



Civil Justice Subcommittee

**Wednesday, March 11, 2015
9:00 AM - 12:00 PM
Sumner Hall (404 HOB)**

ACTION PACKET

**Steve Crisafulli
Speaker**

**Kathleen Passidomo
Chair**

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

Summary:

Civil Justice Subcommittee

Wednesday March 11, 2015 09:00 am

CS/HB 271	Favorable	Yeas: 12	Nays: 0
HB 381	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 205893 Adopted Without Objection AM 1		
	Amendment 233727 Adopted Without Objection AM 2		
	Amendment 089769 Adopted Without Objection AM 3		
HB 503	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 884975 Adopted Without Objection AM 1		
HB 619	Favorable	Yeas: 12	Nays: 0
HB 643	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 966903 Adopted Without Objection AM 1 Strike All		
HB 751	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 817019 Adopted Without Objection AM 1		
	Amendment 497979 Adopted Without Objection AM 2		
HB 961	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 538737 Adopted Without Objection AM 1		
	Amendment 027563 Adopted Without Objection AM 2		
HB 4021	Favorable	Yeas: 10	Nays: 3
PCS for HB 305	Favorable	Yeas: 11	Nays: 0
PCS for HB 791	Favorable With Amendment(s)	Yeas: 12	Nays: 0
	Amendment PCS for HB 791 a1 Adopted Without Objection		
	Amendment PCS for HB 791 a2 Adopted Without Objection		

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

Summary: (continued)

Civil Justice Subcommittee

Wednesday March 11, 2015 09:00 am

Amendment PCS for HB 791 a3 Adopted Without Objection

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kathleen Passidomo (Chair)	X		
Lori Berman	X		
Colleen Burton	X		
Dwight Dudley	X		
Walter Hill	X		
Kionne McGhee	X		
Larry Metz	X		
George Moraitis, Jr.	X		
Cary Pigman	X		
Cynthia Stafford	X		
Charlie Stone	X		
Jennifer Sullivan	X		
John Wood	X		
Totals:	13	0	0

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 271 : Consumer Protection

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee			X		
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	Total Yeas: 12	Total Nays: 0			

Appearances:

CS/HB 271

Sayfie, Justin (Lobbyist) - Information Only

Google, Inc

450 E Las Olas Blvd

Ft Lauderdale FL 33301

Phone: 954-523-2427

CS/HB 271

Linares, Carlos - Proponent

Recording Industry Association of America

1025 F Street NW, 10th floor

Washington D.C. 20004

Phone: 202-489-2237

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 381 : Towing of Vehicles & Vessels

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)				X	
Total Yeas: 12		Total Nays: 0			

HB 381 Amendments

Amendment 205893

Adopted Without Objection

Amendment 233727

Adopted Without Objection

Amendment 089769

Adopted Without Objection

Appearances:

HB 381

Bowen, Marty (Lobbyist) - Waive In Support

PWOF

108 E Jefferson

Tallahassee Florida 32308

Phone: 850-681-0254

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM



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 w/out object
3-11-15*

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

Amendment

Remove lines 125-127 and insert:

6 (III)e. ~~The notice must also~~ Provide the name and current
 7 telephone number of the person or firm towing or removing ~~the~~
 8 vehicles or vessels. If such person or firm is doing business
 9 under a fictitious or other name, the notice must clearly show
 10 the current fictitious or other name of that person or firm.



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 w/out objection
3-11-15*

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

Amendment

Remove line 190 and insert:

6 shall be provided to the property owner or lessee, or agent of
 7 the property owner or lessee, and the towing company.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 381 (2015)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION Y (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

*adopted w/out objection
3-11-15*

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

Amendment (with title amendment)

Between lines 256 and 257, insert:

6 Section 2. Paragraph (a) of subsection (4) and subsection
7 (6) of section 713.78, Florida Statutes, are amended, and for
8 the purpose of incorporating the amendments made by this act to
9 section 715.07, Florida Statutes, in references thereto,
10 paragraph (b) of subsection (2), paragraph (b) of subsection
11 (4), and paragraph (a) of subsection (7) of section 713.78,
12 Florida Statutes, are reenacted, to read:

13 713.78 Liens for recovering, towing, or storing vehicles
14 and vessels.—

15 (2) Whenever a person regularly engaged in the business of
16 transporting vehicles or vessels by wrecker, tow truck, or car
17 carrier recovers, removes, or stores a vehicle or vessel upon

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 381 (2015)

Amendment No. 3

18 instructions from:

19 (b) The owner or lessor, or a person authorized by the
20 owner or lessor, of property on which such vehicle or vessel is
21 wrongfully parked, and the removal is done in compliance with s.
22 715.07;

23
24 she or he shall have a lien on the vehicle or vessel for a
25 reasonable towing fee and for a reasonable storage fee; except
26 that no storage fee shall be charged if the vehicle is stored
27 for less than 6 hours.

28 (4) (a) Any person regularly engaged in the business of
29 recovering, towing, or storing vehicles or vessels who comes
30 into possession of a vehicle or vessel pursuant to subsection
31 (2), and who claims a lien for recovery, towing, or storage
32 services, shall give notice to the registered owner, the
33 insurance company insuring the vehicle notwithstanding the
34 provisions of s. 627.736, and to all persons claiming a lien
35 thereon, as disclosed by the records in the Department of
36 Highway Safety and Motor Vehicles or as disclosed by the records
37 of any corresponding agency in any other state in which the
38 vehicle is identified through a records check of the National
39 Motor Vehicle Title Information System or an equivalent
40 commercially available system as being titled or registered, and
41 shall verify that the vehicle or vessel is not currently
42 reported stolen as provided in subsection (6).

