

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WITHDRAWN      (Y/N)  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           

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1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
2 Subcommittee

3 Representative Porras offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 263-338 and insert:

7 (1) This chapter defines the property rights of  
8 individually owned and shared real property in a manner that is  
9 intended to protect and preserve the private property rights of  
10 the individual owners and the public policy of preserving  
11 environmental protections and public safety. This chapter  
12 creates standards for the preservation of property, including,  
13 but not limited to, the preservation of the taxable value of the  
14 property. This chapter is intended to create transparency of  
15 management of the property and the transferability of ownership  
16 interests in the property. ~~The purposes of this chapter are to~~

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17 ~~give statutory recognition to corporations not for profit that~~  
18 ~~operate residential communities in this state, to provide~~  
19 ~~procedures for operating homeowners' associations, and to~~  
20 ~~protect the rights of association members without unduly~~  
21 ~~impairing the ability of such associations to perform their~~  
22 ~~functions.~~

23 (2) (a) The Legislature recognizes that it is not in the  
24 best interest of homeowners' associations or the individual  
25 association members thereof to create or impose a bureau or  
26 other agency of state government to regulate the affairs of  
27 homeowners' associations. However, in accordance with s.  
28 720.311, the Legislature finds that homeowners' associations and  
29 their individual members will benefit from an expedited  
30 alternative process for resolution of election and recall  
31 disputes and presuit mediation of other disputes involving  
32 covenant enforcement and authorizes the department to hear,  
33 administer, and determine these disputes as more fully set forth  
34 in this chapter. Further, the Legislature recognizes that  
35 certain contract rights have been created for the benefit of  
36 homeowners' associations and members thereof before the  
37 effective date of this act and that ss. 720.301-720.407 are not  
38 intended to impair such contract rights, including, but not  
39 limited to, the rights of the developer to complete the  
40 community as initially contemplated.

41 (b)1. Further, the Legislature finds that homeowners'

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42 associations and their individual members will benefit from  
43 oversight of the election of directors, and the Legislature  
44 authorizes the Office of the Condominium Ombudsman to appoint an  
45 election monitor to attend the annual meeting of the members and  
46 to conduct the election of directors.

47 2. Upon receipt of a petition of 10 percent of the total  
48 voting interests in the homeowners' association or eight  
49 members, whichever is greater, the ombudsman shall appoint a  
50 division employee, a person specializing in election monitoring,  
51 or an attorney licensed to practice in this state as the  
52 election monitor. All costs associated with the election  
53 monitoring process must be borne by the association. The  
54 division shall adopt rules establishing procedures for the  
55 appointment of such monitors, including the scope and extent of  
56 the monitors' role in the election process. This subparagraph  
57 does not apply to any election conducted in accordance with the  
58 bylaws of the association.

59 (3) This chapter does not apply to:

60 (b) The commercial or industrial parcels or privately-  
61 owned recreational amenities in a community that contains both  
62 residential parcels and parcels intended for commercial or  
63 industrial use. However, privately-owned recreational amenities  
64 are subject to and governed by s. 720.3086(2) and part IV of  
65 this chapter.  
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**T I T L E   A M E N D M E N T**

Remove lines 12-14 and insert:  
applicability; amending s. 720.303, F.S.;