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# **Civil Justice Subcommittee**

**February 5, 2014**

**1:00 PM**

**404 HOB**

**Action Packet**

**Will Weatherford**  
Speaker

**Larry Metz**  
Chair

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

### Summary:

#### Civil Justice Subcommittee

*Wednesday February 05, 2014 01:00 pm*

HB 277	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 280973 Withdrawn		
	Amendment 572541 Adopted Without Objection		
HB 291	Favorable	Yeas: 11	Nays: 0
HB 405	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 224543 Adopted Without Objection		
HB 425	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 845981 Adopted Without Objection		
	Amendment 602975 Adopted Without Objection		
HB 627	Favorable	Yeas: 11	Nays: 0
PCB CJS 14-02	Favorable With Amendments	Yeas: 12	Nays: 0
	Amendment PCB CJS 14-02 a1 Adopted Without Objection		
PCB CJS 14-03	Favorable With Amendments	Yeas: 12	Nays: 0
	Amendment PCB CJS 14-03 a1 Adopted Without Objection		
	Amendment PCB CJS 14-03 AA1 Adopted Without Objection		

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Larry Metz (Chair)	X		
Michael Clelland	X		
Daniel Davis			X
Tom Goodson	X		
Bill Hager	X		
Walter Hill	X		
Kathleen Passidomo	X		
José Rodríguez	X		
Ross Spano	X		
Cynthia Stafford	X		
Charlie Stone	X		
James Waldman	X		
Dana Young	X		
<b>Totals:</b>	<b>12</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

### HB 277 : Joint Use of Public School Facilities

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland	X				
Daniel Davis			X		
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

### HB 277 Amendments

#### Amendment 280973

*Withdrawn*

#### Amendment 572541

*Adopted Without Objection*

### Appearances:

HB 277

Rosenbaum, Todd (General Public) - Proponent  
Executive Director, Florida Alliance of YMCA's  
415 North Tarrajaona Street, Suite B  
Pensacola FL 32501  
Phone: 850-525-0342

Hb 277

Jess, Paul (Lobbyist) - Opponent  
Florida Justice Association  
218 S Monroe St  
Tallahassee FL 32301  
Phone: (850)224-9403

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

**HB 277 : Joint Use of Public School Facilities (continued)**

**Appearances: (continued)**

HB 277

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

HB 277

Francis, David (Lobbyist) - Information Only

Government Relations Director, American Heart Association

2851 Remington Green Circle, Suite C

Tallahassee FL 32308

Phone: 850-567-0598

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM



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  
2-5-14*

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

**Amendment (with title amendment)**

Remove lines 43-73 and insert:

school property and may include provisions regarding liability insurance coverage and indemnification of the school district.

Within 30 days after adopting a public access policy or entering into a joint-use agreement, a district school board shall submit a copy of the policy or agreement to the Department of Education.

(3) The Department of Education shall develop a model joint-use agreement and post on its website the model agreement and links to or copies of all public access policies and joint-use agreements submitted to the department by a district school board.



Amendment No. 1

18 Section 2. Section 768.072, Florida Statutes, is created  
19 to read:

20 768.072 Limitation on public school premises liability.-

21 (1) A district school board is not liable for civil  
22 damages for personal injury, property damage, or death that  
23 occurs on a public school property that the district school  
24 board has opened to the public through public access policies or  
25 joint-use agreements under s. 1013.105(2)(b) unless gross  
26 negligence

27

28

29

30

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

32 Remove lines 7-10 and insert:

33 school property and to increase the number of joint use  
34 agreements; providing duties of district

35

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	_____	

*Adopted without  
objection  
2.5.14*

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

4 **Amendment (with title amendment)**

5 Remove lines 43-73 and insert:

6 school property and may include provisions regarding liability  
7 insurance coverage and indemnification of the school district.

9 Within 30 days after adopting a public access policy or entering  
10 into a joint-use agreement, a district school board shall submit  
11 a copy of the policy or agreement to the Department of  
12 Education.

