

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

4 **Amendment**

5 Remove lines 664-754 and insert:
 6 association manager.

7 (b) For associations in which control of the association
 8 has not been transitioned to nondeveloper members, as set forth
 9 in s. 720.307, the report shall also include the developer's:

- 10 1. Legal name.
- 11 2. Mailing address.
- 12 3. Total number of parcels owned on the date of reporting.

13 (c) The reporting requirement provided in this subsection
 14 shall be a continuing obligation on each association until the
 15 required information is reported to the division. Any change in
 16 the reported information must be updated on the registration
 17 system provided for in paragraph (d).

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18 (d) ~~By October 1, 2013,~~ The department shall use ~~establish~~
19 ~~and implement~~ a registration system through an Internet website
20 that provides for the reporting requirements of paragraphs (a)
21 and (b).

22 (e) The department shall prepare an annual report of the
23 data reported pursuant to this subsection and present it to the
24 Governor, the President of the Senate, and the Speaker of the
25 House of Representatives by December 1, 2013, and each year
26 thereafter.

27 (f) The division shall adopt rules pursuant to ss.
28 120.536(1) and 120.54 to implement the provisions of this
29 subsection.

30 ~~(g) This subsection shall expire on July 1, 2016, unless~~
31 ~~reenacted by the Legislature.~~

32 Section 6. Subsections (2) through (5) of section
33 720.3033, Florida Statutes, are renumbered as subsections (3)
34 through (6), respectively, and subsections (2) and (7) are added
35 to that section, to read:

36 720.3033 Officers and directors.-

37 (2) (a) Directors and officers of the board must disclose
38 to the board any activity that may reasonably be construed as a
39 conflict of interest. A rebuttable presumption of a conflict of
40 interest exists if any of the following occurs without prior
41 notice, as required in paragraph (b), or board approval taken at
42 a properly noticed meeting of the members:

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43 1. The director or officer, or a relative residing in the
44 same household as the director or officer, enters into a
45 contract for goods or services with the association.

46 2. The director or officer, or a relative residing in the
47 same household as the director or officer, holds an interest of
48 more than 35 percent in any corporation, limited liability
49 corporation, partnership, limited liability partnership, or
50 other business entity that conducts business with the
51 association or proposes to enter into a contract or other
52 transaction with the association.

53 3. A corporation, limited liability corporation,
54 partnership, limited liability partnership, or other business
55 entity that, directly or indirectly, owns or controls the
56 director or officer, or otherwise influences any decisions made
57 by the director or officer, intends to conduct business with the
58 association or proposes to enter into a contract or other
59 transaction with the association.

60 (b) If a director or officer intends to engage in an
61 activity that may reasonably be construed as a conflict of
62 interest, as described in paragraph (a), the director or officer
63 must place the issue on a meeting agenda, including any proposed
64 contract or transactional documents, and submit the issue to the
65 board to be considered and voted upon. If the board votes
66 against the action, the director or officer shall notify the
67 board in writing of his or her intention not to pursue the
68 action or withdraw from the position as director or officer. If

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69 the board finds that an officer or director has violated this
70 subsection, the board shall immediately remove the officer or
71 director from office. The vacancy shall be filled according to
72 general law until expiration of the director's term of office.

73 (c) A director or officer who is party to or has an
74 interest in the transaction or arrangement involving the
75 possible conflict of interest may attend the meeting at which
76 the transaction or arrangement is considered by the board. The
77 director or officer who is party to or has an interest in the
78 transaction or arrangement shall be allowed to make a
79 presentation to the board or committee regarding the transaction
80 or arrangement. After the presentation, the director or officer
81 must leave the meeting during the discussion of, and the vote
82 upon, the transaction or arrangement involving the possible
83 conflict of interest. Any director or officer who is party to or
84 has an interest in such transaction or arrangement shall recuse
85 him or herself from the vote.

86 (d)1. The board must provide notice to members of any
87 possible conflict of interest described in paragraph (a). Any
88 related proposed contracts or proposed transactional documents
89 related to the conflict must be attached to the agenda and made
90 available with the meeting agenda. The notice and related
91 proposed contracts or proposed transactional documents must be
92 provided to members at least 7 days before the meeting at which
93 the possible conflict of interest will be considered or voted
94 upon by the board.

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95 2. An association with 7,500 or more parcels must place
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