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# **Civil Justice Subcommittee**

**Wednesday, December 7, 2011**

**1:00 PM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**Eric Eisnaugle  
Chair**

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

### Summary:

#### Civil Justice Subcommittee

Wednesday December 07, 2011 01:00 pm

HB 319	Favorable With Committee Substitute	Yeas: 11	Nays: 3
	Amendment 152263	Failed to Adopt	
	Amendment 190307	Adopted Without Objection	
	Amendment 306487	Withdrawn	
	Amendment 445743	Adopted Without Objection	
	Amendment 447119	Adopted	
	Amendment 454385	Adopted	
	Amendment 681839	Adopted	
	Amendment 802875	Withdrawn	
HB 385	Favorable With Committee Substitute	Yeas: 10	Nays: 2
	Amendment 765555	Withdrawn	
	Amendment 865067	Adopted Without Objection	
HB 609	Favorable	Yeas: 10	Nays: 4
HB 631	Favorable	Yeas: 14	Nays: 0
HB 4125	Favorable	Yeas: 14	Nays: 0
HB 4133	Favorable	Yeas: 14	Nays: 0
PCS for HB 549	Favorable With Amendments	Yeas: 10	Nays: 2

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Eric Eisnaugle (Chair)	X		
Joseph Abruzzo	X		
Mack Bernard	X		
Matt Gaetz	X		
Bill Hager	X		
Shawn Harrison	X		
Martin Kiar	X		
Larry Metz	X		
Jose Oliva	X		
Kathleen Passidomo	X		
Scott Plakon	X		
Darren Soto	X		
Kelli Stargel	X		
Richard Steinberg	X		
Michael Weinstein	X		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

### HB 319 : Residential Properties

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo		X			
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar		X			
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto		X			
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein			X		
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 3</b>			

### HB 319 Amendments

#### Amendment 152263

Failed to Adopt

#### Amendment 190307

Adopted Without Objection

#### Amendment 306487

Withdrawn

#### Amendment 445743

Adopted Without Objection

#### Amendment 447119

Adopted

#### Amendment 454385

Adopted

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

### Amendment 681839

*Adopted*

### Amendment 802875

*Withdrawn*

### Appearances:

HB 319

Anderson, Ryan (Lobbyist) - Waive In Support  
Community Advocacy Network  
119 S Monroe St Suite 202  
Tallahassee FL  
Phone: 850-294-4428

HB 319

Goin, Yeline (Lobbyist) - Waive In Support  
Community Association Leadership Lobby  
Becker & Poliakoff PA 3111 Stirling Rd  
Ft Lauderdale FL 33312  
Phone: (239)433-7707

HB 319

Moore, Travis (Lobbyist) - Waive In Support  
Community Association Leadership Lobby  
3111 Stirling Rd  
Ft Lauderdale FL 33312-6525  
Phone: (727)421-6902

HB 319, Amendment 6

Dudley, Charles (Lobbyist) - Opponent  
Florida Cable Telecommunications Association, Inc  
246 E 6th Ave  
Tallahassee FL 32303  
Phone: (850)681-0024

HB 319, Amendment 2

Henderson, Cynthia (Lobbyist) - Opponent  
ALG  
108 E Jefferson St  
Tallahassee FL 32303  
Phone: 850-210-5385

HB 319

DiMarco, Anthony (Lobbyist) - Waive In Support  
Florida Bankers Association  
1001 Thomasville Rd Ste 201  
Tallahassee FL 32302-1360  
Phone: (850)224-2265

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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  
12.7.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Moraitis offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove line 239 and insert:  
6 provided in this chapter. This subparagraph does not apply to an  
7 association governing a timeshare condominium.

8  
9 -----  
10 **T I T L E A M E N D M E N T**

11 Between lines 10 and 11, insert:  
12 providing application;

445743

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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  
12.7.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Moraitis offered the following:

4 **Amendment**

5 Remove lines 576-619 and insert:

6 Section 6. Paragraphs (a), (b), and (c) of subsection (1)  
7 of section 718.116, Florida Statutes, are amended to read:

8 718.116 Assessments; liability; lien and priority;  
9 interest; collection.-

10 (1)(a) A unit owner, regardless of how the unit owner has  
11 acquired his or her title has been acquired, including, but not  
12 limited to, by purchase at a foreclosure sale ~~or by deed in lieu~~  
13 ~~of foreclosure~~, is liable for all assessments that ~~which~~ come  
14 due while he or she is the unit owner. Additionally, a unit  
15 owner is jointly and severally liable with the previous owner  
16 for all unpaid assessments, late fees, interest, costs, and  
17 reasonable attorney fees incurred by the association in an  
18 attempt to collect all such amounts ~~is jointly and severally~~  
19 ~~liable with the previous owner for all unpaid assessments that~~  
447119

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Amendment No. 2

20 came due up to the time of transfer of title. This liability is  
21 without prejudice to any right the owner may have to recover  
22 from the previous owner the amounts paid by the owner.

23 (b)1. The liability of a first mortgagee or its successors  
24 ~~successor~~ or assignees who acquire title to a unit by  
25 foreclosure or by deed in lieu of foreclosure for the unpaid  
26 assessments, interest, administrative late fees, reasonable  
27 costs and attorney fees, and any other fee, cost, or expense  
28 incurred in the collection process that became due before the  
29 mortgagee's acquisition of title is limited to the lesser of:

30 a. Only the unit's unpaid common expenses and regular  
31 periodic assessments ~~which~~ that accrued or came due during the  
32 12 months immediately preceding the acquisition of title and for  
33 which payment in full has not been received by the association;  
34 or

35 b. One percent of the original mortgage debt.

36 2. Subparagraph 1. applies ~~The provisions of this~~  
37 ~~paragraph apply~~ only if the first mortgagee joined the  
38 association as a defendant in the foreclosure action. Joinder of  
39 the association is not required if, on the date the complaint is  
40 filed, the association was dissolved or did not maintain an  
41 office or agent for service of process at a location that ~~which~~  
42 was known to or reasonably discoverable by the mortgagee.

43 3. The first mortgagee or its successors or assignees who  
44 acquire title to a unit by foreclosure or by deed in lieu of  
45 foreclosure are not liable for any interest, administrative late  
46 fee, reasonable cost or attorney fee, or any other fee, cost, or

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Amendment No. 2

47 expense that came due prior to its acquisition of title. This  
48 subparagraph is intended to clarify existing law.

49 4.2. An association, or its successor or assignee, that  
50 acquires title to a unit through the foreclosure of its lien for  
51 assessments is not liable for any unpaid assessments, late fees,  
52 interest, or reasonable attorney ~~attorney's~~ fees and costs that  
53 came due before the association's acquisition of title in favor  
54 of any other association, as defined in s. 718.103(2) or s.  
55 720.301(9), which holds a ~~superior~~ lien interest on the unit.  
56 This subparagraph is intended to clarify existing law.

57 (c) The person acquiring title shall pay the amount owed  
58 to the association within 30 days after transfer of title.  
59 Failure to pay the full amount when due entitles ~~shall entitle~~  
60 the association to record a claim of lien against the parcel for  
61 the amounts specified in this subsection and proceed in the same  
62 manner as provided in this section for the collection of the  
63 amount owed and any unpaid assessments coming due after the  
64 acquisition of title and other charges authorized by subsection  
65 (3) on any unpaid assessments coming due after the acquisition  
66 of title.

Amendment No. 3

COMMITTEE/SUBCOMMITTEE 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  
12.7.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Moraitis offered the following:

4 **Amendment**

5 Remove lines 702-803 and insert:

6 parcels.

7 (b) "Primary condominium association" means any entity  
8 that operates a primary condominium.

9 (c) "Primary condominium declaration" means the instrument  
10 or instruments by which a primary condominium is created, as  
11 they are from time to time amended.

12 (d) "Secondary condominium" means one or more condominium  
13 parcels that have been submitted to condominium ownership  
14 pursuant to a secondary condominium declaration.

15 (e) "Secondary condominium association" means any entity  
16 responsible for the operation of a secondary condominium.

17 (f) "Secondary condominium declaration" means the  
18 instrument or instruments by which a secondary condominium is  
19 created, as they are from time to time amended.

