



---

# **Criminal & Civil Justice Policy Council**

**Tuesday, March 16, 2010**

**10:15 AM**

**404 HOB**

## **Council Actions**

**Larry Cretul  
Speaker**

**William Snyder  
Chair**

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**  
**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**Summary:**

**Criminal & Civil Justice Policy Council**

*Tuesday March 16, 2010 10:15 am*

HB 11	Favorable	Yeas: 14	Nays: 1
CS/HB 109	Favorable	Yeas: 13	Nays: 0
CS/HB 183	Favorable	Yeas: 16	Nays: 0
HB 259	Favorable With Council Substitute	Yeas: 15	Nays: 0
HB 261	Favorable	Yeas: 15	Nays: 0
HB 327	Favorable With Council Substitute	Yeas: 15	Nays: 0
PCB CCJP 10-06	Favorable With Amendments	Yeas: 14	Nays: 0

**Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM**

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**

**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Sandra Adams	X		
Kevin Ambler	X		
Carl Domino	X		
Eric Eisnaugle	X		
Adam M. Fetterman	X		
Luis Garcia	X		
Audrey Gibson	X		
Eduardo Gonzalez	X		
Tom Grady	X		
Doug Holder	X		
Julio Robaina	X		
Robert Schenck	X		
Perry Thurston	X		
James Waldman	X		
Michael Weinstein	X		
<b>Totals:</b>	<b>16</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**  
**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**HB 11 : Crimes Against Homeless Persons**

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady		X			
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)				X	
<b>Total Yeas: 14</b>		<b>Total Nays: 1</b>			

**Appearances:**

HB 11 Crimes Against Homeless Persons  
 Arthur Rosenberg (Lobbyist) - Proponent  
 Florida Legal Services  
 3000 Biscayne Blvd  
 Miami FL 33137  
 Phone: 850-509-2085

HB 11 Crimes Against Homeless Persons  
 Commander Weirzbicki (General Public) - Proponent  
 Broward Sheriff  
 Phone: 850-224-0880

HB 11 Crimes Against Homeless Persons  
 Nancy Daniels, Public Defender, 2nd Circuit (State Employee) - Opponent  
 Florida Public Defender Association  
 301 S Monroe St  
 Tallahassee FL 32301  
 Phone: 850-606-1011

HB 11 Crimes Against Homeless Persons  
 Fely Curva (Lobbyist) - Proponent  
 Florida Coalition for the Homeless; Florida IMPACT  
 1212 Piedmont Dr  
 Tallahassee FL 32312  
 Phone: 850-508-2256

Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**

**3/16/2010 10:15:00AM**

**Location:** 404 HOB

HB 11 Crimes Against Homeless Persons

Candice Ericks (Lobbyist) - Proponent

Broward Sheriff

205 S Adams St

Tallahassee FL 32301

Phone: 850-224-0880

**Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM**

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**  
**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**CS/HB 109 : Excise Tax on Documents**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman				X	
Luis Garcia				X	
Audrey Gibson				X	
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
<b>Total Yeas: 13</b>					
		<b>Total Nays: 0</b>			

**Appearances:**

HB 109 Excise Tax on Documents  
Wendell Davis, President (General Public) - Proponent  
Florida Realtors  
200 S Monroe St  
Tallahassee FL 32301  
Phone: 850-224-1400

Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**  
**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**CS/HB 183 : Special Investigators**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 183 Special Investigators

Michael McAuliffe (State Employee) - Proponent

State Attorney 15  
 401 N Dixie Highway  
 West Palm Beach FL 33401  
 Phone: 561-355-7247

HB 183 Special Investigators

Bill Eddins, State Attorney, 1st Circuit (Lobbyist) - Proponent

Florida Prosecuting Attorney Association  
 190 Governmental Center  
 Pensacola FL 32503  
 Phone: 850-595-4200

Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**  
**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**HB 259 : Capital Felonies**

*Favorable With Council Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)				X	
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 259 Capital Felonies  
 Buddy Jacobs, General Counsel (Lobbyist) - Proponent  
 Florida Prosecuting Attorney Association  
 961687 Gateway Blvd  
 Fernandina Beach FL 32034  
 Phone: 904-261-3693

HB 259 Capital Felonies  
 Major Clyde Eisenburg (General Public) - Proponent  
 Hillsborough County Sheriffs Office  
 2301 N Falkenburg  
 Tampa FL 33619  
 Phone: 813-247-8551

Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 259 (2010)

Amendment No.

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 \_\_\_\_\_

*Jamable  
3-16-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy  
2 Council  
3 Representative Weinstein offered the following:

4  
5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (p) is added to subsection (5) of  
8 section 921.141, Florida Statutes, to read:

9 921.141 Sentence of death or life imprisonment for capital  
10 felonies; further proceedings to determine sentence.--

11 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances  
12 shall be limited to the following:

13 (p) The capital felony was committed by a person subject  
14 to an injunction issued pursuant to s. 741.30 or s. 784.046, or  
15 a foreign protection order accorded full faith and credit  
16 pursuant to s. 741.315, and was committed against the petitioner  
17 who obtained the injunction or protection order or any spouse,  
18 child, sibling, or parent of the petitioner.

