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# **Civil Justice & Courts Policy Committee**

**Tuesday, March 9, 2010  
8:00 AM - 10:45 AM  
Reed Hall**

**Action Packet**

**Larry Cretul  
Speaker**

**Carl J. Domino  
Chair**

**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**Summary:**

**Civil Justice & Courts Policy Committee**

*Tuesday March 09, 2010 08:00 am*

|           |                                     |                  |
|-----------|-------------------------------------|------------------|
| HB 329    | Unfavorable                         | Yeas: 4 Nays: 9  |
| HB 337    | Favorable With Committee Substitute | Yeas: 10 Nays: 1 |
| CS/HB 341 | Favorable                           | Yeas: 14 Nays: 0 |
| HB 403    | Favorable                           | Yeas: 14 Nays: 0 |
| CS/HB 435 | Favorable                           | Yeas: 14 Nays: 0 |
| HB 887    | Temporarily Deferred                |                  |
| HB 907    | Favorable With Committee Substitute | Yeas: 13 Nays: 0 |
| HB 927    | Favorable With Committee Substitute | Yeas: 13 Nays: 0 |

**Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM**

**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**Attendance:**

|                     | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|---------------------|----------------|---------------|----------------|
| Carl Domino (Chair) | X              |               |                |
| Eric Eisnaugle      | X              |               |                |
| Adam M. Fetterman   | X              |               |                |
| Anitere Flores      | X              |               |                |
| James Frishe        | X              |               |                |
| Audrey Gibson       | X              |               |                |
| Eduardo Gonzalez    | X              |               |                |
| Tom Grady           | X              |               |                |
| Seth McKeel         | X              |               |                |
| Dave Murzin         | X              |               |                |
| H. Marlene O'Toole  | X              |               |                |
| Ralph Poppell       | X              |               |                |
| Darren Soto         | X              |               |                |
| Michael Weinstein   | X              |               |                |
| <b>Totals:</b>      | <b>14</b>      | <b>0</b>      | <b>0</b>       |

Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**HB 329 : Condominium Foreclosures**

*Unfavorable*

|   | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|---|------------|------------|----------------|-------------------------|-------------------------|
| Eric Eisnaugle                          |            | X          |                |                         |                         |
| Adam M. Fetterman                       | X          |            |                |                         |                         |
| Anitere Flores                          |            |            |                | X                       |                         |
| James Frishe                            |            | X          |                |                         |                         |
| Audrey Gibson                           | X          |            |                |                         |                         |
| Eduardo Gonzalez                        |            | X          |                |                         |                         |
| Tom Grady                               |            | X          |                |                         |                         |
| Seth McKeel                             |            | X          |                |                         |                         |
| Dave Murzin                             |            | X          |                |                         |                         |
| H. Marlene O'Toole                      |            | X          |                |                         |                         |
| Ralph Poppell                           |            | X          |                |                         |                         |
| Darren Soto                             | X          |            |                |                         |                         |
| Michael Weinstein                       |            | X          |                |                         |                         |
| Carl Domino (Chair)                     | X          |            |                |                         |                         |
| <b>Total Yeas: 4      Total Nays: 9</b> |            |            |                |                         |                         |

**Appearances:**

Condominiums (Bill & Amendment)  
 Alice Vickers (Lobbyist) - Opponent  
 Florida Legal Services  
 2425 Torreya Drive  
 Tallahassee Florida 32303  
 Phone: 850-385-7900

Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM

3-9-10

RECONSIDERED  
° FAILED TO ADOPT

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 329 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

Adopted  
w/out objection  
2-2-10

HB 329 TP -

POSTPONED

2-2-10

Adopted <sup>AS AMENDED</sup> w/out

objection 3-1-10

1 Council/Committee hearing bill: Civil Justice & Courts Policy

2 Committee

3 Representative Robaina offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (4) is added to section 83.46,

8 Florida Statutes, to read:

9 83.46 Rent; duration of tenancies.—

10 (4) (a) If assessments upon a condominium unit subject to a

11 rental agreement are delinquent for more than 30 days, the

12 association may require the tenant to pay the association any

13 moneys the unit owner landlord owes the association, not to

14 exceed the amount of moneys the tenant owes the unit owner

15 landlord during the pendency of the rental agreement. Any

16 payment made by the tenant to the association shall be credited

17 to the unit owner landlord's account with the condominium

18 association.

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19 (b) If a unit is subject to a rental agreement, and if a  
20 unit or the unit owner's monetary obligations to the association  
21 become delinquent, the unit's tenant is jointly and severally  
22 liable with the unit and unit owner for the unit and unit  
23 owner's monetary obligations to the association.

24 1. The tenant's monetary obligations to the association  
25 include, but are not limited to, all assessments and  
26 installments, late charges, collection costs, attorney's fees  
27 and court costs, and other monetary obligations from the unit  
28 owner to the association, and any interest thereon, that come  
29 due against the unit or the unit owner from the date of the  
30 association's notice to the tenant, and accruing to the date all  
31 the monetary obligations are paid in full, regardless of whether  
32 the lease is terminated or otherwise concluded. In addition to  
33 all other remedies, the association may enforce the tenant's  
34 liability by evicting the tenant, either in the association's  
35 name or in the name of the unit owner, and by suspending the  
36 unit's right to utilize common elements other than those  
37 necessary for ingress and egress.

38 2. The liability of a tenant is limited to the amount of  
39 moneys due from the tenant to the unit owner. However, a  
40 tenant's prepayment of a lease obligation does not excuse the  
41 tenant for liability for the amount of the prepayment unless the  
42 prepayment is either expressly stated in the lease or is for an  
43 installment of monthly rent as expressly provided in the lease  
44 and paid within 5 days after the installment due date, and the  
45 tenant provides the association proof of payment in the form of  
46 a canceled check.

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47       3. Upon the association's notice to the tenant, the tenant  
48 shall pay all moneys, whether as rent or otherwise, owed  
49 pursuant to the lease, directly to the association until payment  
50 of the monetary obligations due and accruing from the unit owner  
51 to the association are paid in full, for which the unit owner,  
52 contingent upon the unit owner's default, transfers, assigns,  
53 conveys, sets over, and delivers to the association all moneys,  
54 whether as rent or otherwise, owed under the lease with the  
55 right, but without the obligation, to collect all of such moneys  
56 that may come due under the lease.

57       Section 2. Section 627.714, Florida Statutes, is created  
58 to read:

59       627.714 Residential condominium unit owner coverage; loss  
60 assessment coverage required; excess coverage provision  
61 required.-For policies issued or renewed on or after July 1,  
62 2010, coverage under a unit owner's residential property policy  
63 shall include property loss assessment coverage of at least  
64 \$2,000 for all assessments made as a result of the same direct  
65 loss to the property, regardless of the number of assessments,  
66 owned by all members of the association collectively when such  
67 loss is of the type of loss covered by the unit owner's  
68 residential property insurance policy, to which a deductible  
69 shall apply of no more than \$250 per direct property loss. If a  
70 deductible was or will be applied to other property loss  
71 sustained by the unit owner resulting from the same direct loss  
72 to the property, no deductible shall apply to the loss  
73 assessment coverage. Every individual unit owner's residential  
74 property policy must contain a provision stating that the

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75 coverage afforded by such policy is excess coverage over the  
76 amount recoverable under any other policy covering the same  
77 property.

78 Section 3. Subsection (6) is added to section 718.106,  
79 Florida Statutes, to read:

80 718.106 Condominium parcels; appurtenances; possession and  
81 enjoyment.-

82 (6) Notwithstanding the provisions of this section, if a  
83 condominium unit is in foreclosure and the unit has unpaid  
84 assessments of 90 days or more, the association may, but is not  
85 required to, take one or more of the following actions:

86 (a) Deny any owner or tenant the right to occupy the  
87 condominium unit.

