

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Ambler offered the following:

Amendment (with title amendment)

Between lines 2976 and 2977, insert:

Section 29. Part IV of chapter 720, Florida Statutes, consisting of sections 720.501, 720.502, 720.503, 720.504, 720.505, 720.506, 720.507, 720.508, 720.509, and 720.510, is created to read:

PART IV

DISPUTE RESOLUTION

720.501 Short title.—This part may be cited as the "Home Court Advantage Dispute Resolution Act."

720.502 Legislative findings.—The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation.

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17 720.503 Applicability of this part.-

18 (1) Unless otherwise provided in this part, before a
19 dispute described in this part between a homeowners' association
20 and a parcel owner or owners, or a dispute between parcel owners
21 within the same homeowners' association, may be filed in court,
22 the dispute is subject to presuit mediation pursuant to s.
23 720.505 or presuit arbitration pursuant to s. 720.507, at the
24 option of the aggrieved party who initiates the first formal
25 action of alternative dispute resolution under this part. The
26 parties may mutually agree to participate in both presuit
27 mediation and presuit arbitration prior to suit being filed by
28 either party.

29 (2) Unless otherwise provided in this part, the mediation
30 and arbitration provisions of this part are limited to disputes
31 between an association and a parcel owner or owners or between
32 parcel owners regarding the use of or changes to the parcel or
33 the common areas under the governing documents and other
34 disputes involving violations of the recorded declaration of
35 covenants or other governing documents, disputes arising
36 concerning enforcement of the governing documents or any
37 amendments thereto, and disputes involving access to the
38 official records of the association. A dispute concerning title
39 to any parcel or common area, interpretation or enforcement of
40 any warranty, the levy of a fee or assessment, the collection of
41 an assessment levied against a party, the eviction or other
42 removal of a tenant from a parcel, alleged breaches of fiduciary
43 duty by one or more directors, or any action to collect mortgage

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44 indebtedness or to foreclosure a mortgage shall not be subject
45 to the provisions of this part.

46 (3) A dispute arising after the effective date of this
47 part involving the election of the board of directors for an
48 association or the recall of any member of the board or officer
49 of the association is ineligible for presuit mediation under s.
50 720.505 and subject to presuit arbitration under s. 720.507.

51 (4) In any dispute subject to presuit mediation or presuit
52 arbitration under this part for which emergency relief is
53 required, a motion for temporary injunctive relief may be filed
54 with the court without first complying with the presuit
55 mediation or presuit arbitration requirements of this part.
56 After any issues regarding emergency or temporary relief are
57 resolved, the court may refer the parties to a mediation program
58 administered by the courts or require mediation or arbitration
59 under this part.

60 (5) The mailing of a statutory notice of presuit mediation
61 or presuit arbitration as provided in this part shall toll the
62 applicable statute of limitations during the pendency of the
63 mediation or arbitration and for a period of 30 days following
64 the conclusion of either proceeding. The 30-day period shall
65 start upon the filing of the mediator's notice of impasse or the
66 arbitrator's written arbitration award. If the parties mutually
67 agree to participate in both presuit mediation and presuit
68 arbitration under this part, the tolling of the applicable
69 statute of limitations for each such alternative dispute
70 resolution proceeding shall be consecutive.

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71 720.504 Notice of dispute.—Prior to giving the statutory
72 notice to proceed under presuit mediation or presuit arbitration
73 under this part, the aggrieved association or parcel owner must
74 first provide written notice of the dispute to the responding
75 party in the manner provided by this section.

76 (1) The notice of dispute shall be delivered to the
77 responding party by certified mail, return receipt requested, or
78 in person, and the person making delivery shall file with the
79 notice of mediation either the proof of receipt of mailing or an
80 affidavit stating the date and time of the delivery of the
81 notice of dispute. If the notice is delivered by certified mail,
82 return receipt requested, and the responding party fails or
83 refuses to accept delivery, notice shall be considered properly
84 delivered for purposes of this section on the date of the first
85 attempted delivery.

86 (2) The notice of dispute shall state with specificity the
87 nature of the dispute, including the date, time, and location of
88 each event that is the subject of the dispute and the action
89 requested to resolve the dispute. The notice shall also include
90 the text of any provision in the governing documents, including
91 the rules and regulations, of the association which form the
92 basis of the dispute.

93 (3) Unless the parties otherwise agree in writing to a
94 longer time period, the party receiving the notice of dispute
95 shall have 10 days following the date of receipt of notice to
96 resolve the dispute. If the alleged dispute has not been
97 resolved within the 10-day period, the aggrieved party may

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98 proceed under this part at any time thereafter within the
99 applicable statute of limitations.

100 (4) A copy of the notice and the text of the provision in
101 the governing documents, or the rules and regulations, of the
102 association which are the basis of the dispute, along with proof
103 of service of the notice of dispute and a copy of any written
104 responses received from the responding party, shall be included
105 as an exhibit to any demand for mediation or arbitration under
106 this part.

107 720.505 Presuit mediation.-

108 (1) Disputes between an association and a parcel owner or
109 owners or between parcel owners must be submitted to presuit
110 mediation before the dispute may be filed in court; or, at the
111 election of the party initiating the presuit procedures, such
112 dispute may be submitted to presuit arbitration pursuant to s.
113 720.507 before the dispute may be filed in court. An aggrieved
114 party who elects to use the presuit mediation procedure under
115 this section shall serve on the responding party a written
116 notice of presuit mediation in substantially the following form:

117
118 STATUTORY NOTICE OF PRESUIT MEDIATION

119
120 THE ALLEGED AGGRIEVED PARTY, _____,
121 HEREBY DEMANDS THAT _____, AS THE
122 RESPONDING PARTY, ENGAGE IN MANDATORY PRESUIT
123 MEDIATION IN CONNECTION WITH THE FOLLOWING DISPUTE(S)
124 WITH YOU, WHICH BY STATUTE ARE OF A TYPE THAT ARE
125 SUBJECT TO PRESUIT MEDIATION:

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126
127 ATTACHED IS A COPY OF THE PRIOR NOTICE OF VIOLATION
128 WHICH DETAILS THE SPECIFIC NATURE OF THE DISPUTE(S) TO
129 BE MEDIATED AND THE AUTHORITY SUPPORTING A FINDING OF
130 A VIOLATION AS TO EACH DISPUTE, INCLUDING, BUT NOT
131 LIMITED TO, THE APPLICABLE PROVISIONS OF THE GOVERNING
132 DOCUMENTS OF THE ASSOCIATION BELIEVED TO APPLY TO THE
133 DISPUTE BETWEEN THE PARTIES, AND A COPY OF THE NOTICE
134 YOU RECEIVED OR REFUSED AND COPIES OF ANY WRITTEN
135 RESPONSE(S) RECEIVED FROM YOU ABOUT THIS DISPUTE.