13 (3) The Department of Education shall develop a model  
14 joint-use agreement and post on its website the model agreement  
15 and links to or copies of all public access policies and joint-  
16 use agreements submitted to the department by a district school  
17 board.



Amendment No. 2

18 Section 2. Section 768.072, Florida Statutes, is created  
19 to read:

20 768.072 Limitation on public school premises liability.-

21 (1) A district school board is not liable for civil  
22 damages for personal injury, property damage, or death that  
23 occurs on a public school property that the district school  
24 board has opened to the public through public access policies  
25 under s. 1013.105(2)(a) or joint-use agreements under s.  
26 1013.105(2)(b) unless gross negligence

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

33

Remove lines 7-10 and insert:

34

school property and to increase the number of joint use

35

agreements; providing duties of district

36

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

**HB 291 : Warranty Associations**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland	X				
Daniel Davis			X		
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young			X		
Larry Metz (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 291

Pitts, Brian (General Public) - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

Location: Sumner Hall (404 HOB)

### HB 405 : Trusts

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland	X				
Daniel Davis			X		
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

### HB 405 Amendments

#### Amendment 224543

Adopted Without Objection

### Appearances:

HB 405

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

HB 405

Pratt, Kenneth (Lobbyist) - Waive In Support  
Florida Bankers Association  
1001 Thomasville Rd Ste 201  
Tallahassee FL 32308  
Phone: 850)224-2265

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM



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	___	

*Adopted without  
objection  
2-5-14*

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

**Amendment**

Remove line 43 and insert:

arising from his or her willful misconduct. Notwithstanding the  
provisions of s. 736.0808(2), only this subsection shall govern  
the liability of the excluded trustee when the person entrusted  
with the power to direct the actions of the excluded trustee is  
also a cotrustee.

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11  
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# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

### HB 425 : Condominiums

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland	X				
Daniel Davis			X		
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

### HB 425 Amendments

#### Amendment 845981

Adopted Without Objection

#### Amendment 602975

Adopted Without Objection

### Appearances:

HB 425

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: Wednesday, February 05, 2014 4:53:11PM



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		

*Adopted without  
Objection  
2.5.14*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Rodríguez, J. offered the following:

**Amendment**

Remove lines 37-44 and insert:

6 2. When a unit owner of a residential condominium files a  
 7 written inquiry by certified mail with the board of  
 8 administration, the board shall respond in writing to the unit  
 9 owner within 30 days after ~~of~~ receipt of the inquiry. The  
 10 board's response shall either give a substantive response to the  
 11 inquirer, notify the inquirer that a legal opinion has been  
 12 requested, or notify the inquirer that advice has been requested  
 13 from the division. If the board



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	—	

*Adopted without  
objection  
2.5.14*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Rodríguez, J. offered the following:

**Amendment (with title amendment)**

Remove lines 340-412 and insert:

association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(k) Arbitration.—There shall be a provision for mandatory nonbinding arbitration as provided for in s. 718.1255 for any residential condominium.

(l) Certificate of compliance.— A provision that a certificate of compliance from a licensed electrical contractor



Amendment No. 2

18 or electrician may be accepted by the association's board as  
19 evidence of compliance of the condominium units with the  
20 applicable fire and life safety code must be included.  
21 Notwithstanding chapter 633 or of any other code, statute,  
22 ordinance, administrative rule, or regulation, or any  
23 interpretation of the foregoing, an association, residential  
24 condominium, or unit owner is not obligated to retrofit the  
25 common elements, association property, or units of a residential  
26 condominium with a fire sprinkler system in a building that has  
27 been certified for occupancy by the applicable governmental  
28 entity if the unit owners have voted to forego such retrofitting  
29 by the affirmative vote of a majority of all voting interests in  
30 the affected condominium. The local authority having  
31 jurisdiction may not require completion of retrofitting with a  
32 fire sprinkler system before January 1, 2020 ~~the end of 2019~~. By  
33 December 31, 2016, a residential condominium ~~an~~ association that  
34 is not in compliance with the requirements for a fire sprinkler  
35 system and has not voted to forego retrofitting of such a system  
36 must initiate an application for a building permit for the  
37 required installation with the local government having  
38 jurisdiction demonstrating that the association will become  
39 compliant by December 31, 2019.