43 (b) Whenever any law enforcement agency authorizes the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 381 (2015)

Amendment No. 3

44 removal of a vehicle or vessel or whenever any towing service,
45 garage, repair shop, or automotive service, storage, or parking
46 place notifies the law enforcement agency of possession of a
47 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
48 enforcement agency of the jurisdiction where the vehicle or
49 vessel is stored shall contact the Department of Highway Safety
50 and Motor Vehicles, or the appropriate agency of the state of
51 registration, if known, within 24 hours through the medium of
52 electronic communications, giving the full description of the
53 vehicle or vessel. Upon receipt of the full description of the
54 vehicle or vessel, the department shall search its files to
55 determine the owner's name, the insurance company insuring the
56 vehicle or vessel, and whether any person has filed a lien upon
57 the vehicle or vessel as provided in s. 319.27(2) and (3) and
58 notify the applicable law enforcement agency within 72 hours.
59 The person in charge of the towing service, garage, repair shop,
60 or automotive service, storage, or parking place shall obtain
61 such information from the applicable law enforcement agency
62 within 5 days after the date of storage and shall give notice
63 pursuant to paragraph (a). The department may release the
64 insurance company information to the requestor notwithstanding
65 the provisions of s. 627.736.

66 (6) Any vehicle or vessel which is stored pursuant to
67 subsection (2) and which remains unclaimed, or for which
68 reasonable charges for recovery, towing, or storing remain
69 unpaid, and any contents not released pursuant to subsection

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 381 (2015)

Amendment No. 3

70 (10), may be sold by the owner or operator of the storage space
71 for such towing or storage charge after 35 days following ~~from~~
72 the time the vehicle or vessel is stored therein if the vehicle
73 or vessel is more than 3 years of age or after 50 days following
74 the time the vehicle or vessel is stored therein if the vehicle
75 or vessel is 3 years of age or less. The sale shall be at public
76 sale for cash. If the date of the sale was not included in the
77 notice required in subsection (4), notice of the sale shall be
78 given to the person in whose name the vehicle or vessel is
79 registered and to all persons claiming a lien on the vehicle or
80 vessel as shown on the records of the Department of Highway
81 Safety and Motor Vehicles or of any corresponding agency in any
82 other state in which the vehicle is identified through a records
83 check of the National Motor Vehicle Title Information System or
84 an equivalent commercially available system as being titled.
85 Notice shall be sent by certified mail to the owner of the
86 vehicle or vessel and the person having the recorded lien on the
87 vehicle or vessel at the address shown on the records of the
88 registering agency and shall be mailed at least ~~not less than~~ 15
89 days before the date of the sale. After diligent search and
90 inquiry, if the name and address of the registered owner or the
91 owner of the recorded lien cannot be ascertained, the
92 requirements of notice by mail may be dispensed with. In
93 addition to the notice by mail, public notice of the time and
94 place of sale shall be made by publishing a notice thereof one
95 time, at least 10 days before ~~prior to~~ the date of the sale, in

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 381 (2015)

Amendment No. 3

96 a newspaper of general circulation in the county in which the
97 sale is to be held. The proceeds of the sale, after payment of
98 reasonable towing and storage charges, and costs of the sale, in
99 that order of priority, shall be deposited with the clerk of the
100 circuit court for the county if the owner or lienholder is
101 absent, and the clerk shall hold such proceeds subject to the
102 claim of the owner or lienholder legally entitled thereto. The
103 clerk shall be entitled to receive 5 percent of such proceeds
104 for the care and disbursement thereof. In addition to the notice
105 requirements of this section and compliance with the federal
106 Servicemembers' Civil Relief Act of 2003, within 72 hours before
107 the public sale of the vehicle or vessel, the owner or operator
108 of the storage space shall obtain written proof of verification
109 that the vehicle or vessel is not currently reported as an
110 active theft by submitting the vehicle or vessel identification
111 number to a vendor using the National Motor Vehicle Title
112 Information System to obtain a report that includes active theft
113 data from a national vehicle theft database or by submitting the
114 vehicle or vessel identification number to a state or local law
115 enforcement agency by hand delivery, facsimile, or electronic
116 transmission to obtain a National Crime Information Center
117 stolen vehicle report. Such report is required before a
118 certificate of title or a certificate of destruction is issued.
119 The certificate of title issued under this law shall be
120 discharged of all liens unless otherwise provided by court
121 order. The owner or lienholder may file a complaint after the

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Amendment No. 3

122 vehicle or vessel has been sold in the county court of the
123 county in which it is stored. Upon determining the respective
124 rights of the parties, the court may award damages, attorney's
125 fees, and costs in favor of the prevailing party.

