

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WITHDRAWN	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 Rodriguez, A. offered the following:

Amendment (with title amendment)

Remove lines 1372-1378 and insert:

6 (4) DISPUTES INVOLVING ELECTIONS FOR THE BOARD OF
 7 ADMINISTRATION OR RECALL OF BOARD MEMBERS.- Any dispute
 8 challenging the legality of the election of any director of the
 9 board of administration or the recall of any member of a board
 10 of administration shall be filed as a summary proceeding
 11 pursuant to s. 51.011 and in any such action the prevailing
 12 party is entitled to recover reasonable attorney fees and costs.
 13 Any action filed pursuant to this paragraph shall be tried
 14 without a jury.

15 (5)-(6) APPLICABILITY.- This section does not apply to a
 16 nonresidential condominium unless otherwise specifically

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17 provided for in the declaration of the nonresidential
18 condominium.

19 Section 9. Subsection (1) and paragraph (b) of subsection
20 (3) of section 718.303, Florida Statutes, are amended to read:

21 718.303 Obligations of owners and occupants; remedies.—

22 (1) Each unit owner, each tenant or other invitee, and
23 each association must comply with the provisions at this
24 chapter, the declaration, the documents creating the
25 association, and the association bylaws which shall be deemed
26 incorporated into any lease of a unit. Action at law or in
27 equity ~~for damages or injunctive relief~~, or both, for failure to
28 comply with these provisions may be brought by the association
29 or by a unit owner against:

30 (a) The association.

31 (b) A unit owner.

32 (c) Directors designated by the developer, for actions
33 taken by them before control of the association is assumed by
34 unit owners other than the developer.

35 (d) Any director who willfully and knowingly fails to
36 comply with these provisions.

37 (e) Any tenant leasing a unit, and any other invitee
38 occupying a unit.

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40 The prevailing party in any such action or in any action in
41 which the purchaser claims a right of voidability based upon

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42 contractual provisions as required in s. 718.503(1)(a) is
43 entitled to recover reasonable attorney's fees. A unit owner
44 prevailing in an action between the association and the unit
45 owner under this section, in addition to recovering his or her
46 reasonable attorney's fees, may recover additional amounts as
47 determined by the court to be necessary to reimburse the unit
48 owner for his or her share of assessments levied by the
49 association to fund its expenses of the litigation. This relief
50 does not exclude other remedies provided by law. Actions arising
51 under this subsection may not be deemed to be actions for
52 specific performance.

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

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Remove line 32 and insert:

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mediation; requiring a summary proceeding for certain disputes;

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amending s. 718.303, F.S.; revising requirements for actions at

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law or in equity for certain disputes; revising