88 (b) Deny any owner or tenant of the unit the use of the  
89 common areas. However, this paragraph shall not prevent any  
90 owner or tenant from using the common areas in order to leave  
91 the premises.

92 (c) Deny any owner or tenant of the unit use of  
93 recreational facilities.

94 (d) Deny any owner or tenant of the unit the use of a  
95 marina space, which may be enforced by towing of the vessel at  
96 the expense of the owner.

97 (e) Deny any owner of his or her voting rights.

98  
99 Notwithstanding any provision of this subsection, if a tenant is  
100 paying a fair market rent and the tenant pays the entire rental  
101 amount due for a rental period to the association, the  
102 association may not deny the tenant under this subsection the



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103 right to occupy the unit, the use of common areas, the use of  
104 recreational facilities, or the use of parking areas during such  
105 rental period. Any rent paid by the tenant to the association  
106 shall be credited to the landlord's account with the condominium  
107 association for that unit pursuant to s. 83.46(4).

108 Section 4. Paragraphs (a), (b), (c), (d), (f), (g), (j),  
109 and (n) of subsection (11) of section 718.111, Florida Statutes,  
110 are amended to read:

111 718.111 The association.—

112 (11) INSURANCE.—In order to protect the safety, health,  
113 and welfare of the people of the State of Florida and to ensure  
114 consistency in the provision of insurance coverage to  
115 condominiums and their unit owners, this subsection applies to  
16 every residential condominium in the state, regardless of the  
117 date of its declaration of condominium. It is the intent of the  
118 Legislature to encourage lower or stable insurance premiums for  
119 associations described in this subsection.

120 (a) Adequate property hazard insurance, regardless of any  
121 requirement in the declaration of condominium for coverage by  
122 the association for full insurable value, replacement cost, or  
123 similar coverage, shall be based upon the replacement cost of  
124 the property to be insured as determined by an independent  
125 insurance appraisal or update of a prior appraisal. The  
126 replacement cost ~~full insurable value~~ shall be determined at  
127 least once every 36 months.

128 1. An association or group of associations may provide  
129 adequate property hazard insurance through a self-insurance fund  
130 that complies with the requirements of ss. 624.460-624.488.

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131           2. The association may also provide adequate property  
132 ~~hazard~~ insurance coverage for a group of no fewer than three  
133 communities created and operating under this chapter, chapter  
134 719, chapter 720, or chapter 721 by obtaining and maintaining  
135 for such communities insurance coverage sufficient to cover an  
136 amount equal to the probable maximum loss for the communities  
137 for a 250-year windstorm event. Such probable maximum loss must  
138 be determined through the use of a competent model that has been  
139 accepted by the Florida Commission on Hurricane Loss Projection  
140 Methodology. No policy or program providing such coverage shall  
141 be issued or renewed after July 1, 2008, unless it has been  
142 reviewed and approved by the Office of Insurance Regulation. The  
143 review and approval shall include approval of the policy and  
144 related forms pursuant to ss. 627.410 and 627.411, approval of  
145 the rates pursuant to s. 627.062, a determination that the loss  
146 model approved by the commission was accurately and  
147 appropriately applied to the insured structures to determine the  
148 250-year probable maximum loss, and a determination that  
149 complete and accurate disclosure of all material provisions is  
150 provided to condominium unit owners prior to execution of the  
151 agreement by a condominium association.

152           3. When determining the adequate amount of property ~~hazard~~  
153 insurance coverage, the association may consider deductibles as  
154 determined by this subsection.

155           (b) If an association is a developer-controlled  
156 association, the association shall exercise its best efforts to  
157 obtain and maintain insurance as described in paragraph (a).  
158 Failure to obtain and maintain adequate property ~~hazard~~

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159 insurance during any period of developer control constitutes a  
160 breach of fiduciary responsibility by the developer-appointed  
161 members of the board of directors of the association, unless the  
162 members can show that despite such failure, they have made their  
163 best efforts to maintain the required coverage.

164 (c) Policies may include deductibles as determined by the  
165 board.

166 1. The deductibles shall be consistent with industry  
167 standards and prevailing practice for communities of similar  
168 size and age, and having similar construction and facilities in  
169 the locale where the condominium property is situated.

170 2. The deductibles may be based upon available funds,  
171 including reserve accounts, or predetermined assessment  
172 authority at the time the insurance is obtained.

173 3. The board shall establish the amount of deductibles  
174 based upon the level of available funds and predetermined  
175 assessment authority at a meeting of the board. ~~Such meeting~~  
176 ~~shall be open to all unit owners in the manner set forth in s.~~  
177 ~~718.112(2)(e). The notice of such meeting must state the~~  
178 ~~proposed deductible and the available funds and the assessment~~  
179 ~~authority relied upon by the board and estimate any potential~~  
180 ~~assessment amount against each unit, if any. The meeting~~  
181 ~~described in this paragraph may be held in conjunction with a~~  
182 ~~meeting to consider the proposed budget or an amendment thereto.~~

183 (d) An association controlled by unit owners operating as  
184 a residential condominium shall use its best efforts to obtain  
185 and maintain adequate property insurance to protect the  
186 association, the association property, the common elements, and

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187 the condominium property that is required to be insured by the  
188 association pursuant to this subsection.

189 (f) Every property hazard insurance policy issued or  
190 renewed on or after January 1, 2009, for the purpose of  
191 protecting the condominium shall provide primary coverage for:

192 1. All portions of the condominium property as originally  
193 installed or replacement of like kind and quality, in accordance  
194 with the original plans and specifications.

195 2. All alterations or additions made to the condominium  
196 property or association property pursuant to s. 718.113(2).

197 3. The coverage shall exclude all personal property within  
198 the unit or limited common elements, and floor, wall, and  
199 ceiling coverings, electrical fixtures, appliances, water  
200 heaters, water filters, built-in cabinets and countertops, and  
201 window treatments, including curtains, drapes, blinds, hardware,  
202 and similar window treatment components, or replacements of any  
203 of the foregoing which are located within the boundaries of the  
204 unit and serve only such unit. Such property and any insurance  
205 thereupon shall be the responsibility of the unit owner.

206 (g) A condominium unit owner's policy shall conform to the  
207 requirements of s. 627.714. Every hazard insurance policy issued  
208 or renewed on or after January 1, 2009, to an individual unit  
209 owner must contain a provision stating that the coverage  
210 afforded by such policy is excess coverage over the amount  
211 recoverable under any other policy covering the same property.  
212 Such policies must include special assessment coverage of no  
213 less than \$2,000 per occurrence. An insurance policy issued to  
214 an individual unit owner providing such coverage does not

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215 ~~provide rights of subrogation against the condominium~~  
216 ~~association operating the condominium in which such individual's~~  
217 ~~unit is located.~~

218 1. ~~All improvements or additions to the condominium~~  
219 ~~property that benefit fewer than all unit owners shall be~~  
220 ~~insured by the unit owner or owners having the use thereof, or~~  
221 ~~may be insured by the association at the cost and expense of the~~  
222 ~~unit owners having the use thereof.~~

223 2. ~~The association shall require each owner to provide~~  
224 ~~evidence of a currently effective policy of hazard and liability~~  
225 ~~insurance upon request, but not more than once per year. Upon~~  
226 ~~the failure of an owner to provide a certificate of insurance~~  
227 ~~issued by an insurer approved to write such insurance in this~~  
228 ~~state within 30 days after the date on which a written request~~  
229 ~~is delivered, the association may purchase a policy of insurance~~  
230 ~~on behalf of an owner. The cost of such a policy, together with~~  
231 ~~reconstruction costs undertaken by the association but which are~~  
232 ~~the responsibility of the unit owner, may be collected in the~~  
233 ~~manner provided for the collection of assessments in s. 718.116.~~

234 1.3. All reconstruction work after a property casualty  
235 loss shall be undertaken by the association except as otherwise  
236 authorized in this section. A unit owner may undertake  
237 reconstruction work on portions of the unit with the prior  
238 written consent of the board of administration. However, such  
239 work may be conditioned upon the approval of the repair methods,  
240 the qualifications of the proposed contractor, or the contract  
241 that is used for that purpose. A unit owner shall obtain all

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242 required governmental permits and approvals prior to commencing  
243 reconstruction.

