

Tab 1	SB 190 by Grall (CO-INTRODUCERS) Perry; (Identical to H 00259) Interscholastic Extracurricular Activities
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Tab 2	CS/SB 286 by BI, Powell; (Identical to CS/H 00237) Legal Instruments
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Tab 3	SB 360 by Hutson; (Compare to CS/CS/H 00085) Causes of Action Based on Improvements to Real Property
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337266	A	S	RCS	JU, Hutson	Delete L.22 - 72:	02/22 03:57 PM
929488	AA	S	RCS	JU, Hutson	btw L.43 - 44:	02/22 03:57 PM
840922	A	S	RCS	JU, Hutson	btw L.94 - 95:	02/22 03:57 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Yarborough, Chair
Senator Burton, Vice Chair

MEETING DATE: Tuesday, February 21, 2023**TIME:** 1:00—3:00 p.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building**MEMBERS:** Senator Yarborough, Chair; Senator Burton, Vice Chair; Senators Albritton, Baxley, Book, Boyd, Broxson, DiCeglie, Harrell, Stewart, Thompson, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 190 Grall (Identical H 259)	Interscholastic Extracurricular Activities; Authorizing a charter school student to participate in interscholastic extracurricular activities at a private school under certain circumstances, etc. ED 02/07/2023 Favorable JU 02/21/2023 Favorable RC	Favorable Yeas 10 Nays 0
2	CS/SB 286 Banking and Insurance / Powell (Identical CS/H 237)	Legal Instruments; Requiring that a lien created by an assignment of rents be perfected against a mortgagor in addition to third parties under certain conditions; revising the types of expenses that may be paid by collected rents in foreclosure actions under certain circumstances; expanding the scope of a final judgment of foreclosure to include other liens; requiring the award of attorney fees in certain circumstances, etc. BI 02/08/2023 Fav/CS JU 02/21/2023 Favorable RC	Favorable Yeas 10 Nays 0
3	SB 360 Hutson (Compare CS/CS/H 85)	Causes of Action Based on Improvements to Real Property; Revising the time in which an action founded on the design, planning, or construction of an improvement to real property must be commenced; revising the date on which the statute of limitations period begins; providing for the calculation of the statute of limitations period for multi-dwelling buildings, etc. JU 02/21/2023 Fav/CS RC	Fav/CS Yeas 10 Nays 1

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 190

INTRODUCER: Senator Grall

SUBJECT: Interscholastic Extracurricular Activities

DATE: February 20, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Favorable
2.	Davis	Cibula	JU	Favorable
3.			RC	

I. Summary:

SB 190 provides a mechanism for a charter school student to participate in interscholastic extracurricular activities at a private school. Current law permits a charter school student to participate in a public school's activities when the activity sought is not offered at the charter school and certain participation requirements are met. This bill similarly authorizes a charter school student to develop an agreement with a private school to participate in the private school's interscholastic extracurricular activities if the activity is not offered at the charter school and the student meets the participation requirements provided by law.

The language in this bill that authorizes a charter school student to participate in the interscholastic extracurricular activities of a private school tracks very similar language found in the statute that authorizes a home education student to participate in the interscholastic extracurricular activities of a private school.

The bill has no fiscal impact.

The bill takes effect on July 1, 2023.

II. Present Situation:

Charter Schools

Charter schools were first authorized in Florida in 1996.¹ They are publicly funded, tuition-free public schools that are typically created through an agreement between the local district school board and the charter school. This agreement or "charter" provides the school with flexibility

¹ Ch. 96-186, s. 1, Laws of Fla. This statute was originally enacted as s. 228.056, F.S., in 1996 but was later repealed and substantively transferred to s. 1002.33, F.S. in 2002. Ch. 2002-387, s. 98, Laws of Fla.

from certain public school regulations in exchange for the school's commitment to meet higher accountability standards.²

National Data

It is estimated that 3.7 million students across the nation attend charter schools.³ Forty-five states and the District of Columbia have enacted charter school laws as of January 2020.⁴ Between the 2009-2010 and 2019-2020 school years, the total number of charter schools increased from 5,000 to 7,500, an increase from 5 to 8 percent of all public schools. The nationwide percentage of public school students attending public charter schools increased from 3 to 7 percent between fall 2009 and fall 2019.⁵

Florida Data

All charter schools in Florida are public schools and are part of the state's public education system.⁶ During the 2021-2022 school year, Florida's 703 charter schools enrolled approximately 361,939 students in 47 school districts.⁷ Seventy percent of the students attending charter schools in the 2020-2021 school year were minorities. Hispanic students accounted for 45 percent of the charter school enrollment, while 19 percent were African-American students.⁸

Private Schools

A private school is a nonpublic school defined, in part, "as an individual, association, co-partnership, or corporation, or department, division, or section of those organizations, that designates itself as an educational center that includes kindergarten or a higher grade" and is below the college level.⁹ A private school may choose to operate as a parochial, religious, or denominational school and may choose to be a for-profit or nonprofit school.¹⁰ The Florida Department of Education does not license the private elementary and secondary schools in the state, nor does it approve, accredit, or regulate them.¹¹

² Florida Department of Education, Office of Independent Education & Parental Choice, *Florida's Charter Schools* (September 2022), <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

³ National Alliance for Public Charter Schools, *New Report Shows Charter School Enrollment Patterns Are Holding Steady Through the Pandemic*, <https://www.publiccharters.org/latest-news/2022/11/16/new-report-shows-charter-school-enrollment-patterns-are-holding-steady> (Nov. 16, 2022).

⁴ Education Commission of the States, *50-State Comparison: Charter School Policies*, <https://www.ecs.org/charter-school-policies/> (Jan. 28, 2020).

⁵ National Center for Education Statistics, *Public Charter School Enrollment*, <https://nces.ed.gov/programs/coe/indicator/cgb> (last updated May 2022).

⁶ Section 1002.33(1), F.S.

⁷ Florida Department of Education, Office of Independent Education & Parental Choice, *Florida's Charter Schools* (September 2022), <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

⁸ *Id.*

⁹ Section 1002.01(2), F.S. and Florida Department of Education, *Florida's Private Schools 2021-2022 School Year Annual Report* (2022), <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2022.pdf>.

¹⁰ Section 1002.01(2), F.S.

¹¹ Florida Department of Education, *Florida's Private Schools 2021-2022 School Year Annual Report* (2022), 2, <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2022.pdf>.

National Data

Nationally, as the 2019 school year began, approximately 4.7 million, or 9 percent, of the kindergarten through grade 12 students were enrolled in private schools.¹²

Florida Data

According to a report published by the Florida Department of Education, during the 2021-2022 school year, approximately 3,249,259 students were enrolled in public and private schools from pre-kindergarten through grade 12. Of that number, private schools enrolled approximately 416,084 students, or 12.8 percent, of those students.¹³ In that same school year, there were 2,848 private schools operating in Florida.¹⁴

Participation in Interscholastic Extracurricular Activities

The term “interscholastic extracurricular activities” is not specifically defined in the statutes. However, extracurricular is defined to mean “any school-authorized or education-related activity occurring during or outside the regular instructional school day.”¹⁵ The same statute refers to interscholastic extracurricular student activities as being “an important complement to the academic curriculum” and notes that participation in those activities contributes to a student developing the social and intellectual skills that are needed “to become a well-rounded adult.”¹⁶

Participation Requirements

To be eligible to participate in interscholastic extracurricular activities a student must:¹⁷

- Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent.
- Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student’s parents if the student’s cumulative grade point average falls below 2.0, or its equivalent on a 4.0 scale.
- Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required during his or her junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct policies.¹⁸

A charter school student may participate in interscholastic extracurricular activities at a public school to which the student would be assigned, unless the activity is also provided by the

¹² National Center for Education Statistics, *Private School Enrollment* (last updated May 2022), <https://nces.ed.gov/programs/coe/indicator/cgc/private-school-enrollment>.

¹³ Florida Department of Education, *Florida’s Private Schools 2021-2022 School Year Annual Report* (2022), 2, <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2022.pdf>. This data was compiled from an on-line survey submitted by private school participants and its accuracy is not verified by the Department.

¹⁴ Florida Department of Education, *Florida’s Private Schools 2021-2022 School Year Annual Report* (2022), <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2022.pdf>.

¹⁵ Section 1006.15(2), F.S.

¹⁶ *Id.*

¹⁷ Section 1006.15(3). Eligible to participate includes, but is not limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests.

¹⁸ Section 1006.15(3)(a)1.-4., F.S.

student's charter school. However, the following conditions must also be met for participation at the public school:

- The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.
- During the period of participation at a school, the charter school student must demonstrate educational progress as required.
- The charter school student must meet the same residency requirements as other students in the school at which he or she participates.
- The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in the extracurricular activities.
- The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation.
- A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year.
- Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school to become eligible to participate as a charter school student.¹⁹

Home Education Students

A home education student is also eligible to participate in interscholastic extracurricular activities at a public school or a private school. In order to participate, the student is required to develop an agreement with the private school and meet the participation requirements discussed above.²⁰

III. Effect of Proposed Changes:

SB 190 amends ss. 1002.33 and 1006.15 F.S., to permit a charter school student to participate in interscholastic extracurricular activities at a private school if certain requirements are met. The bill authorizes a charter school student to participate in the interscholastic extracurricular activities of a private school, which are not offered at the charter school, if the student develops an agreement to participate with the private school. Additionally, the charter school student must meet the participation requirements, maintaining satisfactory grades and conduct, discussed in detail in the Present Situation.