126 (7)(a) A wrecker operator recovering, towing, or storing
127 vehicles or vessels is not liable for damages connected with
128 such services, theft of such vehicles or vessels, or theft of
129 personal property contained in such vehicles or vessels,
130 provided that such services have been performed with reasonable
131 care and provided, further, that, in the case of removal of a
132 vehicle or vessel upon the request of a person purporting, and
133 reasonably appearing, to be the owner or lessee, or a person
134 authorized by the owner or lessee, of the property from which
135 such vehicle or vessel is removed, such removal has been done in
136 compliance with s. 715.07. Further, a wrecker operator is not
137 liable for damage to a vehicle, vessel, or cargo that obstructs
138 the normal movement of traffic or creates a hazard to traffic
139 and is removed in compliance with the request of a law
140 enforcement officer.

141

142

143

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

144

Remove line 12 and insert:

145

therefor; amending s. 713.78, F.S.; requiring the

146

owner or operator of a storage space to verify that a

147

vehicle or vessel is not currently reported as an

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 381 (2015)

Amendment No. 3

148 active theft before its public sale to recover certain
149 costs; reenacting s. 713.78(2)(b), (4)(b), and (7)(a),
150 F.S., relating to liens for recovering, towing, or
151 storing vehicles and vessels, to incorporate the
152 amendments made by the act to s. 715.07, F.S., in
153 references thereto; providing an effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 503 : Family Law

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee			X		
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 503 Amendments

Amendment 884975

Adopted Without Objection

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)	
ADOPTED AS AMENDED	—	(Y/N)	
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N)	3/11/15
FAILED TO ADOPT	—	(Y/N)	
WITHDRAWN	—	(Y/N)	
OTHER	—		

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

Amendment (with title amendment)

Remove lines 24-34 and insert:

6 Section 1. This act may be cited as the "Collaborative Law
 7 Process Act."

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

Remove lines 2-3 and insert:

12 An act relating to family law; providing a short title;
 13 providing a directive to the Division of Law

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 619 : Service of Process

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan			X		
John Wood	X				
Kathleen Passidomo (Chair)	X				
	Total Yeas: 12	Total Nays: 0			

Appearances:

HB 619

Adee, Paul - Waive In Support

Major, Hillsborough County Sheriff's Association

2008 E 8th Ave

Tampa FL 33605

Phone: 813-363-0375

HB 619

Webster, Tim - Waive In Support

Volusia County Sheriff's Office

Sgt

123 W Indiana Ave

Deland Florida 32720

Phone: 386-248-1777

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 643 : Condominiums

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan			X		
John Wood	X				
Kathleen Passidomo (Chair)	X				
	Total Yeas: 12	Total Nays: 0			

HB 643 Amendments

Amendment 966903

Adopted Without Objection

Appearances:

HB 643

Dean, Liana - Proponent
3749 Leeds Court, 3103
Palm Harbor Florida 34685
Phone: 727-656-0381

HB 643

Dunbar, Pete (Lobbyist) - Information Only
Real Property Section of the Florida Bar
215 S Monroe Street, Suite 815
Tallahassee FL 32301
Phone: 850-999-4100

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> Y </u>	(Y/N) 3/11/15
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER		

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (3), (4), (11), (12) and (16) of section 718.117, Florida Statutes, are amended to read:

718.117 Termination of condominium.—

(3) OPTIONAL TERMINATION.—Except as provided in subsection (2) or unless the declaration provides for a lower percentage, the condominium form of ownership may be terminated for all or a portion of the condominium property pursuant to a plan of termination approved by at least 80 percent of the total voting interests of the condominium if no more than 10 percent of the total voting interests of the condominium have rejected the plan of termination by negative vote or by providing written objections, subject to following conditions:—



Amendment No. 1

18 (a) The total voting interests of the condominium include
19 all voting interests for the purpose of considering a plan of
20 termination. A voting interest of the condominium may not be
21 suspended for any reason when voting on termination pursuant to
22 this subsection.

23 (b) If more than 10 percent of the total voting interests
24 of the condominium reject a plan of termination, a subsequent
25 plan of termination pursuant to this subsection may not be
26 considered for 18 months after the date of the rejection.

27 (c) This subsection does not apply to condominiums in
28 which 75 percent or more of the units are timeshare units. This
29 subsection also does not apply to any condominium created
30 pursuant to part VI until 7 years after the recording of the
31 declaration of condominium for the condominium.

32 (d) For purposes of this paragraph only, a bulk owner
33 shall be deemed to be a single holder of such voting interests
34 or an owner together with related entities which would be
35 considered an insider under s. 726.102 holding such voting
36 interests. If the condominium association is a residential
37 association proposed for termination pursuant to this subsection
38 and if, at the time of recording the plan of termination at
39 least 80 percent of the total voting interests are owned by a
40 bulk owner:

41 1. If the plan of termination is voted on at a meeting of
42 the unit owners called in accordance with subsection (9), any
43 unit owner desiring to reject the plan must do so by either

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Amendment No. 1

44 voting to reject the plan in person or by proxy, or by
45 delivering a written rejection to the association before or at
46 the meeting.

47 2. If the plan of termination is approved by written
48 consent or joinder without a meeting of the unit owners, any
49 unit owner desiring to object to the plan must deliver a written
50 objection to the association within 20 days after the date that
51 the association notifies the nonconsenting owners, in the manner
52 provided in paragraph (15)(a), that the plan of termination has
53 been approved by written action in lieu of a unit owner meeting.