244 2.4. Unit owners are responsible for the cost of  
245 reconstruction of any portions of the condominium property for  
246 which the unit owner is required to carry property casualty  
247 insurance, and any such reconstruction work undertaken by the  
248 association shall be chargeable to the unit owner and  
249 enforceable as an assessment pursuant to s. 718.116. ~~The~~  
250 ~~association must be an additional named insured and loss payee~~  
251 ~~on all casualty insurance policies issued to unit owners in the~~  
252 ~~condominium operated by the association.~~

253 3.5. A multicondominium association may elect, by a  
254 majority vote of the collective members of the condominiums  
255 operated by the association, to operate such condominiums as a  
256 single condominium for purposes of insurance matters, including,  
257 but not limited to, the purchase of the property hazard  
258 insurance required by this section and the apportionment of  
259 deductibles and damages in excess of coverage. The election to  
260 aggregate the treatment of insurance premiums, deductibles, and  
261 excess damages constitutes an amendment to the declaration of  
262 all condominiums operated by the association, and the costs of  
263 insurance shall be stated in the association budget. The  
264 amendments shall be recorded as required by s. 718.110.

265 (j) Any portion of the condominium property required to be  
266 insured by the association against property casualty loss  
267 pursuant to paragraph (f) which is damaged ~~by casualty~~ shall be  
268 reconstructed, repaired, or replaced as necessary by the  
269 association as a common expense. All property hazard insurance

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270 deductibles, uninsured losses, and other damages in excess of  
271 property hazard insurance coverage under the property hazard  
272 insurance policies maintained by the association are a common  
273 expense of the condominium, except that:

274 1. A unit owner is responsible for the costs of repair or  
275 replacement of any portion of the condominium property not paid  
276 by insurance proceeds, if such damage is caused by intentional  
277 conduct, negligence, or failure to comply with the terms of the  
278 declaration or the rules of the association by a unit owner, the  
279 members of his or her family, unit occupants, tenants, guests,  
280 or invitees, without compromise of the subrogation rights of any  
281 insurer ~~as set forth in paragraph (g)~~.

282 2. The provisions of subparagraph 1. regarding the  
283 financial responsibility of a unit owner for the costs of  
284 repairing or replacing other portions of the condominium  
285 property also apply to the costs of repair or replacement of  
286 personal property of other unit owners or the association, as  
287 well as other property, whether real or personal, which the unit  
288 owners are required to insure ~~under paragraph (g)~~.

289 3. To the extent the cost of repair or reconstruction for  
290 which the unit owner is responsible under this paragraph is  
291 reimbursed to the association by insurance proceeds, and, to the  
292 extent the association has collected the cost of such repair or  
293 reconstruction from the unit owner, the association shall  
294 reimburse the unit owner without the waiver of any rights of  
295 subrogation.

296 4. The association is not obligated to pay for  
297 reconstruction or repairs of property casualty losses as a

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298 common expense if the property casualty losses were known or  
299 should have been known to a unit owner and were not reported to  
300 the association until after the insurance claim of the  
301 association for that property casualty was settled or resolved  
302 with finality, or denied on the basis that it was untimely  
303 filed.

304 (n) The association is not obligated to pay for any  
305 reconstruction or repair expenses due to property casualty loss  
306 to any improvements installed by a current or former owner of  
307 the unit or by the developer if the improvement benefits only  
308 the unit for which it was installed and is not part of the  
309 standard improvements installed by the developer on all units as  
310 part of original construction, whether or not such improvement  
311 is located within the unit. This paragraph does not relieve any  
312 party of its obligations regarding recovery due under any  
313 insurance implemented specifically for any such improvements.

314 Section 5. Paragraph (h) is added to subsection (1) of  
315 section 718.116, Florida Statutes, and subsection (2) of that  
316 section is amended, to read:

317 718.116 Assessments; liability; lien and priority;  
318 interest; collection; rent during foreclosure.-

319 (1) (a) A unit owner, regardless of how his or her title  
320 has been acquired, including by purchase at a foreclosure sale  
321 or by deed in lieu of foreclosure, is liable for all assessments  
322 which come due while he or she is the unit owner. Additionally,  
323 a unit owner is jointly and severally liable with the previous  
324 owner for all unpaid assessments that came due up to the time of  
325 transfer of title. This liability is without prejudice to any



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326 right the owner may have to recover from the previous owner the  
327 amounts paid by the owner.

328 (b) The liability of a first mortgagee or its successor or  
329 assignees who acquire title to a unit by foreclosure or by deed  
330 in lieu of foreclosure for the unpaid assessments that became  
331 due prior to the mortgagee's acquisition of title is limited to  
332 the lesser of:

333 1. The unit's unpaid common expenses and regular periodic  
334 assessments which accrued or came due during the 6 months  
335 immediately preceding the acquisition of title and for which  
336 payment in full has not been received by the association; or

337 2. One percent of the original mortgage debt. The  
338 provisions of this paragraph apply only if the first mortgagee  
339 joined the association as a defendant in the foreclosure action.  
340 Joinder of the association is not required if, on the date the  
341 complaint is filed, the association was dissolved or did not  
342 maintain an office or agent for service of process at a location  
343 which was known to or reasonably discoverable by the mortgagee.

344 (h) Where it is anticipated that the assessments owed by a  
345 unit will in the near future be limited by paragraph (b), the  
346 board of administration may elect to negotiate with, and accept  
347 from, the first mortgagee or his or her successor or assignee a  
348 payment in full settlement of the future obligation that is less  
349 than the sum that will be due in the future as limited by  
350 paragraph (b). The settlement shall only limit the obligations  
351 owed by the unit should the mortgagee or his or her successor or  
352 assignee acquire title to the unit in the foreclosure case  
353 pending at the time of the settlement. A settlement or agreement

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354 under this paragraph does not limit the amount due from a unit  
355 owner under paragraph (a).

356 (2) The liability for assessments may not be avoided by  
357 waiver of the use or enjoyment of any common element, denial of  
358 the use or enjoyment of the unit, denial of the use or enjoyment  
359 of any common element, or by abandonment of the unit for which  
360 the assessments are made.

361 Section 6. This act shall take effect July 1, 2010.

362  
363  
364  
365

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

366 Remove the entire title and insert:

367 A bill to be entitled  
368  
369 An act relating to condominium associations; amending s.  
370 83.46, F.S.; requiring certain condominium unit tenants to  
371 pay moneys owed on behalf of the unit to the association;  
372 providing liability; providing a tenant's obligations to  
373 the association; creating s. 627.714, F.S.; requiring that  
374 coverage under a unit owner's policy for certain  
375 assessments include at least a minimum amount of loss  
376 assessment coverage; requiring that every property  
377 insurance policy issued to an individual unit owner  
378 contain a specified provision; amending s. 718.106, F.S.;  
379 providing condominium associations with certain powers  
380 relating to owners and tenants of a unit in foreclosure  
381 and more than 90 days delinquent; providing an exception

