

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Plakon offered the following:

Amendment (with title amendment)

Between lines 579 and 580, insert:

Section 12. Paragraph (c) is added to subsection (2) of section 720.305, Florida Statutes, to read:

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights.-

(2) The association may levy reasonable fines. A fine may not exceed \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for

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17 each day of a continuing violation, with a single notice and
18 opportunity for hearing, except that the fine may not exceed
19 \$1,000 in the aggregate unless otherwise provided in the
20 governing documents. A fine of less than \$1,000 may not become a
21 lien against a parcel. In any action to recover a fine, the
22 prevailing party is entitled to reasonable attorney fees and
23 costs from the nonprevailing party as determined by the court.

24 (c) An association that requires its approval prior to the
25 rental of a parcel must comply with the following:

26 1. A rental application must be approved or denied by the
27 association within five business days of receipt;

28 2. The association may not charge a fee greater than \$100
29 to approve or deny a rental application;

30 3. The association may not consider the prospective
31 tenant's age, gender, marital status, relationship to other
32 prospective tenants, or financial history, including credit
33 score, in its decision to approve or deny the application.

34 4. An association may not require a fee for approval of an
35 application for renewal or extension of a lease or rental
36 agreement if it approved the original lease or rental agreement.

37 Section 13. Paragraphs (e), (f), (g), and (h) are added to
38 subsection (1) of section 720.306, Florida Statutes, to read:

39 720.306 Meetings of members; voting and election
40 procedures; amendments.—

41 (1) QUORUM; AMENDMENTS.—

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42 (e) A proposal to amend the governing documents must
43 contain the full text of the provision to be amended and may not
44 be revised or amended by reference solely to the title or
45 number. Proposed new language shall be underlined, and proposed
46 deleted language shall be stricken with hyphens. If the proposed
47 change is so extensive that underlining and striking through
48 language would hinder, rather than assist, understanding of the
49 proposed amendment, a notation must be inserted immediately
50 preceding the proposed amendment in substantially the following
51 language: "Substantial rewording. See governing documents for
52 present text." An amendment to a governing document is effective
53 when recorded in the public records of the county in which the
54 community is located.

55 (f) A nonmaterial error or omission in the amendment
56 process does not invalidate an otherwise properly adopted
57 amendment.

58 (g) An amendment prohibiting a parcel owner from renting
59 the home, altering the duration of the rental term, specifying
60 or limiting the number of times that parcel owners are entitled
61 to rent their homes during a specified period or that otherwise
62 relates to the rental of a parcel applies only to a parcel owner
63 who acquires title to the home after the effective date of the
64 amendment or to a parcel owner who consents, individually or
65 through a representative, to the amendment. For purposes of
66 this paragraph only, a change of ownership does not occur when a

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67 parcel owner conveys the parcel to an entity affiliated with the
68 parcel owner or when beneficial ownership of the parcel does not
69 change. An "affiliate" of a parcel owner is an entity which
70 controls, is controlled by, or is under common control with the
71 parcel owner or that becomes a parent, successor or sister
72 entity of the parcel owner. This includes an entity that becomes
73 a parent, successor or sister entity of the parcel owner by
74 reason of transfer, merger, consolidation, public offering,
75 reorganization, dissolution or sale of stock, membership
76 partnership interests, or assets.

77 (h) A notice required under this section must be mailed or
78 delivered to the address identified as the parcel owner's
79 mailing address on the property appraiser's website for the
80 county where the parcel is located, or electronically
81 transmitted in a manner authorized by the association if the
82 parcel owner has consented, in writing, to receive notice by
83 electronic transmission.

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

87 Remove line 55 and insert:
88 cross-reference; amending s. 720.305, F.S.,; placing
89 requirements on an association approving the rental of a parcel;
90 amending s. 720.306, F.S.; requiring an association to follow
91 certain procedures when amending an existing provision of a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 617 (2018)

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92 governing document; limiting an association's ability to
93 prohibit or limit a parcel owners to rent or lease their home;
94 providing for application; providing method of service for
95 notices; amending ss. 720.403, 720.404,