54 3. Unless the terminated condominium property is sold as a
55 whole to an unrelated third party, the plan of termination is
56 subject to the following conditions and limitations:

57 a. If the former condominium units are offered for lease
58 to the public after the termination, each unit owner in
59 occupancy immediately before the date of recording of the plan
60 of termination may lease his or her former unit and remain in
61 possession of the unit for 12 months after the effective date of
62 the termination on the same terms as similar unit types within
63 the property are being offered to the public. In order to obtain
64 a lease and exercise the right to retain exclusive possession of
65 the unit owner's former unit, the unit owner must make a written
66 request to the termination trustee to rent the former unit
67 within 90 days after the date the plan of termination is
68 recorded. Any unit owner who fails to timely make such written
69 request and sign a lease within 15 days after being presented

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Amendment No. 1

70 with a lease is deemed to have waived his or her right to retain
71 possession of his or her former unit and shall be required to
72 vacate the former unit upon the effective date of the
73 termination, unless otherwise provided in the plan of
74 termination.

75 b. Any former unit owner whose unit was granted homestead
76 exemption status by the applicable county property appraiser as
77 of the date of the recording of the plan of termination shall be
78 paid a relocation payment in an amount equal to 1 percent of the
79 termination proceeds allocated to the owner's former unit. Any
80 relocation payment payable under this subparagraph shall be paid
81 by the single entity or related entities owning at least 80
82 percent of the total voting interests. Such relocation payment
83 shall be in addition to the termination proceeds for such
84 owner's former unit and shall be paid no later than 10 days
85 after the former unit owner vacates his or her former unit.

86 c. For their respective units, all units not owned by the
87 bulk owner must be compensated at least 100 percent of the fair
88 market value of their units. The fair market value shall be
89 determined as of a date that is no earlier than 90 days before
90 the date the plan of termination is recorded, and shall be
91 determined by an independent appraiser selected by the
92 termination trustee. Notwithstanding subsection (12), the
93 allocation of the proceeds of the sale of condominium property
94 to owners of units dissenting or objecting to the plan of
95 termination shall be 110 percent of the original purchase price,

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Amendment No. 1

96 or 110 percent of fair market value, whichever is greater. For
97 purposes of this sub-subparagraph, the term "fair market value"
98 means the price of a unit that a seller is willing to accept and
99 a buyer is willing to pay on the open market in an arms-length
100 transaction based on similar units sold in other condominiums,
101 including units sold in bulk purchases but excluding units sold
102 at wholesale or distressed prices. The purchase price of units
103 acquired in bulk following a bankruptcy or foreclosure shall not
104 be considered for purposes of determining fair market value.

105 d. A plan of termination is not effective unless the
106 outstanding first mortgages of all unit owners other than the
107 bulk owner are satisfied in full before, or simultaneously with,
108 the termination.

109 4. Prior to presenting a plan of termination to the unit
110 owners for consideration pursuant to this paragraph, the plan
111 shall include the following written disclosures in a sworn
112 statement:

113 a. The identity of any person that owns or controls 50%
114 or more of the units in the condominium, and if the units are
115 owned by an artificial entity, a disclosure of the natural
116 person or persons who, directly or indirectly, manage or control
117 the entity and the natural person or persons who, directly or
118 indirectly, own or control 20% or more of the artificial entity
119 or entities that constitute the bulk owner.

120 b. The identity of all units acquired by any bulk owner,
121 the date of acquisition of each unit, and the total

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Amendment No. 1

122 consideration paid to each prior owner by the bulk owner,
123 whether or not attributed to the purchase price of the unit.

124 c. The relationship of any currently serving board member
125 to the bulk owner or any person or entity affiliated with the
126 bulk owner and subject to disclosure pursuant to this
127 subsection.

128 d. If the members of the board of administration are
129 elected by the bulk owner, the unit owners other than the bulk
130 owner shall be entitled to elect not less than one-third of the
131 board of administration prior to the approval of any plan of
132 termination by the board.

133 (4) EXEMPTION.—A plan of termination is not an amendment
134 subject to s. 718.110(4). In a partial termination, a plan of
135 termination is not an amendment subject to s. 718.110(4) if the
136 ownership share of the common elements of a surviving unit in
137 the condominium remains in the same proportion to the surviving
138 units as it was before the partial termination. An amendment to
139 a declaration to conform the declaration to this section is not
140 an amendment subject to s. 718.110(4) and may be approved by the
141 lesser of 80 percent of the voting interests or the percentage
142 of the voting interests required to amend the declaration.

143 (11) PLAN OF TERMINATION; OPTIONAL PROVISIONS; CONDITIONAL
144 TERMINATION; WITHDRAWAL; ERRORS.—

145 (a) Unless the ~~The~~ plan of termination expressly
146 authorizes a may provide that each unit owner or other person to
147 retain retains the exclusive right to possess that of possession

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Published On: 3/10/2015 3:04:25 PM