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Amendment No. 3

20        (g) "Secondary unit" means a unit that is part of a  
21 secondary condominium.

22        (h) "Subdivided parcel" means a condominium parcel in a  
23 primary condominium that has been submitted to condominium  
24 ownership pursuant to a secondary condominium declaration.

25        (2) Unless otherwise provided in the primary condominium  
26 declaration, if a condominium parcel is a subdivided parcel, the  
27 secondary condominium association responsible for operating the  
28 secondary condominium upon the subdivided parcel shall act on  
29 behalf of all of the unit owners of secondary units in the  
30 secondary condominium and shall exercise all rights of the  
31 secondary unit owners in the primary condominium association,  
32 other than the right of possession of the secondary unit. The  
33 secondary condominium association shall designate a  
34 representative who shall cast the vote of the subdivided parcel  
35 in the primary condominium association and, if no person is  
36 designated by the secondary condominium association to cast such  
37 vote, the vote shall be cast by the president of the secondary  
38 condominium association or the designee of the president.

39        (3) Unless otherwise provided in the primary condominium  
40 declaration as originally recorded, no secondary condominium may  
41 be created upon any condominium parcel in the primary  
42 condominium, and no amendment to the primary condominium  
43 declaration may permit secondary condominiums to be created upon  
44 parcels in the primary condominium, unless the record owners of  
45 a majority of the condominium parcels join in the execution of  
46 the amendment.

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Amendment No. 3

47       (4) If the primary condominium declaration permits the  
48 creation of a secondary condominium and a condominium parcel in  
49 the primary condominium is being submitted for condominium  
50 ownership to create a secondary condominium upon the primary  
51 condominium parcel, the approval of the board of administration  
52 of the primary condominium association is required in order to  
53 create the secondary condominium on the primary condominium  
54 parcel. Unless otherwise provided in the primary condominium  
55 declaration, the owners of condominium parcels in the primary  
56 condominium that will not be part of the proposed secondary  
57 condominium and the holders of liens upon such primary  
58 condominium parcels shall not have approval rights regarding the  
59 creation of the secondary condominium or the contents of the  
60 secondary condominium declaration being submitted. Only the  
61 primary condominium association, the owner of the subdivided  
62 parcel, and the holders of liens upon the subdivided parcel  
63 shall have approval rights regarding the creation of the  
64 secondary condominium and the contents of the secondary  
65 condominium declaration. In order for the recording of the  
66 secondary condominium declaration to be effective to create the  
67 secondary condominium, the board of administration of the  
68 primary condominium association, the owner of the subdivided  
69 parcel, and all holders of liens on the subdivided parcel must  
70 execute the secondary condominium declaration for the purpose of  
71 evidencing their approval.

72       (5) An owner of a secondary unit is subject to both the  
73 primary condominium declaration and the secondary condominium  
74 declaration.

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Amendment No. 3

75       (6) The primary condominium association may provide  
76 insurance required by s. 718.111(11) for common elements and  
77 other improvements within the secondary condominium if the  
78 primary condominium declaration permits the primary condominium  
79 association to provide such insurance for the benefit of the  
80 condominium property included in the subdivided parcel, in lieu  
81 of such insurance being provided by the secondary condominium  
82 association.

83       (7) Unless otherwise provided in the primary condominium  
84 declaration, the board of administration of the primary  
85 condominium association may adopt hurricane shutter or hurricane  
86 protection specifications for each building within which  
87 subdivided parcels are located and govern any subdivided parcels  
88 in the primary condominium.

89       (8) Any unit owner of, or holder of a first mortgage on, a  
90 secondary unit may register such unit owner's or mortgagee's  
91 interest in the secondary unit with the primary condominium  
92 association by delivering written notice to the primary  
93 condominium association. Once registered, the primary  
94 condominium association must provide written notice to such  
95 secondary unit owner and his, her, or its first mortgagee at  
96 least 30 days before instituting any foreclosure action against  
97 the subdivided parcel in which the secondary unit owner and his,  
98 her, or its first mortgagee hold an interest for failure of the  
99 subdivided parcel owner to pay any assessments or other amounts  
100 due to the primary condominium association. A foreclosure action  
101 against a subdivided parcel is not effective without an  
102 affidavit indicating that written notice of the foreclosure was

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Amendment No. 3

103 timely sent to the names and addresses of secondary unit owners  
104 and first mortgagees registered with the primary condominium  
105 association pursuant to this subsection. The registered  
106 secondary unit owner or mortgagee has a right to pay the  
107 proportionate amount of the delinquent assessment attributable  
108 to the secondary unit in which the registered unit owner or  
109 mortgagee holds an interest. Upon such payment, the primary  
110 condominium association shall be obligated to promptly modify or  
111 partially release of record the lien of the primary condominium  
112 association so that the lien no longer encumbers such secondary  
113 unit. Alternatively, a registered secondary unit owner or  
114 mortgagee may pay the amount of all delinquent assessments  
115 attributed to the subdivided parcel and seek reimbursement for  
116 all such amounts paid and all costs incurred from the secondary  
117 condominium association, including, without limitation, the  
118 costs of collection other than the share allocable to the  
119 secondary unit on behalf of which such payment was made.

120 (9) In the event of a conflict between the primary  
121 condominium declaration and the secondary condominium  
122 declaration, the primary condominium declaration controls.

123 (10) All common expenses due to the primary condominium  
124 association with respect to a subdivided parcel are a common

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE 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  
12.7.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Moraitis offered the following:

**Amendment (with title amendment)**

5 Remove lines 976-1235 and insert:

6 Section 14. Paragraphs (c), (d), and (f) of subsection (1)  
7 of section 719.106, Florida Statutes, are amended to read:

8 719.106 Bylaws; cooperative ownership.—

9 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
10 documents shall provide for the following, and if they do not,  
11 they shall be deemed to include the following:

12 (c) Board of administration meetings.—Meetings of the  
13 board of administration at which a quorum of the members is  
14 present shall be open to all unit owners. Any unit owner may  
15 tape record or videotape meetings of the board of  
16 administration. The right to attend such meetings includes the  
17 right to speak at such meetings with reference to all designated  
18 agenda items. The division shall adopt reasonable rules  
19 governing the tape recording and videotaping of the meeting. The

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 4

20 association may adopt reasonable written rules governing the  
21 frequency, duration, and manner of unit owner statements.  
22 Adequate notice of all meetings shall be posted in a conspicuous  
23 place upon the cooperative property at least 48 continuous hours  
24 preceding the meeting, except in an emergency. Any item not  
25 included on the notice may be taken up on an emergency basis by  
26 at least a majority plus one of the members of the board. Such  
27 emergency action shall be noticed and ratified at the next  
28 regular meeting of the board. However, written notice of any  
29 meeting at which nonemergency special assessments, or at which  
30 amendment to rules regarding unit use, will be considered shall  
31 be mailed, delivered, or electronically transmitted to the unit  
32 owners and posted conspicuously on the cooperative property not  
33 less than 14 days prior to the meeting. Evidence of compliance  
34 with this 14-day notice shall be made by an affidavit executed  
35 by the person providing the notice and filed among the official  
36 records of the association. Upon notice to the unit owners, the  
37 board shall by duly adopted rule designate a specific location  
38 on the cooperative property upon which all notices of board  
39 meetings shall be posted. In lieu of or in addition to the  
40 physical posting of notice of any meeting of the board of  
41 administration on the cooperative property, the association may,  
42 by reasonable rule, adopt a procedure for conspicuously posting  
43 and repeatedly broadcasting the notice and the agenda on a  
44 closed-circuit cable television system serving the cooperative  
45 association. However, if broadcast notice is used in lieu of a  
46 notice posted physically on the cooperative property, the notice  
47 and agenda must be broadcast at least four times every broadcast

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 4

48 hour of each day that a posted notice is otherwise required  
49 under this section. When broadcast notice is provided, the  
50 notice and agenda must be broadcast in a manner and for a  
51 sufficient continuous length of time so as to allow an average  
52 reader to observe the notice and read and comprehend the entire  
53 content of the notice and the agenda. Notice of any meeting in  
54 which regular assessments against unit owners are to be  
55 considered for any reason shall specifically contain a statement  
56 that assessments will be considered and the nature of any such  
57 assessments. Meetings of a committee to take final action on  
58 behalf of the board or to make recommendations to the board  
59 regarding the association budget are subject to the provisions  
60 of this paragraph. Meetings of a committee that does not take  
61 final action on behalf of the board or make recommendations to  
62 the board regarding the association budget are subject to the  
63 provisions of this section, unless those meetings are exempted  
64 from this section by the bylaws of the association.