40 1. A vote to forego retrofitting may be obtained by  
41 limited proxy or by a ballot personally cast at a duly called  
42 membership meeting, or by execution of a written consent by the  
43 member, and is effective upon recording a certificate attesting





Amendment No. 2

44 to such vote in the public records of the county where the  
45 condominium is located. The association shall mail or hand  
46 deliver to each unit owner written notice at least 14 days  
47 before the membership meeting in which the vote to forego  
48 retrofitting of the required fire sprinkler system is to take  
49 place. Within 30 days after the association's opt-out vote,  
50 notice of the results of the opt-out vote must be mailed or hand  
51 delivered to all unit owners. Evidence of compliance with this  
52 notice requirement must be made by affidavit executed by the  
53 person providing the notice and filed among the official records  
54 of the association. After notice is provided to each owner, a  
55 copy must be provided by the current owner to a new owner before  
56 closing and by a unit owner to a renter before signing a lease.

57 2. If there has been a previous vote to forego  
58 retrofitting, a vote to require retrofitting may be obtained at  
59 a special meeting of the unit owners called by a petition of at  
60 least 10 percent of the voting interests. Such a vote may only  
61 be called once every 3 years. Notice shall be provided as  
62 required for any regularly called meeting of the unit owners,  
63 and must state the purpose of the meeting. Electronic  
64 transmission may not be used to provide notice of a meeting  
65 called in whole or in part for this purpose.

66 3. As part of the information collected annually from  
67 condominiums, the division shall require condominium  
68 associations to report the membership vote and recording of a  
69 certificate under this subsection and, if retrofitting has been



Amendment No. 2

70 undertaken, the per-unit cost of such work. The division shall  
71 annually report to the Division of State Fire Marshal of the  
72 Department of Financial Services the number of condominiums that  
73 have elected to forego retrofitting.

74 4. Notwithstanding s. 553.509, a residential an  
75 association may not be obligated to, and may forego the  
76 retrofitting of, any improvements required by s. 553.509(2) upon  
77 an affirmative vote of a majority of the voting interests in the  
78 affected condominium.

79 Section 2. Subsection (5) of section 718.113, Florida  
80 Statutes, is amended to read:

81 718.113 Maintenance; limitation upon improvement; display  
82 of flag; hurricane shutters and protection; display of religious  
83 decorations.—

84 (5) Each board of administration of a residential  
85 condominium shall adopt hurricane shutter specifications for  
86 each building within each condominium operated by the  
87 association which shall include color, style, and other factors  
88 deemed relevant by the board. All specifications adopted by the  
89 board must comply with the applicable building code.

90 (a) The board may, subject to s. 718.3026 and the approval  
91 of a majority of voting interests of the residential  
92 condominium, install hurricane shutters, impact glass, code-  
93 compliant windows or doors, or other types of code-compliant  
94 hurricane protection that comply with or exceed the applicable  
95 building code. However, a vote of the owners is not required if



## Amendment No. 2

196 the maintenance, repair, and replacement of hurricane shutters,  
197 impact glass, code-compliant windows or doors, or other types of  
198 code-compliant hurricane protection are the responsibility of  
199 the association pursuant to the declaration of condominium. If  
200 hurricane protection or laminated glass or window film  
201 architecturally designed to function as hurricane protection  
202 that complies with or exceeds the current applicable building  
203 code has been previously installed, the board may not install  
204 hurricane shutters, impact glass, code-compliant windows or  
205 doors, or other types of code-compliant hurricane protection  
206 except upon approval by a majority vote of the voting interests.

