

Civil Justice Subcommittee

February 7, 2013

9:00 AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Thursday February 07, 2013 08:00 am

| | | | |
|----------------------------|---|---------------------------|------------------|
| HB 87 | Favorable | Yeas: 10 | Nays: 3 |
| HB 175 | Favorable With Committee Substitute Amendment 240021 | Adopted Without Objection | Yeas: 12 Nays: 0 |
| HB 179 | Favorable With Committee Substitute Amendment 429957 | Adopted Without Objection | Yeas: 12 Nays: 0 |
| HB 351 | Favorable | Yeas: 9 | Nays: 4 |
| PCB CJS 13-01 | Favorable | Yeas: 13 | Nays: 0 |
| PCS for HB 73 | Favorable With Amendments | Yeas: 12 | Nays: 0 |
| Amendment PCS for HB 73 a1 | Adopted Without Objection | | |
| Amendment PCS for HB 73 a2 | Adopted Without Objection | | |
| Amendment PCS for HB 73 a3 | Adopted Without Objection | | |
| Amendment PCS for HB 73 a4 | Adopted Without Objection | | |
| Amendment PCS for HB 73 a5 | Adopted Without Objection | | |

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|--------------------|----------------|---------------|----------------|
| Larry Metz (Chair) | X | | |
| Jim Boyd | X | | |
| Michael Clelland | X | | |
| Daniel Davis | X | | |
| Tom Goodson | X | | |
| Bill Hager | X | | |
| Jose Oliva | X | | |
| Kathleen Passidomo | X | | |
| José Rodríguez | X | | |
| Ross Spano | X | | |
| Cynthia Stafford | X | | |
| Charlie Stone | X | | |
| James Waldman | X | | |
| Totals: | 13 | 0 | 0 |

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

HB 87 : Mortgage Foreclosures

Favorable

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Jim Boyd | X | | | | |
| Michael Clelland | X | | | | |
| Daniel Davis | X | | | | |
| Tom Goodson | X | | | | |
| Bill Hager | X | | | | |
| Jose Oliva | X | | | | |
| Kathleen Passidomo | X | | | | |
| José Rodríguez | | X | | | |
| Ross Spano | X | | | | |
| Cynthia Stafford | | X | | | |
| Charlie Stone | X | | | | |
| James Waldman | | X | | | |
| Larry Metz (Chair) | X | | | | |
| Total Yeas: 10 | | Total Nays: 3 | | | |

Appearances:

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

Varnell, Janet (General Public) - Opponent
Rose Schniederman
20 La Grande Blvd
The Villages FL 32159
Phone: 352-753-8600

Schneiderman, Rose (General Public) - Opponent
Self
12341 Pineglenn Drive
Leesburg FL 34788
Phone: 352-455-9858

Perry, Booker T. (General Public) - Opponent
Federations of Congregations United to Serve (FOCUS)
2040 Rogers Avenue
Maitland FL 32751
Phone: 321-263-6984

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

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

HB 87 : Mortgage Foreclosures (continued)

Appearances: (continued)

Drysdale, Lynn (Lobbyist) - Opponent

Managing Attorney, Consumer Law Unit, Jacksonville Area Legal Aid, Inc.
126 West Adams Street
Jacksonville FL 32233
Phone: 904-356-8371 ext 306

Adams, Leticia (Lobbyist) - Proponent

Florida Chamber of Commerce
136 S. Bronough St.
Tallahassee FL 32301
Phone: (850) 521-1279

Gillis, Ronald (General Public) - Opponent

P O Box 380842
Murdock FL 33938
Phone: 941-766-8279

Moore, Travis (Lobbyist) - Information Only

Community Associations Institute
931 N:SR 434 #1201-220
Altamonte Springs FL 32714
Phone: (727)421-6902

Newton, Jennifer (Lobbyist) - Opponent

Florida Legal Services
3000 Biscayne Blvd
Miami FL
Phone: 305-579-0092

Fields, Alan (Lobbyist) - Proponent

Florida Land Title Association
249 E. Virginia Street
Tallahassee Florida
Phone: 727-773-6664

Lilley, Deborah (General Public) - Opponent

P O Box 380842
Murdock FL 33938
Phone: 941-613-9895

Ferguson, Diana (Lobbyist) - Waive In Support

Community Advocacy Network
119 S Monroe St
Tallahassee FL 32308
Phone: 850-681-6788

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

HB 87 : Mortgage Foreclosures (continued)

Appearances: (continued)

Vickers, Alice (Lobbyist) - Opponent
Florida Consumer Action Network
623 Beard Street
Tallahassee FL 32303
Phone: 850-556-3121