Amendment No. 1

148 ~~to the~~ portion of the real estate which formerly constituted the
149 unit after termination or to use the common elements of the
150 condominium after termination, then all such rights in the unit
151 or common elements shall automatically terminate on the
152 effective date of termination. Unless the plan expressly
153 provides otherwise, all leases, occupancy agreements, subleases,
154 licenses or other agreements for the use or occupancy of any
155 unit or common elements in the condominium shall automatically
156 terminate on the effective date of termination subject to
157 paragraph 2(a). In the event the plan expressly authorizes a
158 unit owner or other person to retain exclusive right to possess
159 that portion of the real estate that formerly constituted the
160 unit or to use the common elements of the condominium after
161 termination, then the plan must specify the terms and if the
162 ~~plan specifies the conditions of possession. In a partial~~
163 ~~termination, the plan of termination as specified in subsection~~
164 ~~(10) must also identify the units that survive the partial~~
165 ~~termination and provide that such units remain in the~~
166 ~~condominium form of ownership pursuant to an amendment to the~~
167 ~~declaration of condominium or an amended and restated~~
168 ~~declaration. In a partial termination, title to the surviving~~
169 ~~units and common elements that remain part of the condominium~~
170 ~~property specified in the plan of termination remain vested in~~
171 ~~the ownership shown in the public records and do not vest in the~~
172 ~~termination trustee.~~

173 (b) In a conditional termination, the plan must specify



Amendment No. 1

174 the conditions for termination. A conditional plan does not vest
175 title in the termination trustee until the plan and a
176 certificate executed by the association with the formalities of
177 a deed, confirming that the conditions in the conditional plan
178 have been satisfied or waived by the requisite percentage of the
179 voting interests, have been recorded. ~~In a partial termination,~~
180 ~~the plan does not vest title to the surviving units or common~~
181 ~~elements that remain part of the condominium property in the~~
182 ~~termination trustee.~~

183 (c) Unless otherwise provided in the plan of termination,
184 at any time prior to the sale of the condominium property, a
185 plan may be withdrawn or modified by the affirmative vote or
186 written agreement of not less than the same percentage of voting
187 interests in the condominium as was required for the initial
188 approval of the plan.

189 (d) Upon the discovery of a scrivener's error in the plan
190 of termination, the termination trustee may record an amended
191 plan or an amendment to the plan for the purpose of correcting
192 such scrivener's error, and such amended plan or amendment to
193 the plan need only be executed by the termination trustee in the
194 manner for execution of a deed.

195 (12) ALLOCATION OF PROCEEDS OF SALE OF CONDOMINIUM
196 PROPERTY.—

197 (a) Unless the declaration expressly provides for the
198 allocation of the proceeds of sale of condominium property, the
199 plan of termination may require separate valuations for the must



Amendment No. 1

200 ~~first apportion the proceeds between the aggregate value of all~~
201 ~~units and the value of the common elements, but in the absence~~
202 ~~of such provision it shall be presumed that the common elements~~
203 ~~have no independent value, but rather that their value is~~
204 ~~incorporated into the valuation of the units based on their~~
205 ~~respective fair market values immediately before the~~
206 ~~termination, as determined by one or more independent appraisers~~
207 ~~selected by the association or termination trustee. In a partial~~
208 ~~termination, the aggregate values of the units and common~~
209 ~~elements that are being terminated must be separately~~
210 ~~determined, and the plan of termination must specify the~~
211 ~~allocation of the proceeds of sale for the units and common~~
212 ~~elements being terminated.~~

213 (b) The portion of proceeds allocated to the units shall
214 be ~~further~~ apportioned among the individual units. The
215 apportionment is deemed fair and reasonable if it is so
216 determined by ~~the unit owners, who may approve the plan of~~
217 ~~termination~~ by any of the following methods:

218 1. The respective values of the units based on the fair
219 market values of the units immediately before the termination,
220 as determined by one or more independent appraisers selected by
221 the association or termination trustee;

222 2. The respective values of the units based on the most
223 recent market value of the units before the termination, as
224 provided in the county property appraiser's records; or

225 3. The respective interests of the units in the common



Amendment No. 1

226 elements specified in the declaration immediately before the
227 termination.

228 (c) The methods of apportionment in paragraph (b) do not
229 prohibit any other method of apportioning the proceeds of sale
230 allocated to the units or any other method of valuing the units
231 agreed upon in the plan of termination. Any ~~The~~ portion of the
232 proceeds separately allocated to the common elements shall be
233 apportioned among the units based upon their respective
234 interests in the common elements as provided in the declaration.

235 (d) Liens that encumber a unit shall, unless otherwise
236 provided in the plan of termination, be transferred to the
237 proceeds of sale of the condominium property and the proceeds of
238 sale or other distribution of association property, common
239 surplus, or other association assets attributable to such unit
240 in their same priority. In a partial termination, liens that
241 encumber a unit being terminated must be transferred to the
242 proceeds of sale of that portion of the condominium property
243 being terminated which are attributable to such unit. The
244 proceeds of any sale of condominium property pursuant to a plan
245 of termination may not be deemed to be common surplus or
246 association property. The holder of a lien that encumbers a unit
247 at the time of recording a plan is required, within 30 days
248 following written request from the termination trustee, to
249 deliver to the termination trustee a statement confirming the
250 outstanding amount of any obligations of the unit owner secured
251 by the lien.

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Amendment No. 1

252 (e) The termination trustee shall have the right to setoff
253 against and reduce the share of the termination proceeds
254 allocated to a unit by the following amounts, which may include
255 attorney fees and costs in each instance:

256 1. All unpaid assessments, taxes, late fees, interest,
257 finances, charges and all other amounts due and owing the
258 association associated with the unit, its owner, the owner's
259 family members, guests, tenants, occupants, licensees, invitees
260 or others.

261 2. All costs of clearing title to the owner's unit,
262 including without limitation, locating lienors, obtaining
263 statements from such lienors confirming the outstanding amount
264 of any obligations of the unit owner, and paying all mortgages
265 and other liens, judgments and encumbrances and filing suit to
266 quiet title or remove title defects.