The bill takes effect July 1, 2023.

¹⁹ Section 1006.15(3)(d), F.S. *See also* s. 1002.33(11), F.S.

²⁰ Section 1006.15(3)(c), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33 and 1006.15.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Grall

29-00477-23

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A bill to be entitled

An act relating to interscholastic extracurricular activities; amending ss. 1002.33 and 1006.15, F.S.; authorizing a charter school student to participate in interscholastic extracurricular activities at a private school under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (11) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in an interscholastic extracurricular activity at the public school to which the student would be otherwise assigned to attend, or may develop an agreement to participate at a private school, pursuant to s. 1006.15(3)(d).

Section 2. Paragraph (d) of subsection (3) of section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

(3)

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could attend, or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29-00477-23

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may develop an agreement to participate at a private school, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, ~~pursuant to~~ subparagraph 2.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 7. Any public school or private school student who has been
60 unable to maintain academic eligibility for participation in
61 interscholastic extracurricular activities is ineligible to
62 participate in such activities as a charter school student until
63 the student has successfully completed one grading period in a
64 charter school pursuant to subparagraph 2. to become eligible to
65 participate as a charter school student.

66 Section 3. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 10, 2023

I respectfully request that **Senate Bill # 190**, relating to Interscholastic Extracurricular Activities, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script, reading "Erin Grall", is written over a horizontal line.

Senator Erin Grall
Florida Senate, District 29

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

21 February 2023

Meeting Date

Judiciary

Committee

190

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Stranburg

Phone

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City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Americans for
Prosperity

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/21/23

Meeting Date

Judiciary

Committee

SB190

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ryan Kennedy

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239-671-5733

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State

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Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida Citizens
Alliance



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 286

INTRODUCER: Banking and Insurance Committee and Senator Powell

SUBJECT: Legal Instruments

DATE: February 20, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	Fav/CS
2.	Bond	Cibula	JU	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 286 amends laws relating to various legal instruments. The bill:

- Expands the scope of existing law on the finality of a clerk's deed following foreclosure sale to apply to any form of lien. Currently, only foreclosure of a mortgage is governed by the statute on finality of a clerk's deed.
- Requires the foreclosure court to award attorney fees to a senior lienholder when a junior lienholder wrongfully tries to foreclose a senior lien. The bill also reaffirms the common law rule that a superior lien may not be foreclosed by a junior lienholder.
- Expands application of an assignment of rents to apply to a successor landowner and adds that regular association fees (HOA, condo or co-op) may be paid from the rent collected. An assignment of rents (if authorized by the mortgage terms) is a temporary relief allowing a foreclosing lienholder to collect rents from the property during the pendency of the foreclosure case and use those rents for upkeep of the property.
- Makes a technical change to the statute authorizing electronic signatures by adding a clarification of the term "witness."
- Expands application of an order to show cause procedure in foreclosure law to allow use of the procedure when a successor landowner is being foreclosed. The current order to show cause procedure compels the defendant to either resume making regular payments or vacate the premises, but is only applicable when the mortgagor still holds title to the property.

The bill is effective July 1, 2023.

II. Present Situation:

Finality of Foreclosure Judgments

In 1940, the Florida Supreme Court stated that “[t]he law is pretty well settled that a first or senior mortgagee is not a necessary or even proper party to foreclosure proceedings brought by a second or junior mortgagee,” and held that a prior mortgagee cannot be forced to be a party to a suit by a junior encumbrancer foreclosing a lien.¹ The Fourth District Court of Appeal applied this law recently when it held that a junior lienholder cannot require the senior lienholder to be a party to its foreclosure action, and that the judgment could not foreclose the interests of the senior lienholder.² The court ruled, however, that while the foreclosure judgment was void, the senior lienholder’s request to set aside the clerk’s deed that followed the judgment and foreclosure sale could not be granted, citing s. 702.036, F.S. That statute “precluded the court from granting relief that ‘adversely affects the quality and character of the title to the property’” when the specified criteria under the section were met.³

Section 702.036, F.S., provides that if a party seeks to set aside, invalidate, or challenge any final judgment of foreclosure of a mortgage, the court is required to treat such request as a claim for money damages and may not grant relief that adversely affects the quality or character of the title to the property if certain conditions are met, including, in summary:

- The party seeking relief was properly served in the foreclosure action.
- The final judgment was entered as to the property.
- All applicable appeals periods have run with no unresolved appeals.
- The property has been acquired for value, by a person not affiliated with the foreclosing lender or the foreclosed owner, when no lis pendens regarding the suit appears in the official county records where the property is located.⁴

Persons affiliated with the foreclosing lender include:

- The foreclosing lender or any loan servicer;
- Any past or present owner or holder of the loan;
- Any maintenance company, holding company, foreclosure services company, or law firm under contract with any of the entities listed above; or
- Any parent entity, subsidiary, or other person who directly or indirectly controls or is under the control of any of the entities listed above.⁵

¹ *Cone Bros. Const. Co. et. al. v. Moore*, 141 Fla. 420 (1940) (citing Jones on Mortgages, 8th Edition, Section 1830; Wiltsie on Mortgage Foreclosure, 4th Edition, Section 404, which states: “It may be stated as a general rule that persons holding mortgages or liens prior to the mortgage under foreclosure are neither necessary nor proper parties to the action,” citing numerous cases among them, *Broward v. Hoeg*, 15 Fla. 370 (1875).

² *Wells Fargo Bank, N.A. v. Tan*, 320 So.3d 782, 784 (Fla. 4th DCA 2021).

³ *Id.* at 784-786.

⁴ Section 702.036(1), F.S.

⁵ Section 702.036(2), F.S.

Assignment of Rents

Florida law provides that a mortgage or separate document may provide for an assignment of rents of real property as security for repayment of an indebtedness.⁶ The mortgagee holds a lien on the rents when an assignment is made, and the lien is perfected and effective against third parties upon recordation of the mortgage or separate document in the public records of the county in which the real property is located.⁷ Unless otherwise agreed to in writing, the mortgagee may enforce the assignment of rents upon the mortgagor's default by written demand for the rents to the mortgagor.⁸ The mortgagor is then required to provide the mortgagee with all rents, less payment of any expenses authorized by the mortgagee in writing, that are in his or her possession or control.⁹

During the pendency of final adjudication in a foreclosure proceeding, the mortgagee or mortgagor may apply to the court, and the court may require, the mortgagor to deposit rents collected into the registry of the court or in such other registry designated by the court. In 2018, the Second District Court of Appeal reversed a trial court order that required the owner of the property, which was the subject of a foreclosure action by a senior lienholder, to deposit rents collected on the real property into the trust account of the senior lienholder's attorney pending resolution of the foreclosure action.¹⁰ The court noted the title passed to the owner through a junior-lien foreclosure that could not bind the owner to the terms of the mortgage as a third party who is not an assignee of the mortgages. The court stated "[s. 697.07, F.S.,] does not require that the third-party title owner assign to the mortgagee rents owed to it under a separate document not subject to the foreclosure action."¹¹ The court commented on the potential benefit of third parties purchasing properties at junior-lien foreclosure sales and subsequently renting them, and the potential detriment "...including significant delay of mortgage foreclosure proceedings, 'that ought to be regulated or prohibited.'"¹² The court opined:

In instances of unwarranted delay, the inability of the mortgagee to sequester rents as against the third-party title owners-particularly where that third party is collecting rent but not paying the homeowners' association dues, property taxes, or property insurance, let alone the mortgage—further discourages a speedy resolution of the mortgage foreclosure action from the third party's perspective. However, we must apply the language of the mortgage and section 697.07 as they are plainly written.¹³

Before the rents are deposited into a registry, the court may authorize the rents collected to be used to make payments to the mortgagee, or for reasonable expenses or required escrow sums. Reasonable expenses may include real estate taxes, insurance, or other expenses solely for the

⁶ Section 697.07(1), F.S.

⁷ Section 697.07(2), F.S.

⁸ Section 697.07(3), F.S.

⁹ *Id.*

¹⁰ *Green Emerald Homes, LLC v. Residential Credit Opportunities Trust*, 256 So. 3d 211, 213 (Fla. 2d DCA 2018).

¹¹ *Id.* at 215.

¹² *Id.* at 216 (citing *Bonafide Props. v. Wells Fargo Bank, N.A., ex. rel. Certificate Holders of Banc of Am. Alt. Loan Tr. 2006-5, Mortg. Pass-Through Certificates, Series 2006-5m* 198 So. 3d 694, 696-98 (Fla. 2d DCA 2016) (Altenbernd, J., concurring)).

¹³ *Id.*

purpose of protecting, preserving, and operating the real property.¹⁴ Assessments for community associations are not explicitly listed as one of the reasonable expenses that may be paid from rents collected.

