

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Tomkow offered the following:

Amendment (with title amendment)

Remove lines 84-165 and insert:

homeowners' association, as defined in s. 723.075, with approval of its board of administration or directors, may file with the value adjustment board a single joint petition on behalf of any association members who own units or parcels of property which the property appraiser determines are substantially similar with respect to location, proximity to amenities, number of rooms, living area, and condition. The condominium association, cooperative association, or homeowners' association as defined in s. 723.075 shall provide the unit or parcel owners with

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14 notice of its intent to petition the value adjustment board by
15 hand delivery or certified mail, return receipt requested,
16 except that such notice may be electronically transmitted to a
17 unit or parcel owner who has expressly consented in writing to
18 receiving notices by electronic transmission. If the association
19 is a condominium or cooperative association, the notice must
20 also be posted conspicuously on the condominium or cooperative
21 property in the same manner as notice of board meetings under
22 ss. 718.112(2) and 719.106(1). Such notice must ~~and shall~~
23 provide at least 14 ~~20~~ days for a unit or parcel owner to elect,
24 in writing, that his or her unit or parcel not be included in
25 the petition.

26 2. A condominium association, as defined in s. 718.103, a
27 cooperative association, as defined in s. 719.103, or a
28 homeowners' association, as defined in s. 723.075, that has
29 filed a single joint petition under this subsection may continue
30 to represent, prosecute, and defend the unit or parcel owners
31 through any related subsequent proceeding in any tribunal,
32 including judicial review under part II of this chapter and any
33 appeals. This subparagraph is intended to clarify existing law
34 and applies to cases pending on July 1, 2020.

35 Section 2. Subsection (2) of section 194.181, Florida
36 Statutes, is amended to read:

37 194.181 Parties to a tax suit.—

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38 (2) (a) In any case brought by a ~~the~~ taxpayer or a
39 condominium, cooperative, or homeowners' association, as defined
40 in ss. 718.103, 719.103, and 723.075 respectively, on behalf of
41 some or all unit or parcel owners, contesting the assessment of
42 any property, the county property appraiser is the ~~shall be~~
43 party defendant.

44 (b) In any case brought by the property appraiser under
45 ~~pursuant to~~ s. 194.036(1) (a) or (b), the taxpayer is the ~~shall~~
46 ~~be~~ party defendant.

47 (c)1. In any case brought by the property appraiser under
48 s. 194.036(1) (a) or (b) concerning a value adjustment board
49 decision on a single joint petition filed by a condominium,
50 cooperative, or homeowners' association under s. 194.011(3), the
51 association and all unit or parcel owners included in the single
52 joint petition are the party defendants.

53 2. The condominium, cooperative, or homeowners'
54 association must provide unit or parcel owners with notice of
55 its intent to respond to or answer the property appraiser's
56 complaint and advise the unit or parcel owners that they may
57 elect to:

- 58 a. Retain their own counsel to defend the appeal;
59 b. Choose not to defend the appeal; or
60 c. Be represented together with other unit or parcel
61 owners by the association.

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62 3. The notice required in subparagraph 2. must be hand
63 delivered or sent by certified mail, return receipt requested,
64 to the unit or parcel owners, except that such notice may be
65 electronically transmitted to a unit or parcel owner who has
66 expressly consented in writing to receiving notices through
67 electronic transmission. Additionally, the notice must be posted
68 conspicuously on the condominium or cooperative property, if
69 applicable, in the same manner as notice of board meetings under
70 ss. 718.112(2) and 719.106(1). The association must provide at
71 least 14 days for a unit or parcel owner to respond to the
72 notice. Any unit or parcel owner who does not respond to the
73 association's notice will be represented by the association.

74 (d) In any case brought by the property appraiser under
75 pursuant to s. 194.036(1)(c), the value adjustment board is the
76 shall be party defendant.

77 Section 3. Subsections (3) through (7) of section
78 514.0115, Florida Statutes, are renumbered as subsections (4)
79 through (8), respectively, and a new subsection (3) is added to
80 that section, to read:

81 514.0115 Exemptions from supervision or regulation;
82 variances.—

83 (3) Pools serving homeowners' associations and other
84 property associations which have no more than 32 units or
85 parcels and which are not operated as public lodging

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86 establishments are exempt from supervision under this chapter,
87 except for water quality and ss. 514.0315, 514.05, and 514.06.

88 Section 4. Subsection (7) of section 553.77, Florida
89 Statutes, is amended to read:

90 553.77 Specific powers of the commission.—

91 (7) Building officials shall recognize and enforce
92 variance orders issued by the Department of Health under s.
93 514.0115(8) ~~pursuant to s. 514.0115(7)~~, including any conditions
94 attached to the granting of the variance.

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

98 Remove line 18 and insert:

99 exempt from Department of Health regulations; amending

100 s. 553.77, F.S.; conforming a cross reference;

101 amending

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