19 Section 2. This act shall take effect October 1, 2010.

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**  
**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**HB 261 : Parole Interview Dates for Certain Inmates**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)				X	
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 261 Parole Interview Dates for Certain Inmates  
 Nancy Daniels, Public Defender, 2nd Circuit (State Employee) - Opponent  
 Florida Public Defender Association  
 Leon County Courthouse 301 S Monroe St  
 Tallahassee FL 32301  
 Phone: 850-606-1010

HB 261 Parole Interview Dates for Certain Inmates  
 Gary Bradford (Lobbyist) - Proponent  
 Florida Police Benevolent Assn  
 300 E Brevard St  
 Tallahassee FL 32301  
 Phone: 800-733-3722

HB 261 Parole Interview Dates for Certain Inmates  
 Thomas Grigsby (Lobbyist) - Proponent  
 Fraternal Order of Police  
 2144 Heathrow Dr  
 Tallahassee FL 32312  
 Phone: 850-321-9684

HB 261 Parole Interview Dates for Certain Inmates  
 Fred Dunphy, Chairman (Lobbyist) (State Employee) - Proponent  
 Florida Parole Commission  
 2601 Blair Stone Rd  
 Tallahassee FL  
 Phone: 850-488-0476

Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**  
**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**HB 327 : Community Associations**

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)				X	
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 327 Community Associations  
 George Kane, Commissioner (General Public) - Proponent  
 North Bay Village  
 7928 West Drive, #507  
 North Bay Village FL 33141  
 Phone: 786-877-1679

HB 327 Community Associations  
 Keith Hetrick, General Counsel (Lobbyist) - Proponent  
 Florida Home Builders Association  
 201 E Park Ave  
 Tallahassee FL 32302  
 Phone: 850-224-4316 ext 104

HB 327 Community Associations  
 Howard E. "Gene" Adams, Attorney (Lobbyist) - Proponent  
 Real Property Probate and Trust Law Section of the Florida Bar  
 215 S Monroe Street, 2nd Floor  
 Tallahassee FL 32301  
 Phone: 850-222-3533

HB 327 Community Associations  
 Wendell Davis, President (General Public) - Proponent  
 Florida Realtors  
 200 S Monroe St  
 Tallahassee FL 32301  
 Phone: 850-224-1400

Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

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  
3.16.10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy  
2 Council

3 Representative Robaina offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (16) of section 718.103, Florida  
8 Statutes, is amended to read:

9 718.103 Definitions.—As used in this chapter, the term:

10 (16) "Developer" means a person who creates a condominium  
11 or offers condominium units ~~parcels~~ for sale or lease in the  
12 ordinary course of business, but does not include:

13 (a) An owner or lessee of a condominium or cooperative  
14 unit who has acquired the unit for his or her own occupancy; ~~it~~  
15 ~~nor does it include~~

16 (b) A cooperative association that ~~which~~ creates a  
17 condominium by conversion of an existing residential cooperative  
18 after control of the association has been transferred to the  
19 unit owners if, following the conversion, the unit owners will

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

20 be the same persons who were unit owners of the cooperative and  
21 no units are offered for sale or lease to the public as part of  
22 the plan of conversion;--

23 (c) A bulk assignee or bulk buyer as defined in s.  
24 718.703; or

25 (d) A state, county, or municipal entity ~~is not a~~  
26 ~~developer for any purposes under this act when it is acting as a~~  
27 ~~lessor and not otherwise named as a developer in the declaration~~  
28 ~~of condominium association.~~

29 Section 2. Subsection (1) of section 718.501, Florida  
30 Statutes, is amended to read:

31 718.501 Authority, responsibility, and duties of Division  
32 of Florida Condominiums, Timeshares, and Mobile Homes.--

33 (1) The Division of Florida Condominiums, Timeshares, and  
34 Mobile Homes of the Department of Business and Professional  
35 Regulation, referred to as the "division" in this part, has the  
36 power to enforce and ensure compliance with the provisions of  
37 this chapter and rules relating to the development,  
38 construction, sale, lease, ownership, operation, and management  
39 of residential condominium units. In performing its duties, the  
40 division has complete jurisdiction to investigate complaints and  
41 enforce compliance with the provisions of this chapter with  
42 respect to associations that are still under developer control  
43 or the control of a bulk assignee or bulk buyer pursuant to part  
44 VII of this chapter and complaints against developers, bulk  
45 assignees, or bulk buyers involving improper turnover or failure  
46 to turnover, pursuant to s. 718.301. However, after turnover has  
47 occurred, the division shall only have jurisdiction to

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

48 investigate complaints related to financial issues, elections,  
49 and unit owner access to association records pursuant to s.  
50 718.111(12).

51 (a)1. The division may make necessary public or private  
52 investigations within or outside this state to determine whether  
53 any person has violated this chapter or any rule or order  
54 hereunder, to aid in the enforcement of this chapter, or to aid  
55 in the adoption of rules or forms hereunder.

56 2. The division may submit any official written report,  
57 worksheet, or other related paper, or a duly certified copy  
58 thereof, compiled, prepared, drafted, or otherwise made by and  
59 duly authenticated by a financial examiner or analyst to be  
60 admitted as competent evidence in any hearing in which the  
61 financial examiner or analyst is available for cross-examination  
62 and attests under oath that such documents were prepared as a  
63 result of an examination or inspection conducted pursuant to  
64 this chapter.

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

69 (c) For the purpose of any investigation under this  
70 chapter, the division director or any officer or employee  
71 designated by the division director may administer oaths or  
72 affirmations, subpoena witnesses and compel their attendance,  
73 take evidence, and require the production of any matter which is  
74 relevant to the investigation, including the existence,  
75 description, nature, custody, condition, and location of any

Amendment No. 1

76 books, documents, or other tangible things and the identity and  
77 location of persons having knowledge of relevant facts or any  
78 other matter reasonably calculated to lead to the discovery of  
79 material evidence. Upon the failure by a person to obey a  
80 subpoena or to answer questions propounded by the investigating  
81 officer and upon reasonable notice to all persons affected  
82 thereby, the division may apply to the circuit court for an  
83 order compelling compliance.