The mortgagor is required to account to the court and the mortgagee for the use of rents collected and the court may place other restrictions on the mortgagor's use of them.¹⁵ The court has discretion to grant other relief with respect to the rents collected, but such rents must be disbursed at the conclusion of the foreclosure proceeding.¹⁶ The terms "mortgagee" and "mortgagor" currently are not defined in this section on assignment of rents.

Orders to Show Cause

During the pendency of a foreclosure proceeding, the plaintiff may request the court to make an order directing the mortgagor to show cause why an order to make payments or to vacate the premises should not be entered.¹⁷ If the court enters an order, the order must, in short:

- Set the date and time for the hearing on the order to show cause.
- Direct the time within which service of the order and complaint must be made upon the defendant.
- State that the defendant has the right to file affidavits or other papers at the time of the hearing and may appear personally or by way of an attorney.
- State that, if the defendant fails to appear and fails to file a defense, the defendant is deemed to have waived the right to a hearing and the court may enter an order for the requested relief.
- Require the movant to serve a copy of the order to show cause on the mortgagor in the specified manner.¹⁸

The right of the defendant to be heard at a hearing to show cause is waived if the defendant's conduct clearly shows that the defendant has relinquished the right to be heard. Failure to file a defense or to appear at the hearing presumptively constitutes conduct that clearly shows that the defendant has relinquished the right to be heard,¹⁹ and the court then has the discretion to enter an order for the requested relief.²⁰ This section does not apply to foreclosure of an owner-occupied residence.²¹

Importantly, because the order to show cause provisions only apply to a "mortgagor," the order to show cause remedy may not apply where the original mortgagor no longer holds title to the property even though the property is still encumbered by the mortgage.

¹⁴ Section 697.07(4), F.S.

¹⁵ *Id.*

¹⁶ Section 697.07(5), F.S.

¹⁷ Section 702.10(2), F.S.

¹⁸ Section 702.10(2)(a), F.S.

¹⁹ Section 702.10(2)(b), F.S.

²⁰ Section 702.10(2)(c), F.S.

²¹ Section 702.10(2)(a) and (i), F.S.

Remote Online Notarization of Documents

In 2019, the Florida Legislature passed a bill relating to electronic legal documents²² that established Part II of ch. 117, F.S., for online notarization, which is defined as the performance of a notarial act using electronic²³ means in which the principal²⁴ or any witness appears before the notary public by means of audio-video communication technology.²⁵ The effective date for most provisions of this part was January 1, 2020, and the term “witness” is not defined in it.

Compliance with the online electronic witnessing standards under s. 117.285, F.S., and any applicable rules satisfy the requirement of a provision that requires a signature or an act to be witnessed.²⁶ A notary public may supervise the witnessing of electronic records by complying with several conditions, including, in part:

- The witness may be in the principal’s physical presence or remote from the principal so long as they are using audio-video communication technology at the time the principal affixes the electronic signature and the witness hears the principal verbally confirm that the principal has signed the electronic record.
- If the witness is remote from the principal, the principal’s and witness’s identities must be verified.
- The witness verbally confirms that he or she is a resident of and physically located within the United States or a territory at the time of witnessing.²⁷

The section sets out additional requirements for several types of electronic estate planning documents when fewer than two witnesses are in the physical presence of the principal.²⁸ The laws of the state of Florida determine the validity of an online notarization performed by an online notary public registered in the state regardless of the physical location of any witness at the time of the notarization.²⁹

III. Effect of Proposed Changes:

Finality of Foreclosure Judgments

Section 3 of the bill amends s. 702.036(1), F.S., relating to proceedings to set aside, invalidate, or challenge the validity of a final judgment of foreclosure of a mortgage to add that all forms of

²² Chapter 2019-71, Laws of Fla.

²³ Section 117.201(4), F.S., states that the term “electronic” has the same meaning as provided in s. 668.50, F.S., which defines the term to mean relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

²⁴ Section 117.201(12), F.S., defines “principal” as an individual whose electronic signature is acknowledged, witnessed, or attested to in an online notarization or who takes an oath or affirmation administered by the online notary public.

²⁵ Section 117.201(9), F.S. “Audio-video communication technology” is defined as technology in compliance with applicable law which enables real-time, two-way communication using electronic means in which participants are able to see, hear, and communicate with one another.

²⁶ Section 117.215(2), F.S.

²⁷ Section 117.285(1)-(4), F.S.

²⁸ Section 117.285(5), F.S. (specifying that the requirements apply when the electronic record to be signed is a will under ch. 732, F.S., revocable trust with testamentary aspects as described in s. 736.0403(2)(b), F.S., a health care advance directive, an agreement concerning succession or a waiver of spousal rights under s. 732.701, F.S., or s. 732.702, F.S., respectively, or a power of attorney authorizing any of the transactions enumerated in s. 709.2208, F.S.).

²⁹ Sections 117.209(4) and 117.285(8), F.S.

liens, such as community association liens and construction liens, are governed by s. 702.036, F.S.

The section is also amended to discourage junior lienholders from initiating improper foreclosure proceedings against senior lienholders. The bill creates subsection (5) to require the court to award reasonable attorney fees to a prevailing party who seeks relief from a final judgment foreclosing a mortgage or lien, or files a separate action attacking such a final judgment, if the party claims that it holds or held a lien superior in right, priority, or dignity to the mortgage or lien foreclosed. This provision applies regardless of whether the action to challenge the final judgment is in the case in which the judgement is entered or in a separate cause of action. This new provision makes a junior lienholder liable for a senior lienholder's attorney fees if the junior lienholder wrongfully attempts to foreclose on a senior lien.

The bill also defines the term "property" for use in only section 702.036, F.S., to clarify that the term means real property.

Assignment of Rents

Section 2 of the bill provides that the assignment of rents, and the statutory lien created by such assignment, is enforceable against the mortgagor, including third parties who may have acquired title to the property. The bill authorizes the court to order that rents collected be used to pay for assessments that become due after the entry of the court's order to a homeowners' association or association,³⁰ or a corporation regulated under chapter. 718, F.S., relating to condominiums, or chapter 719, F.S., relating to cooperatives. The bill exempts such associations and corporations from the provisions relating to the assignment of rents, provided they hold title to the property that is the subject of the foreclosure action and apply the rents towards the assessments that are then due, or are collecting pursuant to s. 718.116(11), F.S.,³¹ s. 719.108(10), F.S.,³² or s. 720.3085(8), F.S.³³

The bill defines the term "mortgagee" as a person entitled to enforce an obligation secured by a mortgage. The term "mortgagor" is defined as a person who grants a mortgage or a successor in ownership of the real property described in the mortgage.

Orders to Show Cause

Section 4 of the bill defines the term "mortgagor," for purposes of issuance of an order to show cause in a foreclosure proceeding under s. 702.10(2), F.S., as:

³⁰ Section 720.301(9), F.S., defines "homeowners' association" or "association" as "a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute."

³¹ Section 718.116(11), F.S., authorizes an association to make written demand that a tenant of a condominium pay any future rent to the association until any delinquent monetary obligation has been paid in full.

³² Section 719.108(10), F.S., provides that a cooperative unit owner is liable for all rents and assessments that become due while the unit owner is in exclusive possession of the unit.

³³ Section 720.3085(8), F.S., authorizes an association to make written demand that a tenant pay any future rent to the association until any delinquent monetary obligation of the parcel owner has been paid in full.

A person who grants a mortgage or a successor in ownership of the real property described in the mortgage. The term does not include a homeowners' association or an association, as those terms are defined in s. 720.301, F.S., or a corporation regulated under the chapter 718, F.S., or chapter 719, F.S., that:

- Acquires title to a parcel or unit through the foreclosure of its claim of lien, or a deed in lieu of foreclosure, provided that title remains vested in the association or corporation and any rents collected are applied to assessments that are then due; or
- Collects rents from the tenants in the parcel or unit pursuant to s. 718.116(11), F.S., s. 719.108(10), F.S., or s. 720.3085(8), F.S.

This definition means that the subsection applies to subsequent owners but not a community association provided it holds title and any rents collected are applied to assessments that are then due. The exception for owner-occupied residential real estate has been struck from s. 702.10(2), F.S., because it is duplicative as it is included in s. 702.10(2)(i), F.S.

Remote Online Notarization of Documents

Section 1 of the bill defines the term “witness” for purposes of a witness’s role with remote online notarization. When used as a noun, “witness” means an individual whose electronic signature is affixed to an electronic record to attest or subscribe to a principal’s signature on such record.

Section 5 provides that this definition of “witness” applies retroactively to January 1, 2020, which is the effective date for most of the statutory provisions for online notarization.

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that the bill expands the scope of several sections relating to the finality of foreclosure judgments, assignment of rents, and orders to show cause that could increase the amount of litigation, or to the extent that the award of attorney fees reduces the amount of litigation, the bill may result in increased legal fees for any lienholders or title owners who engage in additional litigation, but may also lead to increased collections on mortgages in default.

C. Government Sector Impact:

To the extent that the bill expands the scope of several sections relating to the finality of foreclosure judgments, assignment of rents, and orders to show cause, or to the extent that the award of attorney fees reduces the amount of litigation, the bill may result in an indeterminate fiscal impact on the state court system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 117.201, 697.07, 702.036, and 702.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance Committee on February 8, 2023:

The committee substitute makes the following changes:

- Amends the definition of “witness” with respect to online remote notarization.