65 Notwithstanding any other law to the contrary, the requirement  
66 that board meetings and committee meetings be open to the unit  
67 owners does not apply is inapplicable to board or committee  
68 meetings held for the purpose of discussing personnel matters or  
69 meetings between the board or a committee and the association's  
70 attorney, with respect to proposed or pending litigation, if  
71 ~~when~~ the meeting is held for the purpose of seeking or rendering  
72 legal advice.

73 (d) Shareholder meetings.—There shall be an annual meeting  
74 of the shareholders. All members of the board of administration  
75 shall be elected at the annual meeting unless the bylaws provide  
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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 4

76 for staggered election terms or for their election at another  
77 meeting. Any unit owner desiring to be a candidate for board  
78 membership must comply with subparagraph 1. The bylaws must  
79 provide the method for calling meetings, including annual  
80 meetings. Written notice, which must incorporate an  
81 identification of agenda items, shall be given to each unit  
82 owner at least 14 days before the annual meeting and posted in a  
83 conspicuous place on the cooperative property at least 14  
84 continuous days preceding the annual meeting. Upon notice to the  
85 unit owners, the board must by duly adopted rule designate a  
86 specific location on the cooperative property upon which all  
87 notice of unit owner meetings are posted. In lieu of or in  
88 addition to the physical posting of the meeting notice, the  
89 association may, by reasonable rule, adopt a procedure for  
90 conspicuously posting and repeatedly broadcasting the notice and  
91 the agenda on a closed-circuit cable television system serving  
92 the cooperative association. However, if broadcast notice is  
93 used in lieu of a posted notice, the notice and agenda must be  
94 broadcast at least four times every broadcast hour of each day  
95 that a posted notice is otherwise required under this section.  
96 If broadcast notice is provided, the notice and agenda must be  
97 broadcast in a manner and for a sufficient continuous length of  
98 time to allow an average reader to observe the notice and read  
99 and comprehend the entire content of the notice and the agenda.  
100 Unless a unit owner waives in writing the right to receive  
101 notice of the annual meeting, the notice of the annual meeting  
102 must be sent by mail, hand delivered, or electronically  
103 transmitted to each unit owner. An officer of the association

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 4

104 must provide an affidavit or United States Postal Service  
105 certificate of mailing, to be included in the official records  
106 of the association, affirming that notices of the association  
107 meeting were mailed, hand delivered, or electronically  
108 transmitted, in accordance with this provision, to each unit  
109 owner at the address last furnished to the association.

110 1. The board of administration shall be elected by written  
111 ballot or voting machine. A proxy may not be used in electing  
112 the board of administration in general elections or elections to  
113 fill vacancies caused by recall, resignation, or otherwise  
114 unless otherwise provided in this chapter.

115 a. At least 60 days before a scheduled election, the  
116 association shall mail, deliver, or transmit, whether by  
117 separate association mailing, delivery, or electronic  
118 transmission or included in another association mailing,  
119 delivery, or electronic transmission, including regularly  
120 published newsletters, to each unit owner entitled to vote, a  
121 first notice of the date of the election. Any unit owner or  
122 other eligible person desiring to be a candidate for the board  
123 of administration must give written notice to the association at  
124 least 40 days before a scheduled election. Together with the  
125 written notice and agenda as set forth in this section, the  
126 association shall mail, deliver, or electronically transmit a  
127 second notice of election to all unit owners entitled to vote,  
128 together with a ballot that ~~which~~ lists all candidates. Upon  
129 request of a candidate, the association shall include an  
130 information sheet, no larger than 8 1/2 inches by 11 inches,  
131 which must be furnished by the candidate at least 35 days before

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Amendment No. 4

132 the election, to be included with the mailing, delivery, or  
133 electronic transmission of the ballot, with the costs of  
134 mailing, delivery, or transmission and copying to be borne by  
135 the association. The association is not liable for the contents  
136 of the information sheets provided by the candidates. In order  
137 to reduce costs, the association may print or duplicate the  
138 information sheets on both sides of the paper. The division  
139 shall by rule establish voting procedures consistent with this  
140 subparagraph, including rules establishing procedures for giving  
141 notice by electronic transmission and rules providing for the  
142 secrecy of ballots. Elections shall be decided by a plurality of  
143 those ballots cast. There is no quorum requirement. However, at  
144 least 20 percent of the eligible voters must cast a ballot in  
145 order to have a valid election. A unit owner may not permit any  
146 other person to vote his or her ballot, and any such ballots  
147 improperly cast are invalid. A unit owner who needs assistance  
148 in casting the ballot for the reasons stated in s. 101.051 may  
149 obtain assistance in casting the ballot. Any unit owner  
150 violating this provision may be fined by the association in  
151 accordance with s. 719.303. The regular election must occur on  
152 the date of the annual meeting. This subparagraph does not apply  
153 to timeshare cooperatives. Notwithstanding this subparagraph, an  
154 election and balloting are not required unless more candidates  
155 file a notice of intent to run or are nominated than vacancies  
156 exist on the board. Any challenge to the election process must  
157 be commenced within 60 days after the election results are  
158 announced.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 4

159 b. Within 90 days after being elected or appointed to the  
160 board, each new director shall certify in writing to the  
161 secretary of the association that he or she has read the  
162 association's bylaws, articles of incorporation, proprietary  
163 lease, and current written policies; that he or she will work to  
164 uphold such documents and policies to the best of his or her  
165 ability; and that he or she will faithfully discharge his or her  
166 fiduciary responsibility to the association's members. Within 90  
167 days after being elected or appointed to the board, in lieu of  
168 this written certification, the newly elected or appointed  
169 director may submit a certificate of having satisfactorily  
170 completed the educational curriculum administered by an  
171 education provider as approved by the division pursuant to the  
172 requirements established in chapter 718 within 1 year before or  
173 90 days after the date of election or appointment. The  
174 educational certificate is valid and does not have to be  
175 resubmitted as long as the director serves on the board without  
176 interruption. A director who fails to timely file the written  
177 certification or educational certificate is suspended from  
178 service on the board until he or she complies with this sub-  
179 paragraph. The board may temporarily fill the vacancy during  
180 the period of suspension. The secretary shall cause the  
181 association to retain a director's written certification or  
182 educational certificate for inspection by the members for 5  
183 years after a director's election or the duration of the  
184 director's uninterrupted tenure, whichever is longer. Failure to  
185 have such written certification or educational certificate on  
186 file does not affect the validity of any board action.

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187           2. Any approval by unit owners called for by this chapter,  
188 or the applicable cooperative documents, must be made at a duly  
189 noticed meeting of unit owners and is subject to this chapter or  
190 the applicable cooperative documents relating to unit owner  
191 decisionmaking, except that unit owners may take action by  
192 written agreement, without meetings, on matters for which action  
193 by written agreement without meetings is expressly allowed by  
194 the applicable cooperative documents or law which provides for  
195 the unit owner action.

196           3. Unit owners may waive notice of specific meetings if  
197 allowed by the applicable cooperative documents or law. If  
198 authorized by the bylaws, notice of meetings of the board of  
199 administration, shareholder meetings, except shareholder  
200 meetings called to recall board members under paragraph (f), and  
201 committee meetings may be given by electronic transmission to  
202 unit owners who consent to receive notice by electronic  
203 transmission.

204           4. Unit owners have the right to participate in meetings  
205 of unit owners with reference to all designated agenda items.  
206 However, the association may adopt reasonable rules governing  
207 the frequency, duration, and manner of unit owner participation.

208           5. Any unit owner may tape record or videotape meetings of  
209 the unit owners subject to reasonable rules adopted by the  
210 division.