207 (b) The association is responsible for the maintenance,  
208 repair, and replacement of the hurricane shutters, impact glass,  
209 code-compliant windows or doors, or other types of code-  
210 compliant hurricane protection authorized by this subsection if  
211 such property is the responsibility of the association pursuant  
212 to the declaration of condominium. If the hurricane shutters,  
213 impact glass, code-compliant windows or doors, or other types of  
214 code-compliant hurricane protection are the responsibility of  
215 the unit owners pursuant to the declaration of condominium, the  
216 maintenance, repair, and replacement of such items are the  
217 responsibility of the unit owner.

218 (c) The board may operate shutters, impact glass, code-  
219 compliant windows or doors, or other types of code-compliant  
220 hurricane protection installed pursuant to this subsection  
221 without permission of the unit owners only if such operation is



Amendment No. 2

122 necessary to preserve and protect the condominium property and  
123 association property. The installation, replacement, operation,  
124 repair, and maintenance of such shutters, impact glass, code-  
125 compliant windows or doors, or other types of code-compliant  
126 hurricane protection in accordance with the procedures set forth  
127 in this paragraph are not a material alteration to the common  
128 elements or association property within the meaning of this  
129 section.

130 (d) Notwithstanding any other provision in the residential  
131 condominium documents, if approval is required by the documents,  
132 a board may not refuse to approve the installation or  
133 replacement of hurricane shutters, impact glass, code-compliant  
134 windows or doors, or other types of code-compliant hurricane  
135 protection by a unit owner conforming to the specifications  
136 adopted by the board.

137 Section 3. Subsection (6) is added to section 718.1255,  
138 Florida Statutes, to read:

139 718.1255 Alternative dispute resolution; voluntary  
140 mediation; mandatory nonbinding arbitration; legislative  
141 findings.—

142 (6) APPLICABILITY.—This section does not apply to any  
143 nonresidential condominium unless otherwise specifically  
144 provided for in the declaration of a nonresidential condominium.

145 Section 4. Section 718.1256, Florida Statutes, is amended  
146 to read:



Amendment No. 2

147 718.1256 Condominiums as residential property.—For the  
148 purpose of property and casualty insurance risk classification,  
149 residential condominiums shall be classed as residential  
150 property.

151 Section 5. Subsection (1) and paragraph (a) of subsection  
152 (2) of section 718.403, Florida Statutes, are amended and  
153 subsection (9) is added to section 718.403, to read:

154 718.403 Phase condominiums.—

155 (1) Notwithstanding the provisions of s. 718.110, a  
156 developer may develop a condominium in phases, if the original  
157 declaration of condominium submitting the initial phase to  
158 condominium ownership or an amendment to the declaration which  
159 has been approved by all of the unit owners and unit mortgagees  
160 provides for and describes in detail all anticipated phases; the  
161 impact, if any, which the completion of subsequent phases would  
162 have upon the initial phase; and the time period within which  
163 all phases must be added to the condominium and comply with the  
164 requirements of this section and at the end of which the right  
165 to add additional phases expires.

166 (a) All phases must be added to the condominium within 7  
167 years after the date of the recording of the certificate of a  
168 surveyor and mapper pursuant to s. 718.104(4)(e) or the  
169 recording of an instrument that transfers title to a unit in the  
170 condominium which is not accompanied by a recorded assignment of  
171 developer rights in favor of the grantee of such unit, whichever



## Amendment No. 2

172 occurs first, unless the unit owners vote to approve an  
173 amendment extending the 7-year period pursuant to paragraph (b).

174 (b) An amendment to extend the 7-year period shall require  
175 the approval of the owners necessary to amend the declaration of  
176 condominium pursuant to s. 718.110(1)(a). An extension of the 7-  
177 year period may be submitted for approval only during the last 3  
178 years of the 7-year period.