- Amends the definitions of “mortgagee” and “mortgagor” with regards to assignment of rents, and “mortgagor” with respect to orders to show cause in certain foreclosure proceedings.
- Removes the change in the bill as filed to s. 702.10(2), F.S., that modified the provision to apply to a “mortgagor” to refer to a “defendant,” as the respondent in an order to show cause and as provided for under current law.
- Makes other technical changes.

B. Amendments:

None.

By the Committee on Banking and Insurance; and Senator Powell

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A bill to be entitled

An act relating to legal instruments; amending s. 117.201, F.S.; defining the term "witness"; amending s. 697.07, F.S.; defining the terms "mortgagee" and "mortgagor"; requiring that a lien created by an assignment of rents be perfected against a mortgagor in addition to third parties under certain conditions; making technical changes; revising the types of expenses that may be paid by collected rents in foreclosure actions under certain circumstances; providing applicability; amending s. 702.036, F.S.; defining the term "property"; expanding the scope of a final judgment of foreclosure to include other liens; requiring the award of attorney fees in certain circumstances; providing applicability; amending s. 702.10, F.S.; defining the term "mortgagor"; providing for retroactive applicability of a specified provision; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (16) is added to section 117.201, Florida Statutes, to read:

117.201 Definitions.—As used in this part, the term:

(16) "Witness," when used as a noun, means an individual whose electronic signature is affixed to an electronic record to attest or subscribe to a principal's signature on such record.

Section 2. Present subsections (1) through (8) of section 697.07, Florida Statutes, are redesignated as subsections (2)

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through (9), respectively, present subsections (2), (3), and (4) of that section are amended, and a new subsection (1) and subsection (10) are added to that section, to read:

697.07 Assignment of rents.—

(1) For purposes of this section, the term:

(a) "Mortgagee" means a person entitled to enforce an obligation secured by a mortgage.

(b) "Mortgagor" means a person who grants a mortgage or a successor in ownership of the real property described in the mortgage.

(3)(2) If such an assignment is made, the mortgagee shall hold a lien on the rents, and the lien created by the assignment shall be perfected and effective against the mortgagor and third parties upon recordation of the mortgage or separate instrument in the public records of the county in which the real property is located, according to law.

(4)(3) Unless otherwise agreed to in writing by the mortgagee and mortgagor, the lien created by the assignment of rents is ~~shall be~~ enforceable upon the mortgagor's default and written demand for the rents made by the mortgagee to the mortgagor, whereupon the mortgagor shall turn over all rents in the possession or control of the mortgagor at the time of the written demand or collected thereafter (the "collected rents") to the mortgagee less payment of any expenses authorized by the mortgagee in writing.

(5)(4) Upon application by the mortgagee or mortgagor, in a foreclosure action, and notwithstanding any asserted defenses or counterclaims of the mortgagor, a court of competent jurisdiction, pending final adjudication of any action, may

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require the mortgagor to deposit the collected rents into the registry of the court, or in such other depository as the court may designate. However, the court may authorize the use of the collected rents, before deposit into the registry of the court or other depository, to:

(a) Pay the reasonable expenses solely to protect, preserve, and operate the real property, including, without limitation, real estate taxes, ~~and~~ insurance, and assessments that become due after the entry of the court's order to a homeowners' association or an association, as those terms are defined in s. 720.301, or a corporation regulated under chapter 718 or chapter 719;

(b) Escrow sums required by the mortgagee or separate assignment of rents instrument; and

(c) Make payments to the mortgagee.

The court shall require the mortgagor to account to the court and the mortgagee for the receipt and use of the collected rents and may also impose other conditions on the mortgagor's use of the collected rents.

(10) This section does not apply to a corporation that is a homeowners' association or an association, as those terms are defined in s. 720.301, or a corporation regulated under chapter 718 or chapter 719, that:

(a) Acquires title to a parcel or unit through the foreclosure of its claim of lien, or a deed in lieu of foreclosure, provided that title remains vested in the association or corporation and any rents collected are applied to assessments that are then due; or

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(b) Collects rents from tenants in a parcel or unit pursuant to s. 718.116(11), s. 719.108(10), or s. 720.3085(8).

Section 3. Present subsections (1), (2), and (3) of section 702.036, Florida Statutes, are redesignated as subsections (2), (3), and (4), respectively, a new subsection (1) and subsection (5) are added to that section, and paragraph (a) of present subsection (1) and present subsection (2) of that section are amended, to read:

702.036 Finality of mortgage foreclosure judgment.—

(1) As used in this section, the term "property" means real property.

(2) (a) ~~(1) (a)~~ In any action or proceeding in which a party seeks to set aside, invalidate, or challenge the validity of a final judgment of foreclosure of a mortgage or other lien, or to establish or reestablish a lien or encumbrance on the property in abrogation of the final judgment of foreclosure of a mortgage or other lien, the court shall treat such request solely as a claim for monetary damages and may not grant relief that adversely affects the quality or character of the title to the property, if:

1. The party seeking relief from the final judgment of foreclosure of the mortgage or lien was properly served in the foreclosure lawsuit as provided in chapter 48 or chapter 49.

2. The final judgment of foreclosure of the mortgage or lien was entered as to the property.

3. All applicable appeals periods have run as to the final judgment of foreclosure of the mortgage or lien with no appeals having been taken or any appeals having been finally resolved.

4. The property has been acquired for value, by a person

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not affiliated with the foreclosing mortgageholder, the
foreclosing lienholder, lender or the foreclosed owner, at a
time in which no lis pendens regarding the suit to set aside,
invalidate, or challenge the foreclosure appears in the official
records of the county where the property was located.

(3)(2) For purposes of this section, the following, without
limitation, shall be considered persons affiliated with the
foreclosing mortgageholder or foreclosing lienholder lender:

(a) The foreclosing mortgageholder, the foreclosing
lienholder, lender or any loan servicer for the mortgage or lien
~~loan~~ being foreclosed;

(b) Any past or present owner or holder of the mortgage or
lien ~~loan~~ being foreclosed;

(c) Any maintenance company, holding company, foreclosure
services company, or law firm under contract to any entity
listed in paragraph (a), paragraph (b), or this paragraph, with
regard to the mortgage or lien ~~loan~~ being foreclosed; or

(d) Any parent entity, subsidiary, or other person who
directly, or indirectly through one or more intermediaries,
controls or is controlled by, or is under common control with,
any entity listed in paragraph (a), paragraph (b), or paragraph
(c).

(5) If a party seeks relief from a final judgment
foreclosing a mortgage or lien, or files a separate action
attacking such a final judgment, and the party claims that it
holds or held a lien superior in right, priority, or dignity to
the mortgage or lien foreclosed in the judgment, the court must
award reasonable attorney fees to the party prevailing on the
claim. This subsection applies whether the litigation seeking

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relief from the final judgment occurs in the case in which the
judgment was entered or in any separate case or proceeding.

Section 4. Subsection (2) of section 702.10, Florida
Statutes, is amended to read:

702.10 Order to show cause; entry of final judgment of
foreclosure; payment during foreclosure.—

(2) Except as provided in paragraph (i), in any action for
foreclosure, ~~other than owner-occupied residential real estate,~~
in addition to any other relief that the court may award, the
plaintiff may request that the court enter an order directing
the mortgagor defendant to show cause why an order to make
payments during the pendency of the foreclosure proceedings or
an order to vacate the premises should not be entered.

(a) The order shall:

1. Set the date and time for hearing on the order to show
cause. However, the date for the hearing may not be set sooner
than 20 days after the service of the order. If service is
obtained by publication, the date for the hearing may not be set
sooner than 30 days after the first publication.

2. Direct the time within which service of the order to
show cause and the complaint shall be made upon each defendant.

3. State that a defendant has the right to file affidavits
or other papers at the time of the hearing and may appear
personally or by way of an attorney at the hearing.

4. State that, if a defendant fails to appear at the
hearing to show cause and fails to file defenses by a motion or
by a verified or sworn answer, the defendant is deemed to have
waived the right to a hearing and in such case the court may
enter an order to make payment or vacate the premises.

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175 5. Require the movant to serve a copy of the order to show
176 cause on the defendant in the following manner:

177 a. If a defendant has been served with the complaint and
178 original process, service of the order may be made in the manner
179 provided in the Florida Rules of Civil Procedure.

180 b. If a defendant has not been served with the complaint
181 and original process, the order to show cause, together with the
182 summons and a copy of the complaint, shall be served on the
183 defendant in the same manner as provided by law for original
184 process.

185 (b) The right of a defendant to be heard at the hearing to
186 show cause is waived if the defendant, after being served as
187 provided by law with an order to show cause, engages in conduct
188 that clearly shows that the defendant has relinquished the right
189 to be heard on that order. A defendant's failure to file
190 defenses by a motion or by a sworn or verified answer or to
191 appear at the hearing duly scheduled on the order to show cause
192 presumptively constitutes conduct that clearly shows that the
193 defendant has relinquished the right to be heard.

194 (c) If the court finds that a defendant has waived the
195 right to be heard as provided in paragraph (b), the court may
196 promptly enter an order requiring payment in the amount provided
197 in paragraph (f) or an order to vacate.