267 3. All costs of removing the owner, the owner's family
268 members, guests, tenants, occupants, licensees, invitees or
269 others from the unit in the event an owner, or owner's family
270 members, tenants, occupants, or others fail to vacate a unit as
271 required by the plan.

272 4. All costs arising from or related to such other breach
273 of the plan by an owner, the owner's family members, guests,
274 tenants, occupants, licensees, invitees or others.

275 5. All costs arising out of or related to removal and
276 storage of all personal property remaining in a unit other than
277 personal property owned by the association such that the unit



Amendment No. 1

278 can be delivered vacant and clear of the owner, the owner's
279 family members, guests, tenants, occupants, licensees, invitees
280 or others as required by the plan.

281 6. All costs arising out of or related to the appointment
282 and activities of a receiver or attorney ad litem acting for
283 such owner in the event that an owner cannot be located.

284 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest
285 a plan of termination by initiating a summary procedure pursuant
286 to s. 51.011 within 90 days after the date the plan is recorded.
287 A unit owner or lienor may only contest the fairness and
288 reasonableness of the apportionment of the proceeds from the
289 sale among the unit owners, that the first mortgages of all unit
290 owners have not or will not be fully satisfied at the time of
291 termination as required by subsection (3), or that the required
292 vote to approve the plan was not obtained. A unit owner or
293 lienor who does not contest the plan within the 90-day period is
294 barred from asserting or prosecuting a claim against the
295 association, the termination trustee, any unit owner, or any
296 successor in interest to the condominium property. In an action
297 contesting a plan of termination, the person contesting the plan
298 has the burden of pleading and proving that the apportionment of
299 the proceeds from the sale among the unit owners was not fair
300 and reasonable or that the required vote was not obtained. The
301 apportionment of sale proceeds is presumed fair and reasonable
302 if it was determined pursuant to the methods prescribed in
303 subsection (12). The court shall determine the rights and

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Published On: 3/10/2015 3:04:25 PM



Amendment No. 1

304 interests of the parties in the apportionment of the sale
305 proceeds and order the plan of termination to be implemented if
306 it is fair and reasonable. If the court determines that the
307 apportionment of sales proceeds plan of termination is not fair
308 and reasonable, the court may ~~void the plan or may~~ modify the
309 plan to apportion the proceeds in a fair and reasonable manner
310 pursuant to this section based upon the proceedings and order
311 the modified plan of termination to be implemented. If the court
312 determines that the plan was not properly approved, it may void
313 the plan or grant other relief it deems just and proper. Any
314 challenge to a plan, other than a challenge that the required
315 vote was not obtained, does not affect title to the condominium
316 property or the vesting of the condominium property in the
317 trustee, but shall only be a claim against the proceeds of the
318 plan. In any such action, the prevailing party shall recover
319 reasonable attorney ~~attorney's~~ fees and costs.

320 Section 2. This act shall take effect July 1, 2015.

321
322
323 -----
324 **T I T L E A M E N D M E N T**

325 Remove everything before the enacting clause and insert:
326 An act relating to termination of a condominium association;
327 amending s. 718.117, F.S.; providing and revising procedures and
328 requirements for termination of a condominium property;
329 providing requirements for the rejection of a plan of



Amendment No. 1

330 termination; providing definitions; providing applicability;
331 providing requirements relating to partial termination of a
332 condominium property; revising requirements relating to the
333 right to contest a plan of termination; providing an effective
334 date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 751 : Emergency Treatment for Opioid Overdose

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

HB 751 Amendments

Amendment 817019

Adopted Without Objection

Amendment 497979

Adopted Without Objection

Appearances:

HB 751 Am 1

Smith, Leon - Proponent
Andrew Smith Memorial Fund
49 San Carlos Drive
Palm Coast fl 32137
Phone: 32137

HB 751 (Am 2)

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

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 751 : Emergency Treatment for Opioid Overdose (continued)

Appearances: (continued)

HB 751 - AM 2

Wohl, Aaron - Proponent

Florida College of Emergency Physicians Fort Myers
Emergency Physician
1625 SE 13 Street
Cape Coral Florida 33990
Phone: 239-938-5869

HB 751

Gran, Jill (Lobbyist) - Waive In Support

Florida Alcohol & Drug Abuse Association, Inc
2868 Mahan Dr Ste 1
Tallahassee FL 32308
Phone: 850-878-2196

HB 751

Salvatori, Rocco (Lobbyist) - Waive In Support

Florida Professional Firefighters
Firefighter
345 W Madison St
Tallahassee Florida
Phone: 941-724-5914

HB 751

Minor, Christian (Lobbyist) - Waive In Support

The Florida Smart Justice Alliance
Director of Gov. Affairs for The Fla Smart Justice Alliance
204 S. Monroe St.
Tallahassee Fl
Phone: (321) 223-4232

HB 751

Langford, Pam - Waive In Support

H.E.A.L.S of the South -Hepatitis Education, Awareness and Liver Support
PO Box 180813
Tallahassee Fl 32318

HB 751

Fry, Jesse - Waive In Support

The Aids Institute
641 E. College Ave, Unit 2
Tallahassee Fl 32301-2510
Phone: (850) 339-6395