211           6. Unless otherwise provided in the bylaws, a vacancy  
212 occurring on the board before the expiration of a term may be  
213 filled by the affirmative vote of the majority of the remaining  
214 directors, even if the remaining directors constitute less than

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215 a quorum, or by the sole remaining director. In the alternative,  
216 a board may hold an election to fill the vacancy, in which case  
217 the election procedures must conform to the requirements of  
218 subparagraph 1. unless the association has opted out of the  
219 statutory election process, in which case the bylaws of the  
220 association control. Unless otherwise provided in the bylaws, a  
221 board member appointed or elected under this subparagraph shall  
222 fill the vacancy for the unexpired term of the seat being  
223 filled. Filling vacancies created by recall is governed by  
224 paragraph (f) and rules adopted by the division.  
225

226 Notwithstanding subparagraphs (b)2. and (d)1., an association  
227 may, by the affirmative vote of a majority of the total voting  
228 interests, provide for a different voting and election procedure  
229 in its bylaws, which vote may be by a proxy specifically  
230 delineating the different voting and election procedures. The  
231 different voting and election procedures may provide for  
232 elections to be conducted by limited or general proxy.

233 (f) Recall of board members.—Subject to ~~the provisions of~~  
234 s. 719.301, any member of the board of administration may be  
235 recalled and removed from office with or without cause by the  
236 vote or agreement in writing by a majority of all the voting  
237 interests. A special meeting of the voting interests to recall  
238 any member of the board of administration may be called by 10  
239 percent of the unit owners giving notice of the meeting as  
240 required for a meeting of unit owners, and the notice shall  
241 state the purpose of the meeting. Electronic transmission may

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242 not be used as a method of giving notice of a meeting called in  
243 whole or in part for this purpose.

244 1. If the recall is approved by a majority of all voting  
245 interests by a vote at a meeting, the recall shall be effective  
246 as provided in this paragraph herein. The board shall duly  
247 notice and hold a board meeting within 5 full business days  
248 after ~~of~~ the adjournment of the unit owner meeting to recall one  
249 or more board members. At the meeting, the board shall either  
250 certify the recall, in which case such member or members shall  
251 be recalled effective immediately and shall turn over to the  
252 board within 5 full business days any and all records and  
253 property of the association in their possession, or shall  
254 proceed as set forth in subparagraph 3.

255 2. If the proposed recall is by an agreement in writing by  
256 a majority of all voting interests, the agreement in writing or  
257 a copy thereof shall be served on the association by certified  
258 mail or by personal service in the manner authorized by chapter  
259 48 and the Florida Rules of Civil Procedure. The board of  
260 administration shall duly notice and hold a meeting of the board  
261 within 5 full business days after receipt of the agreement in  
262 writing. At the meeting, the board shall either certify the  
263 written agreement to recall members of the board, in which case  
264 such members shall be recalled effective immediately and shall  
265 turn over to the board, within 5 full business days, any and all  
266 records and property of the association in their possession, or  
267 proceed as described in subparagraph 3.

268 3. If the board determines not to certify the written  
269 agreement to recall members of the board, or does not certify

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270 the recall by a vote at a meeting, the board shall, within 5  
271 full business days after the board meeting, file with the  
272 division a petition for binding arbitration pursuant to the  
273 procedures of s. 719.1255. For purposes of this paragraph, the  
274 unit owners who voted at the meeting or who executed the  
275 agreement in writing shall constitute one party under the  
276 petition for arbitration. If the arbitrator certifies the recall  
277 as to any member of the board, the recall shall be effective  
278 upon mailing of the final order of arbitration to the  
279 association. If the association fails to comply with the order  
280 of the arbitrator, the division may take action pursuant to s.  
281 719.501. Any member so recalled shall deliver to the board any  
282 and all records and property of the association in the member's  
283 possession within 5 full business days after ~~of~~ the effective  
284 date of the recall.

285 4. If the board fails to duly notice and hold a board  
286 meeting within 5 full business days after ~~of~~ service of an  
287 agreement in writing or within 5 full business days after ~~of~~ the  
288 adjournment of the unit owner recall meeting, the recall shall  
289 be deemed effective and the board members so recalled shall  
290 immediately turn over to the board any and all records and  
291 property of the association.

292 5. If the board fails to duly notice and hold the required  
293 meeting or fails to file the required petition, the unit owner  
294 representative may file a petition pursuant to s. 719.1255  
295 challenging the board's failure to act. The petition must be  
296 filed within 60 days after the expiration of the applicable 5-  
297 full-business-day period. The review of a petition under this

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298 subparagraph is limited to the sufficiency of service on the  
299 board and the facial validity of the written agreement or  
300 ballots filed.

301 6.5. If a vacancy occurs on the board as a result of a  
302 recall and less than a majority of the board members are  
303 removed, the vacancy may be filled by the affirmative vote of a  
304 majority of the remaining directors, notwithstanding any  
305 provision to the contrary contained in this chapter. If  
306 vacancies occur on the board as a result of a recall and a  
307 majority or more of the board members are removed, the vacancies  
308 shall be filled in accordance with procedural rules to be  
309 adopted by the division, which rules need not be consistent with  
310 this chapter. The rules must provide procedures governing the  
311 conduct of the recall election as well as the operation of the  
312 association during the period after a recall but prior to the  
313 recall election.

314 7. A board member who has been recalled may file a  
315 petition pursuant to s. 719.1255 challenging the validity of a  
316 recall. The petition must be filed within 60 days after the  
317 recall is deemed certified. The association and the unit owner  
318 representative shall be named as the respondents.

319 8. The division may not accept for filing a recall  
320 petition, whether filed pursuant to subparagraph 1.,  
321 subparagraph 2., subparagraph 5., or subparagraph 7. and  
322 regardless of whether the recall was certified, when there are  
323 60 or fewer days until the scheduled reelection of the board  
324 member sought to be recalled or when 60 or fewer days have not

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325 elapsed since the election of the board member sought to be  
326 recalled.

327 Section 15. Section 719.108, Florida Statutes, is amended  
328 to read:

329 719.108 Rents and assessments; liability; lien and  
330 priority; interest; collection; cooperative ownership.—

331 (1) A unit owner, regardless of how title is acquired,  
332 including, without limitation, a purchaser at a judicial sale,  
333 is shall be liable for all rents and assessments coming due  
334 while the unit owner owns the unit is in exclusive possession of  
335 a unit. Additionally, a In a voluntary transfer, the unit owner  
336 is in exclusive possession shall be jointly and severally liable  
337 with the previous unit owner for all unpaid rents and  
338 assessments, late fees, interest, costs, and reasonable attorney  
339 fees incurred in an attempt to collect all such amounts that  
340 came due against the previous unit owner for his or her share of  
341 the common expenses up to the time of the transfer of title.  
342 This liability is, without prejudice to the rights of the  
343 present unit owner in exclusive possession to recover from the  
344 previous unit owner any the amounts paid by the present unit  
345 owner in exclusive possession therefor.

346 (2) The liability for rents and assessments may not be  
347 avoided by waiver of the use or enjoyment of any common areas or  
348 by abandonment of the unit for which the rents and assessments  
349 are made.

350 (3) Notwithstanding any other provision of this section,  
351 the liability of a first mortgagee or its successor or assignees  
352 who acquire title to a unit by foreclosure or by deed in lieu of

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353 foreclosure for the unpaid assessments that became due before  
354 the mortgagee's acquisition of title is limited to the lesser  
355 of:

356 (a) The unit's unpaid common expenses and regular periodic  
357 or special assessments which accrued or came due during the 12  
358 months immediately preceding the acquisition of title and for  
359 which payment in full has not been received by the association;  
360 or

361 (b) One percent of the original mortgage debt. This  
362 paragraph applies only if the first mortgagee joined the  
363 association as a defendant in the foreclosure action. Joinder of  
364 the association is not required if, on the date the complaint is  
365 filed, the association was dissolved or did not maintain an  
366 office or agent for service of process at a location that was  
367 known to or reasonably discoverable by the mortgagee.

368 (4) The person acquiring title shall pay the amount owed  
369 to the association within 30 days after transfer of title.  
370 Failure to pay the full amount when due entitles the association  
371 to record a claim of lien against the parcel and proceed in the  
372 same manner as provided in this section for the collection of  
373 unpaid assessments.