198 (d) If the court finds that the mortgagor has not waived
199 the right to be heard on the order to show cause, the court
200 shall, at the hearing on the order to show cause, consider the
201 affidavits and other showings made by the parties appearing and
202 make a determination of the probable validity of the underlying
203 claim alleged against the mortgagor and the mortgagor's

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204 defenses. If the court determines that the plaintiff is likely
205 to prevail in the foreclosure action, the court shall enter an
206 order requiring the mortgagor to make the payment described in
207 paragraph (e) to the plaintiff and provide for a remedy as
208 described in paragraph (f). However, the order shall be stayed
209 pending final adjudication of the claims of the parties if the
210 mortgagor files with the court a written undertaking executed by
211 a surety approved by the court in an amount equal to the unpaid
212 balance of the lien being foreclosed, including all principal,
213 interest, unpaid taxes, and insurance premiums paid by the
214 plaintiff.

215 (e) If the court enters an order requiring the mortgagor to
216 make payments to the plaintiff, payments shall be payable at
217 such intervals and in such amounts provided for in the mortgage
218 instrument before acceleration or maturity. The obligation to
219 make payments pursuant to any order entered under this
220 subsection shall commence from the date of the motion filed
221 under this section. The order shall be served upon the mortgagor
222 no later than 20 days before the date specified for the first
223 payment. The order may permit, but may not require, the
224 plaintiff to take all appropriate steps to secure the premises
225 during the pendency of the foreclosure action.

226 (f) If the court enters an order requiring payments, the
227 order shall also provide that the plaintiff is entitled to
228 possession of the premises upon the failure of the mortgagor to
229 make the payment required in the order unless at the hearing on
230 the order to show cause the court finds good cause to order some
231 other method of enforcement of its order.

232 (g) All amounts paid pursuant to this section shall be

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credited against the mortgage obligation in accordance with the terms of the loan documents; however, payments made under this section do not constitute a cure of any default or a waiver or any other defense to the mortgage foreclosure action.

(h) Upon the filing of an affidavit with the clerk that the premises have not been vacated pursuant to the court order, the clerk shall issue to the sheriff a writ for possession which shall be governed by s. 83.62.

(i) This subsection does not apply to foreclosure of an owner-occupied residence. For purposes of this paragraph, there is a rebuttable presumption that a residential property for which a homestead exemption for taxation was granted according to the certified rolls of the latest assessment by the county property appraiser, before the filing of the foreclosure action, is an owner-occupied residential property.

(j) For purposes of this subsection, the term "mortgagor" means a person who grants a mortgage or a successor in ownership of the real property described in the mortgage. The term does not include a homeowners' association or an association, as those terms are defined in s. 720.301, or a corporation regulated under chapter 718 or chapter 719, that:

1. Acquires title to a parcel or unit through the foreclosure of its claim of lien, or a deed in lieu of foreclosure, provided that title remains vested in the association or corporation and any rents collected are applied to assessments that are then due; or

2. Collects rents from the tenants in the parcel or unit pursuant to s. 718.116(11), s. 719.108(10), or s. 720.3085(8).

Section 5. The amendment to s. 117.201, Florida Statutes,

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made by this act is intended to clarify existing law and applies retroactively to January 1, 2020.

Section 6. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Jim Boyd, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 8, 2023

I respectfully request that **Senate Bill #286**, relating to Legal Instruments, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in dark ink, appearing to read "Bobby Powell", is written over a horizontal line.

Senator Bobby Powell
Florida Senate, District 24

2/21/2023

Meeting Date

Judiciary

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 286

Bill Number or Topic

Amendment Barcode (if applicable)

Name

FRENCH BROWN

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Tallahassee

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Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
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I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

The Real Property, Probate, AND Trust Law Section of the FL BAR

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 360

INTRODUCER: Judiciary Committee and Senator Hutson

SUBJECT: Causes of Action Based on Improvements to Real Property

DATE: February 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	Fav/CS
2.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 360 amends existing law with respect to causes of action based on improvements to real property. The bill shortens the timeframes within which a property owner may bring a cause of action against a builder for alleged construction defects. It also narrows the scope of certain statutory civil actions against builders for Florida Building Code violations.

Specifically, the bill:

- Revises the commencement of the 4-year statute of limitations by changing the listed potential commencement dates and causing the statute to run based upon whichever date is earliest instead of latest;
- Shortens the 10-year statute of repose to 7 years;
- Revises the commencement of the 7-year (currently 10-year) statute of repose by changing the listed potential commencement dates and causing the statute to run based upon whichever date is earliest instead of latest;
- Provides that if a newly constructed single-dwelling residential building is used as a model home, the time to bring a construction defect action begins to run from the date that a deed is recorded first transferring title to another party;
- Provides that if a project involves the construction of multiple buildings, each individual building must be considered its own improvement for purposes of determining the limitations period in the bill;
- Provides a definition for “material violations” in connection with statutory civil actions against builders for alleged Florida Building Code violations, and amends existing law to limit recovery for material violations only; and

- Includes a savings clause to ensure that claimants having time remaining under the existing statute of limitations have at least 1 year from the effective date of the bill to initiate a construction defect action.

The bill takes effect upon becoming a law.

II. Present Situation:

Construction Defects

A construction defect, for purposes of bringing a construction defect action against a builder under chapter 558, F.S., is a deficiency in, or a deficiency arising out of, the design, specifications, surveying, planning, supervision, observation of construction, or construction, repair, alteration, or remodeling of real property resulting from:

- Defective material, products, or components used in the construction or remodeling;
- A violation of the applicable codes in effect at the time of construction or remodeling which gives rise to a cause of action pursuant to s. 553.84;¹
- A failure of the design of real property to meet the applicable professional standards of care at the time of governmental approval; or
- A failure to construct or remodel real property in accordance with accepted trade standards for good and workmanlike construction at the time of construction.²

Statutes of Limitation and Repose

Legal actions must be brought within the timeframes authorized by law. A statute of limitations typically sets a time limit within which an action must be filed as measured from the accrual of the cause of action, after which time obtaining relief is barred.³ A statute of repose precludes a right of action after a specified time, instead of establishing a time period within which the action must be brought measured from the point in time when the cause of action accrued.⁴

With respect to construction defect actions, there are two timeframes that currently apply: a 4-year statute of limitations period and a 10-year statute of repose.⁵ Under the statute of limitations, a property owner may bring an action:

- In the case of patent⁶ construction defects, up to 4 years after the *latest* of the following dates:
 - The date of actual possession by the property owner;
 - The date of issuance of a certificate of occupancy;

¹ See Statutory Civil Actions, *infra*.

² Section 558.002(5), F.S.

³ *National Auto Service Centers, Inc., v. F/R 500, LLC*, 192 So. 3d 498, 509-10 (Fla. 2d DCA 2016) (citations omitted) (stating that the purpose of a statute of limitations is to “require that a plaintiff with a known cause of action prosecute that claim diligently and within a predictable time that will allow for finality of claims prior to the potential loss of available evidence over time”).

⁴ *Id.* at 509 (citing *Univ. of Miami v. Bogorff*, 583 So. 2d 1000, 1003 (Fla. 1991)).

⁵ Section 95.11(3)(c), F.S.

⁶ A patent defect is “either one about which the owner had actual knowledge or one about which the owner would have known had he or she made a reasonably careful inspection.” *U.S. Lodging of Jacksonville, Ltd., v H.B. Daniel Const. Co., Inc.*, 617 So. 2d 448, 449 (Fla. 1st DCA 1993).

- The date of abandonment of construction if not completed; or
- The date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer.⁷
- In the case of latent⁸ construction defects, up to 4 years after the defect is discovered or should have been discovered with the exercise of due diligence.⁹

Under the statute of repose, a property owner may bring an action for a latent construction defect, regardless of when it is discovered or should have been discovered, no later than 10 years after the *latest* of the following dates:

- The date of actual possession by the property owner;
- The date of issuance of a certificate of occupancy;
- The date of abandonment of construction if not completed; or
- The date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer.¹⁰

Florida Building Code

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act.” The purpose and intent of the act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code, known as the Florida Building Code.¹¹

The Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.¹² It is adopted by rule¹³ and, except as otherwise provided in state law,¹⁴ must contain or incorporate by reference all laws and rules which pertain to and govern:

- The design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities in the state; and
- The enforcement of such laws and rules.

The Code includes all of the following volumes:

- 2020 Florida Building Code, Building, 7th Edition;
- 2020 Florida Building Code, Residential, 7th Edition;
- 2020 Florida Building Code, Test Protocols for High-Velocity Hurricane Zones, 7th Edition;
- 2020 Florida Building Code, Accessibility, 7th Edition;
- 2020 Florida Building Code, Energy Conservation, 7th Edition;
- 2020 Florida Building Code, Plumbing, 7th Edition;

⁷ Section 95.11(3)(c), F.S.

⁸ A latent defect is a defect that is not discernible by the exercise of reasonable care. *Kala Investments, Inc. v. Sklar*, 538 So. 2d 909, 914 (Fla. 3d DCA 1989) (citing *Maas Bros., Inc. v. Bishop*, 204 So. 2d 16 (Fla. 2d DCA 1967)).

⁹ Section 95.11(3)(c), F.S.