136
137 PURSUANT TO PART IV OF CHAPTER 720, FLORIDA STATUTES,
138 THIS DEMAND TO RESOLVE THE DISPUTE THROUGH PRESUIT
139 MEDIATION IS REQUIRED BEFORE A LAWSUIT CAN BE FILED
140 CONCERNING THE DISPUTE. PURSUANT TO FLORIDA STATUTES,
141 THE PARTIES ARE REQUIRED TO ENGAGE IN PRESUIT
142 MEDIATION WITH A NEUTRAL THIRD-PARTY MEDIATOR IN ORDER
143 TO ATTEMPT TO RESOLVE THIS DISPUTE WITHOUT COURT
144 ACTION, AND THE AGGRIEVED PARTY DEMANDS THAT YOU
145 PARTICIPATE IN THIS PROCESS. UNLESS YOU RESPOND TO
146 THIS NOTICE BY FILING WITH THE AGGRIEVED PARTY A
147 NOTICE OF OPTING OUT AND DEMAND FOR ARBITRATION UNDER
148 SECTION 720.506, FLORIDA STATUTES, YOUR FAILURE TO
149 PARTICIPATE IN THE MEDIATION PROCESS MAY RESULT IN A
150 LAWSUIT BEING FILED IN COURT AGAINST YOU WITHOUT
151 FURTHER NOTICE.
152

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153 THE PROCESS OF MEDIATION INVOLVES A SUPERVISED
154 NEGOTIATION PROCESS IN WHICH A TRAINED, NEUTRAL THIRD-
155 PARTY MEDIATOR MEETS WITH BOTH PARTIES AND ASSISTS
156 THEM IN EXPLORING POSSIBLE OPPORTUNITIES FOR RESOLVING
157 PART OR ALL OF THE DISPUTE. BY AGREEING TO PARTICIPATE
158 IN PRESUIT MEDIATION, YOU ARE NOT BOUND IN ANY WAY TO
159 CHANGE YOUR POSITION. FURTHERMORE, THE MEDIATOR HAS NO
160 AUTHORITY TO MAKE ANY DECISIONS IN THIS MATTER OR TO
161 DETERMINE WHO IS RIGHT OR WRONG AND MERELY ACTS AS A
162 FACILITATOR TO ENSURE THAT EACH PARTY UNDERSTANDS THE
163 POSITION OF THE OTHER PARTY AND THAT ALL OPTIONS FOR
164 REASONABLE SETTLEMENT ARE FULLY EXPLORED.

165
166 IF AN AGREEMENT IS REACHED, IT SHALL BE REDUCED TO
167 WRITING AND BECOME A BINDING AND ENFORCEABLE CONTRACT
168 BETWEEN THE PARTIES. A RESOLUTION OF ONE OR MORE
169 DISPUTES IN THIS FASHION AVOIDS THE NEED TO LITIGATE
170 THESE ISSUES IN COURT. THE FAILURE TO REACH AN
171 AGREEMENT, OR THE FAILURE OF A PARTY TO PARTICIPATE IN
172 THE PROCESS, RESULTS IN THE MEDIATOR DECLARING AN
173 IMPASSE IN THE MEDIATION, AFTER WHICH THE AGGRIEVED
174 PARTY MAY PROCEED TO FILE A LAWSUIT ON ALL
175 OUTSTANDING, UNSETTLED DISPUTES. IF YOU HAVE FAILED OR
176 REFUSED TO PARTICIPATE IN THE ENTIRE MEDIATION
177 PROCESS, YOU WILL NOT BE ENTITLED TO RECOVER
178 ATTORNEY'S FEES IF YOU PREVAIL IN A SUBSEQUENT COURT
179 PROCEEDING INVOLVING THE SAME DISPUTE.

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181 THE AGGRIEVED PARTY HAS SELECTED FROM A LIST OF
182 ELIGIBLE, QUALIFIED MEDIATORS AT LEAST FIVE CERTIFIED
183 MEDIATORS WHO THE AGGRIEVED PARTY BELIEVES TO BE
184 NEUTRAL AND QUALIFIED TO MEDIATE THE DISPUTE. YOU HAVE
185 THE RIGHT TO SELECT ANY ONE OF THESE MEDIATORS. THE
186 FACT THAT ONE PARTY MAY BE FAMILIAR WITH ONE OR MORE
187 OF THE LISTED MEDIATORS DOES NOT MEAN THAT THE
188 MEDIATOR CANNOT ACT AS A NEUTRAL AND IMPARTIAL
189 FACILITATOR. THE NAMES OF THE MEDIATORS THAT THE
190 AGGRIEVED PARTY HEREBY SUBMITS TO YOU FROM WHOM YOU
191 MAY CHOOSE ONE, AND THEIR CURRENT ADDRESSES, TELEPHONE
192 NUMBERS, AND HOURLY RATES ARE AS FOLLOWS:

193
194 (LIST THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND
195 HOURLY RATES OF THE MEDIATORS. OTHER PERTINENT
196 INFORMATION ABOUT THE BACKGROUND OF THE MEDIATORS MAY
197 BE INCLUDED AS AN ATTACHMENT.)

198
199 YOU MAY CONTACT THE OFFICES OF THESE MEDIATORS TO
200 CONFIRM THAT EACH OF THE ABOVE-LISTED MEDIATORS WILL
201 BE NEUTRAL AND WILL NOT SHOW ANY FAVORITISM TOWARD
202 EITHER PARTY. UNLESS OTHERWISE AGREED TO BY THE
203 PARTIES, PART IV OF CHAPTER 720, FLORIDA STATUTES,
204 REQUIRES THAT THE PARTIES SHARE THE COSTS OF PRESUIT
205 MEDIATION EQUALLY, INCLUDING THE FEE CHARGED BY THE
206 MEDIATOR. AN AVERAGE MEDIATION MAY REQUIRE 3 TO 4
207 HOURS OF THE MEDIATOR'S TIME, INCLUDING SOME
208 PREPARATION TIME, AND THE PARTIES WOULD NEED TO