374 (5)~~(3)~~ Rents and assessments, and installments on them,  
375 not paid when due bear interest at the rate provided in the  
376 cooperative documents from the date due until paid. This rate  
377 may not exceed the rate allowed by law and, if a rate is not  
378 provided in the cooperative documents, accrues at 18 percent per  
379 annum. If the cooperative documents or bylaws so provide, the  
380 association may charge an administrative late fee in addition to

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381 such interest, not to exceed the greater of \$25 or 5 percent of  
382 each installment of the assessment for each delinquent  
383 installment that the payment is late. Any payment received by an  
384 association must be applied first to any interest accrued by the  
385 association, then to any administrative late fee, then to any  
386 costs and reasonable attorney ~~attorney's~~ fees incurred in  
387 collection, and then to the delinquent assessment. The foregoing  
388 applies notwithstanding any restrictive endorsement,  
389 designation, or instruction placed on or accompanying a payment.  
390 A late fee is not subject to chapter 687 or s. 719.303(4).

391 (6) ~~(4)~~ The association has a lien on each cooperative  
392 parcel for any unpaid rents and assessments, plus interest, and  
393 any authorized administrative late fees. If authorized by the  
394 cooperative documents, the lien also secures reasonable attorney  
395 ~~attorney's~~ fees incurred by the association incident to the  
396 collection of the rents and assessments or enforcement of such  
397 lien. The lien is effective from and after recording a claim of  
398 lien in the public records in the county in which the  
399 cooperative parcel is located which states the description of  
400 the cooperative parcel, the name of the unit owner, the amount  
401 due, and the due dates. The lien expires if a claim of lien is  
402 not filed within 1 year after the date the assessment was due,  
403 and the lien does not continue for longer than 1 year after the  
404 claim of lien has been recorded unless, within that time, an  
405 action to enforce the lien is commenced. Except as otherwise  
406 provided in this chapter, a lien may not be filed by the  
407 association against a cooperative parcel until 30 days after the

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408 date on which a notice of intent to file a lien has been  
409 delivered to the owner.

410 (a) The notice must be sent to the unit owner at the  
411 address of the unit by first-class United States mail and:

412 1. If the most recent address of the unit owner on the  
413 records of the association is the address of the unit, the  
414 notice must be sent by registered or certified mail, return  
415 receipt requested, to the unit owner at the address of the unit.

416 2. If the most recent address of the unit owner on the  
417 records of the association is in the United States, but is not  
418 the address of the unit, the notice must be sent by registered  
419 or certified mail, return receipt requested, to the unit owner  
420 at his or her most recent address.

421 3. If the most recent address of the unit owner on the  
422 records of the association is not in the United States, the  
423 notice must be sent by first-class United States mail to the  
424 unit owner at his or her most recent address.

425 (b) A notice that is sent pursuant to this subsection is  
426 deemed delivered upon mailing.

427 ~~(7)~~(5) Liens for rents and assessments may be foreclosed  
428 by suit brought in the name of the association, in like manner  
429 as a foreclosure of a mortgage on real property. In any  
430 foreclosure, the unit owner shall pay a reasonable rental for  
431 the cooperative parcel, if so provided in the cooperative  
432 documents, and the plaintiff in the foreclosure is entitled to  
433 the appointment of a receiver to collect the rent. The  
434 association has the power, unless prohibited by the cooperative  
435 documents, to bid on the cooperative parcel at the foreclosure

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436 sale and to acquire and hold, lease, mortgage, or convey it.  
437 Suit to recover a money judgment for unpaid rents and  
438 assessments may be maintained without waiving the lien securing  
439 them.

440 ~~(8)(6)~~ Within 15 days after request by a unit owner or  
441 mortgagee, the association shall provide a certificate stating  
442 all assessments and other moneys owed to the association by the  
443 unit owner with respect to the cooperative parcel. Any person  
444 other than the unit owner who relies upon such certificate shall  
445 be protected thereby. Notwithstanding any limitation on transfer  
446 fees contained in s. 719.106(1)(i), the association or its  
447 authorized agent may charge a reasonable fee for the preparation  
448 of the certificate.

449 ~~(9)(7)~~ The remedies provided in this section do not  
450 exclude other remedies provided by the cooperative documents and  
451 permitted by law.

452 ~~(10)(8)~~(a) A ~~No~~ unit owner may not be excused from the  
453 payment of his or her share of the rents or assessments of a  
454 cooperative unless all unit owners are likewise proportionately  
455 excused from payment, except as provided in subsection ~~(8)~~ ~~(6)~~  
456 and in the following cases:

457 1. If the cooperative documents so provide, a developer or  
458 other person owning cooperative units offered for sale may be  
459 excused from the payment of the share of the common expenses,  
460 assessments, and rents related to those units for a stated  
461 period of time. The period must terminate no later than the  
462 first day of the fourth calendar month following the month in  
463 which the right of exclusive possession is first granted to a

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464 unit owner. However, the developer must pay the portion of  
465 common expenses incurred during that period which exceed the  
466 amount assessed against other unit owners.

467 2. A developer, or other person with an ownership interest  
468 in cooperative units or having an obligation to pay common  
469 expenses, may be excused from the payment of his or her share of  
470 the common expenses which would have been assessed against those  
471 units during the period of time that he or she shall have  
472 guaranteed to each purchaser in the purchase contract or in the  
473 cooperative documents, or by agreement between the developer and  
474 a majority of the unit owners other than the developer, that the  
475 assessment for common expenses of the cooperative imposed upon  
476 the unit owners would not increase over a stated dollar amount  
477 and shall have obligated himself or herself to pay any amount of  
478 common expenses incurred during that period and not produced by  
479 the assessments at the guaranteed level receivable from other  
480 unit owners.

481 (b) If the purchase contract, cooperative documents, or  
482 agreement between the developer and a majority of unit owners  
483 other than the developer provides for the developer or another  
484 person to be excused from the payment of assessments pursuant to  
485 paragraph (a), ~~no~~ funds receivable from unit owners payable to  
486 the association or collected by the developer on behalf of the  
487 association, other than regular periodic assessments for common  
488 expenses as provided in the cooperative documents and disclosed  
489 in the estimated operating budget pursuant to s. 719.503(1)(b)6.  
490 or s. 719.504(20)(b), may not be used for payment of common  
491 expenses prior to the expiration of the period during which the  
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492 developer or other person is so excused. This restriction  
493 applies to funds including, but not limited to, capital  
494 contributions or startup funds collected from unit purchasers at  
495 closing.

496 (11)~~(9)~~ The specific purposes of any special assessment,  
497 including any contingent special assessment levied in  
498 conjunction with the purchase of an insurance policy authorized  
499 by s. 719.104(3), approved in accordance with the cooperative  
500 documents shall be set forth in a written notice of such  
501 assessment sent or delivered to each unit owner. The funds  
502 collected pursuant to a special assessment may ~~shall~~ be used  
503 only for the specific purpose or purposes set forth in such  
504 notice or returned to the unit owners. However, upon completion  
505 of such specific purposes, any excess funds shall be considered  
506 common surplus and may, at the discretion of the board, either  
507 be returned to the unit owners or applied as a credit toward  
508 future assessments.

509 (12)~~(10)~~(a) If the unit is occupied by a tenant and the  
510 unit owner is delinquent in paying any monetary obligation due  
511 to the association, the association may make a written demand  
512 that the tenant pay to the association the subsequent rental  
513 payments and continue to make such payments until all monetary  
514 obligations of the unit owner related to the unit have been paid  
515 in full to the association. The tenant must pay the monetary  
516 obligations to the association until the association releases  
517 the tenant or the tenant discontinues tenancy in the unit.

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518 1. The association must provide the tenant a notice, by  
519 hand delivery or United States mail, in substantially the  
520 following form:

521  
522 Pursuant to section 719.108(12) ~~719.108(10)~~, Florida  
523 Statutes, we demand that you make your rent payments  
524 directly to the cooperative association and continue doing  
525 so until the association notifies you otherwise.

526  
527 Payment due the cooperative association may be in the same  
528 form as you paid your landlord and must be sent by United  
529 States mail or hand delivery to ...(full address)...,  
530 payable to ...(name)....