HB 751

Jogerst, Brian (Lobbyist) - Waive In Support

Shatterproof
215 South Monroe Street Suite 703
Tallahassee FL 32301
Phone: 850-222-0191

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 751 : Emergency Treatment for Opioid Overdose (continued)

Appearances: (continued)

HB 751

Webster, Tim - Waive In Support
Florida Sheriff's Association
Sgt-Volusia County Sheriff's Office
123 W Indiana Ave
Deland Florida
Phone: 386-248-1777

HB 751

Kopczynski, Kenneth (Lobbyist) - Waive In Support
Florida Police Benevolent Association, Inc
300 E Brevard St
Tallahassee FL 32301
Phone: (850)222-3329

HB 751

Winn, Stephen (Lobbyist) - Waive In Support
Florida Osteopathic Medical Association
2007 Apalachee Pky
Tallahassee FL 32301
Phone: (850)878-7463

HB 751

Nuland, Chris (Lobbyist) - Waive In Support
Fl Public Health Association
1000 Riverside Ave., #115
Jacksonville Fl 32204
Phone: 904-355-1555

HB 751

Poole, David (Lobbyist) - Waive In Support
AIDS HealthCare Foundation
1825 Country Club Dr
Tallahassee FL 32301
Phone: 850-766-3323

HB 751

Gonzalez, Larry (Lobbyist) - Waive In Support
Florida Society of Health -System Pharmacists
223 Gadsden St
Tallahassee Fl 32301

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> Y </u>	(Y/N) 3/11/15
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER		

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

Amendment

Remove lines 26-47 and insert:

emergency opioid antagonist into the body of a person.

(b) "Authorized health care practitioner" means a licensed practitioner authorized by the laws of the state to prescribe drugs.

(c) "Caregiver" means a family member, friend, or person in a position to have recurring contact with a person at risk of experiencing an opioid overdose.

(d) "Emergency opioid antagonist" means naloxone hydrochloride or any similarly acting drug that blocks the effects of opioids administered from outside the body and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.



Amendment No. 1

18 | (e) "Patient" means a person at risk of experiencing an
19 | opioid overdose.

20 | (2) The purpose of this section is to provide for the
21 | prescription of an emergency opioid antagonist to patients and
22 | caregivers and to encourage the prescription of emergency opioid
23 | antagonists by health care practitioners.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> X </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER		

3/11/15

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

Amendment

Remove lines 70-73 and insert:

6 (6) Any authorized health care practitioner, acting in
 7 good faith, is not subject to discipline or other adverse action
 8 under any professional licensure statute or rule and is immune
 9 from any civil or criminal liability as a result of prescribing
 10 an opioid antagonist in accordance with this section. Any
 11 dispensing healthcare practitioner or pharmacist, acting in good
 12 faith, is not subject to discipline or other adverse action
 13 under any professional licensure statute or rule and is immune
 14 from any civil or criminal liability as a result of dispensing
 15 an opioid antagonist in accordance with this section.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 961 : Electronic Noticing of Trust Accounts

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

HB 961 Amendments

Amendment 538737

Adopted Without Objection

Amendment 027563

Adopted Without Objection

Appearances:

HB 961

Pratt, Kenneth (Lobbyist) - Waive In Support
Sr. Vice President of Governmental Affairs
Florida Bankers Association
1001 Thomasville Rd, Ste 201
Tallahassee FL 32303
Phone: 850-224-2265

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 961 (2015)

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 _____

3/11/15

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

4 **Amendment (with title amendment)**

5 Remove lines 33-36 and insert:

6 (3) In addition to the methods listed in subsection (1)
7 for sending a document, a sender may post a document to a secure
8 electronic account or website where the document can be
9 accessed.

11 -----
12 **T I T L E A M E N D M E N T**

13 Remove line 4 and insert:

14 sender to post a document to a secure electronic account or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 961 (2015)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N) 3/11/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

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

Amendment (with title amendment)

Remove lines 83-105 and insert:

3
 4
 5
 6 may be amended or revoked at any time. This notice must be given
 7 by means other than electronic posting and may not be
 8 accompanied by any other written communication. Failure to
 9 provide such notice within 380 days after the last notice is
 10 deemed to automatically revoke the authorization to receive
 11 documents in the manner permitted under this subsection 380 days
 12 after the last notice is sent.

13 (e) The notice required in paragraph (d) may be in
 14 substantially the following form: "You have authorized receipt
 15 of documents through posting to an electronic account or website
 16 where the documents can be accessed. This notice is being sent
 17 to advise you that a limitations period, which may be as short

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 961 (2015)

Amendment No. 2

18 as 6 months, may be running as to matters disclosed in a trust
19 accounting or other written report of a trustee posted to the
20 electronic account or website even if you never actually access
21 the electronic account or website or the documents. You may
22 amend or revoke the authorization to receive documents by
23 electronic posting at any time. If you have any questions,
24 please consult your attorney."

25 (f) A sender may rely on the recipient's authorization
26 until the recipient amends or revokes the authorization by
27 sending a notice to the address designated for that purpose in
28 the authorization. An authorization to have documents posted on
29 the electronic account or website may be amended or revoked at
30 any time.