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382 for a tenant who pays the rent directly to the  
383 association; amending s. 718.111, F.S.; requiring that  
384 adequate property insurance be based upon the replacement  
385 cost of the property to be insured as determined by an  
386 independent appraisal or update of a prior appraisal;  
387 requiring that such replacement cost be determined at  
388 least once within a specified period; providing means by  
389 which an association may provide adequate property  
390 insurance; providing requirements for such coverage for a  
391 group of communities covering their probable maximum loss  
392 for a specified windstorm event; authorizing an  
393 association to consider deductibles when determining an  
394 adequate amount of property insurance; providing that  
395 failure to maintain adequate property insurance  
396 constitutes a breach of fiduciary duty by the members of  
397 the board of directors of an association; revising the  
398 procedures for the board to establish the amount of  
399 deductibles; requiring that an association controlled by  
400 unit owners operating as a residential condominium use its  
401 best efforts to obtain and maintain adequate property  
402 insurance to protect the association and certain property;  
403 requiring that every property insurance policy issued or  
404 renewed on or after a specified date provide certain  
405 coverage; excluding certain items from such requirement;  
406 providing that excluded items and any insurance thereupon  
407 are the responsibility of the unit owner; requiring that  
408 condominium unit owners' policies conform to certain  
409 provisions of state law; deleting provisions relating to

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Amendment No. 1

410 | certain hazard and casualty insurance policies; conforming  
411 | provisions to changes made by the act; amending s.  
412 | 718.116, F.S.; authorizing the board of administration to  
413 | settle the future obligation of a lender to pay prior  
414 | assessments owed; specifying that such settlement does not  
415 | limit the personal liability of the unit owner; specifying  
416 | additional circumstances for which liability for  
417 | assessments may not be avoided; providing an effective  
418 | date.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 329 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

*Adopted  
w/out objection  
3-1-10*

1 Council/Committee hearing bill: Civil Justice & Courts Policy  
2 Committee

3 Representative Robaina offered the following:  
4

5 **Amendment to Amendment (1) by Representative Robaina**

6 Remove lines 10-56 and insert:

7 (4) The legislature finds that, where a tenant is leasing a  
8 condominium unit, some typical duties of a landlord are provided  
9 by the condominium association. The legislature finds that a  
10 portion of the rent paid by a tenant in a condominium unit  
11 equitably belongs to the condominium association to pay for  
12 services provided by the association. The legislature further  
13 finds that it is inequitable for a unit owner to receive the  
14 full rent from leasing a condominium unit while not paying  
15 assessments to the condominium association. The legislature  
16 finds that it is necessary to the financial well-being of  
17 condominium associations to provide a means by which a  
18 condominium association may directly collect assessments from a  
19 tenant when a landlord fails to pay such assessments.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 329 (2010)

Amendment No. 2

20 (a) If a condominium unit is subject to a rental  
21 agreement, is occupied by a tenant, and the unit owner is 30  
22 days or more delinquent in the payment of any monetary  
23 obligation due to the condominium association, the association  
24 may demand that the tenant pay future rents to the association  
25 in lieu of payment to the unit owner. The tenant shall  
26 thereafter pay the periodic rents to the association until the  
27 delinquency is satisfied, and after the delinquency is satisfied  
28 the tenant shall pay the regular condominium association  
29 assessment to the association and deduct the same from the  
30 periodic rent paid to the landlord unit owner, until such time  
31 as the association releases the tenant from the demand or the  
32 tenant discontinues tenancy in the unit.

33 (b) The condominium association shall mail written notice  
34 to the unit owner of the association's demand that the tenant  
35 make payments to the association.

36 (c) Where the tenant is paying the regular assessments, the  
37 tenant is not liable for increases in the amount of the monetary  
38 obligations due unless the tenant was reasonably notified of the  
39 increase before the day on which the rent is due to the unit  
40 owner.

41 (d) No tenant shall be required to pay more to the landlord  
42 and the association combined than the tenant owes in rent for  
43 the periods that the tenant is in actual possession of the  
44 condominium unit. The tenant's landlord shall provide the  
45 tenant a credit against rent due to the unit owner in the amount  
46 of moneys paid by the tenant to the association under this  
47 subsection.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 329 (2010)

Amendment No. 2

48 | (e) The condominium association shall, upon request,  
49 | provide the tenant with written receipts for payments made  
50 | pursuant to this subsection; however, the association is not  
51 | otherwise considered a landlord under this chapter.

3-9-10 RECONSIDERED  
\* FAILED

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 329 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

|                       |   |       |
|-----------------------|---|-------|
| ADOPTED               | — | (Y/N) |
| ADOPTED AS AMENDED    | — | (Y/N) |
| ADOPTED W/O OBJECTION | — | (Y/N) |
| FAILED TO ADOPT       | — | (Y/N) |
| WITHDRAWN             | — | (Y/N) |
| OTHER                 | — |       |

Adopted w/out  
objection  
3-1-10

1 Council/Committee hearing bill: Civil Justice & Courts Policy  
2 Committee

3 Representative Robaina offered the following:

4

5 **Amendment to Amendment (1) by Representative Robaina**

6 Remove lines 99-107 and insert:

7 Notwithstanding any provision of this subsection, the  
8 association may not deny a tenant the right to occupy the unit,  
9 the use of common areas, the use of recreational facilities, or  
10 the use of parking areas unless the association has made a  
11 demand for payment under s. 83.46(4) and the tenant is more than  
12 30 days delinquent in payments required under that subsection.  
13 Any monies paid by a tenant to the association shall be credited  
14 to the landlord's account with the condominium association and  
15 shall be credited against rent, pursuant to s. 83.46(4).



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 329 (2010)

Amendment No. 4

COUNCIL/COMMITTEE ACTION

|                       |   |       |
|-----------------------|---|-------|
| ADOPTED               | — | (Y/N) |
| ADOPTED AS AMENDED    | — | (Y/N) |
| ADOPTED W/O OBJECTION | — | (Y/N) |
| FAILED TO ADOPT       | — | (Y/N) |
| WITHDRAWN             | — | (Y/N) |
| OTHER                 | — |       |

*Adopted  
w/out objection  
3-9-10*

1 Council/Committee hearing bill: Civil Justice & Courts Policy  
2 Committee

3 Representative(s) Robaina offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (4) is added to section 83.46,

8 Florida Statutes, to read:

9 83.46 Rent; duration of tenancies.—

10 (4) The legislature finds that, where a tenant is leasing a  
 11 condominium unit, some typical duties of a landlord are provided  
 12 by the condominium association. The legislature finds that a  
 13 portion of the rent paid by a tenant in a condominium unit  
 14 equitably belongs to the condominium association to pay for  
 15 services provided by the association. The legislature further  
 16 finds that it is inequitable for a unit owner to receive the  
 17 full rent from leasing a condominium unit while not paying  
 18 assessments to the condominium association. The legislature  
 19 finds that it is necessary to the financial well-being of

Amendment No. 4

20 condominium associations to provide a means by which a  
21 condominium association may directly collect assessments from a  
22 tenant when a landlord fails to pay such assessments.

23 (a) If a condominium unit is subject to a rental  
24 agreement, is occupied by a tenant, and the unit owner is 30  
25 days or more delinquent in the payment of any monetary  
26 obligation due to the condominium association, the association  
27 may demand that the tenant pay future rents to the association  
28 in lieu of payment to the unit owner. The tenant shall  
29 thereafter pay the periodic rents to the association until the  
30 delinquency is satisfied, and after the delinquency is satisfied  
31 the tenant shall pay the regular condominium association  
32 assessment to the association and deduct the same from the  
33 periodic rent paid to the landlord unit owner, until such time  
34 as the association releases the tenant from the demand or the  
35 tenant discontinues tenancy in the unit.

36 (b) The condominium association shall mail written notice  
37 to the unit owner of the association's demand that the tenant  
38 make payments to the association.

39 (c) Where the tenant is paying the regular assessments, the  
40 tenant is not liable for increases in the amount of the monetary  
41 obligations due unless the tenant was reasonably notified of the  
42 increase before the day on which the rent is due to the unit  
43 owner.

44 (d) No tenant shall be required to pay more to the landlord  
45 and the association combined than the tenant owes in rent for  
46 the periods that the tenant is in actual possession of the  
47 condominium unit. The tenant's landlord shall provide the

Amendment No. 4

48 tenant a credit against rent due to the unit owner in the amount  
49 of moneys paid by the tenant to the association under this  
50 subsection.