531  
532 Your obligation to pay your rent to the association begins  
533 immediately, unless you have already paid rent to your  
534 landlord for the current period before receiving this  
535 notice. In that case, you must provide the association  
536 written proof of your payment within 14 days after  
537 receiving this notice and your obligation to pay rent to  
538 the association would then begin with the next rental  
539 period.

540  
541 Pursuant to section 719.108(12) ~~719.108(10)~~, Florida  
542 Statutes, your payment of rent to the association gives you  
543 complete immunity from any claim for the rent by your  
544 landlord.

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546 2. The association must mail written notice to the unit  
547 owner of the association's demand that the tenant make payments  
548 to the association.

549 3. The association shall, upon request, provide the tenant  
550 with written receipts for payments made.

551 4. A tenant is immune from any claim by the landlord or  
552 unit owner related to the rent timely paid to the association  
553 after the association has made written demand.

554 (b) If the tenant paid rent to the landlord or unit owner  
555 for a given rental period before receiving the demand from the  
556 association and provides written evidence to the association of  
557 having paid the rent within 14 days after receiving the demand,  
558 the tenant shall begin making rental payments to the association  
559 for the following rental period and shall continue making rental  
560 payments to the association to be credited against the monetary  
561 obligations of the unit owner until the association releases the  
562 tenant or the tenant discontinues tenancy in the unit.

563 (c) The liability of the tenant may not exceed the amount  
564 due from the tenant to the tenant's landlord. The tenant's  
565 landlord shall provide the tenant a credit against rents due to  
566 the landlord in the amount of moneys paid to the association.

567 (d) The association may issue notice under s. 83.56 and  
568 sue for eviction under ss. 83.59-83.625 as if the association  
569 were a landlord under part II of chapter 83 if the tenant fails  
570 to pay a required payment to the association after written  
571 demand has been made to the tenant. However, the association is  
572 not otherwise considered a landlord under chapter 83 and  
573 specifically has no obligations under s. 83.51.

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574 (e) The tenant does not, by virtue of payment of monetary  
575 obligations to the association, have any of the rights of a unit  
576 owner to vote in any election or to examine the books and  
577 records of the association.

578 (f) A court may supersede the effect of this subsection by  
579 appointing a receiver.

580

581 Between lines 1720 and 1721, insert:

582 Section 21. Subsection (3) of section 721.16, Florida  
583 Statutes, is amended to read:

584 721.16 Liens for overdue assessments; liens for labor  
585 performed on, or materials furnished to, a timeshare unit.—

586 (3) The lien is effective from the date of recording a  
587 claim of lien in the official records of the county or counties  
588 in which the timeshare interest is located. The claim of lien  
589 shall state the name of the timeshare plan and identify the  
590 timeshare interest for which the lien is effective, state the  
591 name of the purchaser, state the assessment amount due, and  
592 state the due dates. Notwithstanding any provision of s.  
593 718.116(5) or s. 719.108(6) ~~719.108(4)~~ to the contrary, the lien  
594 is effective until satisfied or until 5 years have expired after  
595 the date the claim of lien is recorded unless, within that time,  
596 an action to enforce the lien is commenced pursuant to  
597 subsection (2). A claim of lien for assessments may include only  
598 assessments which are due when the claim is recorded. A claim of  
599 lien shall be signed and acknowledged by an officer or agent of  
600 the managing entity. Upon full payment, the person making the  
601 payment is entitled to receive a satisfaction of the lien.

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**T I T L E   A M E N D M E N T**

Remove lines 62-71 and insert:

719.106, F.S.; revising applicability of certain board of  
administration meeting requirements; requiring challenges to an  
election to commence within a certain time period; specifying  
certification or educational requirements for a newly elected or  
appointed cooperative board director; providing requirements for  
challenging the failure of a board to duly notice and hold the  
required board meeting or to file the required petition for a  
recall; providing requirements for recalled board members to  
challenge the recall; providing duties of the division regarding  
recall petitions; amending s. 719.108, F.S.; revising language  
with respect to assessments and liens; revising liability of  
unit owners; providing liability limitations of a first  
mortgagee or its successor or assignees who acquire title to a  
unit by foreclosure; providing requirements for persons  
acquiring title; authorizing the association to record a claim  
of lien under certain conditions; amending s. 719.303, F.S.;

Remove line 101 and insert:

acquiring title; amending s. 721.16, F.S.; conforming a cross-  
reference; providing an effective date.

Amendment No. 5

COMMITTEE/SUBCOMMITTEE 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  
12.7.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Moraitis offered the following:

**Amendment (with title amendment)**

5 Remove lines 1703-1720 and insert:

6 Section 1. Paragraphs (b), (c), and (d) of subsection (2)  
7 of section 720.3085, Florida Statutes, are amended to read:

8 (b) A parcel owner, regardless of how the parcel owner has  
9 acquired title, including, but not limited to, by purchase at a  
10 foreclosure sale, is liable for all assessments that come due  
11 while he or she is the parcel owner. Additionally, a parcel  
12 owner is jointly and severally liable with the previous parcel  
13 owner for all unpaid assessments, late fees, interest, costs,  
14 and reasonable attorney fees incurred by the association in an  
15 attempt to collect all such amounts that came due up to the time  
16 of transfer of title. This liability is without prejudice to any  
17 right the present parcel owner may have to recover any amounts  
18 paid by the present owner from the previous owner the amounts  
19 paid by the owner.

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20 (c) 1. ~~Notwithstanding anything to the contrary contained~~  
21 ~~in this section,~~ The liability of a first mortgagee, or its  
22 successors or assignees ~~as a subsequent holder of the first~~  
23 ~~mortgage~~ who acquires title to a parcel by foreclosure or by  
24 deed in lieu of foreclosure for the unpaid assessments,  
25 interest, administrative late fees, reasonable costs and  
26 attorney fees, and any other fee, cost, or expense incurred in  
27 the collection process that became due before the mortgagee's  
28 acquisition of title, ~~shall be~~ is limited to the lesser of:

29 a.1. Only the parcel's unpaid common expenses and regular  
30 periodic or special assessments that accrued or came due during  
31 the 12 months immediately preceding the acquisition of title and  
32 for which payment in full has not been received by the  
33 association; or

34 b.2. One percent of the original mortgage debt.

35 2. Subparagraph 1. applies ~~The limitations on first~~  
36 ~~mortgagee liability provided by this paragraph apply~~ only if the  
37 first mortgagee ~~filed suit against the parcel owner and~~  
38 ~~initially~~ joined the association as a defendant in the mortgagee  
39 foreclosure action. Joinder of the association is not required  
40 if, on the date the complaint is filed, the association was  
41 dissolved or did not maintain an office or agent for service of  
42 process at a location that was known to or reasonably  
43 discoverable by the mortgagee.

44 3. The first mortgagee or its successors or assignees who  
45 acquire title to a parcel by foreclosure or by deed in lieu of  
46 foreclosure are not liable for any interest, administrative late  
47 fee, reasonable cost or attorney fee, or any other fee, cost, or

454385

Approved For Filing: 12/6/2011 6:11:07 PM

Amendment No. 5

48 expense that came due prior to its acquisition of title. This  
49 paragraph is intended to clarify existing law.

50 4.(d) An association, or its successor or assignee, that  
51 acquires title to a parcel through the foreclosure of its lien  
52 for assessments is not liable for any unpaid assessments, late  
53 fees, interest, or reasonable attorney ~~attorney's~~ fees and costs  
54 that came due before the association's acquisition of title in  
55 favor of any other association, as defined in s. 718.103(2) or  
56 s. 720.301(9), which holds a ~~superior~~ lien interest on the  
57 parcel. This paragraph is intended to clarify existing law.

58 (d) The person acquiring title shall pay the amount owed  
59 to the association within 30 days after transfer of title.  
60 Failure to pay the full amount when due entitles the association  
61 to record a claim of lien against the parcel for the amounts  
62 specified in this subsection and proceed in the same manner as  
63 provided in this section for the collection of the amount owed  
64 and any unpaid assessments coming due after the acquisition of  
65 title and other charges authorized by subsection (3) on any  
66 unpaid assessments coming due after the acquisition of title.