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209 EQUALLY SHARE THE MEDIATOR'S FEES AS WELL AS BE
210 RESPONSIBLE FOR ALL OF THEIR OWN ATTORNEY'S FEES IF
211 THEY CHOOSE TO EMPLOY AN ATTORNEY IN CONNECTION WITH
212 THE MEDIATION. HOWEVER, USE OF AN ATTORNEY IS NOT
213 REQUIRED AND IS AT THE OPTION OF EACH PARTY. THE
214 MEDIATORS MAY REQUIRE THE ADVANCE PAYMENT OF SOME OR
215 ALL OF THE ANTICIPATED FEES. THE AGGRIEVED PARTY
216 HEREBY AGREES TO PAY OR PREPAY ONE-HALF OF THE
217 SELECTED MEDIATOR'S ESTIMATED FEES AND TO FORWARD THIS
218 AMOUNT OR SUCH OTHER REASONABLE ADVANCE DEPOSITS AS
219 THE MEDIATOR REQUIRES FOR THIS PURPOSE UPON THE
220 SELECTION OF THE MEDIATOR. ANY FUNDS DEPOSITED WILL BE
221 RETURNED TO YOU IF THESE FUNDS ARE IN EXCESS OF YOUR
222 SHARE OF THE MEDIATOR FEES INCURRED.

223
224 TO BEGIN YOUR PARTICIPATION IN PRESUIT MEDIATION TO
225 TRY TO RESOLVE THE DISPUTE WITH YOU AND AVOID FURTHER
226 LEGAL ACTION, PLEASE SIGN BELOW AND CLEARLY INDICATE
227 WHICH MEDIATOR IS ACCEPTABLE TO YOU FROM THE FIVE
228 MEDIATORS LISTED BY THE AGGRIEVED PARTY ABOVE.

229
230 YOU MUST RESPOND IN WRITING TO THIS STATUTORY NOTICE
231 OF PRESUIT MEDIATION WITHIN 20 DAYS. IN YOUR RESPONSE
232 YOU MUST PROVIDE A LISTING OF AT LEAST THREE DATES AND
233 TIMES IN WHICH YOU ARE AVAILABLE TO PARTICIPATE IN THE
234 MEDIATION THAT ARE WITHIN 90 DAYS AFTER THE POSTMARKED
235 DATE OF THE MAILING OF THIS NOTICE OF PRESUIT
236 MEDIATION OR WITHIN 90 DAYS AFTER THE DATE YOU WERE

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237 SERVED WITH A COPY OF THIS NOTICE. THE AGGRIEVED PARTY
238 WILL THEN ASK THE MEDIATOR TO SCHEDULE A MUTUALLY
239 CONVENIENT TIME AND PLACE FOR THE MEDIATION CONFERENCE
240 TO BE HELD. IF YOU DO NOT PROVIDE A LIST OF AVAILABLE
241 DATES AND TIMES, THE MEDIATOR IS AUTHORIZED TO
242 SCHEDULE A MEDIATION CONFERENCE WITHOUT TAKING YOUR
243 SCHEDULE AND CONVENIENCE INTO CONSIDERATION. IN NO
244 EVENT SHALL THE MEDIATION CONFERENCE BE LATER THAN 90
245 DAYS AFTER THE NOTICE OF PRESUIT MEDIATION WAS FIRST
246 SERVED UNLESS ALL PARTIES MUTUALLY AGREE OTHERWISE. IN
247 THE EVENT THAT YOU FAIL TO RESPOND WITHIN 20 DAYS
248 AFTER THE DATE OF THIS NOTICE, FAIL TO PROVIDE THE
249 MEDIATOR WITH DATES AND TIMES IN WHICH YOU ARE
250 AVAILABLE FOR THE MEDIATION CONFERENCE, FAIL TO AGREE
251 TO ONE OF THE MEDIATORS THAT THE AGGRIEVED PARTY HAS
252 LISTED, FAIL TO PAY OR PREPAY TO THE MEDIATOR ONE-HALF
253 OF THE COSTS INVOLVED, OR FAIL TO APPEAR AND
254 PARTICIPATE AT THE SCHEDULED MEDIATION, THE AGGRIEVED
255 PARTY WILL BE AUTHORIZED TO PROCEED WITH THE FILING OF
256 A LAWSUIT AGAINST YOU WITHOUT FURTHER NOTICE. IN ANY
257 SUBSEQUENT COURT ACTION, THE AGGRIEVED PARTY MAY SEEK
258 AN AWARD OF REASONABLE ATTORNEY'S FEES AND COSTS
259 INCURRED IN ATTEMPTING TO OBTAIN MEDIATION.

260
261 PLEASE GIVE THIS MATTER YOUR IMMEDIATE ATTENTION. BY
262 LAW, YOUR RESPONSE MUST BE MAILED BY CERTIFIED, FIRST-
263 CLASS MAIL, RETURN RECEIPT REQUESTED, TO THE AGGRIEVED
264 PARTY LISTED ABOVE AT THE ADDRESS SHOWN ON THIS NOTICE

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265 AND POSTMARKED NO MORE THAN 20 DAYS AFTER THE DATE OF
266 THE POSTMARKED DATE FOR THIS NOTICE OR WITHIN 20 DAYS
267 AFTER THE DATE UPON WHICH YOU WERE SERVED WITH A COPY
268 OF THIS NOTICE.

269
270 _____
271 SIGNATURE OF AGGRIEVED PARTY

272
273 _____
274 PRINTED NAME OF AGGRIEVED PARTY

275
276 RESPONDING PARTY: YOUR SIGNATURE BELOW INDICATES YOUR
277 ACCEPTANCE OF THE AGREEMENT TO MEDIATE.

278
279 AGREEMENT TO MEDIATE

280
281 THE UNDERSIGNED HEREBY AGREES TO PARTICIPATE IN
282 PRESUIT MEDIATION AND AGREES TO ATTEND A MEDIATION
283 CONDUCTED BY THE MEDIATOR LISTED BELOW AS ACCEPTABLE
284 TO MEDIATE THIS DISPUTE:

285
286 (LIST ONE ACCEPTABLE MEDIATOR FROM THOSE LISTED BY THE
287 AGGRIEVED PARTY.)

288
289 THE UNDERSIGNED HEREBY REPRESENTS THAT HE OR SHE CAN
290 ATTEND AND PARTICIPATE IN THE PRESUIT MEDIATION AT THE
291 FOLLOWING DATES AND TIMES:

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293 (LIST AT LEAST THREE AVAILABLE DATES AND TIMES WITHIN
294 THE 90-DAY TIME LIMIT DESCRIBED ABOVE.)

295
296 I/WE FURTHER AGREE TO PAY OR PREPAY ONE-HALF OF THE
297 MEDIATOR'S FEES AND TO FORWARD SUCH ADVANCE DEPOSITS
298 AS THE MEDIATOR MAY REQUIRE FOR THIS PURPOSE.