Dunbar, Peter (Lobbyist) - Proponent
Real Property, Probate & Trust Law Section
c/o The Florida Bar 651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-3533

Landis, Sylvia (General Public) - Opponent
5405 Stork Court
Tampa FL 33625
Phone: 813-443-8613

Conner, Theodore (General Public) - Waive In Support
General Counsel, Attorney's Title Fund Services
6545 Corporate Center Blvd
Orlando FL 32822
Phone: 800-432-9594 ext 7236

Bagga, Jean (General Public) - Opponent
FOCUS of Orlando
102 Limerick Court
Orlando FL 32828
Phone: 407-484-1842

Russick, James (General Public) - Waive In Support
Vice President, Old Republic National Title Insurance Company
1410 N Westshore Blvd, Suite 800
Tampa FL 33607
Phone: 800-342-5957

Nealy, Jerry (General Public) - Opponent
Pastors on Patrol
1509 Grace Street
Tampa FL 33607
Phone: 813-398-7121

Adams, Joe (Lobbyist) - Proponent
Attorney, Call, Becker and Poliakoff
14241 Carissa Commerce Court
Ft. Myers FL
Phone: 239-433-7707

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

HB 175 : Condominiums

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Jim Boyd | X | | | | |
| Michael Clelland | X | | | | |
| Daniel Davis | X | | | | |
| Tom Goodson | X | | | | |
| Bill Hager | X | | | | |
| Jose Oliva | | | X | | |
| Kathleen Passidomo | X | | | | |
| José Rodríguez | X | | | | |
| Ross Spano | X | | | | |
| Cynthia Stafford | X | | | | |
| Charlie Stone | X | | | | |
| James Waldman | X | | | | |
| Larry Metz (Chair) | X | | | | |
| Total Yeas: 12 | | Total Nays: 0 | | | |

HB 175 Amendments

Amendment 240021

Adopted Without Objection

Appearances:

Adams, Joe (Lobbyist) - Waive In Support
Call, Becker and Poliakoff
14241 Carissa Commerce Court
Ft. Myers FL
Phone: 239-433-7707

Dunbar, Peter (Lobbyist) - Waive In Support
Real Property, Probate & Trust Law Section
c/o The Florida Bar 651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-3533

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM



Amendment No.

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
2-7-13*

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

Amendment

5 Remove lines 221-223 and insert:
 6 adopted budget in which the members of an association have
 7 determined, by a majority vote at a duly called meeting of the
 8 association, to provide no reserves or less reserves than
 9

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

HB 179 : Eminent Domain Proceedings

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Jim Boyd | X | | | | |
| Michael Clelland | X | | | | |
| Daniel Davis | X | | | | |
| Tom Goodson | X | | | | |
| Bill Hager | X | | | | |
| Jose Oliva | | | X | | |
| Kathleen Passidomo | X | | | | |
| José Rodríguez | X | | | | |
| Ross Spano | X | | | | |
| Cynthia Stafford | X | | | | |
| Charlie Stone | X | | | | |
| James Waldman | X | | | | |
| Larry Metz (Chair) | X | | | | |
| Total Yeas: 12 | | Total Nays: 0 | | | |

HB 179 Amendments

Amendment 429957

Adopted Without Objection

Appearances:

Wickersheim, Michael (Lobbyist) (State Employee) - Waive In Support
Deputy Legislative Director, Florida Department of Transportation

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM



Amendment No.

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
2.7.13*

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

Amendment

5 Remove line 25 and insert:
 6 interest earned shall be allocated in accordance with the

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

HB 351 : Application of Foreign Law in Certain Cases

Favorable

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|----------------------|-----|----------------------|---------|-----------------|-----------------|
| Jim Boyd | X | | | | |
| Michael Clelland | | X | | | |
| Daniel Davis | X | | | | |
| Tom Goodson | X | | | | |
| Bill Hager | X | | | | |
| Jose Oliva | X | | | | |
| Kathleen Passidomo | X | | | | |
| José Rodríguez | | X | | | |
| Ross Spano | X | | | | |
| Cynthia Stafford | | X | | | |
| Charlie Stone | X | | | | |
| James Waldman | | X | | | |
| Larry Metz (Chair) | X | | | | |
| Total Yeas: 9 | | Total Nays: 4 | | | |

Appearances:

Duggar, Thomas (General Public) - Information Only
Family Law Section of the Florida Bar
1391 Timberlane
Tallahassee FL

Lewis, Bennett (General Public) - Proponent
Lt. General, US Army, Retired/Veterans in Defense of Americal Liberties
1540 Tippicanoe Court
Melbourne FL 32940
Phone: 321-255-9348