84 (d) Notwithstanding any remedies available to unit owners  
85 and associations, if the division has reasonable cause to  
86 believe that a violation of any provision of this chapter or  
87 related rule has occurred, the division may institute  
88 enforcement proceedings in its own name against any developer,  
89 bulk assignee, bulk buyer, association, officer, or member of  
90 the board of administration, or its assignees or agents, as  
91 follows:

92 1. The division may permit a person whose conduct or  
93 actions may be under investigation to waive formal proceedings  
94 and enter into a consent proceeding whereby orders, rules, or  
95 letters of censure or warning, whether formal or informal, may  
96 be entered against the person.

97 2. The division may issue an order requiring the  
98 developer, bulk assignee, bulk buyer, association, developer-  
99 designated officer, or developer-designated member of the board  
100 of administration, developer-designated assignees or agents,  
101 bulk assignee-designated assignees or agents, bulk buyer-  
102 designated assignees or agents, community association manager,  
103 or community association management firm to cease and desist

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

104 from the unlawful practice and take such affirmative action as  
105 in the judgment of the division will carry out the purposes of  
106 this chapter. If the division finds that a developer, bulk  
107 assignee, bulk buyer, association, officer, or member of the  
108 board of administration, or its assignees or agents, is  
109 violating or is about to violate any provision of this chapter,  
110 any rule adopted or order issued by the division, or any written  
111 agreement entered into with the division, and presents an  
112 immediate danger to the public requiring an immediate final  
113 order, it may issue an emergency cease and desist order reciting  
114 with particularity the facts underlying such findings. The  
115 emergency cease and desist order is effective for 90 days. If  
116 the division begins nonemergency cease and desist proceedings,  
117 the emergency cease and desist order remains effective until the  
118 conclusion of the proceedings under ss. 120.569 and 120.57.

119 3. If a developer, bulk assignee, or bulk buyer fails to  
120 pay any restitution determined by the division to be owed, plus  
121 any accrued interest at the highest rate permitted by law,  
122 within 30 days after expiration of any appellate time period of  
123 a final order requiring payment of restitution or the conclusion  
124 of any appeal thereof, whichever is later, the division shall  
125 bring an action in circuit or county court on behalf of any  
126 association, class of unit owners, lessees, or purchasers for  
127 restitution, declaratory relief, injunctive relief, or any other  
128 available remedy. The division may also temporarily revoke its  
129 acceptance of the filing for the developer to which the  
130 restitution relates until payment of restitution is made.



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

131 4. The division may petition the court for the appointment  
132 of a receiver or conservator. If appointed, the receiver or  
133 conservator may take action to implement the court order to  
134 ensure the performance of the order and to remedy any breach  
135 thereof. In addition to all other means provided by law for the  
136 enforcement of an injunction or temporary restraining order, the  
137 circuit court may impound or sequester the property of a party  
138 defendant, including books, papers, documents, and related  
139 records, and allow the examination and use of the property by  
140 the division and a court-appointed receiver or conservator.

141 5. The division may apply to the circuit court for an  
142 order of restitution whereby the defendant in an action brought  
143 pursuant to subparagraph 4. shall be ordered to make restitution  
144 of those sums shown by the division to have been obtained by the  
145 defendant in violation of this chapter. Such restitution shall,  
146 at the option of the court, be payable to the conservator or  
147 receiver appointed pursuant to subparagraph 4. or directly to  
148 the persons whose funds or assets were obtained in violation of  
149 this chapter.

150 6. The division may impose a civil penalty against a  
151 developer, bulk assignee, bulk buyer, or association, or its  
152 assignee or agent, for any violation of this chapter or a rule  
153 adopted under this chapter. The division may impose a civil  
154 penalty individually against any officer or board member who  
155 willfully and knowingly violates a provision of this chapter,  
156 adopted rule, or a final order of the division; may order the  
157 removal of such individual as an officer or from the board of  
158 administration or as an officer of the association; and may

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

159 prohibit such individual from serving as an officer or on the  
160 board of a community association for a period of time. The term  
161 "willfully and knowingly" means that the division informed the  
162 officer or board member that his or her action or intended  
163 action violates this chapter, a rule adopted under this chapter,  
164 or a final order of the division and that the officer or board  
165 member refused to comply with the requirements of this chapter,  
166 a rule adopted under this chapter, or a final order of the  
167 division. The division, prior to initiating formal agency action  
168 under chapter 120, shall afford the officer or board member an  
169 opportunity to voluntarily comply with this chapter, a rule  
170 adopted under this chapter, or a final order of the division. An  
171 officer or board member who complies within 10 days is not  
172 subject to a civil penalty. A penalty may be imposed on the  
173 basis of each day of continuing violation, but in no event shall  
174 the penalty for any offense exceed \$5,000. By January 1, 1998,  
175 the division shall adopt, by rule, penalty guidelines applicable  
176 to possible violations or to categories of violations of this  
177 chapter or rules adopted by the division. The guidelines must  
178 specify a meaningful range of civil penalties for each such  
179 violation of the statute and rules and must be based upon the  
180 harm caused by the violation, the repetition of the violation,  
181 and upon such other factors deemed relevant by the division. For  
182 example, the division may consider whether the violations were  
183 committed by a developer, bulk assignee, bulk buyer, or owner-  
184 controlled association, the size of the association, and other  
185 factors. The guidelines must designate the possible mitigating  
186 or aggravating circumstances that justify a departure from the

## COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

187 range of penalties provided by the rules. It is the legislative  
188 intent that minor violations be distinguished from those which  
189 endanger the health, safety, or welfare of the condominium  
190 residents or other persons and that such guidelines provide  
191 reasonable and meaningful notice to the public of likely  
192 penalties that may be imposed for proscribed conduct. This  
193 subsection does not limit the ability of the division to  
194 informally dispose of administrative actions or complaints by  
195 stipulation, agreed settlement, or consent order. All amounts  
196 collected shall be deposited with the Chief Financial Officer to  
197 the credit of the Division of Florida Condominiums, Timeshares,  
198 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
199 bulk buyer fails to pay the civil penalty and the amount deemed  
200 to be owed to the association, the division shall issue an order  
201 directing that such developer, bulk assignee, or bulk buyer  
202 cease and desist from further operation until such time as the  
203 civil penalty is paid or may pursue enforcement of the penalty  
204 in a court of competent jurisdiction. If an association fails to  
205 pay the civil penalty, the division shall pursue enforcement in  
206 a court of competent jurisdiction, and the order imposing the  
207 civil penalty or the cease and desist order will not become  
208 effective until 20 days after the date of such order. Any action  
209 commenced by the division shall be brought in the county in  
210 which the division has its executive offices or in the county  
211 where the violation occurred.

212 7. If a unit owner presents the division with proof that  
213 the unit owner has requested access to official records in  
214 writing by certified mail, and that after 10 days the unit owner

Amendment No. 1

215 again made the same request for access to official records in  
216 writing by certified mail, and that more than 10 days has  
217 elapsed since the second request and the association has still  
218 failed or refused to provide access to official records as  
219 required by this chapter, the division shall issue a subpoena  
220 requiring production of the requested records where the records  
221 are kept pursuant to s. 718.112.

222 8. In addition to subparagraph 6., the division may seek  
223 the imposition of a civil penalty through the circuit court for  
224 any violation for which the division may issue a notice to show  
225 cause under paragraph (r). The civil penalty shall be at least  
226 \$500 but no more than \$5,000 for each violation. The court may  
227 also award to the prevailing party court costs and reasonable  
228 attorney's fees and, if the division prevails, may also award  
229 reasonable costs of investigation.

230 (e) The division may prepare and disseminate a prospectus  
231 and other information to assist prospective owners, purchasers,  
232 lessees, and developers of residential condominiums in assessing  
233 the rights, privileges, and duties pertaining thereto.

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

237 (g) The division shall establish procedures for providing  
238 notice to an association and the developer during the period  
239 where the developer controls the association when the division  
240 is considering the issuance of a declaratory statement with  
241 respect to the declaration of condominium or any related  
242 document governing in such condominium community.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

243 (h) The division shall furnish each association which pays  
244 the fees required by paragraph (2)(a) a copy of this act,  
245 subsequent changes to this act on an annual basis, an amended  
246 version of this act as it becomes available from the Secretary  
247 of State's office on a biennial basis, and the rules adopted  
248 thereto on an annual basis.

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

253 (j) The division shall provide training and educational  
254 programs for condominium association board members and unit  
255 owners. The training may, in the division's discretion, include  
256 web-based electronic media, and live training and seminars in  
257 various locations throughout the state. The division shall have  
258 the authority to review and approve education and training  
259 programs for board members and unit owners offered by providers  
260 and shall maintain a current list of approved programs and  
261 providers and shall make such list available to board members  
262 and unit owners in a reasonable and cost-effective manner.

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

265 (l) The division shall develop a program to certify both  
266 volunteer and paid mediators to provide mediation of condominium  
267 disputes. The division shall provide, upon request, a list of  
268 such mediators to any association, unit owner, or other  
269 participant in arbitration proceedings under s. 718.1255  
270 requesting a copy of the list. The division shall include on the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

271 list of volunteer mediators only the names of persons who have  
272 received at least 20 hours of training in mediation techniques  
273 or who have mediated at least 20 disputes. In order to become  
274 initially certified by the division, paid mediators must be  
275 certified by the Supreme Court to mediate court cases in county  
276 or circuit courts. However, the division may adopt, by rule,  
277 additional factors for the certification of paid mediators,  
278 which factors must be related to experience, education, or  
279 background. Any person initially certified as a paid mediator by  
280 the division must, in order to continue to be certified, comply  
281 with the factors or requirements imposed by rules adopted by the  
282 division.

283 (m) When a complaint is made, the division shall conduct  
284 its inquiry with due regard to the interests of the affected  
285 parties. Within 30 days after receipt of a complaint, the  
286 division shall acknowledge the complaint in writing and notify  
287 the complainant whether the complaint is within the jurisdiction  
288 of the division and whether additional information is needed by  
289 the division from the complainant. The division shall conduct  
290 its investigation and shall, within 90 days after receipt of the  
291 original complaint or of timely requested additional  
292 information, take action upon the complaint. However, the  
293 failure to complete the investigation within 90 days does not  
294 prevent the division from continuing the investigation,  
295 accepting or considering evidence obtained or received after 90  
296 days, or taking administrative action if reasonable cause exists  
297 to believe that a violation of this chapter or a rule of the  
298 division has occurred. If an investigation is not completed

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

299 within the time limits established in this paragraph, the  
300 division shall, on a monthly basis, notify the complainant in  
301 writing of the status of the investigation. When reporting its  
302 action to the complainant, the division shall inform the  
303 complainant of any right to a hearing pursuant to ss. 120.569  
304 and 120.57.

305 (n) Condominium association directors, officers, and  
306 employees; condominium developers; condominium bulk assignees  
307 and bulk buyers; community association managers; and community  
308 association management firms have an ongoing duty to reasonably  
309 cooperate with the division in any investigation pursuant to  
310 this section. The division shall refer to local law enforcement  
311 authorities any person whom the division believes has altered,  
312 destroyed, concealed, or removed any record, document, or thing  
313 required to be kept or maintained by this chapter with the  
314 purpose to impair its verity or availability in the department's  
315 investigation.