299
300 _____
301 SIGNATURE OF RESPONDING PARTY #1

302 _____
303 TELEPHONE CONTACT INFORMATION

304
305 _____
306 SIGNATURE AND TELEPHONE CONTACT INFORMATION OF
307 RESPONDING PARTY #2, IF APPLICABLE. IF THE PROPERTY IS
308 OWNED BY MORE THAN ONE PERSON, ALL OWNERS MUST SIGN,
309 OR A PERSON MAY SIGN WHO IS ACTING UNDER AUTHORITY OF
310 A VALID POWER OF ATTORNEY GRANTED BY AN OWNER.

311
312 (2) (a) Service of the notice of presuit mediation shall be
313 effected either by personal service, as provided in chapter 48,
314 or by certified mail, return receipt requested, in a letter in
315 substantial conformity with the form provided in subsection (1),
316 with an additional copy being sent by regular first-class mail,
317 to the address of the responding party as it last appears on the
318 books and records of the association or, if not available, then
319 as it last appears in the official records of the county
320 property appraiser where the parcel in dispute is located. The

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321 responding party has 20 days after the postmarked date of the
322 mailing of the statutory notice or the date the responding party
323 is served with a copy of the notice to serve a written response
324 to the aggrieved party. The response shall be served by
325 certified mail, return receipt requested, with an additional
326 copy being sent by regular first-class mail, to the address
327 shown on the statutory notice. The date of the postmark on the
328 envelope for the response shall constitute the date that the
329 response is served. Once the parties have agreed on a mediator,
330 the mediator may schedule or reschedule the mediation for a date
331 and time mutually convenient to the parties within 90 days after
332 the date of service of the statutory notice. After such 90-day
333 period, the mediator may reschedule the mediation only upon the
334 mutual written agreement of all the parties.

335 (b) The parties shall share the costs of presuit mediation
336 equally, including the fee charged by the mediator, if any,
337 unless the parties agree otherwise, and the mediator may require
338 advance payment of his or her reasonable fees and costs. Each
339 party shall be responsible for that party's own attorney's fees
340 if a party chooses to be represented by an attorney at the
341 mediation.

342 (c) The party responding to the aggrieved party may
343 provide a notice of opting out under s. 720.506 and demand
344 arbitration or may sign the agreement to mediate included in the
345 notice of presuit mediation. A responding party signing the
346 agreement to mediate must clearly indicate the name of the
347 mediator who is acceptable from the five names provided by the
348 aggrieved party and must provide a list of dates and times in

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349 which the responding party is available to participate in the
350 mediation within 90 days after the date the responding party was
351 served, either by process server or by certified mail, with the
352 statutory notice of presuit mediation.

353 (d) The mediator who has been selected and agreed to
354 mediate must schedule the mediation conference at a mutually
355 convenient time and place within that 90-day period; but, if the
356 responding party does not provide a list of available dates and
357 times, the mediator is authorized to schedule a mediation
358 conference without taking the responding party's schedule and
359 convenience into consideration. Within 10 days after the
360 designation of the mediator, the mediator shall coordinate with
361 the parties and notify the parties in writing of the date, time,
362 and place of the mediation conference.

363 (e) The mediation conference must be held on the scheduled
364 date and may be rescheduled if a rescheduled date is approved by
365 the mediator. However, in no event shall the mediation be held
366 later than 90 days after the notice of presuit mediation was
367 first served, unless all parties mutually agree in writing
368 otherwise. If the presuit mediation is not completed within the
369 required time limits, the mediator shall declare an impasse
370 unless the mediation date is extended by mutual written
371 agreement by all parties and approved by the mediator.

372 (f) If the responding party fails to respond within 20
373 days after the date of service of the statutory notice of
374 presuit mediation, fails to agree to at least one of the
375 mediators listed by the aggrieved party in the notice, fails to
376 pay or prepay to the mediator one-half of the costs of the

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377 mediator, or fails to appear and participate at the scheduled
378 mediation, the aggrieved party shall be authorized to proceed
379 with the filing of a lawsuit without further notice.

380 (g)1. The failure of any party to respond to the statutory
381 notice of presuit mediation within 20 days, the failure to agree
382 upon a mediator, the failure to provide a listing of dates and
383 times in which the responding party is available to participate
384 in the mediation within 90 days after the date the responding
385 party was served with the statutory notice of presuit mediation,
386 the failure to make payment of fees and costs within the time
387 established by the mediator, or the failure to appear for a
388 scheduled mediation session without the approval of the mediator
389 shall in each instance constitute a failure or refusal to
390 participate in the mediation process and shall operate as an
391 impasse in the presuit mediation by such party, entitling the
392 other party to file a lawsuit in court and to seek an award of
393 the costs and attorney's fees associated with the mediation.

394 2. Persons who fail or refuse to participate in the entire
395 mediation process may not recover attorney's fees and costs in
396 subsequent litigation relating to the same dispute between the
397 same parties. If any presuit mediation session cannot be
398 scheduled and conducted within 90 days after the offer to
399 participate in mediation was filed, through no fault of either
400 party, then an impasse shall be deemed to have occurred unless
401 the parties mutually agree in writing to extend this deadline.
402 In the event of such impasse, each party shall be responsible
403 for its own costs and attorney's fees and one-half of any

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404 mediator fees and filing fees, and either party may file a
405 lawsuit in court regarding the dispute.

406 720.506 Opt-out of presuit mediation.—A party served with
407 a notice of presuit mediation under s. 720.505 may opt out of
408 presuit mediation and demand that the dispute proceed under
409 nonbinding arbitration as follows:

410 (1) In lieu of a response to the notice of presuit
411 mediation as required under s. 720.505, the responding party may
412 serve upon the aggrieved party, in the same manner as the
413 response to a notice for presuit mediation under s. 720.505, a
414 notice of opting out of mediation and demand that the dispute
415 instead proceed to presuit arbitration under s. 720.507.

416 (2) The aggrieved party shall be relieved from having to
417 satisfy the requirements of s. 720.504 as a condition precedent
418 to filing the demand for presuit arbitration.

419 (3) Except as otherwise provided in this part, the choice
420 of which presuit alternative dispute resolution procedure is
421 used shall be at the election of the aggrieved party who first
422 initiated such proceeding after complying with the provisions of
423 s. 720.504.