¹⁰ *Id.*

¹¹ See s. 553.72(1), F.S.

¹² *Id.*

¹³ Section 553.73(1)(a), F.S.; see also Fla. Admin. Code R. 61G20-1.001(1) (adopting The Florida Building Code, 7th Edition (2020), as updated by the Florida Building Commission on August 9, 2022, as the building code for the state of Florida).

¹⁴ See s. 553.73(1)(a), F.S. For example, the Florida Fire Prevention Code and the Life Safety Code, while referenced in the Code, are separately adopted and maintained by the Department of Financial Services. Section 553.73(1)(c), F.S.

- 2020 Florida Building Code, Mechanical, 7th Edition;
- 2020 Florida Building Code, Fuel Gas, 7th Edition; and
- 2020 Florida Building Code, Existing Building, 7th Edition.¹⁵

The Florida Building Commission was statutorily created to implement the Code.¹⁶ The Commission, which is housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Code.¹⁷ The Commission reviews several International Codes published by the International Code Council,¹⁸ the National Electric Code, and other nationally adopted model codes to determine if the Code needs to be updated, and adopts an updated Code every 3 years.¹⁹

Enforcement

The Legislature intends that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions to protect the public's health, safety, and welfare.²⁰ Every local government must enforce the Code and issue building permits.²¹ A person, firm, or corporation may not construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government agency enforcing the Code, or from the persons as may be directed, by resolution or regulation, to issue the permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.²²

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Code. The Code requires certain building, electrical, plumbing, mechanical, and gas inspections.²³ Construction work may not be done beyond a certain point until it passes an inspection.²⁴

Certificates

According to the Code, a building or structure may not be used or occupied, and a change in the existing use or occupancy classification of a building or structure may not be made, until the appropriate local government official issues a certificate of occupancy, temporary certificate of occupancy, or a certificate of completion as described in the Code.²⁵

¹⁵ See International Code Council Digital Codes, *Florida Building Codes*, <https://codes.iccsafe.org/codes/florida> (last visited Feb. 14, 2023) (providing these volumes).

¹⁶ Sections 553.73(1)(a) and 553.74(1), F.S.

¹⁷ Section 553.74(1), F.S.

¹⁸ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Feb. 14, 2023).

¹⁹ Sections 553.73(7)(a) and 553.74, F.S.

²⁰ Section 553.72(2), F.S.

²¹ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

²² See ss. 125.56(4)(a) and 553.79(1), F.S.

²³ See generally s. 110, Florida Building Code, Building, 7th Edition (2020), <https://codes.iccsafe.org/content/FLBC2020P1/chapter-1-scope-and-administration>.

²⁴ See *id.*

²⁵ See generally s. 111, Florida Building Code, Building, 7th Edition (2020), <https://codes.iccsafe.org/content/FLBC2020P1/chapter-1-scope-and-administration>.

- A certificate of occupancy must be issued before initial use or occupancy, or a change in the existing use or occupancy classification, of a building or structure.²⁶
- A temporary certificate of occupancy may be issued before the completion of an entire work covered by a permit, provided that such portion or portions can be occupied safely. It is valid only for a limited time.²⁷
- A certificate of completion is proof that a structure or system is complete and, for certain types of permits, is released for use and may be connected to a utility system. It does not grant authority to occupy a building, such as a shell building, before issuance of a certificate of occupancy.²⁸

Statutory Civil Actions

Notwithstanding other remedies available, a person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of a violation of the Florida Building Codes Act²⁹ or the Code, has a cause of action against the person or party who committed the violation.³⁰

However, unless the person or party who committed the violation knew or should have known that the violation existed, the cause of action is not available if:

- The person or party obtained the required building permits and the local government or public agency with authority to enforce the Code approved the plans;
- The construction project passed all required inspections under the Code; and
- There is no personal injury or damage to property other than the property that is the subject of the permits, plans, and inspections.³¹

The existence of a contract between the property owner and the builder is not required for a person to bring an action for a Code violation. As such, the statutory civil action for a Code violation may be brought by a subsequent property owner or against subcontractors.

Administrative Penalties for Material Violations of the Code

If a local enforcing agency determines that a builder has committed a material violation of the Code and failed to correct the violation within a reasonable time, the enforcing authority is required to impose a fine of \$500 to \$5,000 per material violation.³² A material Code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems.³³

²⁶ Subsection 111.1, Florida Building Code, Building, 7th Edition (2020), <https://codes.iccsafe.org/content/FLBC2020P1/chapter-1-scope-and-administration>.

²⁷ Subsection 111.3, Florida Building Code, Building, 7th Edition (2020), <https://codes.iccsafe.org/content/FLBC2020P1/chapter-1-scope-and-administration>.

²⁸ Subsection 111.5, Florida Building Code, Building, 7th Edition (2020), <https://codes.iccsafe.org/content/FLBC2020P1/chapter-1-scope-and-administration>.

²⁹ Part IV, Chapter 553, F.S.

³⁰ Section 553.84, F.S.

³¹ *Id.*

³² Section 553.781(2)(a), F.S.

³³ Section 553.781(4), F.S.

III. Effect of Proposed Changes:

Statutes of Limitation and Repose

The bill revises the commencement of the 4-year statute of limitations for patent construction defects by:

- Deleting “the date of actual possession by the owner” as a commencement date;
- Adding the date that “the authority having jurisdiction issues a temporary certificate of occupancy” as a commencement date;
- Adding the date that the authority having jurisdiction issues a “certificate of completion” as a commencement date; and
- Removing the date of completion or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer as a commencement date.

The bill provides that the 4-year statute of limitations for patent construction defects begins to run on any of the listed commencement dates, whichever date is *earliest*.

Similarly, the bill revises the commencement of the 10-year statute of repose by:

- Shortening the statute of repose to 7 years;
- Deleting “the date of actual possession by the owner” as a commencement date;
- Adding the date that “the authority having jurisdiction issues a temporary certificate of occupancy” as a commencement date;
- Adding the date that the authority having jurisdiction issues a “certificate of completion” as a commencement date; and
- Removing the date of completion or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer as a commencement date.

The bill provides that the 7-year statute of repose begins to run on any of the listed commencement dates, whichever date is *earliest*.

The bill replaces a reference in the statute to “a local enforcement agency, state enforcement agency, or special inspector,” with a reference to the “authority having jurisdiction.” The terminology is revised to be consistent with current practices for the issuance of certificates of occupancy or completion.

The bill provides that if a newly constructed single-dwelling residential building is used as a model home, the time for a construction defect action begins to run from the date that a deed is recorded first transferring title to another party.

The bill also provides that notwithstanding any provision of the statute to the contrary, if the improvement to real property consists of the design, planning, or construction of multiple buildings, each building must be considered its own improvement for purposes of determining the applicable limitations period in the bill.

Florida Building Code

With respect to that cause of action granted to persons damaged as a result of a violation of the Florida Building Codes Act or the Florida Building Code, the bill narrows the scope of the cause of action by:

- Amending the statute³⁴ to limit recovery for *material violations* only; and
- Defining the term “material violation” to mean a Florida Building Code violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems.

This standard for material violation in the bill is the same standard in existing law that requires a local enforcing agency to impose a fine on a builder of \$500 to \$5,000 for failing to correct a material violation within a reasonable time.³⁵

Savings Clause

The bill provides that it applies to any construction defect action commenced on or after the effective date of the bill (July 1, 2023), regardless of when the cause of action accrued, except that any action that would not have been barred by the statute before that date must be commenced by July 1, 2024. Accordingly, the bill ensures that claimants having time remaining under the existing statute of limitations have at least 1 year from the effective date of the bill to initiate a construction defect action. However, if the action is not commenced by July 1, 2024, and is barred by the amendments made by the bill, then the action is barred.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³⁴ Section 553.84, F.S.

³⁵ Section 553.781, F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the bill becomes law, it will reduce the time periods for property owners to discover potential construction defects and bring causes of action against builders for those construction defects.

By deleting the date that a property owner actually takes possession of an improvement to real estate as a commencement date, providing for additional and earlier commencement dates, and reducing the statute of repose from 10 to 7 years, the bill will provide property owners less time to sue builders for alleged construction defects under the statutes of limitation and repose.

Additionally, by narrowing the scope of violations for which one may bring a statutory civil action against builders under chapter 553, F.S., to “material” violations only (as defined in the bill), the bill will provide property owners fewer opportunities to sue builders.

On the other hand, the bill will benefit builders because they will be subject to construction defect actions for shorter periods of time. The shortened time periods that an improvement is outside of the builder’s observation and control may also aid in determining whether a problem with an improvement is a construction defect or a result of misuse or improper maintenance.

C. Government Sector Impact:

The bill may reduce costs of the judicial branch to the extent that the bill reduces litigation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 95.11 and 553.84.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Judiciary on February 21, 2023:**

- Inserts references to the “authority having jurisdiction” in connection with the issuance of temporary certificates of occupancy and certificates of completion.
- Removes language in the bill that would have triggered the statute of repose based upon the date of completion or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, which can refer to events that occur before the commencement of construction.
- Revises language in the bill to clarify that if a project has multiple buildings, each individual building (not each dwelling unit within a multi-dwelling building) must be considered its own improvement for purposes of determining the limitations period in the bill.
- Conforms the bill to the existing structure of s. 95.11(3)(c), F.S., by removing the subparagraph numbering in the bill.
- Inserts a savings clause to ensure that claimants having time remaining under the existing statute of limitations have at least 1 year from the effective date of the bill to initiate a construction defect action.
- Inserts language providing that if a newly constructed single-dwelling residential building is used as a model home, the time to bring a construction defect action begins to run from the date that a deed is recorded first transferring title to another party.

