

Bill No. SB 1410

Amendment No. 1 Barcode 854126

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	The Committee on Comprehensive Planning recommended the		
12	following amendment:		
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14	Senate Amendment (with title amendment)		
15	On page 3, between lines 18 and 19,		
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17	insert:		
18	Section 3. Subsection (1) of section 712.05, Florida		
19	Statutes, is amended to read:		
20	712.05 Effect of filing notice.--		
21	(1) Any person claiming an interest in land or a		
22	homeowners' association desiring to preserve any covenant or		
23	restriction or any portion of a covenant or restriction may		
24	preserve and protect the same from extinguishment by the		
25	operation of this act by filing for record, during the 30-year		
26	period immediately following the effective date of the root of		
27	title, a notice, in writing, in accordance with the provisions		
28	hereof, which notice shall have the effect of so preserving		
29	such claim of right or such covenant or restriction or portion		
30	of such covenant or restriction for a period of not longer		
31	than 30 years after filing the same unless again filed as		

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1 required herein. No disability or lack of knowledge of any
 2 kind on the part of anyone shall delay the commencement of or
 3 suspend the running of said 30-year period. Such notice may be
 4 filed for record by the claimant or by any other person acting
 5 on behalf of any claimant who is:

- 6 (a) Under a disability,
- 7 (b) Unable to assert a claim on his or her behalf, or
- 8 (c) One of a class, but whose identity cannot be
 9 established or is uncertain at the time of filing such notice
 10 of claim for record.

11
 12 Such notice may be filed by a homeowners' association only if
 13 the preservation of such covenant or restriction or portion of
 14 such covenant or restriction is approved by at least
 15 two-thirds of the members of the board of directors of an
 16 incorporated homeowners' association at a meeting for which a
 17 notice, stating the time and place of the meeting and
 18 containing the Statement of Marketable Record Title Action
 19 described in s. 712.06(1)(b), was mailed or hand-delivered to
 20 members of the homeowner's association not less than 7 days
 21 before the meeting ~~a majority vote at a meeting of the~~
 22 ~~membership where a quorum is present.~~

23 Section 4. Paragraphs (b) and (e) of subsection (1) of
 24 section 712.06, Florida Statutes, are amended to read:

25 712.06 Contents of notice; recording and indexing.--

26 (1) To be effective, the notice above referred to
 27 shall contain:

- 28 (b) The name and post office address of an owner, or
- 29 the name and post office address of the person in whose name
- 30 said property is assessed on the last completed tax assessment
- 31 roll of the county at the time of filing, who, for the purpose

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1 of such notice, shall be deemed to be an owner; however, if a
 2 homeowners' association is filing the notice, the requirements
 3 of this paragraph may be satisfied by attaching to and
 4 recording with the notice an affidavit executed by the
 5 appropriate member of the homeowners' association board of
 6 directors affirming that the board of directors of the
 7 homeowners' association caused a statement in substantially
 8 the following form to be mailed or hand-delivered to the
 9 homeowners' association's members.

STATEMENT OF MARKETABLE TITLE ACTION

10 STATEMENT OF MARKETABLE TITLE ACTION
 11 The (name of homeowners' association) (the
 12 "Association") has taken action to ensure that the (name of
 13 declaration, covenant or restriction) recorded in Official
 14 Records Book Page of the public records
 15 of County, Florida, as may be amended from time
 16 to time, currently burdening the property of each and every
 17 member of the Association retains its status as the source of
 18 marketable title with regard to the transfer of a member's
 19 residence. To this end, the Association shall cause the notice
 20 required by chapter 712, Florida Statutes, to be recorded in
 21 the public records of County, Florida. Copies of
 22 this notice and its attachments are available through the
 23 Association pursuant to the Association's governing documents
 24 regarding official records of the Association.

25 (e) If such claim is based upon an instrument of
 26 record or a recorded covenant or restriction, such instrument
 27 of record or recorded covenant or restriction is considered to
 28 shall be sufficiently described to identify the same if the
 29 notice includes a, including reference to the book and page in
 30 which the same is recorded.
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1 (Redesignate subsequent sections.)

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

5 And the title is amended as follows:

6 On page 1, line 7, after the semicolon,

7

8 insert:

9 amending s. 712.05, F.S.; providing for the
10 board of directors of a homeowners' association
11 to preserve covenants or restrictions through
12 an extraordinary vote; amending s. 712.06,
13 F.S.; providing notice requirements for
14 homeowners' associations;

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