424 720.507 Presuit arbitration.—

425 (1) Disputes between an association and a parcel owner or
426 owners or between parcel owners are subject to a demand for
427 presuit arbitration pursuant to this section before the dispute
428 may be filed in court. A party who elects to use the presuit
429 arbitration procedure under this part shall serve on the
430 responding party a written notice of presuit arbitration in
431 substantially the following form:

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STATUTORY NOTICE OF PRESUIT ARBITRATION

THE ALLEGED AGGRIEVED PARTY, _____,
HEREBY DEMANDS THAT _____, AS THE
RESPONDING PARTY, ENGAGE IN MANDATORY PRESUIT
ARBITRATION IN CONNECTION WITH THE FOLLOWING
DISPUTE(S) WITH YOU, WHICH BY STATUTE ARE OF A TYPE
THAT ARE SUBJECT TO PRESUIT ARBITRATION:

(LIST SPECIFIC NATURE OF THE DISPUTE OR DISPUTES TO BE
ARBITRATED AND THE AUTHORITY SUPPORTING A FINDING OF A
VIOLATION AS TO EACH DISPUTE, INCLUDING, BUT NOT
LIMITED TO, ALL APPLICABLE PROVISIONS OF THE GOVERNING
DOCUMENTS BELIEVED TO APPLY TO THE DISPUTE BETWEEN THE
PARTIES.)

PURSUANT TO PART IV OF CHAPTER 720, FLORIDA STATUTES,
THIS DEMAND TO RESOLVE THE DISPUTE THROUGH PRESUIT
ARBITRATION IS REQUIRED BEFORE A LAWSUIT CAN BE FILED
CONCERNING THE DISPUTE. PURSUANT TO FLORIDA STATUTES,
THE PARTIES ARE REQUIRED TO ENGAGE IN PRESUIT
ARBITRATION WITH A NEUTRAL THIRD-PARTY ARBITRATOR IN
ORDER TO ATTEMPT TO RESOLVE THIS DISPUTE WITHOUT COURT
ACTION, AND THE AGGRIEVED PARTY DEMANDS THAT YOU
PARTICIPATE IN THIS PROCESS. IF YOU FAIL TO
PARTICIPATE IN THE ARBITRATION PROCESS, A LAWSUIT MAY

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459 BE BROUGHT AGAINST YOU IN COURT WITHOUT FURTHER
460 WARNING.

461
462 THE PROCESS OF ARBITRATION INVOLVES A NEUTRAL THIRD
463 PERSON WHO CONSIDERS THE LAW AND FACTS PRESENTED BY
464 THE PARTIES AND RENDERS A WRITTEN DECISION CALLED AN
465 "ARBITRATION AWARD." PURSUANT TO SECTION 720.507,
466 FLORIDA STATUTES, THE ARBITRATION AWARD SHALL BE FINAL
467 UNLESS A LAWSUIT IS FILED IN A COURT OF COMPETENT
468 JURISDICTION FOR THE JUDICIAL CIRCUIT IN WHICH THE
469 PARCEL(S) GOVERNED BY THE HOMEOWNERS' ASSOCIATION
470 IS/ARE LOCATED WITHIN 30 DAYS AFTER THE DATE OF THE
471 ARBITRATION AWARD.

472
473 IF A SETTLEMENT AGREEMENT IS REACHED BEFORE THE
474 ARBITRATION AWARD, IT SHALL BE REDUCED TO WRITING AND
475 BECOME A BINDING AND ENFORCEABLE CONTRACT OF THE
476 PARTIES. A RESOLUTION OF ONE OR MORE DISPUTES IN THIS
477 FASHION AVOIDS THE NEED TO ARBITRATE THESE ISSUES OR
478 TO LITIGATE THESE ISSUES IN COURT AND SHALL BE THE
479 SAME AS A SETTLEMENT AGREEMENT REACHED BETWEEN THE
480 PARTIES UNDER SECTION 720.505, FLORIDA STATUTES. THE
481 FAILURE OF A PARTY TO PARTICIPATE IN THE ARBITRATION
482 PROCESS MAY RESULT IN THE ARBITRATOR ISSUING AN
483 ARBITRATION AWARD BY DEFAULT IN THE ARBITRATION. IF
484 YOU HAVE FAILED OR REFUSED TO PARTICIPATE IN THE
485 ENTIRE ARBITRATION PROCESS, YOU WILL NOT BE ENTITLED
486 TO RECOVER ATTORNEY'S FEES IF YOU PREVAIL IN A

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487 SUBSEQUENT COURT PROCEEDING INVOLVING THE SAME
488 DISPUTE.

489
490 THE AGGRIEVED PARTY HAS SELECTED AT LEAST FIVE
491 ARBITRATORS WHO THE AGGRIEVED PARTY BELIEVES TO BE
492 NEUTRAL AND QUALIFIED TO ARBITRATE THE DISPUTE. YOU
493 HAVE THE RIGHT TO SELECT ANY ONE OF THE ARBITRATORS.
494 THE FACT THAT ONE PARTY MAY BE FAMILIAR WITH ONE OR
495 MORE OF THE LISTED ARBITRATORS DOES NOT MEAN THAT THE
496 ARBITRATOR CANNOT ACT AS A NEUTRAL AND IMPARTIAL
497 ARBITRATOR. ANY ARBITRATOR WHO CANNOT ACT IN THIS
498 CAPACITY IS REQUIRED ETHICALLY TO DECLINE TO ACCEPT
499 ENGAGEMENT. THE NAMES OF THE FIVE ARBITRATORS THAT THE
500 AGGRIEVED PARTY HAS CHOSEN FROM WHICH YOU MAY SELECT
501 ONE, AND THEIR CURRENT ADDRESSES, TELEPHONE NUMBERS,
502 AND HOURLY RATES, ARE AS FOLLOWS:

503
504 (LIST THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND
505 HOURLY RATES OF AT LEAST FIVE ARBITRATORS.)

506
507 YOU MAY CONTACT THE OFFICES OF THESE ARBITRATORS TO
508 CONFIRM THAT THE LISTED ARBITRATORS WILL BE NEUTRAL
509 AND WILL NOT SHOW ANY FAVORITISM TOWARD EITHER PARTY.

510
511 UNLESS OTHERWISE AGREED TO BY THE PARTIES, PART IV OF
512 CHAPTER 720, FLORIDA STATUTES, REQUIRES THAT THE
513 PARTIES SHARE THE COSTS OF PRESUIT ARBITRATION
514 EQUALLY, INCLUDING THE FEE CHARGED BY THE ARBITRATOR.