51 (e) The condominium association shall provide the tenant  
52 with written receipts for payments made pursuant to this  
53 subsection; however, the association is not otherwise considered  
54 a landlord under this chapter.

55 Section 2. Section 627.714, Florida Statutes, is created  
56 to read:

57 627.714 Residential condominium unit owner coverage; loss  
58 assessment coverage required; excess coverage provision  
59 required.-For policies issued or renewed on or after July 1,  
60 2010, coverage under a unit owner's residential property policy  
61 shall include property loss assessment coverage of at least  
62 \$2,000 for all assessments made as a result of the same direct  
63 loss to the property, regardless of the number of assessments,  
64 owned by all members of the association collectively when such  
65 loss is of the type of loss covered by the unit owner's  
66 residential property insurance policy, to which a deductible  
67 shall apply of no more than \$250 per direct property loss. If a  
68 deductible was or will be applied to other property loss  
69 sustained by the unit owner resulting from the same direct loss  
70 to the property, no deductible shall apply to the loss  
71 assessment coverage. Every individual unit owner's residential  
72 property policy must contain a provision stating that the  
73 coverage afforded by such policy is excess coverage over the  
74 amount recoverable under any other policy covering the same  
75 property.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 329 (2010)

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76 Section 3. Subsection (6) is added to section 718.106,  
77 Florida Statutes, to read:

78 718.106 Condominium parcels; appurtenances; possession and  
79 enjoyment.—

80 (6) Notwithstanding the provisions of this section, if a  
81 condominium unit is in foreclosure and the unit has unpaid  
82 assessments of 90 days or more, the association may, but is not  
83 required to, take one or more of the actions authorized under  
84 paragraph (a):

85 (a) The action an association may take are to:

86 1. Deny any owner or tenant the right to occupy the  
87 condominium unit.

88 2. Deny any owner or tenant of the unit use of  
89 recreational facilities.

90 3. Deny any owner or tenant of the unit the use of a  
91 marina space, which may be enforced by towing of the vessel at  
92 the expense of the owner.

93 4. Deny any owner of his or her voting rights.

94 (b) The provisions of sub-paragraph (a)1. may only be  
95 enforced as provided in this paragraph. An association applying  
96 for denial of access and removal of an owner or tenant shall  
97 file in the county court of the county where the condominium is  
98 situated a complaint describing the condominium unit and stating  
99 the facts that authorize denial of occupancy under this section.  
100 The association is entitled to the summary procedure provided in  
101 s. 51.011, and the court shall advance the cause on the  
102 calendar. However, no court action shall be required if the  
103 condominium unit has been abandoned. In the absence of actual

Amendment No. 4

104 knowledge of abandonment, it shall be presumed that the owner or  
105 tenant has abandoned the condominium unit if he or she is absent  
106 from premises for more than 15 days. This presumption shall not  
107 apply if the owner or tenant has notified the association, in  
108 writing, of an intended absence.

109 (c) Notwithstanding any provision of this subsection, the  
110 association may not deny a tenant the right to occupy the unit,  
111 the use of common areas, the use of recreational facilities, or  
112 the use of parking areas unless the association has made a  
113 demand for payment under s. 83.46(4) and the tenant is more than  
114 30 days delinquent in payments required under that subsection.  
115 Any monies paid by a tenant to the association shall be credited  
116 to the landlord's account with the condominium association and  
117 shall be credited against rent, pursuant to s. 83.46(4).

118 Section 4. Paragraphs (a), (b), (c), (d), (f), (g), (j),  
119 and (n) of subsection (11) of section 718.111, Florida Statutes,  
120 are amended to read:

121 718.111 The association.—

122 (11) INSURANCE.—In order to protect the safety, health,  
123 and welfare of the people of the State of Florida and to ensure  
124 consistency in the provision of insurance coverage to  
125 condominiums and their unit owners, this subsection applies to  
126 every residential condominium in the state, regardless of the  
127 date of its declaration of condominium. It is the intent of the  
128 Legislature to encourage lower or stable insurance premiums for  
129 associations described in this subsection.

130 (a) Adequate property hazard insurance, regardless of any  
131 requirement in the declaration of condominium for coverage by

## Amendment No. 4

132 the association for full insurable value, replacement cost, or  
133 similar coverage, shall be based upon the replacement cost of  
134 the property to be insured as determined by an independent  
135 insurance appraisal or update of a prior appraisal. The  
136 replacement cost ~~full insurable value~~ shall be determined at  
137 least once every 36 months.

138 1. An association or group of associations may provide  
139 adequate property hazard insurance through a self-insurance fund  
140 that complies with the requirements of ss. 624.460-624.488.

141 2. The association may also provide adequate property  
142 ~~hazard~~ insurance coverage for a group of no fewer than three  
143 communities created and operating under this chapter, chapter  
144 719, chapter 720, or chapter 721 by obtaining and maintaining  
145 for such communities insurance coverage sufficient to cover an  
146 amount equal to the probable maximum loss for the communities  
147 for a 250-year windstorm event. Such probable maximum loss must  
148 be determined through the use of a competent model that has been  
149 accepted by the Florida Commission on Hurricane Loss Projection  
150 Methodology. No policy or program providing such coverage shall  
151 be issued or renewed after July 1, 2008, unless it has been  
152 reviewed and approved by the Office of Insurance Regulation. The  
153 review and approval shall include approval of the policy and  
154 related forms pursuant to ss. 627.410 and 627.411, approval of  
155 the rates pursuant to s. 627.062, a determination that the loss  
156 model approved by the commission was accurately and  
157 appropriately applied to the insured structures to determine the  
158 250-year probable maximum loss, and a determination that  
159 complete and accurate disclosure of all material provisions is

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160 provided to condominium unit owners prior to execution of the  
161 agreement by a condominium association.

162 3. When determining the adequate amount of property hazard  
163 insurance coverage, the association may consider deductibles as  
164 determined by this subsection.

165 (b) If an association is a developer-controlled  
166 association, the association shall exercise its best efforts to  
167 obtain and maintain insurance as described in paragraph (a).  
168 Failure to obtain and maintain adequate property hazard  
169 insurance during any period of developer control constitutes a  
170 breach of fiduciary responsibility by the developer-appointed  
171 members of the board of directors of the association, unless the  
172 members can show that despite such failure, they have made their  
173 best efforts to maintain the required coverage.

174 (c) Policies may include deductibles as determined by the  
175 board.

176 1. The deductibles shall be consistent with industry  
177 standards and prevailing practice for communities of similar  
178 size and age, and having similar construction and facilities in  
179 the locale where the condominium property is situated.

180 2. The deductibles may be based upon available funds,  
181 including reserve accounts, or predetermined assessment  
182 authority at the time the insurance is obtained.

183 3. The board shall establish the amount of deductibles  
184 based upon the level of available funds and predetermined  
185 assessment authority at a meeting of the board. ~~Such meeting~~  
186 ~~shall be open to all unit owners~~ in the manner set forth in s.  
187 718.112(2)(e). ~~The notice of such meeting must state the~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 329 (2010)

Amendment No. 4

188 ~~proposed deductible and the available funds and the assessment~~  
189 ~~authority relied upon by the board and estimate any potential~~  
190 ~~assessment amount against each unit, if any. The meeting~~  
191 ~~described in this paragraph may be held in conjunction with a~~  
192 ~~meeting to consider the proposed budget or an amendment thereto.~~

193 (d) An association controlled by unit owners operating as  
194 a residential condominium shall use its best efforts to obtain  
195 and maintain adequate property insurance to protect the  
196 association, the association property, the common elements, and  
197 the condominium property that is required to be insured by the  
198 association pursuant to this subsection.