31
32 -----
33 **T I T L E A M E N D M E N T**

34 Remove line 12 and insert:

35 recipient to amend or revoke authorization for electronic

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 4021 : Financial Reporting

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill		X			
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.		X			
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood		X			
Kathleen Passidomo (Chair)	X				
	Total Yeas: 10	Total Nays: 3			

Appearances:

HB 4021

Thames, Justin (Lobbyist) - Information Only

Florida Institute of Certified Public Accountants

325 W College Ave

Tallahassee FL 32301

Phone: 850)224-2727

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

PCS for HB 305 : Landlords and Tenants

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill			X		
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan			X		
John Wood	X				
Kathleen Passidomo (Chair)	X				
	Total Yeas: 11	Total Nays: 0			

Appearances:

PCS for HB 305

Gualtieri, Bob - Proponent

Sheriff, Pinellas County

Largo Florida

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

PCS for HB 791 : Residential Properties

Favorable With Amendment(s)

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)				X	
Total Yeas: 12		Total Nays: 0			

PCS for HB 791 Amendments

Amendment PCS for HB 791 a1

Adopted Without Objection

Amendment PCS for HB 791 a2

Adopted Without Objection

Amendment PCS for HB 791 a3

Adopted Without Objection

Appearances:

PCS for HB 791

Moore, Travis (Lobbyist) - Proponent

Community Associations Institute

PO Box 781

Largo FL

Phone: 7274216902

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/11/2015 9:00:00AM

Location: Sumner Hall (404 HOB)

PCS for HB 791 : Residential Properties (continued)

Appearances: (continued)

PCS for HB 791

Dunbar, Pete (Lobbyist) - Proponent

Real Property Section of the Florida Bar

215 S Monroe Street, Suite 815

Tallahassee FL 32301

Phone: 850-999-4100

PCS for HB 791

Brecker, Charles - Opponent

Florida Home Builders Assoc

200 East Las Olas Blvd 2100

Ft Lauderdale Fl 33301

Committee meeting was reported out: Wednesday, March 11, 2015 4:52:29PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)	
ADOPTED AS AMENDED	_____	(Y/N)	
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)	3/11/15
FAILED TO ADOPT	_____	(Y/N)	
WITHDRAWN	_____	(Y/N)	
OTHER			

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

Amendment

Remove lines 157-158 and insert:

units for sale;

7 (e) The trustee and any related trust association of a
 8 timeshare trust, interests in which are qualified as timeshare
 9 estates pursuant to ss. 721.08 or 721.53; or

10 (f)~~(d)~~ A state, county, or municipal entity acting as a



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)	
ADOPTED AS AMENDED	<u> </u>	(Y/N)	
ADOPTED W/O OBJECTION	<u> 4 </u>	(Y/N)	3/11/15
FAILED TO ADOPT	<u> </u>	(Y/N)	
WITHDRAWN	<u> </u>	(Y/N)	
OTHER			

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

Amendment

Remove line 1232 and insert:

6 association. A person who acquires title to units or timeshare
 7 interests in a condominium, which units or timeshare interests
 8 are or ultimately will be included in a timeshare plan governed
 9 by chapter 721, may elect to be a bulk-unit purchaser pursuant
 10 to s. 718.813. The term does not include a lender-unit
 11 purchaser.



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> Y </u>	(Y/N) 2/11/15
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER		

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

Amendment (with directory and title amendments)

Between lines 1545 and 1546, insert:

6 718.813 Timeshare Condominiums.—With respect to the
 7 acquisition of title to units or timeshare interests in a
 8 condominium, which units or timeshare interests are or
 9 ultimately will be included in a timeshare plan governed by ch.
 10 721:

11 (1) Any person otherwise qualified to be a bulk-unit
 12 purchaser pursuant to s. 718.802 is not a bulk-unit purchaser
 13 unless that person makes an election to become a bulk-unit
 14 purchaser by providing notice to the association addressed to
 15 the registered agent at the address specified in the records of
 16 Department of State. The notice shall be delivered within the
 17 time period ending upon the earliest of:



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18 (a) The date on which the person exercises any developer
19 rights other than the developer rights described in s.
20 718.803(1)(a);

21 (b) The sale of any unit or timeshare interest by the
22 person; or

23 (c) One hundred eighty days after the recording of the deed
24 or other instrument of conveyance by which the person acquired
25 the units or timeshare interests.

26 (2) If a person has made an election to be a bulk-unit
27 purchaser pursuant to subsection (1), the bulk-unit purchaser,
28 when selling units or timeshare interests, shall include the
29 following disclosure to purchasers in conspicuous type on the
30 first page of the contract for sale of units or timeshare
31 interests:

32 SELLER IS A BULK-UNIT PURCHASER UNDER THE CONDOMINIUM ACT.
33 SELLER IS NOT THE DEVELOPER OF THE CONDOMINIUM FOR ANY
34 PURPOSE UNDER THE CONDOMINIUM.

35 -----
36
37 **D I R E C T O R Y A M E N D M E N T**

38 Remove line 1210 and insert:
39 consisting of sections 718.801-718.813, is created to read:

40
41 -----
42 **T I T L E A M E N D M E N T**

43 Remove line 71 and insert:



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44 bulk-unit purchaser; providing conditions by which a person may
45 become a bulk-unit purchaser following acquisition of title to
46 timeshare interests that are or ultimately will be included in a
47 timeshare plan; requiring disclosure to purchasers by certain
48 bulk-unit purchasers of timeshare interests; amending s.
49 719.104, F.S.;