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515 THE PARTIES SHALL BE RESPONSIBLE FOR THEIR OWN
516 ATTORNEY'S FEES IF THEY CHOOSE TO EMPLOY AN ATTORNEY
517 IN CONNECTION WITH THE ARBITRATION. HOWEVER, USE OF AN
518 ATTORNEY TO REPRESENT YOU FOR THE ARBITRATION IS NOT
519 REQUIRED. THE ARBITRATOR SELECTED MAY REQUIRE THE
520 ADVANCE PAYMENT OF SOME OR ALL OF THE ANTICIPATED
521 FEES. THE AGGRIEVED PARTY HEREBY AGREES TO PAY OR
522 PREPAY ONE-HALF OF THE SELECTED ARBITRATOR'S ESTIMATED
523 FEES AND TO FORWARD THIS AMOUNT OR SUCH OTHER
524 REASONABLE ADVANCE DEPOSITS AS THE ARBITRATOR WHO IS
525 SELECTED REQUIRES FOR THIS PURPOSE. ANY FUNDS
526 DEPOSITED WILL BE RETURNED TO YOU IF THESE FUNDS ARE
527 IN EXCESS OF YOUR SHARE OF THE FEES INCURRED.

528
529 PLEASE SIGN THE AGREEMENT TO ARBITRATE BELOW AND
530 CLEARLY INDICATE THE NAME OF THE ARBITRATOR WHO IS
531 ACCEPTABLE TO YOU FROM THE NAMES LISTED BY THE
532 AGGRIEVED PARTY.

533
534 YOU MUST RESPOND IN WRITING TO THIS STATUTORY NOTICE
535 WITHIN 20 DAYS AFTER THE DATE THAT THE NOTICE OF
536 PRESUIT ARBITRATION WAS PERSONALLY SERVED ON YOU OR
537 THE POSTMARKED DATE THAT THIS NOTICE OF PRESUIT
538 ARBITRATION WAS SENT TO YOU BY CERTIFIED MAIL. YOU
539 MUST ALSO PROVIDE A LIST OF AT LEAST THREE DATES AND
540 TIMES IN WHICH YOU ARE AVAILABLE TO PARTICIPATE IN THE
541 ARBITRATION THAT ARE WITHIN 90 DAYS AFTER THE DATE YOU
542 WERE PERSONALLY SERVED OR WITHIN 90 DAYS AFTER THE

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543 POSTMARKED DATE OF THE CERTIFIED MAILING OF THIS
544 STATUTORY NOTICE OF PRESUIT ARBITRATION. A COPY OF
545 THIS NOTICE AND YOUR RESPONSE WILL BE PROVIDED BY THE
546 AGGRIEVED PARTY TO THE ARBITRATOR SELECTED, AND THE
547 ARBITRATOR WILL SCHEDULE A MUTUALLY CONVENIENT TIME
548 AND PLACE FOR THE ARBITRATION CONFERENCE TO BE HELD.
549 IF YOU DO NOT PROVIDE A LIST OF AVAILABLE DATES AND
550 TIMES, THE ARBITRATOR IS AUTHORIZED TO SCHEDULE AN
551 ARBITRATION CONFERENCE WITHOUT TAKING YOUR SCHEDULE
552 AND CONVENIENCE INTO CONSIDERATION. THE ARBITRATION
553 CONFERENCE MUST BE HELD ON THE SCHEDULED DATE, OR ANY
554 RESCHEDULED DATE APPROVED BY THE ARBITRATOR. IN NO
555 EVENT SHALL THE ARBITRATION CONFERENCE BE LATER THAN
556 90 DAYS AFTER NOTICE OF THE PRESUIT ARBITRATION WAS
557 FIRST SERVED, UNLESS ALL PARTIES MUTUALLY AGREE IN
558 WRITING OTHERWISE. IF THE ARBITRATION IS NOT COMPLETED
559 WITHIN THE REQUIRED TIME LIMITS, THE ARBITRATOR SHALL
560 ISSUE AN ARBITRATION AWARD, UNLESS THE HEARING IS
561 EXTENDED BY MUTUAL WRITTEN AGREEMENT OF THE PARTIES
562 AND APPROVED BY THE ARBITRATOR. IN THE EVENT THAT YOU
563 FAIL TO RESPOND WITHIN 20 DAYS AFTER THE DATE YOU WERE
564 SERVED WITH A COPY OF THIS NOTICE, FAIL TO PROVIDE THE
565 ARBITRATOR WITH DATES AND TIMES IN WHICH YOU ARE
566 AVAILABLE FOR THE ARBITRATION CONFERENCE, FAIL TO
567 AGREE TO ONE OF THE ARBITRATORS THAT THE AGGRIEVED
568 PARTY HAS NAMED, FAIL TO PAY OR PREPAY TO THE
569 ARBITRATOR ONE-HALF OF THE COSTS INVOLVED AS REQUIRED,
570 OR FAIL TO APPEAR AND PARTICIPATE AT THE SCHEDULED

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571 ARBITRATION CONFERENCE, THE AGGRIEVED PARTY MAY
572 REQUEST THE ARBITRATOR TO ISSUE AN ARBITRATION AWARD.
573 IN ANY SUBSEQUENT COURT ACTION, THE AGGRIEVED PARTY
574 SHALL BE ENTITLED TO RECOVER AN AWARD OF REASONABLE
575 ATTORNEY'S FEES AND COSTS, INCLUDING ANY FEES PAID TO
576 THE ARBITRATOR, INCURRED IN OBTAINING AN ARBITRATION
577 AWARD PURSUANT TO SECTION 720.507, FLORIDA STATUTES.

578
579 PLEASE GIVE THIS MATTER YOUR IMMEDIATE ATTENTION. BY
580 LAW, YOUR RESPONSE MUST BE POSTMARKED AND MAILED BY
581 CERTIFIED, FIRST-CLASS MAIL, RETURN RECEIPT REQUESTED,
582 TO THE ADDRESS SHOWN ON THIS NOTICE OF PRESUIT
583 ARBITRATION.

584
585 _____
586 SIGNATURE OF AGGRIEVED PARTY

587
588 _____
589 PRINTED NAME OF AGGRIEVED PARTY

590
591 RESPONDING PARTY: YOUR SIGNATURE BELOW INDICATES YOUR
592 ACCEPTANCE OF THE AGREEMENT TO ARBITRATE.

593
594 AGREEMENT TO ARBITRATE

595
596 THE UNDERSIGNED HEREBY AGREES TO PARTICIPATE IN
597 PRESUIT ARBITRATION AND AGREES TO ATTEND AN
598 ARBITRATION CONDUCTED BY THE FOLLOWING ARBITRATOR

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599 LISTED BELOW AS SOMEONE WHO WOULD BE ACCEPTABLE TO
600 ARBITRATE THIS DISPUTE:

601
602 (IN YOUR RESPONSE, SELECT THE NAME OF ONE ARBITRATOR
603 THAT IS ACCEPTABLE TO YOU FROM THOSE ARBITRATORS
604 LISTED BY THE AGGRIEVED PARTY.)