199 (f) Every property hazard insurance policy issued or  
200 renewed on or after January 1, 2009, for the purpose of  
201 protecting the condominium shall provide primary coverage for:

202 1. All portions of the condominium property as originally  
203 installed or replacement of like kind and quality, in accordance  
204 with the original plans and specifications.

205 2. All alterations or additions made to the condominium  
206 property or association property pursuant to s. 718.113(2).

207 3. The coverage shall exclude all personal property within  
208 the unit or limited common elements, and floor, wall, and  
209 ceiling coverings, electrical fixtures, appliances, water  
210 heaters, water filters, built-in cabinets and countertops, and  
211 window treatments, including curtains, drapes, blinds, hardware,  
212 and similar window treatment components, or replacements of any  
213 of the foregoing which are located within the boundaries of the  
214 unit and serve only such unit. Such property and any insurance  
215 thereupon shall be the responsibility of the unit owner.



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216 (g) A condominium unit owner's policy shall conform to the  
217 requirements of s. 627.714. Every hazard insurance policy issued  
218 or renewed on or after January 1, 2009, to an individual unit  
219 owner must contain a provision stating that the coverage  
220 afforded by such policy is excess coverage over the amount  
221 recoverable under any other policy covering the same property.  
222 Such policies must include special assessment coverage of no  
223 less than \$2,000 per occurrence. An insurance policy issued to  
224 an individual unit owner providing such coverage does not  
225 provide rights of subrogation against the condominium  
226 association operating the condominium in which such individual's  
227 unit is located.

228 1. All improvements or additions to the condominium  
229 property that benefit fewer than all unit owners shall be  
230 insured by the unit owner or owners having the use thereof, or  
231 may be insured by the association at the cost and expense of the  
232 unit owners having the use thereof.

233 2. The association shall require each owner to provide  
234 evidence of a currently effective policy of hazard and liability  
235 insurance upon request, but not more than once per year. Upon  
236 the failure of an owner to provide a certificate of insurance  
237 issued by an insurer approved to write such insurance in this  
238 state within 30 days after the date on which a written request  
239 is delivered, the association may purchase a policy of insurance  
240 on behalf of an owner. The cost of such a policy, together with  
241 reconstruction costs undertaken by the association but which are  
242 the responsibility of the unit owner, may be collected in the  
243 manner provided for the collection of assessments in s. 718.116.

COUNCIL/COMMITTEE AMENDMENT

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Amendment No. 4

244        1.3. All reconstruction work after a property casualty  
245 loss shall be undertaken by the association except as otherwise  
246 authorized in this section. A unit owner may undertake  
247 reconstruction work on portions of the unit with the prior  
248 written consent of the board of administration. However, such  
249 work may be conditioned upon the approval of the repair methods,  
250 the qualifications of the proposed contractor, or the contract  
251 that is used for that purpose. A unit owner shall obtain all  
252 required governmental permits and approvals prior to commencing  
253 reconstruction.

254        2.4. Unit owners are responsible for the cost of  
255 reconstruction of any portions of the condominium property for  
256 which the unit owner is required to carry property casualty  
257 insurance, and any such reconstruction work undertaken by the  
258 association shall be chargeable to the unit owner and  
259 enforceable as an assessment pursuant to s. 718.116. ~~The~~  
260 ~~association must be an additional named insured and loss payee~~  
261 ~~on all casualty insurance policies issued to unit owners in the~~  
262 ~~condominium operated by the association.~~

263        3.5. A multicondominium association may elect, by a  
264 majority vote of the collective members of the condominiums  
265 operated by the association, to operate such condominiums as a  
266 single condominium for purposes of insurance matters, including,  
267 but not limited to, the purchase of the property hazard  
268 insurance required by this section and the apportionment of  
269 deductibles and damages in excess of coverage. The election to  
270 aggregate the treatment of insurance premiums, deductibles, and  
271 excess damages constitutes an amendment to the declaration of

Amendment No. 4

272 all condominiums operated by the association, and the costs of  
273 insurance shall be stated in the association budget. The  
274 amendments shall be recorded as required by s. 718.110.

275 (j) Any portion of the condominium property required to be  
276 insured by the association against property casualty loss  
277 pursuant to paragraph (f) which is damaged by ~~casualty~~ shall be  
278 reconstructed, repaired, or replaced as necessary by the  
279 association as a common expense. All property hazard insurance  
280 deductibles, uninsured losses, and other damages in excess of  
281 property hazard insurance coverage under the property hazard  
282 insurance policies maintained by the association are a common  
283 expense of the condominium, except that:

284 1. A unit owner is responsible for the costs of repair or  
285 replacement of any portion of the condominium property not paid  
286 by insurance proceeds, if such damage is caused by intentional  
287 conduct, negligence, or failure to comply with the terms of the  
288 declaration or the rules of the association by a unit owner, the  
289 members of his or her family, unit occupants, tenants, guests,  
290 or invitees, without compromise of the subrogation rights of any  
291 insurer ~~as set forth in paragraph (g)~~.

292 2. The provisions of subparagraph 1. regarding the  
293 financial responsibility of a unit owner for the costs of  
294 repairing or replacing other portions of the condominium  
295 property also apply to the costs of repair or replacement of  
296 personal property of other unit owners or the association, as  
297 well as other property, whether real or personal, which the unit  
298 owners are required to insure ~~under paragraph (g)~~.

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299 3. To the extent the cost of repair or reconstruction for  
300 which the unit owner is responsible under this paragraph is  
301 reimbursed to the association by insurance proceeds, and, to the  
302 extent the association has collected the cost of such repair or  
303 reconstruction from the unit owner, the association shall  
304 reimburse the unit owner without the waiver of any rights of  
305 subrogation.

306 4. The association is not obligated to pay for  
307 reconstruction or repairs of property casualty losses as a  
308 common expense if the property casualty losses were known or  
309 should have been known to a unit owner and were not reported to  
310 the association until after the insurance claim of the  
311 association for that property casualty was settled or resolved  
312 with finality, or denied on the basis that it was untimely  
313 filed.

314 (n) The association is not obligated to pay for any  
315 reconstruction or repair expenses due to property casualty loss  
316 to any improvements installed by a current or former owner of  
317 the unit or by the developer if the improvement benefits only  
318 the unit for which it was installed and is not part of the  
319 standard improvements installed by the developer on all units as  
320 part of original construction, whether or not such improvement  
321 is located within the unit. This paragraph does not relieve any  
322 party of its obligations regarding recovery due under any  
323 insurance implemented specifically for any such improvements.

324 Section 5. Paragraph (h) is added to subsection (1) of  
325 section 718.116, Florida Statutes, and subsection (2) of that  
326 section is amended, to read:

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327 718.116 Assessments; liability; lien and priority;  
328 interest; collection; rent during foreclosure.—

329 (1) (a) A unit owner, regardless of how his or her title  
330 has been acquired, including by purchase at a foreclosure sale  
331 or by deed in lieu of foreclosure, is liable for all assessments  
332 which come due while he or she is the unit owner. Additionally,  
333 a unit owner is jointly and severally liable with the previous  
334 owner for all unpaid assessments that came due up to the time of  
335 transfer of title. This liability is without prejudice to any  
336 right the owner may have to recover from the previous owner the  
337 amounts paid by the owner.

338 (b) The liability of a first mortgagee or its successor or  
339 assignees who acquire title to a unit by foreclosure or by deed  
340 in lieu of foreclosure for the unpaid assessments that became  
41 due prior to the mortgagee's acquisition of title is limited to  
342 the lesser of:

343 1. The unit's unpaid common expenses and regular periodic  
344 assessments which accrued or came due during the 6 months  
345 immediately preceding the acquisition of title and for which  
346 payment in full has not been received by the association; or

347 2. One percent of the original mortgage debt. The  
348 provisions of this paragraph apply only if the first mortgagee  
349 joined the association as a defendant in the foreclosure action.  
350 Joinder of the association is not required if, on the date the  
351 complaint is filed, the association was dissolved or did not  
352 maintain an office or agent for service of process at a location  
353 which was known to or reasonably discoverable by the mortgagee.