Murphy, Doug (General Public) - Proponent
Act for America, Spacecoast Chapter
6218 Halyard Court
Rockledge FL 32955
Phone: 321-656-0733

Boyland, Lee (General Public) - Proponent
Veterans in Defense of Americal Liberties
Melbourne FL 32940
Phone: 321-255-3995

Black, Joe (General Public) - Waive In Support
Veterans in Defense of American Liberties
2631 Little Bend Place
Merritt Island FL 32952
Phone: 321-453-2947

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

HB 351 : Application of Foreign Law in Certain Cases (continued)

Appearances: (continued)

Holder, Franklin (General Public) - Waive In Support
Col USMC (Ret.)/Veterans in Defense of American Liberties
52 Ridge Court
Rockledge FL 32955
Phone: 321-433-0833

Alla, Tomas (General Public) - Proponent
7755 Manasses Court, E
Jacksonville FL 32277
Phone: 904-651-6163

Bilbao, Ron (State Employee) - Opponent
American Civil Liberties Union of Florida
4500 Biscayne Blvd, Suite 340
Miami Florida 33137
Phone: 919-923-7288

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

PCB CJS 13-01 : Terms of Court

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|-----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Jim Boyd | X | | | | |
| Michael Clelland | X | | | | |
| Daniel Davis | X | | | | |
| Tom Goodson | X | | | | |
| Bill Hager | X | | | | |
| Jose Oliva | X | | | | |
| Kathleen Passidomo | X | | | | |
| José Rodríguez | X | | | | |
| Ross Spano | X | | | | |
| Cynthia Stafford | X | | | | |
| Charlie Stone | X | | | | |
| James Waldman | X | | | | |
| Larry Metz (Chair) | X | | | | |
| Total Yeas: 13 | | Total Nays: 0 | | | |

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

PCS for HB 73 : Residential Properties

Favorable With Amendments

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Jim Boyd | X | | | | |
| Michael Clelland | X | | | | |
| Daniel Davis | X | | | | |
| Tom Goodson | X | | | | |
| Bill Hager | X | | | | |
| Jose Oliva | | | X | | |
| Kathleen Passidomo | X | | | | |
| José Rodríguez | X | | | | |
| Ross Spano | X | | | | |
| Cynthia Stafford | X | | | | |
| Charlie Stone | X | | | | |
| James Waldman | X | | | | |
| Larry Metz (Chair) | X | | | | |
| Total Yeas: 12 | | Total Nays: 0 | | | |

PCS for HB 73 Amendments

Amendment PCS for HB 73 a1

Adopted Without Objection

Amendment PCS for HB 73 a2

Adopted Without Objection

Amendment PCS for HB 73 a3

Adopted Without Objection

Amendment PCS for HB 73 a4

Adopted Without Objection

Amendment PCS for HB 73 a5

Adopted Without Objection

Appearances:

Moore, Travis (Lobbyist) - Waive In Support
Community Associations Institute
931 N:SR 434 #1201-220
Altamonte Springs FL 32714
Phone: (727)421-6902

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/7/2013 8:00:00AM

Location: 404 HOB

PCS for HB 73 : Residential Properties (continued)

Appearances: (continued)

Adams, Attorney, Joe (Lobbyist) - Waive In Support
Call, Becker and Poliakoff
14241 Carissa Commerce Court
Ft. Myers FL
Phone: 239-433-7707

Green, Jennifer (Lobbyist) - Opponent
Florida Institute of Certified Public Accountants
325 W College Ave
Tallahassee FL 32301
Phone: (850)841-1726

Dunbar, Peter (Lobbyist) - Waive In Support
Real Property, Probate & Trust Law Section
c/o The Florida Bar 651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-3533

Ferguson, Diana (Lobbyist) - Waive In Support
Community Advocacy Network
119 S Monroe St
Tallahassee FL 32308
Phone: 850-681-6788

Thomas, Justin (Lobbyist) - Waive In Opposition
Governmental Affairs Manager, Florida Institute of CPA's
Tallahassee FL
Phone: 850-526-2209

Mabry, Janet (Lobbyist) - Waive In Support
Florida Resident Owned Communities
2866 Bay Heather Circle
Gulf Breeze FL 32563
Phone: 850-501-2502

Committee meeting was reported out: Thursday, February 07, 2013 1:29:55PM



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
2-7-13*

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

Amendment (with title amendment)

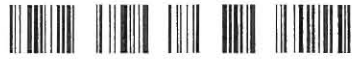
Between lines 129 and 130, insert:

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

514.0115 Exemptions from supervision or regulation; variances.—

(2) (a) Pools serving no more than 32 condominium units, ~~or~~ cooperative units, or parcels in a homeowners' association as defined in s. 720.301, which are not operated as a transient public lodging establishment, shall be exempt from supervision under this chapter, except for water quality.