605
606 THE UNDERSIGNED HEREBY REPRESENTS THAT HE OR SHE IS
607 AVAILABLE AND ABLE TO ATTEND AND PARTICIPATE IN THE
608 PRESUIT ARBITRATION CONFERENCE AT THE FOLLOWING DATES
609 AND TIMES:

610
611 (LIST ALL AVAILABLE DATES AND TIMES, OF WHICH THERE
612 MUST BE AT LEAST THREE, WITHIN 90 DAYS AFTER THE DATE
613 ON WHICH YOU WERE SERVED, EITHER BY PROCESS SERVER OR
614 BY CERTIFIED MAIL, WITH THE NOTICE OF PRESUIT
615 ARBITRATION.)

616
617 I/WE FURTHER AGREE TO PAY OR PREPAY ONE-HALF OF THE
618 ARBITRATOR'S FEES AND TO FORWARD SUCH ADVANCE DEPOSITS
619 AS THE ARBITRATOR MAY REQUIRE FOR THIS PURPOSE.

620
621 _____
622 SIGNATURE OF RESPONDING PARTY #1

623 _____
624 TELEPHONE CONTACT INFORMATION

625
626 _____

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627 SIGNATURE AND TELEPHONE CONTACT INFORMATION OF
628 RESPONDING PARTY #2, IF APPLICABLE. IF THE PROPERTY IS
629 OWNED BY MORE THAN ONE PERSON, ALL OWNERS MUST SIGN,
630 OR A PERSON MAY SIGN WHO IS ACTING UNDER AUTHORITY OF
631 A VALID POWER OF ATTORNEY GRANTED BY AN OWNER.

632
633 (2) (a) Service of the notice of presuit arbitration shall
634 be effected either by personal service, as provided in chapter
635 48, or by certified mail, return receipt requested, in a letter
636 in substantial conformity with the form provided in subsection
637 (1), with an additional copy being sent by regular first-class
638 mail, to the address of the responding party as it last appears
639 on the books and records of the association or, if not
640 available, the last address as it appears on the official
641 records of the county property appraiser for the county in which
642 the property is situated that is subject to the association
643 documents. The responding party has 20 days after the postmarked
644 date of the certified mailing of the statutory notice of presuit
645 arbitration or the date the responding party is personally
646 served with the statutory notice of presuit arbitration to serve
647 a written response to the aggrieved party. The response shall be
648 served by certified mail, return receipt requested, with an
649 additional copy being sent by regular first-class mail, to the
650 address shown on the statutory notice of presuit arbitration.
651 The postmarked date on the envelope of the response shall
652 constitute the date the response was served.

653 (b) The parties shall share the costs of presuit
654 arbitration equally, including the fee charged by the

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655 arbitrator, if any, unless the parties agree otherwise, and the
656 arbitrator may require advance payment of his or her reasonable
657 fees and costs. Each party shall be responsible for that party's
658 own attorney's fees if a party chooses to be represented by an
659 attorney for the arbitration proceedings.

660 (c)1. The party responding to the aggrieved party must
661 sign the agreement to arbitrate included in the notice of
662 presuit arbitration and clearly indicate the name of the
663 arbitrator who is acceptable of those arbitrators listed by the
664 aggrieved party. The responding party must provide a list of at
665 least three dates and times in which the responding party is
666 available to participate in the arbitration conference within 90
667 days after the date the responding party was served with the
668 statutory notice of presuit arbitration.

669 2. The arbitrator must schedule the arbitration conference
670 at a mutually convenient time and place, but if the responding
671 party does not provide a list of available dates and times, the
672 arbitrator is authorized to schedule an arbitration conference
673 without taking the responding party's schedule and convenience
674 into consideration. Within 10 days after the designation of the
675 arbitrator, the arbitrator shall notify the parties in writing
676 of the date, time, and place of the arbitration conference.

677 3. The arbitration conference must be held on the
678 scheduled date and may be rescheduled if approved by the
679 arbitrator. However, in no event shall the arbitration hearing
680 be later than 90 days after the notice of presuit arbitration
681 was first served, unless all parties mutually agree in writing
682 otherwise. If the arbitration hearing is not completed within

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683 the required time limits, the arbitrator may issue an
684 arbitration award unless the time for the hearing is extended as
685 provided herein.

686 4. If the responding party fails to respond within 20 days
687 after the date of statutory notice of presuit arbitration, fails
688 to agree to at least one of the arbitrators that have been
689 listed by the aggrieved party in the presuit notice of
690 arbitration, fails to pay or prepay to the arbitrator one-half
691 of the costs involved, or fails to appear and participate at the
692 scheduled arbitration, the aggrieved party is authorized to
693 proceed with a request that the arbitrator issue an arbitration
694 award.

695 (d)1. The failure of any party to respond to the statutory
696 notice of presuit arbitration within 20 days, the failure to
697 select one of the arbitrators listed by the aggrieved party, the
698 failure to provide a listing of dates and times in which the
699 responding party is available to participate in the arbitration
700 conference within 90 days after the date of the responding party
701 being served with the statutory notice of presuit arbitration,
702 the failure to make payment of fees and costs as required within
703 the time established by the arbitrator, or the failure to appear
704 for an arbitration conference without the approval of the
705 arbitrator shall entitle the other party to request the
706 arbitrator to enter an arbitration award, including an award of
707 the reasonable costs and attorney's fees associated with the
708 arbitration.

709 2. Persons who fail or refuse to participate in the entire
710 arbitration process may not recover attorney's fees and costs in

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711 any subsequent litigation proceeding relating to the same
712 dispute involving the same parties.

713 (3) (a) In an arbitration proceeding, the arbitrator may
714 not consider any unsuccessful mediation of the dispute.

715 (b) An arbitrator in a proceeding initiated pursuant to
716 this part may shorten the time for discovery or otherwise limit
717 discovery in a manner consistent with the policy goals of this
718 part to reduce the time and expense of litigating homeowners'
719 association disputes initiated pursuant to this chapter and to
720 promote an expeditious alternative dispute resolution procedure
721 for parties to such actions.

