

By Senator Wise

5-826-03

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A bill to be entitled
An act relating to real property reform;
establishing the Mandated Property Reform Task
Force; providing for appointment of members and
organization of the task force; specifying
duties; providing for reports; providing for
termination; providing an appropriation;
providing an effective date.

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

Section 1. Mandated Property Reform Task Force;
membership; duties.--

(1) The Mandated Property Reform Task Force is
established and shall review and recommend appropriate changes
to the laws of this state affecting land sales, exemptions,
and mandatory homeowners' associations and disclosure laws
related to adult and residential subdivisions. The task force
shall issue recommendations in its preliminary and final
reports to the Governor and the Legislature by the dates
specified in subsection (5). The Senate Regulated Industries
Committee and the House Committee on Judicial Oversight shall
provide administrative staff for the task force. The task
force shall consist of the following members, who shall be
appointed by July 1, 2003:

(a) Eleven members to be appointed by the Governor.

(b) Five members to be appointed by the President of
the Senate.

(c) Five members to be appointed by the Speaker of the
House of Representatives.

1 (d) A representative from the Attorney General's
2 office.

3 (e) Five members of the Legislature who shall be ex
4 officio, nonvoting members of the task force, appointed as
5 follows:

6 1. Three Senators, to be appointed by the President of
7 the Senate, one of whom is a member of the Senate Agriculture
8 Committee, one of whom is a member of the Senate Judiciary
9 Committee, and one of whom is a member of the Senate Regulated
10 Industries Committee.

11 2. Two Representatives, to be appointed by the Speaker
12 of the House of Representatives, one of whom is a member of
13 the House Committee on Business Regulation and one of whom is
14 a member of the House Judiciary Committee.

15 (2) Selection of task force members shall be made in a
16 manner that ensures a fair and balanced representation from
17 the industry sector and consumer advocates with a substantial
18 public record of endeavors on behalf of homeowners' rights and
19 consumer interests.

20 (a) Twelve members representing homeowners' rights and
21 consumer interests shall be selected from a pool of candidates
22 solicited for appointment by the Governor, the President of
23 the Senate, and the Speaker of the House of Representatives,
24 six of whom shall be appointed by the Governor, three of whom
25 shall be appointed by the President of the Senate, and three
26 of whom shall be appointed by the Speaker of the House of
27 Representatives.

28 (b) Each appointed member of the task force shall
29 serve at the pleasure of the appointing official. A vacancy on
30 the task force shall be filled in the same manner as the
31 original appointment.

1 (c) The task force shall elect a chair from among its
2 members.

3 (d) Members of the task force shall serve without
4 compensation but are entitled to reimbursement for per diem
5 and travel expenses incurred in the performance of their
6 duties as provided in section 112.061, Florida Statutes.

7 (3) The task force shall hold its organizational
8 meeting by August 1, 2003, and thereafter shall meet as
9 scheduled at the time and place designated by the chair. A
10 majority of the members of the task force constitutes a
11 quorum, and a quorum is necessary for the purpose of
12 conducting official business of the task force. The task force
13 shall use accepted rules of procedure to conduct its meetings
14 and shall keep a complete record of each meeting.

15 (4) The task force shall evaluate the changes and
16 additions, if any, to those laws which may be appropriate to
17 protect the interests of consumers and property owners on
18 matters including, but not limited to, control of the
19 homeowners' association's operations, management and
20 maintenance, disclosure of financial reports by developers or
21 owners, disclosure of all governing documents governing the
22 real property, penalties for noncompliance, oversight and
23 funding for such protection of interests, alternative dispute
24 resolution, and assistance in the formulation of rules to
25 implement enforcement.

26 (5)(a) By February 1, 2004, the task force shall
27 submit a preliminary report to the Governor, the President of
28 the Senate, and the Speaker of the House of Representatives.

29 (b) By February 1, 2005, the task force shall submit a
30 final report to the Governor, the President of the Senate, and
31 the Speaker of the House of Representatives.

1 (6) This act is repealed and the task force is
2 terminated June 30, 2005.

3 Section 2. The sum of \$50,000 is appropriated from the
4 General Revenue Fund to the Office of Legislative Services for
5 the purpose of paying administrative expenses and funding
6 contracts necessary to carry out the provisions of this act.

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

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SENATE SUMMARY

Establishes the Mandated Property Reform Task Force to review and recommend appropriate changes to state laws affecting land sales, exemptions, and mandatory homeowners' associations and disclosure laws related to adult and residential subdivisions.