(b) Pools serving more than 32 condominium units, ~~or~~ cooperative units, or parcels in a homeowners' associations as defined in s. 720.301 of more than 32 units and whose recorded documents prohibit the rental or sublease of the units for periods of less than 60 days are exempt from supervision under this chapter, except that the condominium or cooperative owner



Amendment No. 1

21 or association must file applications with the department and
22 obtain construction plans approval and receive an initial
23 operating permit. The department shall inspect the swimming
24 pools at such places annually, at the fee set forth in s.
25 514.033(3), or upon request by a unit owner, to determine
26 compliance with department rules relating to water quality and
27 lifesaving equipment. The department may not require compliance
28 with rules relating to swimming pool lifeguard standards.
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31
32

33 -----
34 **T I T L E A M E N D M E N T**

35 Remove line 4 and insert:
36 specific code update requirements; amending s. 514.0115, F.S.;
37 excluding pools serving no more than 32 parcels in a homeowners'
38 association from supervision by the department; amending s.
39



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
2-7-13*

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

Amendment (with directory and title amendments)

Between lines 133 and 134, insert:

6 (8) PURCHASE OF LEASES.—The association has the power to
 7 purchase any land or recreation lease and the approval required
 8 is the same as provided in s. 718.114 for the acquisition of
 9 leaseholds. ~~upon the approval of such voting interest as is~~
 10 ~~required by the declaration. If the declaration makes no~~
 11 ~~provision for acquisition of the land or recreation lease, the~~
 12 ~~vote required shall be that required to amend the declaration to~~
 13 ~~permit the acquisition.~~

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 16
 17
 18 -----
 19 **D I R E C T O R Y A M E N D M E N T**

20 Remove line 130 and insert:



Amendment No. 2

21 Section 2. Subsection (8), paragraph (c) of subsection
22 (12), and paragraphs
23
24
25

26 -----

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

28 Remove line 5 and insert:

29 718.111, F.S.; conforming the power of the association to
30 purchase land or a recreational lease to the law respecting the
31 acquisition of leaseholds; revising the requirement for physical
32



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
2.7.13*

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

Amendment (with directory and title amendments)

5 Between lines 133 and 134, insert:

6 (11) INSURANCE.—In order to protect the safety, health,
7 and welfare of the people of the State of Florida and to ensure
8 consistency in the provision of insurance coverage to
9 condominiums and their unit owners, this subsection applies to
10 every residential condominium in the state, regardless of the
11 date of its declaration of condominium. It is the intent of the
12 Legislature to encourage lower or stable insurance premiums for
13 associations described in this subsection.

14 (g) A condominium unit owner's policy must conform to the
15 requirements of s. 627.714.

16 1. All reconstruction work after a property loss must be
17 undertaken by the association except as otherwise authorized in
18 this section. A unit owner may undertake reconstruction work on
19 portions of the unit with the prior written consent of the board
20 of administration. However, such work may be conditioned upon

Amendment No. 3

21 the approval of the repair methods, the qualifications of the
22 proposed contractor, or the contract that is used for that
23 purpose. A unit owner must obtain all required governmental
24 permits and approvals before commencing reconstruction.

25 2. Unit owners are responsible for the cost of
26 reconstruction of any portions of the condominium property for
27 which the unit owner is required to carry property insurance, or
28 for which the unit owner is responsible under subsection (j),
29 and the cost of any such reconstruction work undertaken by the
30 association is chargeable to the unit owner ~~and enforceable~~ as
31 an assessment and may be collected in the manner provided for
32 the collection of assessments pursuant to s. 718.116.

33 3. A multicondominium association may elect, by a majority
34 vote of the collective members of the condominiums operated by
35 the association, to operate the condominiums as a single
36 condominium for purposes of insurance matters, including, but
37 not limited to, the purchase of the property insurance required
38 by this section and the apportionment of deductibles and damages
39 in excess of coverage. The election to aggregate the treatment
40 of insurance premiums, deductibles, and excess damages
41 constitutes an amendment to the declaration of all condominiums
42 operated by the association, and the costs of insurance must be
43 stated in the association budget. The amendments must be
44 recorded as required by s. 718.110.