B. Amendments:

None.



337266

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2023	.	
	.	
	.	
	.	

The Committee on Judiciary (Hutson) recommended the following:

Senate Amendment

Delete lines 22 - 72
and insert:

(c) An action founded on the design, planning, or construction of an improvement to real property, with the time running from ~~the date of actual possession by the owner,~~ the date the authority having jurisdiction issues of the issuance of a temporary certificate of occupancy, a certificate of occupancy, or a certification of completion, or the date of abandonment of construction if not completed, ~~or the date of~~



337266

~~completion of the contract or termination of the contract~~
~~between the professional engineer, registered architect, or~~
~~licensed contractor and his or her employer,~~ whichever date is
earliest ~~latest~~; except that, when the action involves a latent
defect, the time runs from the time the defect is discovered or
should have been discovered with the exercise of due diligence.
In any event, the action must be commenced within 7 ~~10~~ years
after the date the authority having jurisdiction issues a
temporary certificate of occupancy, ~~of actual possession by the~~
~~owner, the date of the issuance of a certificate of occupancy,~~
or a certificate of completion, or the date of abandonment of
construction if not completed, ~~or the date of completion of the~~
~~contract or termination of the contract between the professional~~
~~engineer, registered architect, or licensed contractor and his~~
~~or her employer,~~ whichever date is earliest ~~latest~~. However,
counterclaims, cross-claims, and third-party claims that arise
out of the conduct, transaction, or occurrence set out or
attempted to be set out in a pleading may be commenced up to 1
year after the pleading to which such claims relate is served,
even if such claims would otherwise be time barred. With respect
to actions founded on the design, planning, or construction of
an improvement to real property, if such construction is
performed pursuant to a duly issued building permit and if the
authority having jurisdiction ~~a local enforcement agency, state~~
~~enforcement agency, or special inspector, as those terms are~~
~~defined in s. 553.71,~~ has issued a temporary ~~final~~ certificate
of occupancy, a certificate of occupancy, or a certificate of
completion, then as to the construction which is within the
scope of such building permit and certificate, the correction of



337266

defects to completed work or repair of completed work, whether performed under warranty or otherwise, does not extend the period of time within which an action must be commenced. Notwithstanding any provision of this section to the contrary, if the improvement to real property consists of the design, planning, or construction of multiple buildings, each building must be considered its own improvement for purposes of determining the limitations period set forth in this paragraph ~~Completion of the contract means the later of the date of final performance of all the contracted services or the date that final payment for such services becomes due without regard to the date final payment is made.~~



929488

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2023	.	
	.	
	.	
	.	

The Committee on Judiciary (Hutson) recommended the following:

Senate Amendment to Amendment (337266)

Between lines 43 and 44
insert:
If a newly constructed single-dwelling residential building is
used as a model home, the time begins to run from the date that
a deed is recorded first transferring title to another party.



840922

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2023	.	
	.	
	.	
	.	

The Committee on Judiciary (Hutson) recommended the following:

Senate Amendment (with title amendment)

Between lines 94 and 95
insert:

Section 3. The amendments to s. 95.11(3)(c), Florida Statutes, made by this act apply to any action commenced on or after the effective date of this act, regardless of when the cause of action accrued, except that any action that would not have been barred under s. 95.11(3)(c), Florida Statutes, before the amendments made by this act must be commenced on or before July 1, 2024. If the action is not commenced by July 1, 2024,



840922

and is barred by the amendments to s. 95.11 (3)(c), Florida
Statutes, made by this act, then the action is barred.

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

And the title is amended as follows:

Delete line 12

and insert:

made by the act; providing applicability; providing an
effective date.

By Senator Hutson

7-00293A-23

2023360__

A bill to be entitled

An act relating to causes of action based on improvements to real property; amending s. 95.11, F.S.; revising the time in which an action founded on the design, planning, or construction of an improvement to real property must be commenced; revising the date on which the statute of limitations period begins; providing for the calculation of the statute of limitations period for multi-dwelling buildings; amending s. 553.84, F.S.; defining the term "material violation"; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (3) of section 95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(3) WITHIN FOUR YEARS.—

(c) 1. An action founded on the design, planning, or construction of an improvement to real property, with the time running from ~~the date of actual possession by the owner~~, the date of the issuance of a temporary certificate of occupancy, the date of the issuance of a certificate of occupancy, the date of the issuance of a certificate of completion, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

7-00293A-23

2023360__

between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is ~~earliest latest~~; except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence.

2. In any event, the action must be commenced within 7 ~~10~~ years after the date of ~~actual possession by the owner~~, ~~the date of the issuance of a temporary certificate of occupancy~~, the date of the issuance of a certificate of occupancy, or the date of the issuance of a certificate of completion, whichever date is earliest. If a temporary certificate of occupancy, a certificate of occupancy, or a certificate of completion has not been issued, the action must be commenced within 7 years after the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is earliest latest.

3. However, counterclaims, cross-claims, and third-party claims that arise out of the conduct, transaction, or occurrence set out or attempted to be set out in a pleading may be commenced up to 1 year after the pleading to which such claims relate is served, even if such claims would otherwise be time barred.

4. With respect to actions founded on the design, planning, or construction of an improvement to real property, if such construction is performed pursuant to a duly issued building permit and if a local enforcement agency, state enforcement agency, or special inspector, as those terms are defined in s.

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

7-00293A-23

2023360__

59 553.71, has issued a final certificate of occupancy or
 60 certificate of completion, then as to the construction which is
 61 within the scope of such building permit and certificate, the
 62 correction of defects to completed work or repair of completed
 63 work, whether performed under warranty or otherwise, does not
 64 extend the period of time within which an action must be
 65 commenced. Completion of the contract means the later of the
 66 date of final performance of all the contracted services or the
 67 date that final payment for such services becomes due without
 68 regard to the date final payment is made.

69 5. Notwithstanding any provision of this section to the
 70 contrary, each dwelling unit within a multi-dwelling building
 71 must be considered its own improvement for purposes of
 72 determining the limitations period set forth in this paragraph.

73 Section 2. Section 553.84, Florida Statutes, is amended to
 74 read:

75 553.84 Statutory civil action.—Notwithstanding any other
 76 remedies available, any person or party, in an individual
 77 capacity or on behalf of a class of persons or parties, damaged
 78 as a result of a material violation of this part or the Florida
 79 Building Code, has a cause of action in any court of competent
 80 jurisdiction against the person or party who committed the
 81 material violation; however, if the person or party obtains the
 82 required building permits and any local government or public
 83 agency with authority to enforce the Florida Building Code
 84 approves the plans, if the construction project passes all
 85 required inspections under the code, and if there is no personal
 86 injury or damage to property other than the property that is the
 87 subject of the permits, plans, and inspections, this section

Page 3 of 4

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7-00293A-23

2023360__

88 does not apply unless the person or party knew or should have
 89 known that the material violation existed. For purposes of this
 90 section, the term "material violation" means a Florida Building
 91 Code violation that exists within a completed building,
 92 structure, or facility which may reasonably result, or has
 93 resulted, in physical harm to a person or significant damage to
 94 the performance of a building or its systems.

95 Section 3. This act shall take effect upon becoming a law.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 9, 2023

I respectfully request that **Senate Bill #360**, relating to Causes of Action Based on Improvements to Real Property, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, reading "Travis J. Hutson". The signature is written in a cursive style with a long horizontal line extending from the end.

