

Bill No. CS for CS for SB 2984, 1st Eng.

Amendment No. ____ Barcode 042118

CHAMBER ACTION

Senate

House

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Senator Atwater moved the following amendment:

Senate Amendment

On page 47, line 1, through
page 49, line 9, delete those lines

and insert:

(4) It is the intent of the Legislature to protect the right of parcel owners to exercise their rights as protected by the First Amendment to the United States Constitution and s. 5, Art. I of the State Constitution. The Legislature recognizes that strategic lawsuits against public participation, or "SLAPP" suits, have occurred when a member is sued by individuals or business organization due to a parcel-owner member's appearance and presentation before a governmental entity on matters related to the homeowners' association. However, it is the public policy of this state that business organizations and individuals not engage in such suits, because such actions are inconsistent with the right of parcel owners to participate in the state's institutions of government. Therefore, the Legislature finds and declares that

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1 prohibiting such lawsuits by business organizations and
2 individuals against parcel owners who address matters
3 concerning their homeowners' association will preserve this
4 fundamental state policy, preserve the constitutional rights
5 of parcel owners, and assure the continuation of
6 representative government in this state. It is the intent of
7 the Legislature that such lawsuits be expeditiously disposed
8 of by the courts.

9 (a) A business organization or individual in this
10 state may not file or cause to be filed through its employees
11 or agents any lawsuit, cause of action, claim, cross-claim, or
12 counterclaim against a parcel owner without merit and solely
13 because the parcel owner has exercised the right to instruct
14 his or her representatives or the right to petition for
15 redress of grievances before the governmental entities of this
16 state, as protected by the First Amendment to the United
17 States Constitution and s. 5, Art. I of the State
18 Constitution.

19 (b) A parcel owner sued by a business organization or
20 individual in violation of this section has a right to an
21 expeditious resolution of a claim that the suit violates this
22 section. A parcel owner may petition the court for an order
23 dismissing the action or granting final judgment in favor of
24 that parcel owner. The petitioner may file a motion for
25 summary judgment, with supplemental affidavits, seeking a
26 determination that the business organization's or individual's
27 lawsuit has been brought in violation of this section. The
28 business organization or individual must thereafter file a
29 response and any supplemental affidavits. As soon as
30 practicable, the court shall set a hearing on the petitioner's
31 motion, which shall be held at the earliest possible time

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1 after the filing of the response. The court may award the
2 parcel owner actual damages arising from the violation of this
3 section. A court may award treble damages to a prevailing
4 parcel owner and shall state the basis for the treble damages
5 award in its judgment. The court shall award the prevailing
6 party reasonable attorney's fees and costs incurred in
7 connection with a claim that an action was filed in violation
8 of this section.

9 (c) Homeowners' associations may not expend
10 association funds in prosecuting a SLAPP suit against a parcel
11 owner.

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