316 (o) The division may:

- 317 1. Contract with agencies in this state or other  
318 jurisdictions to perform investigative functions; or  
319 2. Accept grants-in-aid from any source.

320 (p) The division shall cooperate with similar agencies in  
321 other jurisdictions to establish uniform filing procedures and  
322 forms, public offering statements, advertising standards, and  
323 rules and common administrative practices.

324 (q) The division shall consider notice to a developer,  
325 bulk assignee, and bulk buyer to be complete when it is

Amendment No. 1

326 delivered to the ~~developer's~~ address of the developer, bulk  
327 assignee, or bulk buyer currently on file with the division.

328 (r) In addition to its enforcement authority, the division  
329 may issue a notice to show cause, which shall provide for a  
330 hearing, upon written request, in accordance with chapter 120.

331 (s) The division shall submit to the Governor, the  
332 President of the Senate, the Speaker of the House of  
333 Representatives, and the chairs of the legislative  
334 appropriations committees an annual report that includes, but  
335 need not be limited to, the number of training programs provided  
336 for condominium association board members and unit owners, the  
337 number of complaints received by type, the number and percent of  
338 complaints acknowledged in writing within 30 days and the number  
339 and percent of investigations acted upon within 90 days in  
340 accordance with paragraph (m), and the number of investigations  
341 exceeding the 90-day requirement. The annual report shall also  
342 include an evaluation of the division's core business processes  
343 and make recommendations for improvements, including statutory  
344 changes. The report shall be submitted by September 30 following  
345 the end of the fiscal year.

346 Section 3. Part VII of chapter 718, Florida Statutes,  
347 consisting of sections 718.701, 718.702, 718.703, 718.704,  
348 718.705, 718.706, 718.707, and 718.708, is created to read:

349 PART VII

350 DISTRESSED CONDOMINIUM RELIEF

351 718.701 Short title.—This part may be cited as the  
352 "Distressed Condominium Relief Act."

353 718.702 Legislative intent.—



## Amendment No. 1

354       (1) The Legislature acknowledges the massive downturn in  
355 the condominium market which has transpired throughout the state  
356 and the impact of such downturn on developers, lenders, unit  
357 owners, and condominium associations. Numerous condominium  
358 projects have either failed or are in the process of failing,  
359 whereby the condominium has a small percentage of third-party  
360 unit owners as compared to the unsold inventory of units. As a  
361 result of the inability to find purchasers for this inventory of  
362 units, which results in part from the devaluing of real estate  
363 in this state, developers are unable to satisfy the requirements  
364 of their lenders, leading to defaults on mortgages.  
365 Consequently, lenders are faced with the task of finding a  
366 solution to the problem in order to be paid for their  
367 investments.

368       (2) The Legislature recognizes that all of the factors  
369 listed in this section lead to condominiums becoming distressed,  
370 resulting in detriment to the unit owners and the condominium  
371 association on account of the resulting shortage of assessment  
372 moneys available to support the financial requirements for  
373 proper maintenance of the condominium. Such shortage and the  
374 resulting lack of proper maintenance further erode property  
375 values. The Legislature finds that individuals and entities  
376 within Florida and in other states have expressed interest in  
377 purchasing unsold inventory in one or more condominium projects,  
378 but are reticent to do so because of the potential of  
379 accompanying liabilities inherited from the original developer,  
380 which are potentially by definition imputed to the successor  
381 purchaser, including a foreclosing mortgagee. This results in

Amendment No. 1

382 the potential purchaser having unknown and unquantifiable risks,  
383 and potential successor purchasers are unwilling to accept such  
384 risks. The result is that condominium projects stagnate, leaving  
385 all parties involved at an impasse without the ability to find a  
386 solution.

387 (3) The Legislature finds and declares that it is the  
388 public policy of this state to protect the interests of  
389 developers, lenders, unit owners, and condominium associations  
390 with regard to distressed condominiums, and that there is a need  
391 for relief from certain provisions of the Florida Condominium  
392 Act geared toward enabling economic opportunities within these  
393 condominiums for successor purchasers, including foreclosing  
394 mortgagees, while at the same time clarifying the ambiguity in  
395 the law. Such relief would benefit existing unit owners and  
396 condominium associations. The Legislature further finds and  
397 declares that this situation cannot be open-ended without  
398 potentially prejudicing the rights of unit owners and  
399 condominium associations, and thereby declares that the  
400 provisions of this part shall be used by purchasers of  
401 condominium inventory for a specific and defined period.

402 718.703 Definitions.—As used in this part, the term:

403 (1) "Bulk assignee" means a person who:

404 (a) Acquires more than seven condominium units in a single  
405 condominium as set forth in s. 718.707; and

406 (b) Receives an assignment of all or substantially all of  
407 the rights of the developer as are set forth in the declaration  
408 of condominium or in this chapter by a written instrument  
409 recorded as an exhibit to the deed or as a separate instrument

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

410 in the public records of the county in which the condominium is  
411 located.

412 (2) "Bulk buyer" means a person who acquires more than  
413 seven condominium units in a single condominium as set forth in  
414 s. 718.707 but who does not receive an assignment of any  
415 developer rights other than, at the bulk buyer's option, the  
416 right to conduct sales, leasing, and marketing activities within  
417 the condominium; the right to be exempt from the payment of  
418 working capital contributions to the condominium association  
419 arising out of or in connection with the bulk buyer's  
420 acquisition of a bulk number of units; and the right to be  
421 exempt from any rights of first refusal which may be held by the  
422 condominium association and would otherwise be applicable to  
423 subsequent transfers of title from the bulk buyer to any third-  
424 party purchaser concerning one or more units.

425 718.704 Assignment of developer rights to and assumption  
426 of developer rights by bulk assignee; bulk buyer.-

427 (1) A bulk assignee shall be deemed to have assumed and is  
428 liable for all duties and responsibilities of a developer under  
429 the declaration and this chapter, except:

430 (a) Warranties of a developer under s. 718.203(1) or s.  
431 718.618, except for design, construction, development, or repair  
432 work performed by or on behalf of such bulk assignee.

433 (b) The obligation to:

434 1. Fund converter reserves under s. 718.618 for a unit  
435 that was not acquired by the bulk assignee; or

436 2. Provide converter warranties on any portion of the  
437 condominium property except as may be expressly provided by the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

438 bulk assignee in the contract for purchase and sale executed  
439 with a purchaser and pertaining to any design, construction,  
440 development, or repair work performed by or on behalf of the  
441 bulk assignee.

442 (c) The requirement to provide the association with a  
443 cumulative audit of the association's finances from the date of  
444 formation of the condominium association as required by s.  
445 718.301. However, the bulk assignee shall provide an audit for  
446 the period for which the bulk assignee elects a majority of the  
447 members of the board of administration.

448 (d) Any liability arising out of or in connection with  
449 actions taken by the board of administration or the developer-  
450 appointed directors before the bulk assignee elects a majority  
451 of the members of the board of administration.

452 (e) Any liability for or arising out of the developer's  
453 failure to fund previous assessments or to resolve budgetary  
454 deficits in relation to a developer's right to guarantee  
455 assessments, except as otherwise provided in subsection (2).

456  
457 Further, the bulk assignee is responsible for delivering  
458 documents and materials in accordance with s. 718.705(3). A bulk  
459 assignee may expressly assume some or all of the obligations of  
460 the developer described in paragraphs (a)-(e).

461 (2) A bulk assignee receiving the assignment of the rights  
462 of the developer to guarantee the level of assessments and fund  
463 budgetary deficits pursuant to s. 718.116 shall be deemed to  
464 have assumed and is liable for all obligations of the developer  
465 with respect to such guarantee, including any applicable funding

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

466 of reserves to the extent required by law, for as long as the  
467 guarantee remains in effect. A bulk assignee not receiving an  
468 assignment of the right of the developer to guarantee the level  
469 of assessments and fund budgetary deficits pursuant to s.  
470 718.116 or a bulk buyer is not deemed to have assumed and is not  
471 liable for the obligations of the developer with respect to such  
472 guarantee, but is responsible for payment of assessments in the  
473 same manner as all other owners of condominium units.

474 (3) A bulk buyer is liable for the duties and  
475 responsibilities of the developer under the declaration and this  
476 chapter only to the extent provided in this part, together with  
477 any other duties or responsibilities of the developer expressly  
478 assumed in writing by the bulk buyer.

479 (4) An acquirer of condominium units is not considered a  
480 bulk assignee or a bulk buyer if the transfer to such acquirer  
481 was made prior to the effective date of this Distressed  
482 Condominium Relief Act or was made with the intent to hinder,  
483 delay, or defraud any purchaser, unit owner, or the association,  
484 or if the acquirer is a person who would constitute an insider  
485 under s. 726.102(7).

486 (5) An assignment of developer rights to a bulk assignee  
487 may be made by the developer, a previous bulk assignee, or a  
488 court of competent jurisdiction acting on behalf of the  
489 developer or the previous bulk assignee. At any particular time,  
490 there may be no more than one bulk assignee within a  
491 condominium, but there may be more than one bulk buyer. If more  
492 than one acquirer of condominium units in the same condominium  
493 receives an assignment of developer rights from the same person,

Amendment No. 1

494 the bulk assignee is the acquirer whose instrument of assignment  
495 is recorded first in applicable public records.

496 718.705 Board of administration; transfer of control.—

497 (1) For purposes of determining the timing for transfer of  
498 control of the board of administration of the association to  
499 unit owners other than the developer under s. 718.301(1)(a) and  
500 (b), if a bulk assignee is entitled to elect a majority of the  
501 members of the board, any condominium unit acquired by the bulk  
502 assignee shall not be deemed to be conveyed to a purchaser, or  
503 to be owned by an owner other than the developer, until such  
504 condominium unit is conveyed to an owner who is not a bulk  
505 assignee.

506 (2) Unless control of the board of administration of the  
507 association has already been relinquished pursuant to s.  
508 718.301(1), the bulk assignee is obligated to relinquish control  
509 of the association in accordance with s. 718.301(1) or (2) and  
510 this part as if the bulk assignee were the developer.

511 (3) When a bulk assignee relinquishes control of the board  
512 of administration, the bulk assignee shall deliver all of those  
513 items required by s. 718.301(4). However, the bulk assignee is  
514 not required to deliver items and documents not in the  
515 possession of the bulk assignee during the period during which  
516 the bulk assignee was entitled to elect not less than a majority  
517 of the members of the board of administration. In conjunction  
518 with the acquisition of condominium units, a bulk assignee shall  
519 undertake a good faith effort to obtain the documents and  
520 materials required to be provided to the association pursuant to  
521 s. 718.301(4). To the extent the bulk assignee is not able to

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

522 obtain all of such documents and materials, the bulk assignee  
523 shall certify in writing to the association the names or  
524 descriptions of the documents and materials that were not  
525 obtainable by the bulk assignee. Delivery of the certificate  
526 relieves the bulk assignee of responsibility for the delivery of  
527 the documents and materials referenced in the certificate as  
528 otherwise required under ss. 718.112 and 718.301 and this part.  
529 The responsibility of the bulk assignee for the audit required  
530 by s. 718.301(4) shall commence as of the date on which the bulk  
531 assignee elected a majority of the members of the board of  
532 administration.

533 (4) If a conflict arises between the provisions or  
534 application of this section and s. 718.301, this section shall  
535 prevail.

536 (5) Failure of a bulk assignee or bulk buyer to  
537 substantially comply with all the requirements contained in this  
538 part shall result in the loss of all protections or exemptions  
539 provided under this part.

540 718.706 Specific provisions pertaining to offering of  
541 units by a bulk assignee or bulk buyer.—

542 (1) Before offering any units for sale or for lease for a  
543 term exceeding 5 years, a bulk assignee or a bulk buyer shall  
544 file the following documents with the division and provide such  
545 documents to a prospective purchaser or lessee:

546 (a) An updated prospectus or offering circular, or a  
547 supplement to the prospectus or offering circular, filed by the  
548 creating developer prepared in accordance with s. 718.504, which

Amendment No. 1

549 shall include the form of contract for sale and for lease in  
550 compliance with s. 718.503(1)(a);

551 (b) An updated Frequently Asked Questions and Answers  
552 sheet;

553 (c) The executed escrow agreement if required under s.  
554 718.202; and

555 (d) The financial information required by s. 718.111(13).

556 However, if a financial information report does not exist for  
557 the fiscal year before acquisition of title by the bulk assignee  
558 or bulk buyer, or accounting records cannot be obtained in good  
559 faith by the bulk assignee or the bulk buyer which would permit  
560 preparation of the required financial information report, the  
561 bulk assignee or bulk buyer is excused from the requirement of  
562 this paragraph. However, the bulk assignee or bulk buyer must  
563 include in the purchase contract the following statement in  
564 conspicuous type:

565

566 THE FINANCIAL INFORMATION REPORT REQUIRED UNDER SECTION  
567 718.111(13), FLORIDA STATUTES, FOR THE IMMEDIATELY PRECEDING  
568 FISCAL YEAR OF THE ASSOCIATION IS NOT AVAILABLE OR CANNOT BE  
569 CREATED BY THE SELLER AS A RESULT OF INSUFFICIENT ACCOUNTING  
570 RECORDS OF THE ASSOCIATION.

571

572 (2) Before offering any units for sale or for lease for a  
573 term exceeding 5 years, a bulk assignee shall file with the  
574 division and provide to a prospective purchaser a disclosure  
575 statement that must include, but is not limited to:



Amendment No. 1

576 (a) A description of any rights of the developer which  
577 have been assigned to the bulk assignee;

578 (b) The following statement in conspicuous type:

579

580 THE SELLER IS NOT OBLIGATED FOR ANY WARRANTIES OF THE DEVELOPER  
581 UNDER SECTION 718.203(1) OR SECTION 718.618, FLORIDA STATUTES,  
582 AS APPLICABLE, EXCEPT FOR DESIGN, CONSTRUCTION, DEVELOPMENT, OR  
583 REPAIR WORK PERFORMED BY OR ON BEHALF OF SELLER.

584

585 (c) If the condominium is a conversion subject to part VI,  
586 the following statement in conspicuous type:

587

588 THE SELLER HAS NO OBLIGATION TO FUND CONVERTER RESERVES OR TO  
589 PROVIDE CONVERTER WARRANTIES UNDER SECTION 718.618, FLORIDA  
590 STATUTES, ON ANY PORTION OF THE CONDOMINIUM PROPERTY EXCEPT AS  
591 MAY BE EXPRESSLY REQUIRED OF THE SELLER IN THE CONTRACT FOR  
592 PURCHASE AND SALE EXECUTED BY THE SELLER AND THE DEVELOPER AND  
593 PERTAINING TO ANY DESIGN, CONSTRUCTION, DEVELOPMENT, OR REPAIR  
594 WORK PERFORMED BY OR ON BEHALF OF THE SELLER.

595

596 (3) While in control of the board of administration of the  
597 association, a bulk assignee may not authorize, on behalf of the  
598 association:

599 (a) The waiver of reserves or the reduction of funding of  
600 the reserves in accordance with s. 718.112(2)(f)2., unless  
601 approved by a majority of the voting interests not controlled by  
602 the developer, bulk assignee, and bulk buyer; or

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

603       (b) The use of reserve expenditures for other purposes in  
604 accordance with s. 718.112(2)(f)3., unless approved by a  
605 majority of the voting interests not controlled by the  
606 developer, bulk assignee, and bulk buyer.

607       (4) A bulk assignee or bulk buyer shall comply with all  
608 the requirements of s. 718.302 regarding any contracts entered  
609 into by the association during the period the bulk assignee or  
610 bulk buyer maintains control of the board of administration.  
611 Unit owners shall be afforded all the protections contained in  
612 s. 718.302 regarding agreements entered into by the association  
613 before unit owners other than the developer, bulk assignee, or  
614 bulk buyer elected a majority of the board of administration.

615       (5) A bulk buyer shall comply with the requirements  
616 contained in the declaration regarding any transfer of a unit,  
617 including sales, leases, and subleases. A bulk buyer is not  
618 entitled to any exemptions afforded a developer or successor  
619 developer under this chapter regarding any transfer of a unit,  
620 including sales, leases, or subleases.

621       718.707 Time limitation for classification as bulk  
622 assignee or bulk buyer.—A person acquiring condominium units may  
623 not be classified as a bulk assignee or bulk buyer unless the  
624 condominium units were acquired before July 1, 2012. The date of  
625 such acquisition shall be determined by the date of recording of  
626 a deed or other instrument of conveyance for such units in the  
627 public records of the county in which the condominium is located  
628 or by the date of issuance of a certificate of title in a  
629 foreclosure proceeding with respect to such condominium units.