179 (c) An amendment must describe the time period within  
180 which all phases must be added to the condominium, and such time  
181 period may not exceed 10 years from the date of the recording of  
182 the certificate of a surveyor and mapper pursuant to s.  
183 718.104(4)(e) or the recording of an instrument that transfers  
184 title to a unit in the condominium which is not accompanied by a  
185 recorded assignment of developer rights in favor of the grantee  
186 of such unit, whichever occurs first.

187 (d) An amendment that extends the 7-year period pursuant  
188 to this section is not subject to the requirements of s.  
189 718.110(4).

190 (2) The original declaration of condominium, or an  
191 amendment to the declaration, which amendment has been approved  
192 by all unit owners and unit mortgagees and the developer, shall  
193 describe:

194 (a) The land which may become part of the condominium and  
195 the land on which each phase is to be built. The descriptions  
196 shall include metes and bounds or other legal descriptions of  
197 the land for each phase, plot plans, and surveys. Plot plans,



Amendment No. 2

198 attached as an exhibit, must show the approximate location of  
 199 all existing and proposed buildings and improvements that may  
 200 ultimately be contained within the condominium. The plot plan  
 201 may be modified by the developer as to unit or building types  
 202 but, in a residential condominium, to the extent that such  
 203 changes must be are described in the declaration. If provided in  
 204 the declaration, the developer may make nonmaterial changes in  
 205 the legal description of a phase.

206 (9) The provisions of subsections (2)(b)-(f) and (8) of  
 207 this section shall not apply to nonresidential condominiums.

208 Section 6. Section 718.707, Florida Statutes, is amended  
 209 to read:

210 718.707 Time limitation for classification as bulk  
 211 assignee or bulk buyer.—A person acquiring condominium parcels  
 212 may not be classified as a bulk assignee or bulk buyer unless  
 213 the condominium parcels were acquired on or after July 1, 2010,  
 214 but before July 1, 2016 ~~2015~~. The date of such acquisition shall  
 215 be determined by the date of recording a deed or other  
 216 instrument of conveyance for such parcels in the public records  
 217 of the county in which the condominium is located, or by the  
 218 date of issuing a certificate of title in a foreclosure  
 219 proceeding with respect to such condominium parcels.

220  
 221  
 222  
 223 -----



Amendment No. 2

224                                   T I T L E   A M E N D M E N T  
225            Remove line 5 and insert:  
226   their associations and boards; amending s. 718.1255, F.S.;  
227   limiting the application of mandatory arbitration to residential  
228   condominiums; amending s. 718.1256, F.S.; limiting the  
229   application of property and casualty insurance risk  
230   classification to residential condominiums; amending s. 718.113,  
231   F.S.; limiting the application of certain requirements relating  
232   to maintenance to residential condominiums and their  
233   associations and boards; amending s. 718.403, F.S.; limiting the  
234   application of certain requirements relating to phase  
235   condominiums to residential condominiums; amending s. 718.707,  
236   F.S.; extending the bulk assignee or bulk buyer provisions for  
237   an additional year; providing an effective date.  
238



# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

**HB 627 : Service of Process**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Michael Clelland	X				
Daniel Davis			X		
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young			X		
Larry Metz (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 627

Canabal, J. C. (Lobbyist) - Waive In Support  
Florida Association of Professional Process Servers  
108 E Jefferson St  
Tallahassee FL 32301  
Phone: 954-624-2114

HB 627

Silver, Keri (Lobbyist) - Waive In Support  
Florida Sheriffs Association  
PO Box 12519  
Tallahassee FL 32317  
Phone: 850)524-2394

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

### PCB CJS 14-02 : Residential Communities

*Favorable With Amendments*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Michael Clelland	X				
Daniel Davis			X		
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

### PCB CJS 14-02 Amendments

#### Amendment PCB CJS 14-02 a1

*Adopted Without Objection*

### Appearances:

PCB CJS 14-02

Van Rooyen, Brad (General Public) - Information Only  
President, CEOMC  
1001 E Columbus Dr  
Tampa FL 33605  
Phone: 813-600-5090