70 -----  
71 **T I T L E A M E N D M E N T**

72 Remove line 101 and insert:

73 acquiring title; requiring payment of amount due within a  
74 certain time period; providing an effective date.

75 454385

Approved For Filing: 12/6/2011 6:11:07 PM



Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

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

*Unfavorable  
12.7.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Abruzzo offered the following:

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

5 Between lines 640 and 641, insert:

6 (b) If cable television and other related services are  
7 purchased by bulk contract, and if a resident is 60 days or more  
8 delinquent on payment of assessments, the association may  
9 request that the franchised or licensed cable television  
10 provider disconnect cable television and any related service,  
11 subject to the provider's standard disconnection fee, if  
12 applicable.

13 (c) ~~(b)~~ A fine, disconnect or suspension may not be imposed  
14 unless the association first provides at least 14 days' written  
15 notice and an opportunity for a hearing to the unit owner and,  
16 if applicable, its occupant, licensee, or invitee. The hearing  
17 must be held before a committee of other unit owners who are  
18 neither board members nor persons residing in a board member's

152263

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Amendment No. 6

19 household. If the committee does not agree, the fine or  
20 suspension may not be imposed.

21  
22  
23  
24

-----

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

25 Remove line 620 and insert:  
26  
27 Section 7. Subsections (3) and

28  
29  
30  
31

-----

**T I T L E   A M E N D M E N T**

32  
33 Between lines 30 and 31, insert:  
34 providing that a condominium association may disconnect cable  
35 services for unpaid assessments;

36

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn  
12.7.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Abruzzo offered the following:

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

5 Between lines 1255 and 1256, insert:

6 (b) If cable television and other related services are  
7 purchased by bulk contract, and if a resident is 60 days or more  
8 delinquent on payment of assessments, the association may  
9 request that the franchised or licensed cable television  
10 provider disconnect cable television and any related service,  
11 subject to the provider's standard disconnection fee, if  
12 applicable.

13 (c) ~~(b)~~ A fine, disconnect or suspension may not be imposed  
14 except after giving reasonable notice and opportunity for a  
15 hearing to the unit owner and, if applicable, the unit's  
16 licensee or invitee. The hearing must be held before a committee  
17 of other unit owners. If the committee does not agree with the  
18 fine or suspension, it may not be imposed.

306487

Approved For Filing: 12/6/2011 6:17:07 PM

Amendment No. 7

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

Remove line 1236 and insert:  
Section 15. Subsections (3) and

-----

**T I T L E   A M E N D M E N T**

Remove line 74 and insert:  
owner or member; providing that a cooperative may disconnect  
cable services for unpaid assessments; revising voting  
requirements under

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 319 (2012)

Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn  
12.7.11*

Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
Representative Abruzzo offered the following:

**Amendment (with title amendment)**

Remove line 1529 and insert:

(b) If cable television and other related services are purchased by bulk contract, and if a resident is 60 days or more delinquent on payment of assessments, the association may request that the franchised or licensed cable television provider disconnect cable television and any related service, subject to the provider's standard disconnection fee, if applicable.

(c) ~~(b)~~ A fine, disconnect or suspension may not be imposed without at

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802875

Approved For Filing: 12/6/2011 6:17:54 PM

Amendment No. 8

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22  
23  
24  
25

**T I T L E   A M E N D M E N T**

Remove line 86 and insert:  
association member and parcel owner; providing that a homeowner  
association may disconnect cable services for unpaid  
assessments; revising voting

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

### HB 385 : Sovereign Immunity

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo			X		
Mack Bernard			X		
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar			X		
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto		X			
Kelli Stargel	X				
Richard Steinberg		X			
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 2</b>			

### HB 385 Amendments

#### Amendment 765555

Withdrawn

#### Amendment 865067

Adopted Without Objection

### Appearances:

HB 385

Large, William (Lobbyist) - Waive In Support  
Florida Justice Reform Institute  
210 S Monroe St  
Tallahassee FL 32301-1824  
Phone: (850)222-0170

HB 385

Delegal, Mark (Lobbyist) - Proponent  
Safety Net Hospital Alliance of Florida  
101 N Gadsden St  
Tallahassee FL 32301  
Phone: (850)222-3533

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

**Location:** 404 HOB

HB 385

Gustafson, Jim (General Public) - Opponent

FJA

1567 Cristobal Drive

Tallahassee FL 32303

Phone: 850-224-7600

HB 385

Cain, Stephen (General Public) - Opponent

FJA

1 SE 3rd Avenue Suite 3000

Miami FL 33131

Phone: 305-358-6644

HB 385

Borom, MD, Andrew (General Public) - Proponent

Florida Orthopedic Society

3334 Capital Medical Blvd

Tallahassee FL

Phone: 850-219-1964

HB 385

Winn, Stephen (Lobbyist) - Waive In Support

Florida Osteopathic Medical Association

2007 Apalachee Pky

Tallahassee FL 32301

Phone: (850)878-7463

HB 385

Bell, Bill - Information Only

Florida Hospital Association

306 E College Ave

Tallahassee FL 32301

Phone: (850) 222-9800

HB 385

Machado, MD, Miguel (Lobbyist) - Proponent

President, Florida Medical Association

1430 Piedmont Dr, East

Tallahassee FL 32308

Phone: 850-224-6496

HB 385

Stern, MD, Joel (General Public) - Proponent

Medical Director, Emergency Dept., North Shore Medical Center

Miami FL

Phone: 305-773-2993

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM



# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

**Location:** 404 HOB

HB 385

Smith Jr., Layne (Lobbyist) - Waive In Support

Mayo Clinic

4500 San Pablo Rd

Jacksonville FL 32224

Phone: (904)953-7268

HB 385

Singh, MD, Shelley (General Public) - Waive In Support

Florida Chapter, American College of Physicians

1 Glen Royal Parkway #1208

Miami FL 33125

Phone: 954-240-5513

HB 385

Bayliss, Slater (Lobbyist) - Information Only

HMA

215 S Monroe St #602

Tallahassee FL

Phone: 850-251-7710

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 385 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn  
12.7.11*

Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
Representative Gaetz offered the following:

**Amendment (with title amendment)**

Between lines 153 and 154, insert:

5. An emergency health care provider may affirmatively elect in writing not to be considered an agent of the state by submitting a form to that effect to the Department of Health. An emergency health care provider who makes such election may revoke it by submitting a form revoking the election. An election or revocation is effective upon filing with the department. Any emergency health care provider who declines the status conferred by subsection b. shall not be considered an agent of the state.

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

765555

Approved For Filing: 12/6/2011 5:37:35 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 385 (2012)

Amendment No. 1

20        Remove line 12 and insert:  
21 obligations; providing definitions; providing that an emergency  
22 medical provider may elect to not be an agent of the state;  
23 providing for revocation of the election; providing  
24

765555

Approved For Filing: 12/6/2011 5:37:35 PM

Page 2 of 2

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 385 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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  
12.7.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Gaetz offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 153 and 154, insert:

6 5. An emergency health care provider may affirmatively  
7 elect in writing not to be considered an agent of the state by  
8 submitting a form to that effect to the Department of Health. An  
9 emergency health care provider who makes such election may  
10 revoke it by submitting a form revoking the election. An  
11 election or revocation is effective upon filing with the  
12 department. Any emergency health care provider who declines the  
13 status conferred by subsection b. shall not be considered an  
14 agent of the state.