Amendment No. 1

630       718.708 Liability of developers and others.—An assignment  
631 of developer rights to a bulk assignee or bulk buyer does not  
632 release the creating developer from any liabilities under the  
633 declaration or this chapter. This part does not limit the  
634 liability of the creating developer for claims brought by unit  
635 owners, bulk assignees, or bulk buyers for violations of this  
636 chapter by the creating developer, unless specifically excluded  
637 in this part. Nothing contained within this part waives,  
638 releases, compromises, or limits the liability, if any, of  
639 contractors, subcontractors, materialmen, manufacturers,  
640 architects, engineers, or any participant in the design or  
641 construction of a condominium for any claim brought by an  
642 association, unit owners, bulk assignees, or bulk buyers arising  
643 from the design of the condominium, construction defects,  
644 misrepresentations associated with condominium property, or  
645 violations of this chapter, unless specifically excluded in this  
646 part.

647       Section 4. This act shall take effect upon becoming a law.  
648

649 -----  
650                   **T I T L E   A M E N D M E N T**

651       Remove the entire title and insert:

652                   A bill to be entitled

653       An act relating to community associations; amending s.  
654       718.103, F.S.; revising the definition of the term  
655       "developer" to exclude a bulk assignee or bulk buyer;  
656       amending s. 718.501, F.S.; revising the jurisdiction of  
657       the Division of Florida Condominiums, Timeshares, and

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

658 Mobile Homes to include bulk assignees and bulk buyers;  
659 creating part VII of ch. 718, F.S., relating to distressed  
660 condominium relief; providing a short title; providing  
661 legislative findings and intent; defining the terms "bulk  
662 assignee" and "bulk buyer"; providing for the assignment  
663 of developer rights to and the assumption of developer  
664 rights by a bulk assignee; specifying liabilities of bulk  
665 assignees and bulk buyers; providing exceptions; providing  
666 additional responsibilities of bulk assignees and bulk  
667 buyers; authorizing certain entities to assign developer  
668 rights to a bulk assignee; limiting the number of bulk  
669 assignees at any given time; providing for the transfer of  
670 control of a board of administration; providing effects of  
671 such transfer on units acquired by a bulk assignee;  
672 providing obligations of a bulk assignee upon the transfer  
673 of control of a board of administration; requiring that a  
674 bulk assignee certify certain information in writing;  
675 providing for the resolution of a conflict between  
676 specified provisions of state law; providing that the  
677 failure of a bulk assignee or bulk buyer to comply with  
678 specified provisions of state law results in the loss of  
679 certain protections and exemptions; requiring that a bulk  
680 assignee or bulk buyer file certain information with the  
681 Division of Florida Condominiums, Timeshares, and Mobile  
682 Homes of the Department of Business and Professional  
683 Regulation before offering any units for sale or lease in  
684 excess of a specified term; requiring that a copy of such  
685 information be provided to a prospective purchaser;

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 327 (2010)

Amendment No. 1

686 requiring that certain contracts and disclosure statements  
687 contain specified statements; requiring that a bulk  
688 assignee or bulk buyer comply with certain disclosure  
689 requirements; prohibiting a bulk assignee from taking  
690 certain actions on behalf of an association while the bulk  
691 assignee is in control of the board of administration of  
692 the association and requiring that such bulk assignee  
693 comply with certain requirements; requiring that a bulk  
694 assignee or bulk buyer comply with certain requirements  
695 regarding certain contracts; providing unit owners with  
696 specified protections regarding certain contracts;  
697 requiring that a bulk buyer comply with certain  
698 requirements regarding the transfer of a unit; prohibiting  
699 a person from being classified as a bulk assignee or bulk  
700 buyer unless condominium units were acquired before a  
701 specified date; providing for the determination of the  
702 date of acquisition of a unit; providing that the  
703 assignment of developer rights to a bulk assignee or bulk  
704 buyer does not release a developer from certain  
705 liabilities; preserving certain liabilities for certain  
706 parties; providing an effective date.

**COUNCIL MEETING REPORT**  
**Criminal & Civil Justice Policy Council**  
**3/16/2010 10:15:00AM**

**Location:** 404 HOB

**PCB CCJP 10-06 : Conflict Counsel**

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia	X				
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck			X		
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)				X	
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

**Appearances:**

PCB CCJP 10-06 Conflict Counsel

Jeffrey Deen, Conflict Counsel Regional Counsel 5th District (Lobbyist) (State Employee) - Proponent

Criminal Conflict & Civil Regional Counsel

151 Wymore Rd

Altamonte Springs FL 32714

Phone: 407-592-7634

Committee meeting was reported out: Tuesday, March 16, 2010 12:34:19PM

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB CCJP 10-06 (2010)

Amendment No.

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  
3-16-10*

1 Council/Committee hearing PCB: Criminal & Civil Justice Policy  
 2 Council  
 3 Representative(s) Holder offered the following:

**Amendment**

Remove lines 59-75 and insert:

of attorney's fees and costs in accordance with s. 938.29(2)  
984.08.

(1) A parent whose child is dependent, whether or not  
adjudication was withheld or whose parental rights are  
terminated and who has received the assistance of the Office of  
Criminal Conflict and Civil Regional Counsel, or any other court  
appointed attorney, or who has received due process services  
after being found indigent for costs under s. 57.082, shall be  
liable for payment of the assessed application fee under s.  
57.082, together with reasonable attorney's fees and costs as  
determined by the court.

(2) If reasonable attorney's fees or costs are assessed,  
payment of said fees or costs may be made part of any case plan

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB CCJP 10-06 (2010)

Amendment No.

20 | in dependency proceedings at the courts discretion. No case  
21 | plan will remain open for the sole issue of payment of  
22 | attorney's fees or costs. At the courts discretion, a lien upon  
23 | court-ordered payment of attorney's fees and costs may be  
24 | ordered by the court in accordance with s. 938.29(2).