Senator Travis Hutson
Florida Senate, District 7

02/21/2023

Meeting Date

Senate Judiciary Committee

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 360

Bill Number or Topic

Amendment Barcode (if applicable)

Name George T. Levesque

Phone 850-577-9090

Address 301 South Bronough Street, Suite 600

Email george.levesque@gray-robinson.com

Street

Tallahassee

Florida

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Chapter of the American
Institute of Architects

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/21/23

Meeting Date

Judiciary

Committee

SB 360

Bill Number or Topic

Amendment Barcode (if applicable)

Name

BG Murphy

Phone

863-698-8820

Address

3159 Shamrock St. S.

Street

Email

bmurphy@faia.com

Tallahassee

City

FL

State

32309

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Association of Insurance Agents

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/21

Meeting Date

Judiciary

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

360

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Dawson Phone 407 843 8880

Address 301 E. Pine Street, Suite 1400 Email chris-dawson@gray-robinson.com

Orlando FL 32801

City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL Roofing & Sheet Metal
Contractors Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

02.21.23

Meeting Date

Judiciary

Committee

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

360

Bill Number or Topic

Amendment Barcode (if applicable)

Name **David Weber**

Phone **813-848-0600**

Address **1905 East Seventh Ave**

Email **dew@bolin-law.com**

Street

Tampa

City

FL

State

33605

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Justice Reform Institute

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-21-23

Meeting Date

Judiciary

Committee

360

Bill Number or Topic

Amendment Barcode (if applicable)

Name Louis Orloff

Phone 727.489. 1216

Address 555 5th Ave. North, Ste. 932

Street

Email Louis@OrloffAdvisors.com

St. Petersburg FL

City

State

33701

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Condo Owner -
Community Associations Institute

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/21/23

Meeting Date

360

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

850 205-9000

Address

119 S. Monroe St.

Email

doug.bell@mhdfirm.com

Street

TLH

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Associated General Contractors

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

2-21-2023

Meeting Date

JUDICIARY

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

JB 360

Bill Number or Topic

Amendment Barcode (if applicable)

Name

KARI HERBRANK

Phone

850-566-7824

Address

215 S. MONROE

Email

Street

TALLAHASSEE FL 32301

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

2/21/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB-860

Bill Number or Topic

Committee

Name

Chris Wood

Phone

904-449-1650

Address

427a Veneta Blvd

Email

Street

Sackville

City

FL

State

32010

Zip

Amendment Barcode (if applicable)

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 360

Bill Number or Topic

2/21/23

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Brian Crevasse

Phone

904-826-6165

Address

136 Island Hammock Way

Street

Email

bcrevasse@selljenik.com

St. Augustine

City

FL

State

32080

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2121/2023

Meeting Date

360

Bill Number or Topic

Sen Judiciary

Committee

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 465-684

Address 6486 Via Regina

Street

Email cbowen@wbeFlorida.com

Boea Rater

City

FL

State

33433

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Associated
Builders + Contractors
of Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

02/21/2023

Meeting Date

Senate Judiciary Committee

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 360

Bill Number or Topic

840922

Amendment Barcode (if applicable)

Name **George T. Levesque**

Phone **850-577-9090**

Address **301 South Bronough Street, Suite 600**

Email **george.levesque@gray-robinson.com**

Street

Tallahassee

Florida

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Florida Chapter of the American
Institute of Architects**

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/21/2023

Meeting Date

Judiciary

Committee

SRB 360

Bill Number or Topic

840922

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 445-1684

Address 10486 Via Regina

Street

Email cbowen@abflorida.com

Boca Raton FL

City

State

33433

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Associated Builders
and Contractors of
Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

WIS

The Florida Senate

02.21.23

Meeting Date

Judiciary

Committee

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

360

Bill Number or Topic

840922

Amendment Barcode (if applicable)

Name **David Weber**

Phone **813-848-0600**

Address **1905 East Seventh Ave**

Email **dew@bolin-law.com**

Street

Tampa

City

FL

State

33605

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Justice Reform Institute

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

02/21/2023

Meeting Date

Senate Judiciary Committee

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 360

Bill Number or Topic

337266

Amendment Barcode (if applicable)

Name George T. Levesque

Phone 850-577-9090

Address 301 South Bronough Street, Suite 600

Email george.levesque@gray-robinson.com

Street

Tallahassee

Florida

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Chapter of the American
Institute of Architects

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/21/2023

Meeting Date

SB 360

Bill Number or Topic

Judiciary

Committee

337266

Amendment Barcode (if applicable)

Name Carol Bower

Phone (954) 465-6811

Address 6486 Via Regina
Street

Email cbower@parcflorida.com

Boca Raton
City

FL
State

33433
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Associated Builders
and Contractors of Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

02.21.23

Meeting Date

Judiciary

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

360

Bill Number or Topic

337266

Amendment Barcode (if applicable)

Name

David Weber

Phone

813-848-0600

Address

1905 East Seventh Ave

Email

dew@bolin-law.com

Street

Tampa

FL

33605

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Justice Reform Institute

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-21-23

Meeting Date

360

Bill Number or Topic

929488

Amendment Barcode (if applicable)

Judiciary
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Name Louis Orloff Phone 727. 489. 1216

Address 555 5th Ave. N., Ste 932 Email Louis@OrloffAdvisors.com
Street

St. Petersburg FL 33701
City State Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Condo Owner
Community Associations Institute

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S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 2/21/2023 1:00:51 PM

Ends: 2/21/2023 2:13:59 PM

Length: 01:13:09

1:00:50 PM Meeting called to order, roll call
1:01:10 PM Quorum is present
1:01:21 PM Chair Yarborough makes opening remarks
1:01:51 PM Tab 3- SB 360, Causes of Action Based on Improvements to Real Property by Senator Hutson
1:01:54 PM Chair Yarborough recognizes Senator Hutson
1:01:58 PM Senator Hutson explains the bill
1:02:50 PM Amendment 337266
1:02:57 PM Senator Hutson explains the Amendment
1:03:40 PM Amendment 929488
1:03:46 PM Senator Hutson explains the amendment
1:04:42 PM Appearances:
1:05:03 PM Louis Orloff, Community Associations Institute
1:07:02 PM Debate:
1:07:06 PM Senator Book
1:07:32 PM Senator Hutson closes on the amendment
1:09:11 PM Chair Yarborough reports the amendment
1:09:25 PM Appearances:
1:10:01 PM David Weber, Florida Justice Reform Institute
1:12:24 PM Senator Hutson waives close
1:12:40 PM Chair Yarborough reports amendment
1:13:13 PM Amendment 840922
1:13:20 PM Chair Yarborough recognizes Senator Hutson to explain the amendment
1:13:25 PM Senator Hutson
1:14:01 PM Appearances: Waive in support
1:14:19 PM Senator Hutson waives close
1:14:23 PM Chair Yarborough reports amendment
1:14:35 PM Questions:
1:14:38 PM Senator Book
1:14:57 PM Senator Hutson
1:16:21 PM Senator Book
1:16:38 PM Senator Hutson
1:17:27 PM Senator Book
1:17:44 PM Senator Hutson
1:18:26 PM Senator Book
1:18:48 PM Senator Hutson
1:21:05 PM Appearances:
1:21:21 PM Carol Bowen, Associated Builders and Contractors of Florida
1:24:10 PM Brian Crevasse
1:28:30 PM Senator Harrell
1:28:59 PM Brian Crevasse
1:30:18 PM Senator Harrell
1:30:57 PM Brian Crevasse
1:32:54 PM Senator Book
1:33:23 PM Brian Crevasse
1:34:49 PM Senator Book
1:35:41 PM Brian Crevasse
1:37:04 PM Chris Wood
1:41:43 PM Carrie Hebrink
1:44:08 PM Doug Bell, Associated General Contractors
1:45:07 PM Louis Orloff, Community Associations Institute
1:48:34 PM David Weber, Florida Justice Reform Institute
1:54:33 PM Senator Harrell

1:54:58 PM David Weber
1:55:40 PM Chair Yarborough reads cards waiving in support
1:55:58 PM Debate:
1:56:01 PM Senator Boyd
1:58:40 PM Senator Harrell
1:59:53 PM Senator Book
2:00:30 PM Senator Hutson closes on the bill
2:02:53 PM Roll call on SB 360
2:03:26 PM Chair Yarborough reports the bill
2:03:37 PM Tab 1, SB 190 Interscholastic Extracurricular Activities by Senator Grall
2:04:27 PM Chair Yarborough recognizes Senator Grall to explain the bill
2:04:32 PM Senator Grall explains the bill
2:04:35 PM Questions:
2:04:37 PM Senator Boyd
2:05:04 PM Senator Stewart
2:05:11 PM Senator Grall
2:05:31 PM Appearances:
2:05:43 PM Ryan Kennedy, Florida Citizens Alliance
2:06:37 PM Appearances: Waive in support
2:06:47 PM Senator Grall closes on the bill
2:07:21 PM Roll call on SB 190
2:07:49 PM Chair Yarborough reports the bill
2:08:04 PM Chair Yarborough calls for recess
2:08:19 PM Recording Paused
2:10:41 PM Recording Resumed
2:10:44 PM Chair Yarborough calls meeting to order
2:10:50 PM Tab 2 CS/SB 286, Legal Instruments by Senator Powell
2:11:08 PM Chair Yarborough recognizes Senator Powell to explain
2:11:15 PM Senator Powell explains the bill
2:12:19 PM Appearances: Waive in support
2:12:35 PM Senator Powell waives close
2:12:47 PM Roll call on CS/SB 286
2:13:14 PM Chair Yarborough reports the bill
2:13:36 PM Senator Trumbull moves to adjourn
2:13:51 PM Meeting Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations, *Chair*
Appropriations Committee on Education
Banking and Insurance
Finance and Tax
Health Policy
Judiciary
Rules
Transportation

JOINT COMMITTEE:

Joint Legislative Budget Commission, *Alternating Chair*

SENATOR DOUG BROXSON

1st District

January 18, 2023

The Honorable Clay Yarborough, Chair
Committee on Judiciary
515 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Yarborough,

I respectfully request an excused absence from the Committee on Judiciary meeting scheduled for 02/21/2023.

Please let me know if I may be of any further assistance with this request.

Respectfully,

A handwritten signature in dark ink, appearing to read "Doug Broxson", written in a cursive style.

Senator Doug Broxson
District 1

REPLY TO:

- ☐ 418 West Garden Street, Room 403, Pensacola, Florida 32502 (850) 595-1036
- ☐ 208 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5001

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore