owners of the unit shall so advise the
809 association in writing, or if no address is given or the owners
810 of the unit do not agree, to the address provided on the deed of
811 record. An officer of the association, or the manager or other
812 person providing notice of the association meeting, shall
813 provide an affidavit or United States Postal Service certificate
814 of mailing, to be included in the official records of the
815 association affirming that the notice was mailed or hand
816 delivered, in accordance with this provision.

817 3. The members of the board shall be elected by written
818 ballot or voting machine. Proxies shall in no event be used in
819 electing the board, either in general elections or elections to
820 fill vacancies caused by recall, resignation, or otherwise,
821 unless otherwise provided in this chapter. Not less than 60 days

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822 before a scheduled election, the association shall mail,
823 deliver, or electronically transmit, whether by separate
824 association mailing or included in another association mailing,
825 delivery, or transmission, including regularly published
826 newsletters, to each unit owner entitled to a vote, a first
827 notice of the date of the election along with a certification
828 form provided by the division attesting that he or she has read
829 and understands, to the best of his or her ability, the
830 governing documents of the association and the provisions of
831 chapter 718 and any applicable rules. Any unit owner or other
832 eligible person desiring to be a candidate for the board must
833 give written notice to the association not less than 40 days
834 before a scheduled election. Together with the written notice
835 and agenda as set forth in subparagraph 2., the association
836 shall mail, deliver, or electronically transmit a second notice
837 of the election to all unit owners entitled to vote therein,
838 together with a ballot which shall list all candidates. Upon
839 request of a candidate, the association shall include an
840 information sheet, no larger than 8 1/2 inches by 11 inches,
841 which must be furnished by the candidate not less than 35 days
842 before the election, along with the signed certification form
843 provided for in this subparagraph, to be included with the
844 mailing, delivery, or transmission of the ballot, with the costs
845 of mailing, delivery, or electronic transmission and copying to
846 be borne by the association. The association is not liable for
847 the contents of the information sheets prepared by the
848 candidates. In order to reduce costs, the association may print
849 or duplicate the information sheets on both sides of the paper.
850 The division shall by rule establish voting procedures
851 consistent with the provisions contained herein, including rules
852 establishing procedures for giving notice by electronic

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853 transmission and rules providing for the secrecy of ballots.
854 Elections shall be decided by a plurality of those ballots cast.
855 There shall be no quorum requirement; however, at least 20
856 percent of the eligible voters must cast a ballot in order to
857 have a valid election of members of the board. No unit owner
858 shall permit any other person to vote his or her ballot, and any
859 such ballots improperly cast shall be deemed invalid, provided
860 any unit owner who violates this provision may be fined by the
861 association in accordance with s. 718.303. A unit owner who
862 needs assistance in casting the ballot for the reasons stated in
863 s. 101.051 may obtain assistance in casting the ballot. The
864 regular election shall occur on the date of the annual meeting.
865 The provisions of this subparagraph shall not apply to timeshare
866 condominium associations. Notwithstanding the provisions of this
867 subparagraph, an election is not required unless more candidates
868 file notices of intent to run or are nominated than board
869 vacancies exist.

870 4. Any approval by unit owners called for by this chapter
871 or the applicable declaration or bylaws, including, but not
872 limited to, the approval requirement in s. 718.111(8), shall be
873 made at a duly noticed meeting of unit owners and shall be
874 subject to all requirements of this chapter or the applicable
875 condominium documents relating to unit owner decisionmaking,
876 except that unit owners may take action by written agreement,
877 without meetings, on matters for which action by written
878 agreement without meetings is expressly allowed by the
879 applicable bylaws or declaration or any statute that provides
880 for such action.

881 5. Unit owners may waive notice of specific meetings if
882 allowed by the applicable bylaws or declaration or any statute.
883 If authorized by the bylaws, notice of meetings of the board of

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884 administration, unit owner meetings, except unit owner meetings
885 called to recall board members under paragraph (j), and
886 committee meetings may be given by electronic transmission to
887 unit owners who consent to receive notice by electronic
888 transmission.

889 6. Unit owners shall have the right to participate in
890 meetings of unit owners with reference to all designated agenda
891 items. However, the association may adopt reasonable rules
892 governing the frequency, duration, and manner of unit owner
893 participation.

894 7. Any unit owner may tape record or videotape a meeting
895 of the unit owners subject to reasonable rules adopted by the
896 division.

897 8. Unless otherwise provided in the bylaws, any vacancy
898 occurring on the board before the expiration of a term may be
899 filled by the affirmative vote of the majority of the remaining
900 directors, even if the remaining directors constitute less than
901 a quorum, or by the sole remaining director. In the alternative,
902 a board may hold an election to fill the vacancy, in which case
903 the election procedures must conform to the requirements of
904 subparagraph 3. unless the association governs 10 units or less
905 and has opted out of the statutory election process, in which
906 case the bylaws of the association control. Unless otherwise
907 provided in the bylaws, a board member appointed or elected
908 under this section shall fill the vacancy for the unexpired term
909 of the seat being filled. Filling vacancies created by recall is
910 governed by paragraph (j) and rules adopted by the division.

911
912 Notwithstanding subparagraphs (b)2. and (d)3., an association of
913 10 or less units may, by the affirmative vote of a majority of
914 the total voting interests, provide for different voting and

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915 election procedures in its bylaws, which vote may be by a proxy
916 specifically delineating the different voting and election
917 procedures. The different voting and election procedures may
918 provide for elections to be conducted by limited or general
919 proxy.

920 (e) Budget meeting.--

921 1. Any meeting at which a proposed annual budget of an
922 association will be considered by the board or unit owners shall
923 be open to all unit owners. At least 14 days prior to such a
924 meeting, the board shall hand deliver to each unit owner, mail
925 to each unit owner at the address last furnished to the
926 association by the unit owner, or electronically transmit to the
927 location furnished by the unit owner for that purpose a notice
928 of such meeting and a copy of the proposed annual budget. An
929 officer or manager of the association, or other person providing
930 notice of such meeting, shall execute an affidavit evidencing
931 compliance with such notice requirement, and such affidavit
932 shall be filed among the official records of the association.

933 2.a. If a board adopts in any fiscal year an annual budget
934 which requires assessments against unit owners which exceed 115
935 percent of assessments for the preceding fiscal year, the board
936 shall conduct a special meeting of the unit owners to consider a
937 substitute budget if the board receives, within 21 days after
938 adoption of the annual budget, a written request for a special
939 meeting from at least 10 percent of all voting interests. The
940 special meeting shall be conducted within 60 days after adoption
941 of the annual budget. At least 14 days prior to such special
942 meeting, the board shall hand deliver to each unit owner, or
943 mail to each unit owner at the address last furnished to the
944 association, a notice of the meeting. An officer or manager of
945 the association, or other person providing notice of such

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946 meeting shall execute an affidavit evidencing compliance with
947 this notice requirement, and such affidavit shall be filed among
948 the official records of the association. Unit owners may
949 consider and adopt a substitute budget at the special meeting. A
950 substitute budget is adopted if approved by a majority of all
951 voting interests unless the bylaws require adoption by a greater
952 percentage of voting interests. If there is not a quorum at the
953 special meeting or a substitute budget is not adopted, the
954 annual budget previously adopted by the board shall take effect
955 as scheduled.

956 b. Any determination of whether assessments exceed 115
957 percent of assessments for the prior fiscal year shall exclude
958 any authorized provision for reasonable reserves for repair or
959 replacement of the condominium property, anticipated expenses of
960 the association which the board does not expect to be incurred
961 on a regular or annual basis, or assessments for betterments to
962 the condominium property.

963 c. If the developer controls the board, assessments shall
964 not exceed 115 percent of assessments for the prior fiscal year
965 unless approved by a majority of all voting interests.

966 (f) Annual budget.--

967 1. The proposed annual budget of estimated revenues and
968 ~~common~~ expenses shall be detailed and shall show the amounts
969 budgeted by accounts and expense classifications, including, if
970 applicable, but not limited to, those expenses listed in s.
971 718.504(21). A multicondominium association shall adopt a
972 separate budget of common expenses for each condominium the
973 association operates and shall adopt a separate budget of common
974 expenses for the association. In addition, if the association
975 maintains limited common elements with the cost to be shared
976 only by those entitled to use the limited common elements as

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977 provided for in s. 718.113(1), the budget or a schedule attached
978 thereto shall show amounts budgeted therefor. If, after turnover
979 of control of the association to the unit owners, any of the
980 expenses listed in s. 718.504(21) are not applicable, they need
981 not be listed.

982 2. In addition to annual operating expenses, the budget
983 shall include reserve accounts for capital expenditures and
984 deferred maintenance. These accounts shall include, but are not
985 limited to, roof replacement, building painting, and pavement
986 resurfacing, regardless of the amount of deferred maintenance
987 expense or replacement cost, and for any other item for which
988 the deferred maintenance expense or replacement cost exceeds
989 \$10,000. The amount to be reserved shall be computed by means of
990 a formula which is based upon estimated remaining useful life
991 and estimated replacement cost or deferred maintenance expense
992 of each reserve item. The association may adjust replacement
993 reserve assessments annually to take into account any changes in
994 estimates or extension of the useful life of a reserve item
995 caused by deferred maintenance. This subsection does not apply
996 to an adopted budget in which the members of an association have
997 determined, by a majority vote at a duly called meeting of the
998 association, to provide no reserves or less reserves than
999 required by this subsection. However, prior to turnover of
1000 control of an association by a developer to unit owners other
1001 than a developer pursuant to s. 718.301, the developer may vote
1002 to waive the reserves or reduce the funding of reserves for the
1003 first 2 fiscal years of the association's operation, beginning
1004 with the fiscal year in which the initial declaration is
1005 recorded, after which time reserves may be waived or reduced
1006 only upon the vote of a majority of all nondeveloper voting
1007 interests voting in person or by limited proxy at a duly called

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1008 meeting of the association. If a meeting of the unit owners has
1009 been called to determine whether to waive or reduce the funding
1010 of reserves, and no such result is achieved or a quorum is not
1011 attained, the reserves as included in the budget shall go into
1012 effect. After the turnover, the developer may vote its voting
1013 interest to waive or reduce the funding of reserves.

1014 3. Reserve funds and any interest accruing thereon shall
1015 remain in the reserve account or accounts, and shall be used
1016 only for authorized reserve expenditures unless their use for
1017 other purposes is approved in advance by a majority vote at a
1018 duly called meeting of the association. Prior to turnover of
1019 control of an association by a developer to unit owners other
1020 than the developer pursuant to s. 718.301, the developer-
1021 controlled association shall not vote to use reserves for
1022 purposes other than that for which they were intended without
1023 the approval of a majority of all nondeveloper voting interests,
1024 voting in person or by limited proxy at a duly called meeting of
1025 the association.

1026 4. The only voting interests which are eligible to vote on
1027 questions that involve waiving or reducing the funding of
1028 reserves, or using existing reserve funds for purposes other
1029 than purposes for which the reserves were intended, are the
1030 voting interests of the units subject to assessment to fund the
1031 reserves in question. Proxy questions relating to waiving or
1032 reducing the funding of reserves or using existing reserve funds
1033 for purposes other than purposes for which the reserves were
1034 intended shall contain the following statement in capitalized,
1035 bold letters in a font size larger than any other used on the
1036 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1037 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY

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1038 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1039 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1040 (g) Assessments.--The manner of collecting from the unit
1041 owners their shares of the common expenses shall be stated in
1042 the bylaws. Assessments shall be made against units not less
1043 frequently than quarterly in an amount which is not less than
1044 that required to provide funds in advance for payment of all of
1045 the anticipated current operating expenses and for all of the
1046 unpaid operating expenses previously incurred. Nothing in this
1047 paragraph shall preclude the right of an association to
1048 accelerate assessments of an owner delinquent in payment of
1049 common expenses. Accelerated assessments shall be due and
1050 payable on the date the claim of lien is filed. Such accelerated
1051 assessments shall include the amounts due for the remainder of
1052 the budget year in which the claim of lien was filed.

1053 (h) Amendment of bylaws.--

1054 1. The method by which the bylaws may be amended
1055 consistent with the provisions of this chapter shall be stated.
1056 If the bylaws fail to provide a method of amendment, the bylaws
1057 may be amended if the amendment is approved by the owners of not
1058 less than two-thirds of the voting interests.

1059 2. No bylaw shall be revised or amended by reference to
1060 its title or number only. Proposals to amend existing bylaws
1061 shall contain the full text of the bylaws to be amended; new
1062 words shall be inserted in the text underlined, and words to be
1063 deleted shall be lined through with hyphens. However, if the
1064 proposed change is so extensive that this procedure would
1065 hinder, rather than assist, the understanding of the proposed
1066 amendment, it is not necessary to use underlining and hyphens as
1067 indicators of words added or deleted, but, instead, a notation
1068 must be inserted immediately preceding the proposed amendment in

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1069 substantially the following language: "Substantial rewording of
1070 bylaw. See bylaw _____ for present text."

1071 3. Nonmaterial errors or omissions in the bylaw process
1072 will not invalidate an otherwise properly promulgated amendment.

1073 (i) Transfer fees.--No charge shall be made by the
1074 association or any body thereof in connection with the sale,
1075 mortgage, lease, sublease, or other transfer of a unit unless
1076 the association is required to approve such transfer and a fee
1077 for such approval is provided for in the declaration, articles,
1078 or bylaws. Any such fee may be preset, but in no event may such
1079 fee exceed \$100 per applicant other than husband/wife or
1080 parent/dependent child, which are considered one applicant.
1081 However, if the lease or sublease is a renewal of a lease or
1082 sublease with the same lessee or sublessee, no charge shall be
1083 made. The foregoing notwithstanding, an association may, if the
1084 authority to do so appears in the declaration or bylaws, require
1085 that a prospective lessee place a security deposit, in an amount
1086 not to exceed the equivalent of 1 month's rent, into an escrow
1087 account maintained by the association. The security deposit
1088 shall protect against damages to the common elements or
1089 association property. Payment of interest, claims against the
1090 deposit, refunds, and disputes under this paragraph shall be
1091 handled in the same fashion as provided in part II of chapter
1092 83.

1093 (j) Recall of board members.--Subject to the provisions of
1094 s. 718.301, any member of the board of administration may be
1095 recalled and removed from office with or without cause by the
1096 vote or agreement in writing by a majority of all the voting
1097 interests. A special meeting of the unit owners to recall a
1098 member or members of the board of administration may be called
1099 by 10 percent of the voting interests giving notice of the

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1100 meeting as required for a meeting of unit owners, and the notice
1101 shall state the purpose of the meeting. Electronic transmission
1102 may not be used as a method of giving notice of a meeting called
1103 in whole or in part for this purpose.

1104 1. If the recall is approved by a majority of all voting
1105 interests by a vote at a meeting, the recall will be effective
1106 as provided herein. The board shall duly notice and hold a board
1107 meeting within 5 full business days of the adjournment of the
1108 unit owner meeting to recall one or more board members. At the
1109 meeting, the board shall either certify the recall, in which
1110 case such member or members shall be recalled effective
1111 immediately and shall turn over to the board within 5 full
1112 business days any and all records and property of the
1113 association in their possession, or shall proceed as set forth
1114 in subparagraph 3.

1115 2. If the proposed recall is by an agreement in writing by
1116 a majority of all voting interests, the agreement in writing or
1117 a copy thereof shall be served on the association by certified
1118 mail or by personal service in the manner authorized by chapter
1119 48 and the Florida Rules of Civil Procedure. The board of
1120 administration shall duly notice and hold a meeting of the board
1121 within 5 full business days after receipt of the agreement in
1122 writing. At the meeting, the board shall either certify the
1123 written agreement to recall a member or members of the board, in
1124 which case such member or members shall be recalled effective
1125 immediately and shall turn over to the board within 5 full
1126 business days any and all records and property of the
1127 association in their possession, or proceed as described in
1128 subparagraph 3.

1129 3. If the board determines not to certify the written
1130 agreement to recall a member or members of the board, or does

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1131 not certify the recall by a vote at a meeting, the board shall,
1132 within 5 full business days after the meeting, file with the
1133 division a petition for arbitration pursuant to the procedures
1134 in s. 718.1255. For the purposes of this section, the unit
1135 owners who voted at the meeting or who executed the agreement in
1136 writing shall constitute one party under the petition for
1137 arbitration. If the arbitrator certifies the recall as to any
1138 member or members of the board, the recall will be effective
1139 upon mailing of the final order of arbitration to the
1140 association. If the association fails to comply with the order
1141 of the arbitrator, the division may take action pursuant to s.
1142 718.501. Any member or members so recalled shall deliver to the
1143 board any and all records of the association in their possession
1144 within 5 full business days of the effective date of the recall.

1145 4. If the board fails to duly notice and hold a board
1146 meeting within 5 full business days of service of an agreement
1147 in writing or within 5 full business days of the adjournment of
1148 the unit owner recall meeting, the recall shall be deemed
1149 effective and the board members so recalled shall immediately
1150 turn over to the board any and all records and property of the
1151 association.

1152 5. If a vacancy occurs on the board as a result of a
1153 recall or removal and less than a majority of the board members
1154 are removed, the vacancy may be filled by the affirmative vote
1155 of a majority of the remaining directors, notwithstanding any
1156 provision to the contrary contained in this subsection. If
1157 vacancies occur on the board as a result of a recall and a
1158 majority or more of the board members are removed, the vacancies
1159 shall be filled in accordance with procedural rules to be
1160 adopted by the division, which rules need not be consistent with
1161 this subsection. The rules must provide procedures governing the

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1162 conduct of the recall election as well as the operation of the
1163 association during the period after a recall but prior to the
1164 recall election.

1165 (k) Arbitration.--There shall be a provision for mandatory
1166 nonbinding arbitration as provided for in s. 718.1255.

1167 (l) Certificate of compliance.--There shall be a provision
1168 that a certificate of compliance from a licensed electrical
1169 contractor or electrician may be accepted by the association's
1170 board as evidence of compliance of the condominium units with
1171 the applicable fire and life safety code. Notwithstanding the
1172 provisions of chapter 633 or of any other code, statute,
1173 ordinance, administrative rule, or regulation, or any
1174 interpretation of the foregoing, an association, condominium, or
1175 unit owner is not obligated to retrofit the common elements or
1176 units of a residential condominium with a fire sprinkler system
1177 or other engineered lifesafety system in a building that has
1178 been certified for occupancy by the applicable governmental
1179 entity, if the unit owners have voted to forego such
1180 retrofitting and engineered lifesafety system by the affirmative
1181 vote of two-thirds of all voting interests in the affected
1182 condominium. However, a condominium association may not vote to
1183 forego the retrofitting with a fire sprinkler system of common
1184 areas in a high-rise building. For purposes of this subsection,
1185 the term "high-rise building" means a building that is greater
1186 than 75 feet in height where the building height is measured
1187 from the lowest level of fire department access to the floor of
1188 the highest occupiable story. For purposes of this subsection,
1189 the term "common areas" means any enclosed hallway, corridor,
1190 lobby, stairwell, or entryway. In no event shall the local
1191 authority having jurisdiction require completion of retrofitting
1192 of common areas with a sprinkler system before the end of 2014.

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1193 1. A vote to forego retrofitting may be obtained by
1194 limited proxy or by a ballot personally cast at a duly called
1195 membership meeting, or by execution of a written consent by the
1196 member, and shall be effective upon the recording of a
1197 certificate attesting to such vote in the public records of the
1198 county where the condominium is located. The association shall
1199 mail, hand deliver, or electronically transmit to each unit
1200 owner written notice at least 14 days prior to such membership
1201 meeting in which the vote to forego retrofitting of the required
1202 fire sprinkler system is to take place. Within 30 days after the
1203 association's opt-out vote, notice of the results of the opt-out
1204 vote shall be mailed, hand delivered, or electronically
1205 transmitted to all unit owners. Evidence of compliance with this
1206 30-day notice shall be made by an affidavit executed by the
1207 person providing the notice and filed among the official records
1208 of the association. After such notice is provided to each owner,
1209 a copy of such notice shall be provided by the current owner to
1210 a new owner prior to closing and shall be provided by a unit
1211 owner to a renter prior to signing a lease.

1212 2. As part of the information collected annually from
1213 condominiums, the division shall require condominium
1214 associations to report the membership vote and recording of a
1215 certificate under this subsection and, if retrofitting has been
1216 undertaken, the per-unit cost of such work. The division shall
1217 annually report to the Division of State Fire Marshal of the
1218 Department of Financial Services the number of condominiums that
1219 have elected to forego retrofitting.

1220 (m) Common elements; limited power to convey.--

1221 1. With respect to condominiums created on or after
1222 October 1, 1994, the bylaws shall include a provision granting
1223 the association a limited power to convey a portion of the

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1224 common elements to a condemning authority for the purpose of
1225 providing utility easements, right-of-way expansion, or other
1226 public purposes, whether negotiated or as a result of eminent
1227 domain proceedings.

1228 2. In any case where the bylaws are silent as to the
1229 association's power to convey common elements as described in
1230 subparagraph 1., the bylaws shall be deemed to include the
1231 provision described in subparagraph 1.

1232 (n) Director or officer delinquencies.--A director or
1233 officer more than 90 days delinquent in the payment of regular
1234 assessments shall be deemed to have abandoned the office,
1235 creating a vacancy in the office to be filled according to law.

1236 (o) Director and officer offenses.--A director or officer
1237 charged with a felony theft or embezzlement offense involving
1238 the association's funds or property shall be removed from
1239 office, creating a vacancy in the office to be filled according
1240 to law. While such director or officer has such criminal charge
1241 pending, he or she may not be appointed or elected to a position
1242 as a director or officer. However, should the charges be
1243 resolved without a finding of guilt, the director of officer
1244 shall be reinstated for the remainder of his or her term of
1245 office, if any.

1246 Section 8. Section 718.1124, Florida Statutes, is amended
1247 to read:

1248 718.1124 Failure to fill vacancies on board of
1249 administration sufficient to constitute a quorum; appointment of
1250 receiver upon petition of unit owner.--

1251 (1) If an association fails to fill vacancies on the board
1252 of administration sufficient to constitute a quorum in
1253 accordance with the bylaws, any unit owner may give notice of
1254 his or her intent to apply to the circuit court within whose

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1255 jurisdiction the condominium lies for the appointment of a
1256 receiver to manage the affairs of the association. The form of
1257 the notice shall be as follows:

1258
1259 NOTICE OF INTENT TO APPLY FOR RECEIVERSHIP

1260
1261 YOU ARE HEREBY NOTIFIED that the undersigned owner of
1262 a condominium unit in (name of condominium) intends
1263 to file a petition in the circuit court for
1264 appointment of a receiver to manage the affairs of the
1265 association on the grounds that the association has
1266 failed to fill vacancies on the board of
1267 administration sufficient to constitute a quorum. This
1268 petition will not be filed if the vacancies are filled
1269 within 30 days after the date on which this notice was
1270 sent or posted, whichever is later. If a receiver is
1271 appointed, the receiver shall have all of the powers
1272 of the board and shall be entitled to receive a salary
1273 and reimbursement of all costs and attorney's fees
1274 payable from association funds.

1275
1276 (name and address of petitioning unit owner)

1277
1278 (2) The notice required by subsection (1) must be provided
1279 by ~~At least 30 days prior to applying to the circuit court,~~ the
1280 unit owner ~~shall mail~~ to the association by certified mail or
1281 personal delivery, must be posted and ~~post~~ in a conspicuous
1282 place on the condominium property, and must be provided by the
1283 unit owner to every other unit owner of the association by
1284 certified mail or personal delivery. ~~The a notice must be posted~~
1285 and mailed or delivered at least 30 days prior to the filing of

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1286 a petition seeking receivership. Notice by mail to a unit owner
1287 shall be sent to the address used by the county property
1288 appraiser for notice to the unit owner, except that where a unit
1289 owner's address is not publicly available the notice shall be
1290 mailed to the unit describing the intended action, giving the
1291 association the opportunity to fill the vacancies.

1292 (3) If ~~during such time~~ the association fails to fill the
1293 vacancies within 30 days after the notice required by subsection
1294 (1) is posted and mailed or delivered, the unit owner may
1295 proceed with the petition.

1296 (4) If a receiver is appointed, all unit owners shall be
1297 given written notice of such appointment as provided in s.
1298 718.127.

1299 (5) The association shall be responsible for the salary of
1300 the receiver, court costs, and attorney's fees. The receiver
1301 shall have all powers and duties of a duly constituted board of
1302 administration and shall serve until the association fills
1303 vacancies on the board sufficient to constitute a quorum and the
1304 court relieves the receiver of the appointment.

1305 Section 9. Paragraph (a) of subsection (2) and subsection
1306 (5) are amended and subsections (6) and (7) are added to section
1307 718.113, Florida Statutes, to read:

1308 718.113 Maintenance; limitation upon improvement; display
1309 of flag; hurricane shutters; display of religious decorations.--

1310 (2)(a) Except as otherwise provided in this section, there
1311 shall be no material alteration or substantial additions to the
1312 common elements or to real property which is association
1313 property, except in a manner provided in the declaration as
1314 originally recorded or as amended under the procedures provided
1315 therein. If the declaration as originally recorded or as amended
1316 under the procedures provided therein does not specify the

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1317 procedure for approval of material alterations or substantial
1318 additions, 75 percent of the total voting interests of the
1319 association must approve the alterations or additions. This
1320 paragraph is intended to clarify existing law and applies to
1321 associations existing on the effective date of this act.

1322 (5) Each board of administration shall adopt hurricane
1323 shutter specifications for each building within each condominium
1324 operated by the association which shall include color, style,
1325 and other factors deemed relevant by the board. All
1326 specifications adopted by the board shall comply with the
1327 applicable building code. Notwithstanding any provision to the
1328 contrary in the condominium documents, if approval is required
1329 by the documents, a board shall not refuse to approve the
1330 installation or replacement of hurricane shutters conforming to
1331 the specifications adopted by the board. The board may, subject
1332 to the provisions of s. 718.3026, and the approval of a majority
1333 of voting interests of the condominium, install hurricane
1334 shutters or hurricane protection that complies with or exceeds
1335 the applicable building code, or both, and may maintain, repair,
1336 or replace such approved hurricane shutters, whether on or
1337 within common elements, limited common elements, units, or
1338 association property. However, where hurricane protection that
1339 complies with or exceeds the applicable building code or
1340 laminated glass or window film architecturally designed to
1341 function as hurricane protection which complies with the
1342 applicable building code has been installed, the board may not
1343 install hurricane shutters. The board may operate shutters
1344 installed pursuant to this subsection without permission of the
1345 unit owners only where such operation is necessary to preserve
1346 and protect the condominium property and association property.
1347 The installation, replacement, operation, repair, and

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1348 maintenance of such shutters in accordance with the procedures
1349 set forth herein shall not be deemed a material alteration to
1350 the common elements or association property within the meaning
1351 of this section.

1352 (6) As to any condominium building greater than 3 stories
1353 in height, at least every 5 years, and within 5 years if not
1354 available for inspection on July 1, 2008, the board shall have
1355 the condominium building inspected to provide a report under
1356 seal of an architect or engineer authorized to practice in this
1357 state attesting to required maintenance, useful life, and
1358 replacement costs of the common elements. However, if approved
1359 by a majority of the voting interests present at a properly
1360 called meeting of the association, an association may waive this
1361 requirement. Such meeting and approval must occur prior to the
1362 end of the 5 year period and is effective only for that 5 year
1363 period.

1364 (7) An association may not refuse the request of a unit
1365 owner for a reasonable accommodation for the attachment on the
1366 mantle or frame of the door of the unit owner a religious object
1367 not to exceed 3 inches wide, 6 inches high, and 1.5 inches deep.

1368 Section 10. Paragraph (a) of subsection (7) of section
1369 718.117, Florida Statutes, is amended to read:

1370 718.117 Termination of condominium.--

1371 (7) NATURAL DISASTERS.--

1372 (a) If, after a natural disaster, the identity of the
1373 directors or their right to hold office is in doubt, if they are
1374 deceased or unable to act, if they fail or refuse to act, or if
1375 they cannot be located, any interested person may petition the
1376 circuit court to determine the identity of the directors or, if
1377 found to be in the best interests of the unit owners, to appoint
1378 a receiver to conclude the affairs of the association after a

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1379 hearing following notice to such persons as the court directs.
1380 Lienholders shall be given notice of the petition and have the
1381 right to propose persons for the consideration by the court as
1382 receiver. If a receiver is appointed, the court shall direct the
1383 receiver to provide to all unit owners written notice of his or
1384 her appointment as receiver. Such notice shall be mailed or
1385 delivered within 10 days after the appointment. Notice by mail
1386 to a unit owner shall be sent to the address used by the county
1387 property appraiser for notice to the unit owner.

1388 Section 11. Subsection (4) is added to section 718.121,
1389 Florida Statutes, to read:

1390 718.121 Liens.--

1391 (4) Except as otherwise provided in this chapter, no lien
1392 may be filed by the association against a condominium unit until
1393 30 days after the date on which a notice of intent to file a
1394 lien has been delivered to the owner by certified mail, return
1395 receipt requested, and by first-class United States mail to the
1396 owner at his or her last known address as reflected in the
1397 records of the association. However, if the address reflected
1398 in the records is outside the United States, then the notice
1399 must be sent by first-class United States mail to the unit and
1400 to the last known address by regular mail with international
1401 postage, which shall be deemed sufficient. Delivery of the
1402 notice shall be deemed given upon mailing as required by this
1403 subsection. Alternatively, notice shall be complete if served
1404 on the unit owner in the manner authorized by chapter 48 and the
1405 Florida Rules of Civil Procedure.

1406 Section 12. Section 718.1224, Florida Statutes, is created
1407 to read:

1408 718.1224 Prohibition against SLAPP suits.--

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1409 (1) It is the intent of the Legislature to protect the
1410 right of condominium unit owners to exercise their rights to
1411 instruct their representatives and petition for redress of
1412 grievances before the various governmental entities of this
1413 state as protected by the First Amendment to the United States
1414 Constitution and s. 5, Art. I of the State Constitution. The
1415 Legislature recognizes that strategic lawsuits against public
1416 participation, or "SLAPP suits" as they are typically referred
1417 to, have occurred when association members are sued by
1418 individuals, business entities, or governmental entities arising
1419 out of a condominium unit owner's appearance and presentation
1420 before a governmental entity on matters related to the
1421 condominium association. However, it is the public policy of
1422 this state that governmental entities, business organizations,
1423 and individuals not engage in SLAPP suits, because such actions
1424 are inconsistent with the right of condominium unit owners to
1425 participate in the state's institutions of government.
1426 Therefore, the Legislature finds and declares that prohibiting
1427 such lawsuits by governmental entities, business entities, and
1428 individuals against condominium unit owners who address matters
1429 concerning their condominium association will preserve this
1430 fundamental state policy, preserve the constitutional rights of
1431 condominium unit owners, and ensure the continuation of
1432 representative government in this state. It is the intent of the
1433 Legislature that such lawsuits be expeditiously disposed of by
1434 the courts. As used in this subsection, the term "governmental
1435 entity" means the state, including the executive, legislative,
1436 and judicial branches of government; the independent
1437 establishments of the state, counties, municipalities,
1438 districts, authorities, boards, or commissions; or any agencies
1439 of these branches which are subject to chapter 286.

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1440 (2) A governmental entity, business organization, or
1441 individual in this state may not file or cause to be filed
1442 through its employees or agents any lawsuit, cause of action,
1443 claim, cross-claim, or counterclaim against a condominium unit
1444 owner without merit and solely because such condominium unit
1445 owner has exercised the right to instruct his or her
1446 representatives or the right to petition for redress of
1447 grievances before the various governmental entities of this
1448 state, as protected by the First Amendment to the United States
1449 Constitution and s. 5, Art. I of the State Constitution.

1450 (3) A condominium unit owner sued by a governmental
1451 entity, business organization, or individual in violation of
1452 this section has a right to an expeditious resolution of a claim
1453 that the suit is in violation of this section. A condominium
1454 unit owner may petition the court for an order dismissing the
1455 action or granting final judgment in favor of that condominium
1456 unit owner. The petitioner may file a motion for summary
1457 judgment, together with supplemental affidavits, seeking a
1458 determination that the governmental entity's, business
1459 organization's, or individual's lawsuit has been brought in
1460 violation of this section. The governmental entity, business
1461 organization, or individual shall thereafter file its response
1462 and any supplemental affidavits. As soon as practicable, the
1463 court shall set a hearing on the petitioner's motion, which
1464 shall be held at the earliest possible time after the filing of
1465 the governmental entity's, business organization's, or
1466 individual's response. The court may award the condominium unit
1467 owner sued by the governmental entity, business organization, or
1468 individual actual damages arising from the governmental
1469 entity's, individual's, or business organization's violation of
1470 this section. A court may treble the damages awarded to a

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1471 prevailing condominium unit owner and shall state the basis for
1472 the treble damages award in its judgment. The court shall award
1473 the prevailing party reasonable attorney fees and costs incurred
1474 in connection with a claim that an action was filed in violation
1475 of this section.

1476 (4) Condominium associations may not expend association
1477 funds in prosecuting a SLAPP suit against a condominium unit
1478 owner.

1479 Section 13. Paragraph (b) of subsection (3) of section
1480 718.1255, Florida Statutes, is amended to read:

1481 718.1255 Alternative dispute resolution; voluntary
1482 mediation; mandatory nonbinding arbitration; legislative
1483 findings.--

1484 (3) LEGISLATIVE FINDINGS.--

1485 (b) The Legislature finds that ~~the courts are becoming~~
1486 ~~overcrowded with condominium and other disputes, and further~~
1487 ~~finds that~~ alternative dispute resolution has been making
1488 progress in reducing court dockets and trials and in offering a
1489 more efficient, cost-effective option to court litigation.
1490 However, the Legislature also finds that alternative dispute
1491 resolution should not be used as a mechanism to encourage the
1492 filing of frivolous or nuisance suits.

1493 Section 14. Section 718.1265, Florida Statutes, is created
1494 to read:

1495 718.1265 Association emergency powers.--

1496 (1) To the extent allowed by law and unless specifically
1497 prohibited by the declaration of condominium, the articles, or
1498 the bylaws of an association, and consistent with the provisions
1499 of s. 617.0830, the board of administration, in response to
1500 damage caused by an event for which a state of emergency is
1501 declared pursuant to s. 252.36 in the locale in which the

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1502 condominium is located, may, but is not required to, exercise
1503 the following powers:

1504 (a) Conduct board meetings and membership meetings with
1505 notice given as is practicable. Such notice may be given in any
1506 practicable manner, including publication, radio, United States
1507 mail, the Internet, public service announcements, and
1508 conspicuous posting on the condominium property or any other
1509 means the board deems reasonable under the circumstances. Notice
1510 of board decisions may be communicated as provided in this
1511 paragraph.

1512 (b) Cancel and reschedule any association meeting.

1513 (c) Name as assistant officers persons who are not
1514 directors, which assistant officers shall have the same
1515 authority as the executive officers to whom they are assistants
1516 during the state of emergency to accommodate the incapacity or
1517 unavailability of any officer of the association.

1518 (d) Relocate the association's principal office or
1519 designate alternative principal offices.

1520 (e) Enter into agreements with local counties and
1521 municipalities to assist counties and municipalities with debris
1522 removal.

1523 (f) Implement a disaster plan before or immediately
1524 following the event for which a state of emergency is declared
1525 that may include, but is not limited to, shutting down or off
1526 elevators; electricity; water, sewer, or security systems; or
1527 air conditioners.

1528 (g) Declare any portion of the condominium property
1529 unavailable for entry or occupancy by unit owners, family
1530 members, tenants, guests, agents, or invitees to protect the
1531 health, safety, or welfare of such persons.

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1532 (h) Require the evacuation of the condominium property in
1533 the event of a mandatory evacuation order in the locale in which
1534 the condominium is located. Should any unit owner or other
1535 occupant of a condominium fail or refuse to evacuate the
1536 condominium property where the board has required evacuation,
1537 the association shall be immune from liability or injury to
1538 persons or property arising from such failure or refusal.

1539 (i) Determine whether the condominium property can be
1540 safely inhabited or occupied. However, such determination is not
1541 conclusive as to any determination of habitability pursuant to
1542 the declaration.

1543 (j) Mitigate further damage, including taking action to
1544 contract for the removal of debris; and prevent or mitigate the
1545 spread of fungus, including, but not limited to, mold or mildew,
1546 by removing and disposing of wet drywall, insulation, carpet,
1547 cabinetry, or other fixtures, on or within the condominium
1548 property, even if the unit owner is obligated by the declaration
1549 or law to insure or replace those fixtures and to remove
1550 personal property from a unit.

1551 (k) Contract, on behalf of any unit owner or owners, for
1552 items or services for which the owners are otherwise
1553 individually responsible for, but which are necessary to prevent
1554 further damage to the condominium property. In such event, the
1555 unit owner or owners on whose behalf the board has contracted
1556 are responsible for reimbursing the association for the actual
1557 costs of the items or services, and the association may use its
1558 lien authority provided by s. 718.116 to enforce collection of
1559 the charges. Without limitation, such items or services may
1560 include the drying of units, the boarding of broken windows or
1561 doors, and the replacement of damaged air conditioners or air

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1562 handlers to provide climate control in the units or other
1563 portions of the property.

1564 (1) Regardless of any provision to the contrary and even
1565 if such authority does not specifically appear in the
1566 declaration of condominium, articles, or bylaws of the
1567 association, levy special assessments without a vote of the
1568 owners.

1569 (m) Without unit owner approval, borrow money and pledge
1570 association assets as collateral to fund emergency repairs and
1571 carry out the duties of the association when operating funds are
1572 insufficient. This paragraph does not limit the general
1573 authority of the association to borrow money, subject to such
1574 restrictions as are contained in the declaration of condominium,
1575 articles, or bylaws of the association.

1576 (2) The special powers authorized under subsection (1)
1577 shall be limited to that time reasonably necessary to protect
1578 the health, safety, and welfare of the association, the unit
1579 owners, their family members, tenants, guests, agents, or
1580 invitees and shall be reasonably necessary to mitigate further
1581 damage and make emergency repairs.

1582 Section 15. Section 718.127, Florida Statutes, is created
1583 to read:

1584 718.127 Receivership notification.--Upon the appointment
1585 of a receiver by a court for any reason relating to a
1586 condominium association, the court shall direct the receiver to
1587 provide to all unit owners written notice of his or her
1588 appointment as receiver. Such notice shall be mailed or
1589 delivered within 10 days after the appointment. Notice by mail
1590 to a unit owner shall be sent to the address used by the county
1591 property appraiser for notice to the unit owner.

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1592 Section 16. Subsection (1) is amended, and paragraph (p)
1593 is added to subsection (4) of section 718.301, Florida Statutes,
1594 to read:

1595 718.301 Transfer of association control; claims of defect
1596 by association.--

1597 (1) When unit owners other than the developer own 15
1598 percent or more of the units in a condominium that will be
1599 operated ultimately by an association, the unit owners other
1600 than the developer shall be entitled to elect no less than one-
1601 third of the members of the board of administration of the
1602 association. Unit owners other than the developer are entitled
1603 to elect not less than a majority of the members of the board of
1604 administration of an association:

1605 (a) Three years after 50 percent of the units that will be
1606 operated ultimately by the association have been conveyed to
1607 purchasers;

1608 (b) Three months after 90 percent of the units that will
1609 be operated ultimately by the association have been conveyed to
1610 purchasers;

1611 (c) When all the units that will be operated ultimately by
1612 the association have been completed, some of them have been
1613 conveyed to purchasers, and none of the others are being offered
1614 for sale by the developer in the ordinary course of business;

1615 (d) When some of the units have been conveyed to
1616 purchasers and none of the others are being constructed or
1617 offered for sale by the developer in the ordinary course of
1618 business; ~~or~~

1619 (e) When the developer files a petition seeking protection
1620 in bankruptcy;

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1621 (f) When a receiver for the developer is appointed by a
1622 circuit court and is not discharged within 30 days after such
1623 appointment; or

1624 (g) Seven years after recordation of the declaration of
1625 condominium; or, in the case of an association which may
1626 ultimately operate more than one condominium, 7 years after
1627 recordation of the declaration for the first condominium it
1628 operates; or, in the case of an association operating a phase
1629 condominium created pursuant to s. 718.403, 7 years after
1630 recordation of the declaration creating the initial phase,
1631
1632 whichever occurs first. The developer is entitled to elect at
1633 least one member of the board of administration of an
1634 association as long as the developer holds for sale in the
1635 ordinary course of business at least 5 percent, in condominiums
1636 with fewer than 500 units, and 2 percent, in condominiums with
1637 more than 500 units, of the units in a condominium operated by
1638 the association. Following the time the developer relinquishes
1639 control of the association, the developer may exercise the right
1640 to vote any developer-owned units in the same manner as any
1641 other unit owner except for purposes of reacquiring control of
1642 the association or selecting the majority members of the board
1643 of administration.

1644 (4) At the time that unit owners other than the developer
1645 elect a majority of the members of the board of administration
1646 of an association, the developer shall relinquish control of the
1647 association, and the unit owners shall accept control.
1648 Simultaneously, or for the purposes of paragraph (c) not more
1649 than 90 days thereafter, the developer shall deliver to the
1650 association, at the developer's expense, all property of the
1651 unit owners and of the association which is held or controlled

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1652 by the developer, including, but not limited to, the following
1653 items, if applicable, as to each condominium operated by the
1654 association:

1655 (p) A report included in the official records, under seal
1656 of an architect or engineer authorized to practice in this
1657 state, attesting to required maintenance, useful life, and
1658 replacement costs of the following applicable common elements
1659 comprising a turnover inspection report:

- 1660 1. Roof.
- 1661 2. Structure.
- 1662 3. Fireproofing and fire protection systems.
- 1663 4. Elevators.
- 1664 5. Heating and cooling systems.
- 1665 6. Plumbing.
- 1666 7. Electrical systems.
- 1667 8. Swimming pool or spa and equipment.
- 1668 9. Seawalls.
- 1669 10. Pavement and parking areas.
- 1670 11. Drainage systems.
- 1671 12. Painting.
- 1672 13. Irrigation systems.

1673 Section 17. Paragraph (f) is added to subsection (1) of
1674 section 718.3025, Florida Statutes, to read:

1675 718.3025 Agreements for operation, maintenance, or
1676 management of condominiums; specific requirements.--

1677 (1) No written contract between a party contracting to
1678 provide maintenance or management services and an association
1679 which contract provides for operation, maintenance, or
1680 management of a condominium association or property serving the
1681 unit owners of a condominium shall be valid or enforceable
1682 unless the contract:

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1683 (f) Discloses any financial or ownership interest a board
1684 member or any party providing maintenance or management services
1685 to the association holds with the contracting party.

1686 Section 18. Section 718.3026, Florida Statutes, is amended
1687 to read:

1688 718.3026 Contracts for products and services; in writing;
1689 bids; exceptions.-- Associations with 10 ~~less than 100 units~~ or
1690 less units may opt out of the provisions of this section if two-
1691 thirds of the unit owners vote to do so, which opt-out may be
1692 accomplished by a proxy specifically setting forth the exception
1693 from this section.

1694 (1) All contracts as further described herein or any
1695 contract that is not to be fully performed within 1 year after
1696 the making thereof, for the purchase, lease, or renting of
1697 materials or equipment to be used by the association in
1698 accomplishing its purposes under this chapter, and all contracts
1699 for the provision of services, shall be in writing. If a
1700 contract for the purchase, lease, or renting of materials or
1701 equipment, or for the provision of services, requires payment by
1702 the association on behalf of any condominium operated by the
1703 association in the aggregate that exceeds 5 percent of the total
1704 annual budget of the association, including reserves, the
1705 association shall obtain competitive bids for the materials,
1706 equipment, or services. Nothing contained herein shall be
1707 construed to require the association to accept the lowest bid.

1708 (2) (a) ~~1~~. Notwithstanding the foregoing, contracts with
1709 employees of the association, and contracts for attorney,
1710 accountant, architect, community association manager, timeshare
1711 management firm, engineering, and landscape architect services
1712 are not subject to the provisions of this section.

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1713 ~~2. A contract executed before January 1, 1992, and any~~
1714 ~~renewal thereof, is not subject to the competitive bid~~
1715 ~~requirements of this section. If a contract was awarded under~~
1716 ~~the competitive bid procedures of this section, any renewal of~~
1717 ~~that contract is not subject to such competitive bid~~
1718 ~~requirements if the contract contains a provision that allows~~
1719 ~~the board to cancel the contract on 30 days' notice. Materials,~~
1720 ~~equipment, or services provided to a condominium under a local~~
1721 ~~government franchise agreement by a franchise holder are not~~
1722 ~~subject to the competitive bid requirements of this section. A~~
1723 ~~contract with a manager, if made by a competitive bid, may be~~
1724 ~~made for up to 3 years. A condominium whose declaration or~~
1725 ~~bylaws provides for competitive bidding for services may operate~~
1726 ~~under the provisions of that declaration or bylaws in lieu of~~
1727 ~~this section if those provisions are not less stringent than the~~
1728 ~~requirements of this section.~~

1729 (b) Nothing contained herein is intended to limit the
1730 ability of an association to obtain needed products and services
1731 in an emergency.

1732 (c) This section shall not apply if the business entity
1733 with which the association desires to enter into a contract is
1734 the only source of supply within the county serving the
1735 association.

1736 (d) Nothing contained herein shall excuse a party
1737 contracting to provide maintenance or management services from
1738 compliance with s. 718.3025.

1739 (3) As to any contract or other transaction between an
1740 association and one or more of its directors or any other
1741 corporation, firm, association, or entity in which one or more
1742 of its directors are directors or officers or are financially
1743 interested:

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1744 (a) The association shall comply with the requirements of
1745 s. 617.0832.

1746 (b) The disclosures required by s. 617.0832 shall be
1747 entered into the written minutes of the meeting.

1748 (c) Approval of the contract or other transaction shall
1749 require an affirmative vote of two-thirds of the directors
1750 present.

1751 (d) At the next regular or special meeting of the members,
1752 the existence of the contract or other transaction shall be
1753 disclosed to the members. Upon motion of any member, the
1754 contract or transaction shall be brought up for a vote and may
1755 be cancelled by a majority vote of the members present. Should
1756 the members cancel the contract, the association shall only be
1757 liable for the reasonable value of goods and services provided
1758 up to the time of cancellation and shall not be liable for any
1759 termination fee, liquidated damages, or other form of penalty
1760 for such cancellation.

1761 Section 19. Subsection (3) of section 718.303, Florida
1762 Statutes, is amended to read:

1763 (3) If the declaration or bylaws so provide, the
1764 association may levy reasonable fines against a unit for the
1765 failure of the owner of the unit, or its occupant, licensee, or
1766 invitee, to comply with any provision of the declaration, the
1767 association bylaws, or reasonable rules of the association. No
1768 fine will become a lien against a unit. No fine may exceed \$100
1769 per violation. However, a fine may be levied on the basis of
1770 each day of a continuing violation, with a single notice and
1771 opportunity for hearing, provided that no such fine shall in the
1772 aggregate exceed \$1,000. No fine may be levied except after
1773 giving reasonable notice and opportunity for a hearing to the
1774 unit owner and, if applicable, its licensee or invitee. The

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1775 hearing must be held before a committee of other unit owners who
1776 are neither board members nor persons residing in a board
1777 member's household. If the committee does not agree with the
1778 fine, the fine may not be levied. The provisions of this
1779 subsection do not apply to unoccupied units.

1780 Section 20. Section 718.501, Florida Statutes, is amended
1781 to read:

1782 718.501 Authority, responsibility, Powers and duties of
1783 Division of Florida Land Sales, Condominiums, and Mobile
1784 Homes.--

1785 (1) The Division of Florida Land Sales, Condominiums, and
1786 Mobile Homes of the Department of Business and Professional
1787 Regulation, referred to as the "division" in this part, in
1788 addition to other powers and duties prescribed by chapter 498,
1789 has the power to enforce and ensure compliance with the
1790 provisions of this chapter and rules promulgated pursuant hereto
1791 relating to the development, construction, sale, lease,
1792 ownership, operation, and management of residential condominium
1793 units. In performing its duties, the division has complete
1794 jurisdiction to investigate complaints and enforce compliance
1795 with the provisions of this chapter with respect to associations
1796 that are still under developer control and complaints against
1797 developers involving improper turnover or failure to turnover,
1798 pursuant to s. 718.301. However, after turnover has occurred,
1799 the division shall only have jurisdiction to investigate
1800 complaints related to financial issues, elections, and unit
1801 owner access to association records pursuant to s. 718.111(12).
1802 ~~the following powers and duties:~~

1803 (a) The division may make necessary public or private
1804 investigations within or outside this state to determine whether
1805 any person has violated this chapter or any rule or order

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1806 hereunder, to aid in the enforcement of this chapter, or to aid
1807 in the adoption of rules or forms hereunder.

1808 (b) The division may require or permit any person to file
1809 a statement in writing, under oath or otherwise, as the division
1810 determines, as to the facts and circumstances concerning a
1811 matter to be investigated.

1812 (c) For the purpose of any investigation under this
1813 chapter, the division director or any officer or employee
1814 designated by the division director may administer oaths or
1815 affirmations, subpoena witnesses and compel their attendance,
1816 take evidence, and require the production of any matter which is
1817 relevant to the investigation, including the existence,
1818 description, nature, custody, condition, and location of any
1819 books, documents, or other tangible things and the identity and
1820 location of persons having knowledge of relevant facts or any
1821 other matter reasonably calculated to lead to the discovery of
1822 material evidence. Upon the failure by a person to obey a
1823 subpoena or to answer questions propounded by the investigating
1824 officer and upon reasonable notice to all persons affected
1825 thereby, the division may apply to the circuit court for an
1826 order compelling compliance.

1827 (d) Notwithstanding any remedies available to unit owners
1828 and associations, if the division has reasonable cause to
1829 believe that a violation of any provision of this chapter or
1830 rule promulgated pursuant hereto has occurred, the division may
1831 institute enforcement proceedings in its own name against any
1832 developer, association, officer, or member of the board of
1833 administration, or its assignees or agents, as follows:

1834 1. The division may permit a person whose conduct or
1835 actions may be under investigation to waive formal proceedings
1836 and enter into a consent proceeding whereby orders, rules, or

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1837 letters of censure or warning, whether formal or informal, may
1838 be entered against the person.

1839 2. The division may issue an order requiring the
1840 developer, association, developer-designated officer, ~~or~~
1841 developer-designated member of the board of administration, ~~or~~
1842 developer-designated ~~its~~ assignees or agents, community
1843 association manager, or community association management firm to
1844 cease and desist from the unlawful practice and take such
1845 affirmative action as in the judgment of the division will carry
1846 out the purposes of this chapter. Such affirmative action may
1847 include, but is not limited to, an order requiring a developer
1848 to pay moneys determined to be owed to a condominium
1849 association.

1850 3. If a developer fails to pay any restitution determined
1851 by the division to be owed, plus any accrued interest at the
1852 highest rate permitted by law, within 30 days after expiration
1853 of any appellate time period of a final order requiring payment
1854 of restitution or the conclusion of any appeal thereof,
1855 whichever is later, the division shall bring an action in
1856 circuit or county court on behalf of any association, class of
1857 unit owners, lessees, or purchasers for restitution, declaratory
1858 relief, injunctive relief, or any other available remedy. The
1859 division may also temporarily revoke its acceptance of the
1860 filing for the developer to which the restitution relates until
1861 payment of restitution is made. ~~The division may bring an action~~
1862 ~~in circuit court on behalf of a class of unit owners, lessees,~~
1863 ~~or purchasers for declaratory relief, injunctive relief, or~~
1864 ~~restitution.~~

1865 4. The division may impose a civil penalty against a
1866 developer or association, or its assignee or agent, for any
1867 violation of this chapter or a rule promulgated pursuant hereto.

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1868 The division may impose a civil penalty individually against any
1869 officer or board member who willfully and knowingly violates a
1870 provision of this chapter, a rule adopted pursuant hereto, or a
1871 final order of the division; may order the removal of such
1872 individual as an officer or from the board of administration or
1873 as an officer of the association; and may prohibit such
1874 individual from serving as an officer or on the board of a
1875 community association for a period of time. The term "willfully
1876 and knowingly" means that the division informed the officer or
1877 board member that his or her action or intended action violates
1878 this chapter, a rule adopted under this chapter, or a final
1879 order of the division and that the officer or board member
1880 refused to comply with the requirements of this chapter, a rule
1881 adopted under this chapter, or a final order of the division.
1882 The division, prior to initiating formal agency action under
1883 chapter 120, shall afford the officer or board member an
1884 opportunity to voluntarily comply with this chapter, a rule
1885 adopted under this chapter, or a final order of the division. An
1886 officer or board member who complies within 10 days is not
1887 subject to a civil penalty. A penalty may be imposed on the
1888 basis of each day of continuing violation, but in no event shall
1889 the penalty for any offense exceed \$5,000. By January 1, 1998,
1890 the division shall adopt, by rule, penalty guidelines applicable
1891 to possible violations or to categories of violations of this
1892 chapter or rules adopted by the division. The guidelines must
1893 specify a meaningful range of civil penalties for each such
1894 violation of the statute and rules and must be based upon the
1895 harm caused by the violation, the repetition of the violation,
1896 and upon such other factors deemed relevant by the division. For
1897 example, the division may consider whether the violations were
1898 committed by a developer or owner-controlled association, the

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1899 size of the association, and other factors. The guidelines must
1900 designate the possible mitigating or aggravating circumstances
1901 that justify a departure from the range of penalties provided by
1902 the rules. It is the legislative intent that minor violations be
1903 distinguished from those which endanger the health, safety, or
1904 welfare of the condominium residents or other persons and that
1905 such guidelines provide reasonable and meaningful notice to the
1906 public of likely penalties that may be imposed for proscribed
1907 conduct. This subsection does not limit the ability of the
1908 division to informally dispose of administrative actions or
1909 complaints by stipulation, agreed settlement, or consent order.
1910 All amounts collected shall be deposited with the Chief
1911 Financial Officer to the credit of the Division of Florida Land
1912 Sales, Condominiums, and Mobile Homes Trust Fund. If a developer
1913 fails to pay the civil penalty and the amount deemed to be owed
1914 to the association, the division shall thereupon issue an order
1915 directing that such developer cease and desist from further
1916 operation until such time as the civil penalty is paid or may
1917 pursue enforcement of the penalty in a court of competent
1918 jurisdiction. If an association fails to pay the civil penalty,
1919 the division shall thereupon pursue enforcement in a court of
1920 competent jurisdiction, and the order imposing the civil penalty
1921 or the cease and desist order will not become effective until 20
1922 days after the date of such order. Any action commenced by the
1923 division shall be brought in the county in which the division
1924 has its executive offices or in the county where the violation
1925 occurred.

1926 5. If a unit owner presents the division with proof that
1927 the unit owner has requested access to official records in
1928 writing by certified mail, and that after 10 days the unit owner
1929 again made the same request for access to official records in

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1930 writing by certified mail, and that more than 10 days has
1931 elapsed since the second request and the association has still
1932 failed or refused to provide access to official records as
1933 required by this chapter, the division shall issue a subpoena
1934 requiring production of the requested records where the records
1935 are kept pursuant to s. 718.112.

1936 (e) The division is authorized to prepare and disseminate
1937 a prospectus and other information to assist prospective owners,
1938 purchasers, lessees, and developers of residential condominiums
1939 in assessing the rights, privileges, and duties pertaining
1940 thereto.

1941 (f) The division has authority to adopt rules pursuant to
1942 ss. 120.536(1) and 120.54 to implement and enforce the
1943 provisions of this chapter.

1944 (g) The division shall establish procedures for providing
1945 notice to an association and the developer during the period
1946 where the developer controls the association when the division
1947 is considering the issuance of a declaratory statement with
1948 respect to the declaration of condominium or any related
1949 document governing in such condominium community.

1950 (h) The division shall furnish each association which pays
1951 the fees required by paragraph (2)(a) a copy of this act,
1952 subsequent changes to this act on an annual basis, an amended
1953 version of this act as it becomes available from the Secretary
1954 of State's office on a biennial basis, and the rules promulgated
1955 pursuant thereto on an annual basis.

1956 (i) The division shall annually provide each association
1957 with a summary of declaratory statements and formal legal
1958 opinions relating to the operations of condominiums which were
1959 rendered by the division during the previous year.

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1960 (j) The division shall provide training and educational
1961 programs for condominium association board members and unit
1962 owners. The training may, in the division discretion, include
1963 web-based, electronic media and live training and seminars in
1964 various locations throughout the state. The division shall have
1965 the authority to review and approve education and training
1966 programs for board members and unit owners offered by providers
1967 and shall maintain a current list of approved programs and
1968 providers and shall make such list available to board members
1969 and unit owners in a reasonable and cost-effective manner.

1970 (k) The division shall maintain a toll-free telephone
1971 number accessible to condominium unit owners.

1972 (l) The division shall develop a program to certify both
1973 volunteer and paid mediators to provide mediation of condominium
1974 disputes. The division shall provide, upon request, a list of
1975 such mediators to any association, unit owner, or other
1976 participant in arbitration proceedings under s. 718.1255
1977 requesting a copy of the list. The division shall include on the
1978 list of volunteer mediators only the names of persons who have
1979 received at least 20 hours of training in mediation techniques
1980 or who have mediated at least 20 disputes. In order to become
1981 initially certified by the division, paid mediators must be
1982 certified by the Supreme Court to mediate court cases in either
1983 county or circuit courts. However, the division may adopt, by
1984 rule, additional factors for the certification of paid
1985 mediators, which factors must be related to experience,
1986 education, or background. Any person initially certified as a
1987 paid mediator by the division must, in order to continue to be
1988 certified, comply with the factors or requirements imposed by
1989 rules adopted by the division.

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1990 (m) When a complaint is made, the division shall conduct
1991 its inquiry with due regard to the interests of the affected
1992 parties. Within 30 days after receipt of a complaint, the
1993 division shall acknowledge the complaint in writing and notify
1994 the complainant whether the complaint is within the jurisdiction
1995 of the division and whether additional information is needed by
1996 the division from the complainant. The division shall conduct
1997 its investigation and shall, within 90 days after receipt of the
1998 original complaint or of timely requested additional
1999 information, take action upon the complaint. However, the
2000 failure to complete the investigation within 90 days does not
2001 prevent the division from continuing the investigation,
2002 accepting or considering evidence obtained or received after 90
2003 days, or taking administrative action if reasonable cause exists
2004 to believe that a violation of this chapter or a rule of the
2005 division has occurred. If an investigation is not completed
2006 within the time limits established in this paragraph, the
2007 division shall, on a monthly basis, notify the complainant in
2008 writing of the status of the investigation. When reporting its
2009 action to the complainant, the division shall inform the
2010 complainant of any right to a hearing pursuant to ss. 120.569
2011 and 120.57.

2012 (n) Condominium association directors, officers and
2013 employees, condominium developers, community association
2014 managers, and community association management firms, have an
2015 ongoing duty to reasonably cooperate with the division in an
2016 investigation pursuant to this section. The division shall
2017 refer to local law enforcement authorities any person who the
2018 division believes has altered, destroyed, concealed, or removed
2019 any record, document or thing required to be kept or maintained

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2020 by this chapter with the purpose to impair its verity or
2021 availability in the department's investigation.

2022 (2) (a) ~~Effective January 1, 1992,~~ Each condominium
2023 association which operates more than two units shall pay to the
2024 division an annual fee in the amount of \$4 for each residential
2025 unit in condominiums operated by the association. If the fee is
2026 not paid by March 1, then the association shall be assessed a
2027 penalty of 10 percent of the amount due, and the association
2028 will not have standing to maintain or defend any action in the
2029 courts of this state until the amount due, plus any penalty, is
2030 paid.

2031 (b) All fees shall be deposited in the Division of Florida
2032 Land Sales, Condominiums, and Mobile Homes Trust Fund as
2033 provided by law.

2034 Section 21. Subsection (9) is added to section 718.5012,
2035 Florida Statutes, to read:

2036 (9) To assist with the resolution of disputes between unit
2037 owners and the association or between unit owner when the
2038 dispute is not within the jurisdiction of the division to
2039 resolve.

2040 Section 22. Section 718.50151, Florida Statutes, is
2041 amended to read:

2042 718.50151 Community Association Living Study ~~Advisory~~
2043 council; membership functions.--

2044 (1) There is created the Community Association Living
2045 Study Advisory Council on Condominiums. The council shall
2046 consist of seven appointed members. Two members shall be
2047 appointed by the President of the Senate, two members shall be
2048 appointed by the Speaker of the House of Representatives, and
2049 three members shall be appointed by the Governor. ~~At least One~~
2050 member that is appointed by the Governor may shall represent

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2051 timeshare condominiums. ~~Members shall be appointed to 2 year~~
2052 ~~terms; however, one of the persons initially appointed by the~~
2053 ~~Governor, by the President of the Senate, and by the Speaker of~~
2054 ~~the House of Representatives shall be appointed to a 1 year~~
2055 ~~term.~~ The council shall be created as of July 1 every 5 years,
2056 commencing July 1, 2008, and shall be in existence for a 6 month
2057 term. The director of the division shall appoint ~~serve as~~ an ex
2058 officio nonvoting member. The Legislature intends that the
2059 persons appointed represent a cross-section of persons
2060 interested in condominium issues. The council shall be located
2061 within the division for administrative purposes. Members of the
2062 council shall serve without compensation but are entitled to
2063 receive per diem and travel expenses pursuant to s. 112.061
2064 while on official business.

2065 (2) The functions of the ~~advisory~~ council shall be to:

2066 (a) Receive, from the public, input regarding issues of
2067 concern with respect to community association living, including
2068 living in condominiums, cooperatives, and homeowners
2069 associations. The council shall make and recommendations for
2070 changes in the ~~condominium~~ law related to community association
2071 living. The issues that the council shall consider include, but
2072 are not limited to, the rights and responsibilities of the unit
2073 owners in relation to the rights and responsibilities of the
2074 association.

2075 (b) Review, evaluate, and advise the division concerning
2076 revisions and adoption of rules affecting condominiums and
2077 cooperatives.

2078 (c) Recommend improvements, if needed, in the education
2079 programs offered by the division.

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2080 (d) Review, evaluate, and advise the legislature
2081 concerning revisions and improvements to the laws relating to
2082 condominiums, cooperatives, and homeowners associations.

2083 (3) The council may elect a chair and vice chair and such
2084 other officers as it may deem advisable. The council shall meet
2085 at the call of its chair, at the request of a majority of its
2086 membership, at the request of the division, or at such times as
2087 it may prescribe. A majority of the members of the council shall
2088 constitute a quorum. Council action may be taken by vote of a
2089 majority of the voting members who are present at a meeting
2090 where there is a quorum.

2091 Section 23. Paragraph (a) of subsection (2) of section
2092 718.503, Florida Statutes, is amended to read:

2093 718.503 Developer disclosure prior to sale; nondeveloper
2094 unit owner disclosure prior to sale; voidability.--

2095 (2) NONDEVELOPER DISCLOSURE.--

2096 (a) Each unit owner who is not a developer as defined by
2097 this chapter shall comply with the provisions of this subsection
2098 prior to the sale of his or her unit. Each prospective purchaser
2099 who has entered into a contract for the purchase of a
2100 condominium unit is entitled, at the seller's expense, to a
2101 current copy of the declaration of condominium, articles of
2102 incorporation of the association, bylaws and rules of the
2103 association, financial information required by s. 718.111, and
2104 the document entitled "Frequently Asked Questions and Answers"
2105 required by s. 718.504. On and after January 1, 2009, the
2106 prospective purchaser shall also be entitled to receive from the
2107 seller a copy of a governance form. Such form shall be provided
2108 by the division summarizing governance of condominium
2109 associations. In addition to such other information as the
2110 division considers helpful to a prospective purchaser in

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2111 understanding association governance, the governance form shall
2112 address the following subjects:

2113 1. The role of the board in conducting the day-to-day
2114 affairs of the association on behalf of, and in the best
2115 interests of, the owners.

2116 2. The board's responsibility to provide advance notice of
2117 board and membership meetings.

2118 3. The rights of owners to attend and speak at board and
2119 membership meetings.

2120 4. The responsibility of the board and of owners with
2121 respect to maintenance of the condominium property.

2122 5. The responsibility of the board and owners to abide by
2123 the condominium documents, this chapter, rules promulgated by
2124 the division, and reasonable rules promulgated by the board.

2125 6. Owners' rights to inspect and copy association records
2126 and the limitations on such rights.

2127 7. Remedies available to owners with respect to actions by
2128 the board which may be abusive or beyond the board's power and
2129 authority.

2130 8. The right of the board to hire a property management
2131 firm, subject to its own primary responsibility for such
2132 management.

2133 9. The responsibility of owners with regard to payment of
2134 regular or special assessments necessary for the operation of
2135 the property and the potential consequences of failure to pay
2136 such assessments.

2137 10. The voting rights of owners.

2138 11. Rights and obligations of the board in enforcement of
2139 rules in the condominium documents and rules adopted by the
2140 board.

2141

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2142 The governance form shall also include the following statement
2143 in conspicuous type: "This publication is intended as an
2144 informal educational overview of condominium governance. In the
2145 event of a conflict the provisions of chapter 718, Florida
2146 Statutes; rules promulgated by the Division of Florida Land
2147 Sales, Condominiums, and Mobile Homes of the Department of
2148 Business and Professional Regulation; the provisions of the
2149 condominium documents; and reasonable rules promulgated by the
2150 condominium association's board of administration prevail over
2151 the contents of this publication."

2152 Section 24. This act shall take effect October 1, 2008.

2153 -----
2154
2155 **T I T L E A M E N D M E N T**

2156 Remove the entire title and insert:

2157 A bill to be entitled

2158 An act relating to community associations; amending s. 468.431,
2159 F.S.; revising and providing definitions; amending s. 468.4315,
2160 F.S.; revising membership criteria for members of the council;
2161 providing the council may establish a public education program;
2162 providing that council members shall serve without compensation
2163 but are entitled to per diem and travel expenses; providing
2164 responsibilities of the council; amending s. 468.432, F.S.;
2165 providing for licensure of community association management
2166 firms; providing application, licensure, and fee requirements;
2167 amending s. 468.433, F.S.; providing for the refusal of
2168 applicant certification under certain circumstances; amending s.
2169 468.436, F.S.; requiring the Department of Business and
2170 Professional Regulation to investigate certain complaints and
2171 allegations; providing complaint and investigation procedures;
2172 conforming cross-references; providing grounds for which

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2173 disciplinary actions may be taken; authorizing the department to
2174 impose specified penalties on a community association management
2175 firm; authorizing the department to reissue the license of a
2176 disciplined community association manager or firm under certain
2177 circumstances; amending s. 718.111, F.S.; providing duties of
2178 officers, directors, and agents of a condominium association and
2179 liability for monetary damages under certain circumstances;
2180 providing civil sanctions against any person who knowingly or
2181 intentionally defaces, destroys, or fails to create or maintain
2182 accounting records; requiring the association to maintain
2183 certain documents; prohibiting accessibility to certain personal
2184 identifying information of unit owners by fellow unit owners;
2185 requiring the Division of Florida Land Sales, Condominiums, and
2186 Mobile Homes to adopt certain rules; requiring certain audits
2187 and reports to be paid for by the developer if done prior to
2188 turnover of control of the association; restricting a
2189 condominium association from waiving a financial report for more
2190 than 2 consecutive years; amending s. 718.112, F.S.; providing
2191 that no voting interest or consent right shall be considered for
2192 any purpose, quorum, election, or otherwise; requiring the board
2193 to address certain agenda items proposed by a petition of a
2194 specified percentage of the unit owners; revising notice
2195 requirements for meetings to consider assessments; providing
2196 requirements for the location of annual unit owner meetings;
2197 revising terms of service for board members; providing for an
2198 exception; prohibiting certain persons from serving on the
2199 board; providing an exception; requiring the association to
2200 provide a certification form to unit owners for specified
2201 purposes; providing for an association to provide for different
2202 voting and election procedures in its bylaws in certain
2203 circumstances; revising annual budget requirements; requiring

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2204 proxy questions relating to reserves to contain a certain
2205 statement; providing that directors delinquent in certain
2206 payments owed in excess of certain periods of time be suspended
2207 from office or deemed to have abandoned their offices; providing
2208 that directors charged with certain offenses involving an
2209 association's funds or property be suspended from office pending
2210 resolution of the charge; amending s. 718.1124, F.S.; providing
2211 for notification of a unit owner's or member's intent to
2212 petition for the appointment of a receiver if an association's
2213 governing board fails to fill vacancies sufficient to constitute
2214 a quorum; providing for written notice to unit owners or members
2215 of any such appointment; requiring the salary of the receiver
2216 and certain costs and fees to be paid by the association;
2217 providing powers, duties, and term of service of the receiver;
2218 amending s. 718.113, F.S.; authorizing the board to install
2219 specified hurricane protection; revising application of
2220 provision relating to the material alteration or substantial
2221 additions to the common elements or to real property which is
2222 association property to apply to certain associations; requiring
2223 the board to have condominium buildings periodically inspected
2224 for specified purposes; prohibiting the board from refusing the
2225 request for reasonable accommodation of a religious object of a
2226 specified size to a door; amending s. 718.117, F.S.; providing
2227 requirements for notice to unit owners by a court appointed
2228 receiver; amending s. 718.121, F.S.; prohibiting a lien from
2229 being filed against a condominium unit or cooperative parcel
2230 until 30 days after service of a notice of intent to file the
2231 lien; specifying requirements for the delivery of the notice;
2232 creating s. 718.1224, F.S.; prohibiting certain lawsuits arising
2233 from unit owners' appearances and presentations before a
2234 governmental entity; providing a definition; providing for award

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2235 of damages and attorney fees; prohibiting associations from
2236 expending association funds in prosecuting such a suit against a
2237 unit owner; amending s. 718.1255, F.S.; revising legislative
2238 intent concerning alternative dispute resolution; creating s.
2239 718.1265, F.S.; authorizing a condominium association board to
2240 exercise specified emergency powers during an emergency created
2241 by declared disaster; providing a limitation; creating s.
2242 718.127, F.S.; specifying receivership notification requirements
2243 with respect to condominium associations, cooperative
2244 associations, and homeowners' associations; amending s. 718.301,
2245 F.S.; specifying when unit owners are entitled to elect a
2246 majority of board members; requiring developers to provide
2247 certain documents to the association within a specified time
2248 after turnover of control of the association; amending s.
2249 718.3025, F.S.; providing maintenance and management services
2250 contract disclosure requirements; amending s. 718.3026, F.S.;
2251 providing to opt out of certain provisions relating to contracts
2252 for products and services in certain circumstances; removing
2253 provisions relating to competitive bid requirements for
2254 contracts executed before January 1, 1992; providing
2255 requirements for contracts or transactions between an
2256 association and one or more directors or another corporation,
2257 firm association, or entity; amending s. 718.303, F.S.;
2258 requiring hearings to levy fines to be held before a committee
2259 of unit owners who are not members of the board or persons
2260 residing in a board member's household; amending s. 718.501,
2261 F.S.; providing the division ability to investigate complaints
2262 and enforce compliance; revising how the division may issue
2263 cease and desist orders; requiring the division to bring an
2264 action against a developer under certain circumstances;
2265 providing the division with certain powers; requiring the

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2266 division to issue a subpoena under certain circumstances;
2267 providing for notice to the developer in certain situations;
2268 requiring the division to provide education programs; specifying
2269 the content of training programs; requiring the division to
2270 refer any person who alters, destroys, conceals or removes
2271 records or documents of the association to local law
2272 enforcement; amending s. 718.5012, F.S.; providing additional
2273 duties for the condominium ombudsman; amending s. 718.50151,
2274 F.S.; redesignating the Advisory Council on Condominiums to the
2275 Community Association Living Study Council; revising membership
2276 requirements for the Community Association Living Study Council;
2277 specifying council functions; amending s. 718.503, F.S.;
2278 providing that prospective purchasers are entitled to a
2279 governance form provided by the seller and prepared by the
2280 division; requiring the governance form to include specified
2281 information; providing an effective date.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1213 : Corrections

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs			X		
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 1213

Walter McNeil, Secretary (Lobbyist) (State Employee) - Proponent

Department of Corrections

2601 Blairstone Rd

Tallahassee FL 32399

Phone: 850-410-4223

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1213

COUNCIL/COMMITTEE ACTION

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

*favourable
4.9.08*

Council/Committee hearing bill: Safety & Security Council
Representatives Needelman and Taylor offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Correctional Work Program Council; creation; members; powers and duties.--

(1) The Correctional Work Program Council is established within the Agency for Workforce Innovation. The purpose of the council is to evaluate correctional work programs operating in the state and to make findings and recommendations concerning the practices and laws relating to correctional work programs. The council shall serve in an advisory capacity to the Legislature and the Governor.

(2) The council shall consist of the following eight members:

(a) A person appointed by the Governor;

(b) A Senator appointed by the President of the Senate;

(c) A Representative appointed by the Speaker of the House of Representatives;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

- 21 (d) The Commissioner of Agriculture, or his or her
22 designee;
- 23 (e) The Chief Financial Officer, or his or her designee;
24 (f) The Attorney General, or his or her designee;
25 (g) The Secretary of Corrections; and
26 (h) The chairman of Prison Rehabilitative Industries &
27 Diversified Enterprises, Inc.
- 28 (3) The chair of the council shall be selected by the
29 members. The council is not subject to control, supervision, or
30 direction by the Agency for Workforce Innovation or the
31 Department of Corrections.
- 32 (4) The council shall hold its first meeting by September
33 1, 2008. The council shall meet at least quarterly and at other
34 times at the call of the chair or as determined by a majority of
35 council members. A majority of the members of the council
36 constitutes a quorum.
- 37 (5) On or before January 15, 2009, the council shall
38 report to the Governor, the President of the Senate, and the
39 Speaker of the House of Representatives its findings and
40 recommendations. The findings and recommendations shall include,
41 but not be limited to:
- 42 (a) How the current correctional work programs created
43 under Part II of Chapter 946 operate .
- 44 (b) Whether the goals and objectives of the correctional
45 work programs fulfill a mission of vocational training and
46 rehabilitation for the inmates that participate in the
47 correctional work programs.
- 48 (c) Whether the correctional work programs have reduced
49 recidivism for participating inmates.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

50 (d) Whether current work programs provide basic job skills
51 that enable participating ex-offenders to achieve meaningful
52 employment.

53 (e) Whether additional correctional work program
54 opportunities could be created and the legal and financial
55 considerations involved in creating such additional
56 opportunities.

57 (f) What services or products are currently produced by
58 the correctional work programs, and what additional services or
59 products could be developed, which could or should be purchased
60 by the state or other governmental bodies.

61 (g) Examine the operation of Prison Industries Enhancement
62 (PIE) programs and how they operate and explore the use of PIE
63 programs to establish a business relationship between
64 correctional work programs and private industry.

65 (h) What are reasonable expectations for growth of
66 correctional work programs, including the financial goal of
67 limited or no expenditures of state funds for such growth.

68 (i) What are the legal and economic impediments that exist
69 which discourage the growth of correctional work programs.

70 (j) What changes in current procedures or practices of the
71 Department of Corrections can be modified, changed or otherwise
72 incorporated in order to assist the corporation in expanding
73 correctional work programs.

74 (k) Such other relevant matters relating to (a) through
75 (j) of this subsection.

76 (6) Members of the council shall serve without
77 compensation but are entitled to reimbursement for per diem and
78 travel expenses pursuant to s. 112.061. Members shall be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

79 reimbursed from the budget of the entity through which they
80 serve.

81 (7) The Agency for Workforce Innovation shall provide staff
82 and administrative support to the council.

83 (8) The council shall cease to exist on June 30, 2009.

84 Section 2. Section 946.523, Florida Statutes, is amended
85 by adding new subsections (3) and (4) to read:

86 946.523 Prison Industry Enhancement (PIE) Programs.--

87 (3) Effective September 30, 2008, or at any date after
88 September 30, 2008, as may be specified by the department, the
89 corporation will relinquish the certificate it now holds
90 pursuant to 18 U.S.C. s. 1761 (the Prison Industries
91 Enhancement or P.I.E. certificate), to the department. The
92 department will thereafter exercise the authority granted by
93 this section. The department will have all powers necessary to
94 comply with the federal statute and the Bureau of Justice
95 Assistance guidelines for certifying programs in accordance with
96 the P.I.E. certificate.

97 (4) The corporation and any entity operating under the
98 P.I.E. certificate, in consultation with the department, shall
99 deduct amounts to be defined by the department, consistent with
100 applicable federal law and guidelines, from an inmate's gross
101 wages for taxes, room and board, family support and victim's
102 compensation. Deductions for room and board taken by the
103 corporation or any entity operating under the P.I.E. certificate
104 will be deposited in the department's Correctional Work Programs
105 Trust Fund.

106 Section 3. Section 946.510, Florida Statutes, is amended
107 to read:

108 946.510 Insurance by Division of Risk Management.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

109 (1) Pursuant to the applicable provisions of chapter 284,
110 the Division of Risk Management of the Department of Financial
111 Services is authorized to insure the corporation under the same
112 general terms and conditions as the Department of Corrections
113 was insured by the division prior to the corporation leasing the
114 correctional work programs as authorized by this chapter.

115 (2) Employees of the corporation shall be deemed employees
116 of the state for the purposes of Chapter 440.

117 Section 4. This act shall take effect July 1, 2008.

118 -----

119 T I T L E A M E N D M E N T

120 Remove the entire title and insert:

121 An act relating to correctional work programs; establishing the
122 correctional work program council; providing membership of the
123 council; providing duties of the council; amending s. 946.523,
124 F.S.; requiring the corporation to relinquish a certificate to
125 the department of corrections; amending s. 946.510, F.S.;
126 deeming employees of the corporation as state employees for
127 workers' compensation purposes.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1249 : Community Associations

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 1249

Pete Dunbar (Lobbyist) - Proponent

Real Property, Probate and Trust Law Section of the Florida Bar
215 S Monroe Street
Tallahassee FL 32312
Phone: 850-222-3533

HB 1249

Scott Jenkins, SVP of Gov't Affairs (Lobbyist) - Proponent

Florida Banker Association
1001 Thomasville Rd, Suit 201
Tallahassee FL 32303
Phone: 850-224-2265

HB 1249

Scott Johnson, Executive Vice President (Lobbyist) - Proponent

Florida Association of Insurance Agents
3159 Shamrock Dr
Tallahassee FL 32312
Phone: 850-893-4155

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1249

Travis Moore (Lobbyist) - Proponent

Community Associations Institute and Community Association Leadership Lobby

P O Box 781

Largo FL 33779

Phone: 727-421-6902

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 1249**

COUNCIL/COMMITTEE ACTION

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

*Favorable
4-9-08*

1 Council/Committee hearing bill: Safety & Security Council
 2 Representative(s) Altman offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (11) of section 718.111, Florida
7 Statutes, is amended to read:

8 718.111 The association.--

9 (Substantial rewording of subsection. See

10 s. 718.111(11), F.S., for current text.)

11 (11) INSURANCE.--In order to protect the health, safety,

12 and welfare of the people of this state and to ensure

13 consistency in the provision of insurance coverage to

14 condominiums and their unit owners, this subsection shall be

15 deemed to apply to every residential condominium in the state,

16 regardless of the date of its declaration of condominium. It is

17 the intent of the Legislature to encourage lower or stable

18 insurance premiums for associations described in this

19 subsection.

20 (a) Adequate hazard insurance, regardless of any

21 requirement in the declaration of condominium for coverage by

22 the association for full insurable value, replacement cost, or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 similar coverages, shall be based upon the replacement cost of
24 the property to be insured as determined by an independent
25 insurance appraisal or update of a prior appraisal. The full
26 insurable value shall be determined not less frequently than
27 every 36 months.

28 1. An association or group of associations may provide
29 adequate hazard insurance through a self-insurance fund that
30 complies with the requirements of ss. 624.460-624.488.

31 2. The association may also provide adequate hazard
32 insurance coverage individually or for a group of no fewer than
33 three communities created and operating under this chapter,
34 chapter 719, chapter 720, or chapter 721 by obtaining and
35 maintaining for such communities insurance coverage sufficient
36 to cover an amount equal to the probable maximum loss for the
37 communities for a 250-year windstorm event. Such probable
38 maximum loss must be determined through the use of a competent
39 model that has been accepted by the Florida Commission on
40 Hurricane Loss Projection Methodology. No policy or program
41 providing such coverage shall be issued or renewed after July 1,
42 2008, unless it has been reviewed and approved by the Office of
43 Insurance Regulation. The review and approval shall include
44 approval of the policy and related forms pursuant to ss. 627.410
45 and 627.411, approval of the rates pursuant to s. 627.062, a
46 determination that the loss model approved by the Commission was
47 accurately and appropriately applied to the insured structures
48 to determine the 250-year probable maximum loss, and a
49 determination that complete and accurate disclosure of all
50 material provisions is provided to condominium unit owners prior
51 to execution of the agreement by a condominium association.

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52 3. In determining the adequate hazard insurance, an
53 association may consider deductibles as determined by this
54 subsection.

55 (b) If an association is controlled by a developer, the
56 association shall exercise best efforts to obtain and maintain
57 adequate hazard insurance. Failure to obtain and maintain
58 adequate hazard insurance during any period of control by a
59 developer constitutes a breach of fiduciary responsibility by
60 the members of the board of directors of the association
61 appointed by the developer unless such members can show that
62 despite such failure they have made their best efforts to obtain
63 and maintain such insurance.

64 (c) Policies may include deductibles as determined by the
65 board.

66 1. The deductibles shall be consistent with industry
67 standards and prevailing practice for communities of like size
68 and age and having similar construction as facilities in the
69 locale where the condominium property is situated.

70 2. The deductibles may be based upon available funds,
71 including reserve accounts, or predetermined assessment
72 authority at the time the insurance is obtained.

73 3. At a meeting of the board, which shall be open to all
74 unit owners in the manner set forth in s. 718.112(2)(e), the
75 board shall establish the level of deductibles based upon the
76 level of available funds and predetermined assessment authority.
77 The notice of such meeting shall state the proposed deductibles,
78 the available funds, and the assessment authority relied upon by
79 the board and shall estimate any potential assessment amount
80 against each unit, if any. The meeting described in this
81 subparagraph may be held in conjunction with a meeting to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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82 consider the proposed budget or an amendment to the proposed
83 budget.

84 (d) An association controlled by unit owners and operating
85 a residential condominium shall use its best efforts to obtain
86 and maintain adequate insurance to protect the association, the
87 association property, the common elements, and the condominium
88 property required to be insured by the association pursuant to
89 this subsection.

90 (e) The declaration of condominium as originally recorded,
91 or as amended pursuant to procedures provided in the
92 declaration, may require that condominium property consisting of
93 freestanding buildings where there is no more than one building
94 in or on such unit need not be insured by the association if the
95 declaration requires the unit owner to obtain adequate insurance
96 for the condominium property. An association may also obtain and
97 maintain liability insurance for directors and officers,
98 insurance for the benefit of association employees, and flood
99 insurance for common elements, association property, and units.

100 (f)1. Every hazard insurance policy issued or renewed on
101 or after January 1, 2009, to protect the condominium shall
102 provide primary coverage for:

103 a. All portions of the condominium property as originally
104 installed or any replacement of like kind and quality, in
105 accordance with the original plans and specifications.

106 b. All alterations or additions made to the condominium
107 property or association property pursuant to s. 718.113(2).

108 2. The coverage shall exclude all personal property within
109 the unit or limited common elements, and floor, wall, and
110 ceiling coverings, electrical fixtures, appliances, water
111 heaters, water filters, built-in cabinets and countertops, and
112 window treatments, including curtains, drapes, blinds, hardware,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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113 and similar window treatment components, or replacements of any
114 such items.

115 3. This paragraph is intended to establish the property or
116 casualty insuring responsibilities of the association and the
117 individual unit owner and does not serve to broaden or extend
118 the perils of coverage afforded by any insurance contract
119 provided to the individual unit owner.

120 (g) Every hazard insurance policy issued or renewed on or
121 after January 1, 2009, to an individual unit owner shall provide
122 that the coverage afforded by such policy is in excess of the
123 amount recoverable under any other policy covering the same
124 property and shall include special assessment coverage of not
125 less than \$2,000 per occurrence. Each insurance policy issued to
126 an individual unit owner providing such coverage shall be
127 without rights of subrogation against the condominium
128 association that operates the condominium in which such unit
129 owner's unit is located.

130 1. All improvements or additions to the condominium
131 property that benefit less than all unit owners shall be insured
132 by any unit owners having the use of such property or may be
133 insured by the association at the cost and expense of the unit
134 owners having the use of such property.

135 2. The association shall require each unit owner to
136 provide evidence of a currently effective policy of hazard and
137 liability insurance upon request but not more frequently than
138 annually. Upon the failure of a unit owner to provide a
139 certificate of insurance issued by an insurer approved to write
140 such insurance in this state within 30 days after a written
141 request, the association is entitled but is not obligated to
142 purchase a policy of insurance on behalf of an owner and the
143 cost of such policy, together with reconstruction costs

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144 undertaken by the association but which are the responsibility
145 of the unit owner, may be collected in the manner provided for
146 collection of assessments in s. 718.116.

147 3. All reconstruction work after a casualty loss shall be
148 undertaken by the association except as otherwise permitted in
149 this subparagraph. A unit owner may undertake reconstruction
150 work on portions of the unit with the prior written consent of
151 the board of administration, which may be conditioned upon the
152 approval of the repair methods, the qualifications of the
153 proposed contractor, and the contract that is used for that
154 purpose. A unit owner shall obtain all required governmental
155 permits and approvals prior to commencing reconstruction.

156 4. Unit owners shall be responsible for the cost of
157 reconstruction of any portion of the condominium property for
158 which the unit owner is required to carry casualty insurance and
159 any such reconstruction work undertaken by the association shall
160 be chargeable to the unit and enforceable as an assessment
161 pursuant to s. 718.116. The association is designated as an
162 additional named insured and loss payee on all casualty
163 insurance policies issued to unit owners in the condominium
164 operated by the association.

165 5. A multicondominium association may elect by a majority
166 vote of the collective members of the condominiums operated by
167 the association to operate such condominiums as a single
168 condominium for purposes of insurance matters, including, but
169 not limited to, the purchase of the hazard insurance required by
170 this section and the apportionment of deductibles and damages in
171 excess of coverage. The election to aggregate the treatment of
172 insurance premiums, deductibles, and excess damages shall be
173 treated as an amendment to the declaration of all condominiums
174 operated by the association and the costs of insurance shall be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

175 stated in the association budget. The amendments shall be
176 recorded as required by s. 718.110.

177 (h) The association shall obtain and maintain adequate
178 insurance or fidelity bonding of all persons who control or
179 disburse funds of the association. The insurance policy or
180 fidelity bond must cover the maximum funds that will be in the
181 custody of the association or its management agent at any one
182 time. As used in this paragraph, the term "persons who control
183 or disburse funds of the association" includes, but is not
184 limited to, those individuals authorized to sign checks and the
185 president, secretary, and treasurer of the association. The
186 association shall bear the cost of bonding.

187 (i) An association may amend the declaration of
188 condominium, without regard to any requirement for mortgagee
189 approval of amendments affecting insurance requirements, to
190 conform the declaration of condominium to the coverage
191 requirements of this subsection.

192 (j) Any portion of the condominium property the
193 association is required to insure against casualty loss pursuant
194 to paragraph (f) that is damaged by a casualty shall be
195 reconstructed, repaired, or replaced as necessary by the
196 association as a common expense. All hazard insurance
197 deductibles, uninsured losses, and other damages in excess of
198 hazard insurance coverage under the hazard insurance policies
199 maintained by the association shall be a common expense of the
200 condominium, provided:

201 1. A unit owner shall be responsible for the costs of
202 repair or replacement of any portion of the condominium property
203 not paid for by insurance proceeds when such damage is caused by
204 intentional conduct, negligence, or failure to comply with the
205 terms of the declaration or the rules of the association by a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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206 unit owner, the members of his or her family, or unit occupants,
207 tenants, guests, or invitees and without compromise of the
208 subrogation rights of any insurer as set forth in paragraph (g).

209 2. The provisions of subparagraph 1. relating to the
210 financial responsibility of a unit owner for the costs of
211 repairing or replacing other portions of the condominium
212 property also apply to the costs of repairing or replacing
213 personal property of other unit owners or the association as
214 well as other property, whether real or personal, the unit
215 owners are required to insure under paragraph (g).

216 3. To the extent the cost of repair or reconstruction for
217 which the unit owner is responsible under this paragraph is
218 reimbursed to the association by insurance proceeds and to the
219 extent the association has collected the cost of such repair or
220 reconstruction from the unit owner, the association shall
221 reimburse the unit owner without the waiver of any rights of
222 subrogation.

223 4. The association is not obligated to pay for repair or
224 reconstruction or repairs of casualty losses as a common expense
225 when the casualty losses were known or should have been known to
226 a unit owner and were not reported to the association until
227 after the insurance claim of the association for that casualty
228 loss has been settled and resolved with finality or is
229 considered untimely filed by the insurer and denied on that
230 basis.

231 (k) An association may, upon the approval of a majority of
232 the total voting interests in the association, opt out of the
233 provisions of paragraph (j) for the allocation of repair or
234 reconstruction expenses and allocate repair or reconstruction
235 expenses in the manner provided in the declaration as originally
236 recorded or as amended. Such vote may be approved by the voting

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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237 interests of the association without regard to any mortgagee
238 consent requirements.

239 (l) In a multicondominium association that has not
240 consolidated its financial operations under subsection (6), any
241 condominium operated by the association may opt out of the
242 provisions of paragraph (j) with the approval of a majority of
243 the total voting interests in that condominium. Such vote may be
244 approved by the voting interests without regard to any mortgagee
245 consent requirements.

246 (m) Any association or condominium voting to opt out of
247 the guidelines for repair or reconstruction expenses in
248 paragraph (j) shall record a notice setting forth the date of
249 the opt-out vote and the official records book and page at which
250 the declaration is recorded. The opt out shall be effective upon
251 the date of recording of the notice in the public records by the
252 association. An association that has voted to opt out of
253 paragraph (j) may reverse that decision by the same vote
254 required under paragraphs (k) and (l), and notice of such
255 reversal shall be recorded in the official records.

256 (n) An association shall not be obligated to pay for any
257 reconstruction or repair expenses due to casualty loss to any
258 improvements installed by a current or former unit owner or by
259 the developer when the improvement benefits only the unit for
260 which it was installed and is not part of the standard
261 improvements installed by the developer on all units as part of
262 original construction, whether or not such improvement is
263 located within the unit, except to the extent of any insurance
264 recovery specifically for any such improvements.

265 (o) The provisions of this subsection shall not apply to
266 timeshare condominium associations. Insurance for timeshare

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267 condominium associations shall be maintained pursuant to s.
268 721.165.

269 Section 2. Paragraph (a) of subsection (1) of section
270 718.115, Florida Statutes, is amended to read:

271 718.115 Common expenses and common surplus.--

272 (1) (a) Common expenses include the expenses of the
273 operation, maintenance, repair, replacement, or protection of
274 the common elements and association property, costs of carrying
275 out the powers and duties of the association, and any other
276 expense, whether or not included in the foregoing, designated as
277 common expense by this chapter, the declaration, the documents
278 creating the association, or the bylaws. Common expenses also
279 include reasonable transportation services, insurance for
280 directors and officers, road maintenance and operation expenses,
281 in-house communications, and security services, which are
282 reasonably related to the general benefit of the unit owners
283 even if such expenses do not attach to the common elements or
284 property of the condominium. However, such common expenses must
285 either have been services or items provided on or after the date
286 control of the association is transferred from the developer to
287 the unit owners or must be services or items provided for in the
288 condominium documents or bylaws. Unless the manner of payment or
289 allocation of expenses is otherwise addressed in the declaration
290 of condominium, the expenses of any items or services required
291 by federal, state, or local government or required by any other
292 governmental entity to be installed, maintained, or supplied to
293 the condominium property by the association, including, but not
294 limited to, fire safety equipment, or water and sewer service
295 where a master meter serves the condominium, shall be common
296 expenses whether or not such items or services are specifically
297 identified as common expenses in the declaration of condominium

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298 or articles of incorporation or bylaws of the association. Such
299 statement is intended to clarify existing law.

300 Section 3. Subsection (8) of section 718.116, Florida
301 Statutes, is amended to read:

302 718.116 Assessments; liability; lien and priority;
303 interest; collection.--

304 (8) Within 15 days after receiving a written request
305 therefor from a unit owner or a designee of a unit owner
306 ~~purchaser~~, or unit mortgagee or a designee of a unit mortgagee,
307 the association shall provide a certificate signed by an officer
308 or agent of the association stating all assessments and other
309 moneys owed to the association by the unit owner with respect to
310 the condominium parcel.

311 (a) Any person other than the owner who relies upon such
312 certificate shall be protected thereby.

313 (b) A summary proceeding pursuant to s. 51.011 may be
314 brought to compel compliance with this subsection, and in any
315 such action the prevailing party is entitled to recover
316 reasonable attorney's fees.

317 (c) Notwithstanding any limitation on transfer fees
318 contained in s. 718.112(2)(i), the association or its authorized
319 agent may charge a reasonable fee for the preparation of the
320 certificate, which fee shall be set forth in the certificate.

321 (d) The authority to charge a fee for a certificate under
322 this section shall be established by written resolution adopted
323 by the board or provided by written management, bookkeeping, or
324 maintenance contract. The fee is payable upon the preparation of
325 the certificate. If the certificate is requested in conjunction
326 with the sale or mortgage of a unit, the closing does not occur,
327 and no later than thirty days after the closing date for which
328 the certificate was sought the preparer receives from a payer

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329 whom is not the unit owner a written request accompanied with
330 reasonable documentation that the sale did not occur, then the
331 fee shall be refunded to that payer within thirty days of the
332 preparer's receipt of the refund request. The amount of the
333 refund shall then be the obligation of the unit owner to pay the
334 association and is collectable from the unit owner in the same
335 manner as an assessment as provided in this section.

336 Section 4. Paragraph (c) of subsection (17) of section
337 718.117, Florida Statutes, is amended to read:

338 718.117 Termination of condominium.--

339 (17) DISTRIBUTION.--

340 (c) The proceeds from any sale of condominium property or
341 association property and any remaining condominium property or
342 association property, common surplus, and other assets shall be
343 distributed in the following priority:

344 1. To pay the reasonable termination trustee's fees and
345 costs and accounting fees and costs.

346 2. To lienholders of liens recorded prior to the recording
347 of the declaration.

348 3. To purchase-money lienholders on units to the extent
349 necessary to satisfy their liens, but in no event shall the
350 distribution exceed a unit's share of the proceeds.

351 4. To lienholders of liens of the association which have
352 been consented to under s. 718.121(1).

353 5. To creditors of the association, as their interests
354 appear.

355 6. To unit owners, the proceeds of any sale of condominium
356 property subject to satisfaction of liens on each unit in their
357 order of priority, in shares specified in the plan of
358 termination, unless objected to by a unit owner or lienor as
359 provided in paragraph (b).

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360 7. To unit owners, the remaining condominium property,
361 subject to satisfaction of liens on each unit in their order of
362 priority, in shares specified in the plan of termination, unless
363 objected to by a unit owner or a lienor as provided in paragraph
364 (b).

365 8. To unit owners, the proceeds of any sale of association
366 property, the remaining association property, common surplus,
367 and other assets of the association, subject to satisfaction of
368 liens on each unit in their order of priority, in shares
369 specified in the plan of termination, unless objected to by a
370 unit owner or a lienor as provided in paragraph (b).

371 Section 5. Section 720.3087, Florida Statutes, is created
372 to read:

373 720.3087 Estoppel certificates.--Within 15 days after
374 receiving a written request therefor from a parcel owner or the
375 designee of a parcel owner, or a parcel mortgagee or the
376 designee of a parcel mortgagee, the association shall provide a
377 certificate signed by an officer or agent of the association
378 stating all assessments and other moneys owed to the association
379 by the parcel owner with respect to the parcel.

380 (1) Any person other than the parcel owner who relies upon
381 such certificate shall be protected thereby.

382 (2) A summary procedure pursuant to s. 51.011 may be
383 brought to compel compliance with this section, and in any such
384 action the prevailing party is entitled to recover reasonable
385 attorney's fees.

386 (3) The authority to charge a fee under this section shall
387 be established by written resolution adopted by the board in
388 advance of the charge or provided by written management,
389 bookkeeping, or maintenance contract. The fee shall be payable
390 upon the preparation of the certificate; and, if the certificate

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391 is requested in conjunction with the sale or mortgage of the
392 parcel and the closing does not take place, the fee shall be
393 promptly refunded upon written notice from the person requesting
394 the certificate stating that the sale or mortgage was not
395 effectuated. The fee for a certificate in conjunction with a
396 sale or mortgage that is not effectuated and a refund that is
397 paid to the party requesting the certificate shall be an
398 obligation of the parcel owner and shall be collectible as an
399 assessment provided by this chapter.

400 Section 6. This act shall take effect July 1, 2008.

401 -----
402
403 **T I T L E A M E N D M E N T**

404 Remove the entire title and insert:

405 An act relating to community associations; amending s. 718.111,
406 F.S.; revising and providing provisions relating to condominium
407 and condominium owner insurance coverage; authorizing an
408 association or group of associations to provide adequate hazard
409 insurance through a self-insurance fund; providing coverage
410 requirements for policies entered into after a specified date;
411 providing that policies may include deductibles as determined by
412 the board; providing requirements for deductibles; requiring
413 associations to exercise best efforts to obtain and maintain
414 certain kinds of insurance; providing requirements for hazard
415 insurance policies; requiring owners to provide evidence of a
416 currently effective policy of hazard and liability insurance
417 upon request by the association; authorizing operation of
418 multiple condominiums as a single condominium for insurance
419 purposes under certain circumstances; requiring an association
420 to obtain and maintain adequate insurance or fidelity bonding of
421 all persons who control or disburse funds of the association;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

422 providing for the amendment of the condominium declaration to
423 conform to this section; specifying responsibility for repair or
424 reconstruction work under specified circumstances; providing an
425 exception; amending s. 718.115, F.S.; specifying common
426 responsibilities of the association and unit owners; amending s.
427 718.116, F.S.; providing persons that may request a certificate
428 signed by an officer or agent of the association stating all
429 assessments and other moneys owed to the association; providing
430 requirements for the charging of certain fees by the board;
431 amending s. 718.117, F.S.; revising priority standards for the
432 distribution of certain proceeds from any sale of the
433 condominium properties and assets; creating s. 720.3087, F.S.;
434 providing requirements for the request and provision of
435 estoppels certificates; providing an effective date.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1441 : Pretrial Release Programs

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 1441

Tim Moore (Lobbyist) - Information Only

Govpay

120 S Monroe St

Tallahassee FL 32301

Phone: 850-671-4401

HB 1441

Edward Sheppard (General Public) - Proponent

Bail Florida

9000 SW 94 St

Miami FL 33176

Phone: 305-596-9878

HB 1441

Dan Amato (General Public) - Proponent

Bail Florida

6421 Saint Parfin Place

Orlando FL 32812

Phone: 407-850-2528

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1441

Michael Alexander (General Public) - Proponent

Bail Florida

2102 Redwood Drive

Melbourne Beach FL 32951

Phone: 321-956-1820

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **1441**

COUNCIL/COMMITTEE ACTION

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

*favorable
4-908*

1 Council/Committee hearing bill: Safety & Security Council
2 Representative(s) Adams offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 158-171.
6

7 -----
8 **T I T L E A M E N D M E N T**

9 Remove line(s) 19-21 and insert:
10 required for release from detention;
11

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1489 : Residential Tenancies

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
James Frishe	X				
Luis Garcia			X		
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross				X	
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1527 : Selling, Giving, or Serving Alcoholic Beverages to Persons Under 21 Years of Age

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs			X		
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HB 1527

Tyler Winik (General Public) - Proponent

1612 Eden Circle

Titusville FL 32796

Phone: 321-652-0271

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1527

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION x (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

*Traveling Amendment
No Action Required*

1 Council/Committee hearing bill: Homeland Security & Public Safety
 2 Representative Sasso offered the following:

Amendment (with directory and title amendments)

Between lines 38 and 39 insert:

6 (d) Any person charged with a violation of paragraph (a)
 7 has a complete defense if, at the time the alcoholic beverage
 8 was sold, given, served, or permitted to be served:

9 1. The buyer or recipient falsely evidenced that she or he
 10 was 21 years of age or older;

11 2. The appearance of the buyer or recipient was such that a
 12 prudent person would believe the buyer or recipient to be 21
 13 years of age or older; and

14 3. Such person carefully checked a driver's license or an
 15 identification card issued by this state or another state of the
 16 United States, a passport, or a United States armed services
 17 identification card presented by the buyer or recipient and
 18 acted in good faith and in reliance upon the representation and
 19 appearance of the buyer or recipient in the belief that the
 20 buyer or recipient was 21 years of age or older.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22
23
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D I R E C T O R Y A M E N D M E N T

Remove line 13 and insert:

562.11, Florida Statutes, is amended to read, and paragraph (d)
of subsection (1) of section 562.11, Florida Statutes is created
to read:

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

Remove line 8 and insert:

providing a defense; providing an effective date.

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-05 : Department of Law Enforcement

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia			X		
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Lorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross				X	
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

PCB SSC 08-05 Department of Law Enforcement

Donna Uzzell, Director (State Employee) - Information Only

FDLE

2331 Phillips Rd

Tallahassee FL 32317

Phone: 850-410-7100

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-06 : Counterfeiting a Payment Instrument

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas				X	
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston		X			
Dick Kravitz (Chair)	X				
Total Yeas: 13		Total Nays: 1			

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-07 : Criminal Use of Personal Identification Information

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas				X	
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-08 : Department of Corrections

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia			X		
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross				X	
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

PCB SSC 08-08 Department of Corrections
 Perri Dale, Deputy General Counsel (State Employee) - Proponent
 Florida Department of Corrections
 2601 Blairstone Rd
 Tallahassee FL 32399
 Phone: 850-410-4028

PCB SSC 08-08 Department of Corrections
 Alex Kelly, Director of Legislative Affairs (Lobbyist) (State Employee) - Proponent
 Florida Department of Corrections
 2601 Blairstone Rd
 Tallahassee FL 32399-2500
 Phone: 850-410-4223

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-11 : Disqualifications for Employment

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

PCB SSC 08-11 Disqualifications for Employment

Vicki Lukis (Lobbyist) - Proponent

Rockit Fund

836 Madrid St

Coral Gables FL 33134

Phone: 305-216-7794

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-12 : Uniform Port Access Credential Card

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia			X		
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente			X		
Mitch Needelman			X		
Juan-Carlos Planas				X	
Dennis Ross				X	
Maria Sachs			X		
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-13 : Salaries of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman			X		
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

PCB SSC 08-13 Salaries of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

James T. Baiardi, President (Lobbyist) (State Employee) - Proponent

State Connections Chapter - PBA
300 E Brevard Street
Tallahassee FL 32301
Phone: 305-986-4071

PCB SSC 08-13 Salaries of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

Richard Gordon, President (Lobbyist) (State Employee) - Proponent

Florida Correctional Probation Officers, PBA
300 E Brevard Street
Tallahassee FL 32301
Phone: 800-733-3722

PCB SSC 08-13 Salaries of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

Telly Sands, President (Lobbyist) (State Employee) - Proponent

FDLE Agents Association
300 E Brevard Street
Tallahassee FL 32301
Phone: 813-810-6707

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-13 Salaries of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

Gary Bradford (Lobbyist) - Proponent
Florida Police Benevolent Association
300 E Brevard Street
Tallahassee FL 32301
Phone: 800-733-3722

PCB SSC 08-13 Salaries of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

Trooper William B. Smith, President (Lobbyist) (State Employee) - Proponent
Troopers Within Florida PBA
300 E Brevard Street
Tallahassee FL 32301
Phone: 305-333-4344

PCB SSC 08-13 Salaries of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

Matt Tyre (Lobbyist) (State Employee) - Proponent
Florida Police Benevolent Association
300 E Brevard Street
Tallahassee FL 32301
Phone: 850-222-3329

PCB SSC 08-13 Salaries of Law Enforcement Officers, Correctional Officers and Correctional Probation Officers

Colonel John Czernis, Director (State Employee) - Proponent
Florida Highway Patrol
Neil Kirkman Building
Tallahassee FL
Phone: 850-617-2300

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCSCB for HB 1107 & HB 1351 : Sexual Offenders and Predators

HB 1107 laid on table under Rule 7.19; Refer to CS for HB 1107 & HB 1351

HB 1351 laid on table under Rule 7.19; Refer to CS for HB 1107 & HB 1351

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia			X		
Audrey Gibson				X	
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente			X		
Mitch Needelman			X		
Juan-Carlos Planas				X	
Dennis Ross				X	
Maria Sachs			X		
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

Proposed Council Substitute Combined Bill 1107 & 1351
Jennifer Dritt, Executive Director (Lobbyist) - Information Only
Florida Coalition Against Sexual Violence
1311 N Paul Russell Road, Suite A-204
Tallahassee FL 32301
Phone: 850-297-2000

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

Summary:

Safety & Security Council

Wednesday April 09, 2008 08:00 am

HB 223	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 271	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 497	Favorable	Yeas: 14	Nays: 0
HB 679	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 755	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 789	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 801	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 869	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 881	Favorable	Yeas: 15	Nays: 0
HB 921	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 995	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 1213	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 1249	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 1441	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 1489	Favorable	Yeas: 12	Nays: 0
HB 1527	Favorable with Council Substitute	Yeas: 13	Nays: 0
PCB SSC 08-05	Favorable	Yeas: 12	Nays: 0
PCB SSC 08-06	Favorable	Yeas: 13	Nays: 1
PCB SSC 08-07	Favorable	Yeas: 14	Nays: 0
PCB SSC 08-08	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM

COUNCIL MEETING REPORT

Safety & Security Council

4/9/2008 8:00:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-11	Favorable	Yeas: 15	Nays: 0
PCB SSC 08-12	Favorable	Yeas: 9	Nays: 0
PCB SSC 08-13	Favorable	Yeas: 15	Nays: 0
PCSCB for HB 1107 & HB 1351	Favorable	Yeas: 9	Nays: 0

Committee meeting was reported out: Wednesday, April 09, 2008 2:54:45PM