Amendment No. 4.

354       (h) Where it is anticipated that the assessments owed by a  
355 unit will in the near future be limited by paragraph (b), the  
356 board of administration may elect to negotiate with, and accept  
357 from, the first mortgagee or his or her successor or assignee a  
358 payment in full settlement of the future obligation that is less  
359 than the sum that will be due in the future as limited by  
360 paragraph (b). The settlement shall only limit the obligations  
361 owed by the unit should the mortgagee or his or her successor or  
362 assignee acquire title to the unit in the foreclosure case  
363 pending at the time of the settlement. A settlement or agreement  
364 under this paragraph does not limit the amount due from a unit  
365 owner under paragraph (a).

366       (2) The liability for assessments may not be avoided by  
367 waiver of the use or enjoyment of any common element, denial of  
368 the use or enjoyment of the unit, denial of the use or enjoyment  
369 of any common element, or by abandonment of the unit for which  
370 the assessments are made.

371       Section 6. This act shall take effect July 1, 2010.

372

373

374

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**T I T L E   A M E N D M E N T**

375

Remove the entire title and insert:

376

An act relating to condominium associations; amending s. 83.46,

377

F.S.; requiring certain condominium unit tenants to pay moneys

378

owed on behalf of the unit to the association; providing

379

liability; providing a tenant's obligations to the association;

380

creating s. 627.714, F.S.; requiring that coverage under a unit

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382 owner's policy for certain assessments include at least a  
383 minimum amount of loss assessment coverage; requiring that every  
384 property insurance policy issued to an individual unit owner  
385 contain a specified provision; amending s. 718.106, F.S.;  
386 providing condominium associations with certain powers relating  
387 to owners and tenants of a unit in foreclosure and more than 90  
388 days delinquent; providing an exception for a tenant who pays  
389 the rent directly to the association; amending s. 718.111, F.S.;  
390 requiring that adequate property insurance be based upon the  
391 replacement cost of the property to be insured as determined by  
392 an independent appraisal or update of a prior appraisal;  
393 requiring that such replacement cost be determined at least once  
394 within a specified period; providing means by which an  
395 association may provide adequate property insurance; providing  
96 requirements for such coverage for a group of communities  
397 covering their probable maximum loss for a specified windstorm  
398 event; authorizing an association to consider deductibles when  
399 determining an adequate amount of property insurance; providing  
400 that failure to maintain adequate property insurance constitutes  
401 a breach of fiduciary duty by the members of the board of  
402 directors of an association; revising the procedures for the  
403 board to establish the amount of deductibles; requiring that an  
404 association controlled by unit owners operating as a residential  
405 condominium use its best efforts to obtain and maintain adequate  
406 property insurance to protect the association and certain  
407 property; requiring that every property insurance policy issued  
408 or renewed on or after a specified date provide certain  
409 coverage; excluding certain items from such requirement;

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410 providing that excluded items and any insurance thereupon are  
411 the responsibility of the unit owner; requiring that condominium  
412 unit owners' policies conform to certain provisions of state  
413 law; deleting provisions relating to certain hazard and casualty  
414 insurance policies; conforming provisions to changes made by the  
415 act; amending s. 718.116, F.S.; authorizing the board of  
416 administration to settle the future obligation of a lender to  
417 pay prior assessments owed; specifying that such settlement does  
418 not limit the personal liability of the unit owner; specifying  
419 additional circumstances for which liability for assessments may  
420 not be avoided; providing an effective date.



**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**HB 337 : Condominiums**

*Favorable With Committee Substitute*

|  | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|--|------------|------------|----------------|-------------------------|-------------------------|
| Eric Eisnaugle                           | X          |            |                |                         |                         |
| Adam M. Fetterman                        | X          |            |                |                         |                         |
| Anitere Flores                           |            |            |                | X                       |                         |
| James Frishe                             | X          |            |                |                         |                         |
| Audrey Gibson                            | X          |            |                |                         |                         |
| Eduardo Gonzalez                         | X          |            |                |                         |                         |
| Tom Grady                                |            | X          |                |                         |                         |
| Seth McKeel                              | X          |            |                |                         |                         |
| Dave Murzin                              |            |            | X              |                         |                         |
| H. Marlene O'Toole                       | X          |            |                |                         |                         |
| Ralph Poppell                            | X          |            |                |                         |                         |
| Darren Soto                              |            |            |                | X                       |                         |
| Michael Weinstein                        | X          |            |                |                         |                         |
| Carl Domino (Chair)                      | X          |            |                |                         |                         |
| <b>Total Yeas: 10      Total Nays: 1</b> |            |            |                |                         |                         |

Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 337 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

|                       |     |       |
|-----------------------|-----|-------|
| ADOPTED               | ___ | (Y/N) |
| ADOPTED AS AMENDED    | ___ | (Y/N) |
| ADOPTED W/O OBJECTION | ___ | (Y/N) |
| FAILED TO ADOPT       | ___ | (Y/N) |
| WITHDRAWN             | ___ | (Y/N) |
| OTHER                 | ___ |       |

*Adopted  
w/out objection  
3-9-10*

1 Council/Committee hearing bill: Civil Justice & Courts Policy  
2 Committee

3 Representative(s) Roberson offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove lines 28-33 and insert:  
7 within the 20-day period, and the unit owner provides proof of  
8 payment of the amounts assessed as listed in the notice provided  
9 in paragraph (a), no restriction or condition shall be enforced  
10 until the objection is resolved. For purposes of this paragraph,  
11 a "restriction or condition" includes any restriction on running  
12 for office, holding office, serving on a committee, leasing the  
13 unit, or using common areas.

14 Section 2. This act shall take effect January 1, 2011.

15  
16  
17 -----

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

19 Remove line 7 and insert:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 337 (2010)

Amendment No. 1

20 | unresolved; requiring payments pursuant to notice; providing an  
21 | effective date.

**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**CS/HB 341 : H. Lee Moffitt Cancer Center and Research Institute**

Favorable

|                       | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|-----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Eric Eisnaugle        | X          |                      |                |                         |                         |
| Adam M. Fetterman     | X          |                      |                |                         |                         |
| Anitere Flores        | X          |                      |                |                         |                         |
| James Frishe          | X          |                      |                |                         |                         |
| Audrey Gibson         | X          |                      |                |                         |                         |
| Eduardo Gonzalez      | X          |                      |                |                         |                         |
| Tom Grady             | X          |                      |                |                         |                         |
| Seth McKeel           | X          |                      |                |                         |                         |
| Dave Murzin           | X          |                      |                |                         |                         |
| H. Marlene O'Toole    | X          |                      |                |                         |                         |
| Ralph Poppell         | X          |                      |                |                         |                         |
| Darren Soto           | X          |                      |                |                         |                         |
| Michael Weinstein     | X          |                      |                |                         |                         |
| Carl Domino (Chair)   | X          |                      |                |                         |                         |
| <b>Total Yeas: 14</b> |            | <b>Total Nays: 0</b> |                |                         |                         |

Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**HB 403 : Derelict Motor Vehicles and Mobile Homes**

Favorable

|                       | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|-----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Eric Eisnaugle        | X          |                      |                |                         |                         |
| Adam M. Fetterman     | X          |                      |                |                         |                         |
| Anitere Flores        | X          |                      |                |                         |                         |
| James Frishe          | X          |                      |                |                         |                         |
| Audrey Gibson         | X          |                      |                |                         |                         |
| Eduardo Gonzalez      | X          |                      |                |                         |                         |
| Tom Grady             | X          |                      |                |                         |                         |
| Seth McKeel           | X          |                      |                |                         |                         |
| Dave Murzin           | X          |                      |                |                         |                         |
| H. Marlene O'Toole    | X          |                      |                |                         |                         |
| Ralph Poppell         | X          |                      |                |                         |                         |
| Darren Soto           | X          |                      |                |                         |                         |
| Michael Weinstein     | X          |                      |                |                         |                         |
| Carl Domino (Chair)   | X          |                      |                |                         |                         |
| <b>Total Yeas: 14</b> |            | <b>Total Nays: 0</b> |                |                         |                         |