PCB CJS 14-02

Pitts, Brian (General Public) - Proponent  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: (727) 897-9291

PCB CJS 14-02

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

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

**PCB CJS 14-02 : Residential Communities (continued)**

**Appearances: (continued)**

PCB CJS 14-02

FELICE, DAVID (General Public) - Proponent

CEOMC

4809 EHRLICH ROAD

TAMPA FL

Phone: 8133742363

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM



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	___	

*Adopted without  
objection  
2-5-14*

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

4 **Amendment**

5 Remove lines 26-37 and insert:

6 association meetings, determining the number of days required  
7 for statutory notices, determining amounts due the association,  
8 collecting amounts due the association prior to the filing of a  
9 civil action, calculating the votes required for a quorum or to  
10 approve a proposition or amendment, completing forms related to  
11 the management of a community association that have been created  
12 by statute or by a state agency, drafting letters of intended  
13 action, drafting meeting notices and agendas, calculating and  
14 preparing certificates of assessments, responding to requests  
15 for an estoppel letter, negotiating monetary or performance  
16 terms of a contract subject to approval by an association,  
17 drafting pre-arbitration demands, preparing statutory

PCB CJS 14-02 a1

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Amendment No. 1

18 construction lien documents for association projects,  
19 coordinating or performing maintenance for real or personal  
20 property and other routine services involved in the operation of  
21 a community association, and complying with the association's  
22 governing documents and the requirements of law as necessary to  
23 perform any of the foregoing and coordinating maintenance for  
24 the residential development and other day-to-day services  
25 involved with the operation of a community association. A person  
26

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

Location: Sumner Hall (404 HOB)

### PCB CJS 14-03 : Unlicensed Practice of Law

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland	X				
Daniel Davis			X		
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

### PCB CJS 14-03 Amendments

#### Amendment PCB CJS 14-03 a1

Adopted Without Objection

#### Amendment PCB CJS 14-03 AA1

Adopted Without Objection

### Appearances:

PCB CJS 14-03

Moore, Travis (Lobbyist) - Waive In Support

Community Associations Institute

931 N:SR 434 #1201-220

Altamonte Springs FL 32714

Phone: (727)421-6902

PC BCJS 14-03

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

2/5/2014 1:00:00PM

**Location:** Sumner Hall (404 HOB)

**PCB CJS 14-03 : Unlicensed Practice of Law (continued)**

**Appearances: (continued)**

PCB CJS 14-03

Metz, Steve (Lobbyist) - Information Only

The Florida Bar

215 S. Monroe St

Tallahassee FL

Phone: 850-205-9000

PCB CJS 14-03

Holcomb, Lori (General Public) - Information Only

Director, Client Protection, The Florida Bar

651 E Jefferson Street

Tallahassee FL 32399-2300

Phone: 850-561-5840

Committee meeting was reported out: Wednesday, February 05, 2014 4:53:11PM



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 \_\_\_\_\_

*Adopted without  
Objection  
2-5-14*

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

**Amendment**

Remove lines 22-33 and insert:

activities are exempt from criminal prosecution under this section:

(a) Pro se representation by an individual;

(b) Serving as a mediator or arbitrator;

(c) Providing services under the supervision of a lawyer in compliance with the Rules of Professional Conduct;

(d) Providing services authorized by court rule;

(e) Acting within the lawful scope of practice of a business or profession regulated by the state;

(f) The giving of a legal notice in the form and manner required by law; however, this exception shall not apply to notices required as part of a court proceeding or required by

PCB CJS 14-03 a1

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Amendment No. 1

18 court rule; or

19 (g) Representation before a legislative body, committee,

20 commission or board in accordance with the rules of the

21 respective legislative body, committee, commission or board.

22



Amendment No. 1a

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	_____	

*Adopted without  
Objection  
2-5-14*

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

3  
4 **Amendment to Amendment (PCB CJS 14-03 a1) by Representative**

5  
6 Remove lines 20-21 of the amendment and insert:  
7 commission or board.

8