Amendment No. 3

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

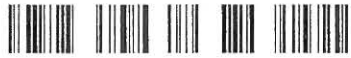
Remove line 130 and insert:

Section 2. Paragraph (g) of subsection (11), paragraph (c) of subsection (12), and paragraphs

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

Remove line 5 and insert:

718.111, F.S.; specifying reconstruction costs a unit owner is responsible for and the manner of collection if the association undertakes work the unit owner is responsible for; revising the requirement for physical



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
2-7-13*

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

Amendment (with directory and title amendments)

Between lines 133 and 134, insert:

(11) INSURANCE.—In order to protect the safety, health,
and welfare of the people of the State of Florida and to ensure
consistency in the provision of insurance coverage to
condominiums and their unit owners, this subsection applies to
every residential condominium in the state, regardless of the
date of its declaration of condominium. It is the intent of the
Legislature to encourage lower or stable insurance premiums for
associations described in this subsection.

(j) Any portion of the condominium property that must be
insured by the association against property loss pursuant to
paragraph (f) which is damaged by an insurable event shall be
reconstructed, repaired, or replaced as necessary by the
association as a common expense. All property insurance
deductibles, uninsured losses, and other damages in excess of
property insurance coverage under the property insurance



Amendment No. 4

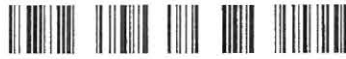
21 policies maintained by the association are a common expense of
22 the condominium, except that:

23 1. A unit owner is responsible for the costs of repair or
24 replacement of any portion of the condominium property not paid
25 by insurance proceeds if such damage is caused by intentional
26 conduct, negligence, or failure to comply with the terms of the
27 declaration or the rules of the association by a unit owner, the
28 members of his or her family, unit occupants, tenants, guests,
29 or invitees, without compromise of the subrogation rights of the
30 insurer.

31 2. The provisions of subparagraph 1. regarding the
32 financial responsibility of a unit owner for the costs of
33 repairing or replacing other portions of the condominium
34 property also apply to the costs of repair or replacement of
35 personal property of other unit owners or the association, as
36 well as other property, whether real or personal, which the unit
37 owners are required to insure.

38 3. To the extent the cost of repair or reconstruction for
39 which the unit owner is responsible under this paragraph is
40 reimbursed to the association by insurance proceeds, and the
41 association has collected the cost of such repair or
42 reconstruction from the unit owner, the association shall
43 reimburse the unit owner without the waiver of any rights of
44 subrogation.

45 4. The association is not obligated to pay for
46 reconstruction or repairs of property losses as a common expense
47 if the property losses were known or should have been known to a
48 unit owner and were not reported to the association until after



Amendment No. 4

49 the insurance claim of the association for that property was
50 settled or resolved with finality, or denied because it was
51 untimely filed.

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

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Remove line 130 and insert:

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Section 2. Paragraph (j) of subsection (11), paragraph (c)
of subsection (12), and paragraphs

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

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Remove line 5 and insert:

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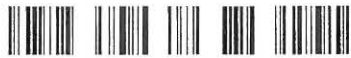
68

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718.111, F.S.; limiting condominium property loss that must be
reconstructed, repaired, or replaced by the association as a
common expense to insurable events; revising the requirement for
physical

71



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 | _____ | |

*favourable
2.7.13*

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

Amendment (with title amendment)

5 Between lines 1460 and 1461, insert:

6 Section 14. Paragraph (k) of subsection (1) of section
7 719.501, Florida Statutes, is amended to read:

8 719.501 Powers and duties of Division of Florida
9 Condominiums, Timeshares, and Mobile Homes.—

10 (1) The Division of Florida Condominiums, Timeshares, and
11 Mobile Homes of the Department of Business and Professional
12 Regulation, referred to as the "division" in this part, in
13 addition to other powers and duties prescribed by chapter 718,
14 has the power to enforce and ensure compliance with this chapter
15 and adopted rules relating to the development, construction,
16 sale, lease, ownership, operation, and management of residential
17 cooperative units. In performing its duties, the division shall
18 have the following powers and duties:

19 (k) The division shall provide training and educational
20 programs for cooperative association board members and unit



Amendment No. 5

21 owners. The training may, in the division's discretion, include
22 web-based electronic media and live training and seminars in
23 various locations throughout the state. The division may review
24 and approve education and training programs for board members
25 and unit owners offered by providers and shall maintain a
26 current list of approved programs and providers and make such
27 list available to board members and unit owners in a reasonable
28 and cost-effective manner.

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

Between lines 80 and 81, insert:

amending s. 719.501, F.S.; providing the division the authority
to provide training and educational programs for cooperative
association board members and unit owners;