722 (4) At the request of any party to the arbitration, the
723 arbitrator may issue subpoenas for the attendance of witnesses
724 and the production of books, records, documents, and other
725 evidence, and any party on whose behalf a subpoena is issued may
726 apply to the court for orders compelling such attendance and
727 production. Subpoenas shall be served and are enforceable in the
728 manner provided by the Florida Rules of Civil Procedure.
729 Discovery may, at the discretion of the arbitrator, be permitted
730 in the manner provided by the Florida Rules of Civil Procedure.

731 (5) The final arbitration award shall be sent to the
732 parties in writing no later than 30 days after the date of the
733 arbitration hearing, absent extraordinary circumstances
734 necessitating a later filing the reasons for which shall be
735 stated in the final award if filed more than 30 days after the
736 date of the final session of the arbitration conference. An
737 agreed arbitration award is final in those disputes in which the
738 parties have mutually agreed to be bound. An arbitration award

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739 decided by the arbitrator is final unless a lawsuit seeking a
740 trial de novo is filed in a court of competent jurisdiction
741 within 30 days after the date of the arbitration award. The
742 right to file for a trial de novo entitles the parties to file a
743 complaint in the appropriate trial court for a judicial
744 resolution of the dispute. The prevailing party in an
745 arbitration proceeding shall be awarded the costs of the
746 arbitration and reasonable attorney's fees in an amount
747 determined by the arbitrator.

748 (6) The party filing a motion for a trial de novo shall be
749 assessed the other party's arbitration costs, court costs, and
750 other reasonable costs, including attorney's fees, investigation
751 expenses, and expenses for expert or other testimony or evidence
752 incurred after the arbitration hearing, if the judgment upon the
753 trial de novo is not more favorable than the final arbitration
754 award.

755 720.508 Rules of procedure.-

756 (1) Presuit mediation and presuit arbitration proceedings
757 under this part must be conducted in accordance with the
758 applicable Florida Rules of Civil Procedure and rules governing
759 mediations and arbitrations under chapter 44, except that this
760 part shall be controlling to the extent of any conflict with
761 other applicable rules or statutes. The arbitrator may shorten
762 any applicable time period and otherwise limit the scope of
763 discovery on request of the parties or within the discretion of
764 the arbitrator exercised consistent with the purpose and
765 objective of reducing the expense and expeditiously concluding
766 proceedings under this part.

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767 (2) Presuit mediation proceedings under s. 720.505 are
768 privileged and confidential to the same extent as court-ordered
769 mediation under chapter 44. An arbitrator or judge may not
770 consider any information or evidence arising from the presuit
771 mediation proceeding except in a proceeding to impose sanctions
772 for failure to attend a presuit mediation session or to enforce
773 a mediated settlement agreement.

774 (3) Persons who are not parties to the dispute may not
775 attend the presuit mediation conference without consent of all
776 parties, with the exception of counsel for the parties and a
777 corporate representative designated by the association. Presuit
778 mediations under this part are not a board meeting for purposes
779 of notice and participation set forth in this chapter.

780 (4) Attendance at a mediation conference by the board of
781 directors shall not require notice or participation by nonboard
782 members as otherwise required by this chapter for meetings of
783 the board.

784 (5) Settlement agreements resulting from a mediation or
785 arbitration proceeding do not have precedential value in
786 proceedings involving parties other than those participating in
787 the mediation or arbitration.

788 (6) Arbitration awards by an arbitrator shall have
789 precedential value in other proceedings involving the same
790 association or with respect to the same parcel owner.

791 720.509 Mediators and arbitrators; qualifications.—A
792 person is authorized to conduct mediation or arbitration under
793 this part if he or she has been certified as a circuit court
794 civil mediator under the requirements adopted pursuant to s.

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795 44.106, is a member in good standing with The Florida Bar, and
796 otherwise meets all other requirements imposed by chapter 44.

797 720.510 Enforcement of mediation agreement or arbitration
798 award.-

799 (1) A mediation settlement may be enforced through the
800 county or circuit court, as applicable, and any costs and
801 attorney's fees incurred in the enforcement of a settlement
802 agreement reached at mediation shall be awarded to the
803 prevailing party in any enforcement action.

804 (2) Any party to an arbitration proceeding may enforce an
805 arbitration award by filing a petition in a court of competent
806 jurisdiction in which the homeowners' association is located.
807 The prevailing party in such proceeding shall be awarded
808 reasonable attorney's fees and costs incurred in such
809 proceeding.

810 (3) If a complaint is filed seeking a trial de novo, the
811 arbitration award shall be stayed and a petition to enforce the
812 award may not be granted. Such award, however, shall be
813 admissible in the court proceeding seeking a trial de novo.

814 Section 30. All new residential construction in any deed-
815 restricted community that requires mandatory membership in the
816 association under chapter 718, chapter 719, or chapter 720,
817 Florida Statutes, must comply with the provisions of Pub. L. No.
818 110-140, Title XIV, ss. 1402 to 1406, 15 U.S.C. ss. 8001-8005.

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

Remove line 256 and insert:
certain conditions are met; creating part IV of ch. 720, F.S.,
relating to dispute resolution; creating s. 720.501, F.S.;
providing a short title; creating s. 720.502, F.S.; providing
legislative findings; creating s. 720.503, F.S.; specifying
applicability of provisions for mediation and arbitration of
disputes in homeowners' associations; providing exceptions;
providing for injunctive relief; providing for the tolling of
applicable statutes of limitations; creating s. 720.504, F.S.;
requiring that the notice of dispute be delivered before
referral to mediation or arbitration; providing notice
requirements; creating s. 720.505, F.S.; creating a statutory
notice form for referral to mediation; providing delivery
requirements; requiring parties to share costs; requiring the
selection of a mediator and times to meet; providing penalties
for failure to mediate; creating s. 720.506, F.S.; creating an
opt-out provision and procedures; creating s. 720.507, F.S.;
creating a statutory notice form for referral to arbitration;
providing delivery requirements; requiring parties to share
costs; requiring the selection of an arbitrator and times to
meet; providing penalties for failure to arbitrate; providing
subpoena powers and requirements; providing requirements for and
repercussions of subsequent judicial resolution of the dispute;
creating s. 720.508, F.S.; providing for rules of procedure;
providing for confidentiality; providing applicability to other
rules of procedure and provisions of law; specifying that
arbitration awards have certain precedential value; creating s.
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851 720.509, F.S.; specifying qualifications for mediators and
852 arbitrators; creating s. 720.510, F.S.; providing for
853 enforcement of mediation agreements and arbitration awards;
854 requiring all new residential construction in a deed-restricted
855 community that requires mandatory membership in the association
856 under specified provisions of Florida law to comply with
857 specified provisions of federal law; providing an effective