15  
16  
17  
18 -----  
19 **T I T L E A M E N D M E N T**

865067

Approved For Filing: 12/7/2011 3:35:37 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 385 (2012)

Amendment No. 2

20           Remove lines 2-12 and insert:  
21   An act relating to health care; providing legislative findings  
22   and intent; amending s. 768.28, F.S.; providing sovereign  
23   immunity to emergency health care providers acting pursuant to  
24   obligations imposed by specified statutes; providing an  
25   exception; providing that emergency health care providers are  
26   agents of the state and requiring them to indemnify the state up  
27   to the specified liability limits; providing for sanctions  
28   against emergency health care providers who fail to comply with  
29   indemnification obligations; providing definitions; providing  
30   that an emergency medical provider may elect to not be an agent  
31   of the state; providing for revocation of such election;  
32   providing that elections are effective upon receipt by the  
33   Department of Health; providing

34

865067

Approved For Filing: 12/7/2011 3:35:37 PM

Page 2 of 2

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

HB 609 : Wage Protection for Employees

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo		X			
Mack Bernard		X			
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar			X		
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto		X			
Kelli Stargel	X				
Richard Steinberg		X			
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 4</b>			

### Appearances:

HB 609

Mattingly, Dwight (General Public) - Opponent

Florida Wage Theft Task Force

8907 SE Pine Cone Lane

Hobe Sound FL 33455

Phone: 561-523-0525

HB 609

Garrett, Phyllis (Lobbyist) - Waive In Opposition

Florida AFL-CIO

135 S Monroe St

Tallahassee FL 32301

Phone: (850)224-6926

HB 609

Rogers Jr., John (Lobbyist) - Proponent

Florida Retail Federation

PO Box 10024

Tallahassee FL 32302-2024

Phone: (850)222-4082

HB 609

Templin, Rich (Lobbyist) - Opponent

Florida AFL-CIO

135 S. Monroe

Tallahassee FL 32301

Phone: 850-224-6926

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

**Location:** 404 HOB

HB 609

Perry, Gail Marie (General Public) - Opponent  
Chair, Communications Workers of America Council of Florida  
P O Box 1766  
Pompano Beach FL 33061  
Phone: 954-850-4055

HB 609

Pitts, Brian - Opponent  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

HB 609

Husband, Warren (Lobbyist) - Proponent  
Florida Restaurant and Lodging Association  
PO Box 1779  
Tallahassee FL 32302  
Phone: (850)205-9000

HB 609

Trujillo, Andres (Lobbyist) - Opponent  
United Transportation Union  
8210 NW 172 St  
Miami FL 33015  
Phone: (305)819-7796

HB 609

Hebrank, Kari (Lobbyist) - Waive In Support  
Florida Building Material Association, Inc  
1303 Limit Ave  
Mount Dora FL 32757  
Phone: (850)681-3290

HB 609

Woodall, Karen (Lobbyist) - Opponent  
Farmworker Association of Florida  
579 E Call St  
Tallahassee FL 32301  
Phone: 850-321-9386

HB 609

Michelin, Mike - Waive In Opposition  
18508 Dakota Rd  
Odessa FL 33556

HB 609

Collins, Marguerite (General Public) - Opponent  
4398 Flax Court  
Palm Beach Gardens FL 33410  
Phone: 561-670-4447

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

**Location:** 404 HOB

HB 609

Ilchizyn, Walter (General Public) - Opponent

16 NE 8th Terrace

Cape Coral FL 33909

Phone: 239-633-6108

HB 609

Madtes, Andy (General Public) - Opponent

President, South Florida AFL-CIO

1525 NW 167th Street

Miami FL 33169

Phone: 786-213-3702

HB 609

Schoonover, Chris (Lobbyist) - Waive In Support

Office Depot

101 E College Avenue

Tallahassee FL 32303

Phone: 850-222-9075

HB 609

Livingston, Robert (General Public) - Waive In Opposition

274 Galbraith Avenue

Oak Hill FL 32759

Phone: 904-669-8699

HB 609

Rose, Matty (General Public) - Waive In Opposition

129 Ashby Cove

New Smyrna Beach Florida 32168

Phone: 386-795-2130

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM



# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

HB 631 : Terms of Courts

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar			X		
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 631

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

HB 4125 : Judges

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar			X		
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

HB 4133 : District Courts of Appeal

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar			X		
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 4133

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

Location: 404 HOB

PCS for HB 549 : Alimony

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager			X		
Shawn Harrison		X			
Martin Kiar			X		
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo		X			
Scott Plakon				X	
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 2</b>			

### Appearances:

PCS for HB 549

Aleman-Gomez, Jose (General Public) - Proponent

Self

2100 NW 4th Street

Cape Coral FL undefined

Phone: 727-238-4841

PCS for HB 549

Kraft, Daniel (General Public) - Proponent

Florida Alimony Reform

7331 Shell Ridge Ter

Lake Worth FL undefined

Phone: 561-963-0456

PCS for HB 549

Perez, Bernard Ramon (At Request Of Chair) (General Public) - Proponent

Floridians

275 Bayshore Blvd. #1205

Tampa FL undefined

Phone: 813 760 9442

PCS for HB 549

Melvin, Lawrence (General Public) - Waive In Support

12042 Simmons Rd

Jacksonville FL undefined

Phone: 904/403-6210

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

**Location:** 404 HOB

PCS for HB 549

Albarran, Guido (General Public) - Proponent

Florida Alimony Reform

1998 NE 7th St Unit 106

Deerfield Beach Fl undefined

Phone: 561-329-5353

PCS for HB 549

Askegard, Vernon (General Public) - Proponent

1705 B Ensenada Uno

Pensacola Beach Fl.

Phone: 850-565-0318

PCS for HB 549

Strutin, Meryl (General Public) - Proponent

Florida Alimony Reform

7331 Shell Ridge Ter

Lake Worth FL 33467

Phone: 561-963-0456

PCS for HB 549

Donaldson, Sr., Robert (General Public) - Proponent

Myself

4474 Bixby Circle

Pensacola FL undefined

Phone: (850) 602-5432

PCS for HB 549

Overton, Allan (General Public) - Proponent

Self and also as a member of the Florida Alimony Reform Group

3081 Border Creek Road

Crestview FL undefined

Phone: (850) 240-1293

PCS for HB 549

Anderson, John (General Public) - Waive In Support

Self

1301 1st Street South, #1404

Jacksonville Beach Fl undefined

Phone: 904-233-8094

PCS for HB 549

Fromularo, John (General Public) - Waive In Support

Florida Alimony Reform

4 Portofino Drive Suite 2008

Pensacola Beach Fl

Phone: 850-982-1910

Committee meeting was reported out: Wednesday, December 07, 2011 5:57:29PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

12/7/2011 1:00:00PM

**Location:** 404 HOB

PCS for HB 549

Reinertsen, Charles (General Public) - Proponent

Lifetime Alimony Payers in Florida

2567 Tremont Dr

Eustis FL undefined

Phone: 352-516-2265

PCS for HB 549

Torres, Hector (General Public) - Proponent

591 NW 208TH Circle

Pembroke Pines FL undefined

Phone: 305-401-9009

PCS for HB 549

Manz, David - Information Only

Florida Bar Family Law Section

5800 Overseas Highway Suite 40

Marathon FL 33013

Phone: (305) 731-3600

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCS Name: PCS for HB 549 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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  
12.7.11*

1 Committee/Subcommittee hearing PCS: Civil Justice Subcommittee  
2 Representative Workman offered the following:

3  
4 **Amendment**

5 Remove lines 110-112 and insert:  
6 any alimony award, which award must be deductible by the obligor  
7 and taxable to the obligee, except that an award for the cost of  
8 the obligee's education or training necessary to establishing  
9 the capacity for self support need not be deductible by the  
10 obligor including the designation of all of a portion of the  
11 payment as a nontaxable, nondeductible payment.  
12

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCS Name: PCS for HB 549 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn  
12.7.11*

1 Committee/Subcommittee hearing PCS: Civil Justice Subcommittee  
2 Representative Stargel offered the following:

3

4 **Amendment**

5 Remove lines 74-77 and insert:

6 periodic payments or payments in lump sum or both. The court may  
7 consider the adultery of either spouse and the circumstances  
8 thereof in determining the amount of alimony, if any, to be  
9 awarded. In all dissolution actions, the court shall include



Amendment No. 3

COMMITTEE/SUBCOMMITTEE 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  
12-7-11*

1 Committee/Subcommittee hearing PCS: Civil Justice Subcommittee  
2 Representative Stargel offered the following:

3  
4  
5  
6  
7  
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10  
11

**Amendment**

Remove lines 195-198 and insert:  
awarding long-term ~~permanent~~ alimony, the court shall include  
findings a finding that no other form of alimony will provide  
for the needs and necessities of life of the recipient and that  
no other form is fair and reasonable under the circumstances of  
the parties. An award of long-term