**Appearances:**

Derelict Vehicles and Mobile Homes  
 Frank Messersmith (Lobbyist) - Proponent  
 Florida Sheriff's Association  
 2901 Lake Bradford  
 Tallahassee Florida  
 Phone: 850-576-5858

Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**CS/HB 435 : Marketable Record Title**

*Favorable*

|                       | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|-----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Eric Eisnaugle        | X          |                      |                |                         |                         |
| Adam M. Fetterman     | X          |                      |                |                         |                         |
| Anitere Flores        | X          |                      |                |                         |                         |
| James Frishe          | X          |                      |                |                         |                         |
| Audrey Gibson         | X          |                      |                |                         |                         |
| Eduardo Gonzalez      | X          |                      |                |                         |                         |
| Tom Grady             | X          |                      |                |                         |                         |
| Seth McKeel           | X          |                      |                |                         |                         |
| Dave Murzin           | X          |                      |                |                         |                         |
| H. Marlene O'Toole    | X          |                      |                |                         |                         |
| Ralph Poppell         | X          |                      |                |                         |                         |
| Darren Soto           | X          |                      |                |                         |                         |
| Michael Weinstein     | X          |                      |                |                         |                         |
| Carl Domino (Chair)   | X          |                      |                |                         |                         |
| <b>Total Yeas: 14</b> |            | <b>Total Nays: 0</b> |                |                         |                         |

**Appearances:**

Marketable Record Title

Chris Barry (Lobbyist) - Proponent  
 The Nature Conservatory

Marketable Record Title

Ernie Barnett (Lobbyist) (State Employee) - Proponent  
 SFWMD  
 3301 Gun Club Road  
 West Palm Beach Florida 33407  
 Phone: 561-951-2840

Marketable Record Title

Cameron Cooper (Lobbyist) (State Employee) - Proponent  
 Dept of Environmental Protection  
 3900 Commonwealth Blvd  
 Tallahassee Florida 32399  
 Phone: 850-251-3848

Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**HB 887 : Adverse Possession**

*Temporarily Deferred*

**Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM**

**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**HB 907 : Spousal and Child Support**

Favorable With Committee Substitute

|  | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|--|------------|------------|----------------|-------------------------|-------------------------|
| Eric Eisnaugle                           | X          |            |                |                         |                         |
| Adam M. Fetterman                        | X          |            |                |                         |                         |
| Anitere Flores                           | X          |            |                |                         |                         |
| James Frishe                             | X          |            |                |                         |                         |
| Audrey Gibson                            | X          |            |                |                         |                         |
| Eduardo Gonzalez                         | X          |            |                |                         |                         |
| Tom Grady                                | X          |            |                |                         |                         |
| Seth McKeel                              |            |            |                | X                       |                         |
| Dave Murzin                              | X          |            |                |                         |                         |
| H. Marlene O'Toole                       | X          |            |                |                         |                         |
| Ralph Poppell                            | X          |            |                |                         |                         |
| Darren Soto                              | X          |            |                |                         |                         |
| Michael Weinstein                        | X          |            |                |                         |                         |
| Carl Domino (Chair)                      | X          |            |                |                         |                         |
| <b>Total Yeas: 13      Total Nays: 0</b> |            |            |                |                         |                         |

**Appearances:**

Spousal and Child Support

Thomas J. Sasser - Information Only  
 Family Law Seciton of the Florida Bar  
 1800 Australian Ave. South, Ste. 203  
 West Palm Beach Florida 33409  
 Phone: 561-689-4378

Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

*Adopted w/out objection  
9-9-10*

1 Council/Committee hearing bill: Civil Justice & Courts Policy  
2 Committee

3 Representative Flores offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (1) of section

8 61.13, Florida Statutes, is amended to read:

9 61.13 Support of children; parenting and time-sharing;  
10 powers of court.—

11 (1) (a) In a proceeding under this chapter, the court may  
12 at any time order either or both parents who owe a duty of  
13 support to a child to pay support to the other parent or, in the  
14 case of both parents, to a third party who has ~~the person with~~  
15 custody in accordance with the child support guidelines schedule  
16 in s. 61.30.

17 1. All child support orders and income deduction orders  
18 entered on or after October 1, 2010, must provide:

Amendment No. 1

19 a. For child support to terminate on a child's 18th  
20 birthday unless the court finds or previously found that s.  
21 743.07(2) applies, or is otherwise agreed to by the parties;

22 b. A schedule, based on the record existing at the time of  
23 the order, stating the amount of the monthly child support  
24 obligation for all the minor children at the time of the order  
25 and the amount of child support that will be owed for any  
26 remaining children after one or more of the children are no  
27 longer entitled to receive child support; and

28 c. The month, day, and year that the reduction or  
29 termination of child support becomes effective.

30 2. The court initially entering an order requiring one or  
31 both parents to make child support payments has continuing  
32 jurisdiction after the entry of the initial order to modify the  
33 amount and terms and conditions of the child support payments if  
34 when the modification is found necessary by the court to be in  
35 the best interests of the child; ~~if~~ when the child reaches  
36 majority; ~~if, when~~ there is a substantial change in the  
37 circumstances of the parties; ~~if, when~~ s. 743.07(2) applies; ~~if~~ or  
38 when a child is emancipated, marries, joins the armed services,  
39 or dies. The court initially entering a child support order has  
40 continuing jurisdiction to require the obligee to report to the  
41 court on terms prescribed by the court regarding the disposition  
42 of the child support payments.

43 Section 2. Section 61.29, Florida Statutes, is created to  
44 read:

Amendment No. 1

45 61.29 Child support guidelines; principles.—The courts  
46 shall adhere to the following principles in implementing the  
47 child support guidelines schedule:

48 (1) A parent's first and principal obligation is to  
49 support his or her minor child.

50 (2) Both parents are mutually responsible for the support  
51 of their children.

52 (3) Each parent should pay for the support of the children  
53 according to a parent's ability to pay.

54 (4) Children should share in the standard of living of  
55 both parents. Child support may therefore be appropriately used  
56 to improve the standard of living of the children's primary  
57 residence in order to improve the lives of the children.

58 (5) The guidelines schedule takes into account each  
59 parent's actual income and level of responsibility for the  
60 children.

61 (6) It is presumed that the parent having primary physical  
62 responsibility for the children contributes a significant  
63 portion of his or her available resources for the support of the  
64 children.

65 (7) The guidelines schedule is based on the parents'  
66 combined net income estimated to have been allocated to the  
67 child if the parents and children were living in an intact  
68 household.

69 (8) The guidelines schedule encourages fair and efficient  
70 settlement of conflicts between parents and minimizes the need  
71 for litigation.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

Amendment No. 1

72 Section 3. Paragraph (b) of subsection (2) and subsections  
73 (6), (7), and (11) of section 61.30, Florida Statutes, are  
74 amended to read:

75 61.30 Child support guidelines; retroactive child  
76 support.—

77 (2) Income shall be determined on a monthly basis for each  
78 parent as follows:

79 (b) Monthly income ~~on a monthly basis~~ shall be imputed to  
80 an unemployed or underemployed parent ~~if when~~ such unemployment  
81 ~~employment~~ or underemployment is found by the court to be  
82 voluntary on that parent's part, absent a finding of fact by the  
83 court of physical or mental incapacity or other circumstances  
84 over which the parent has no control. In the event of such  
85 voluntary unemployment or underemployment, the employment  
86 potential and probable earnings level of the parent shall be  
87 determined based upon his or her recent work history,  
88 occupational qualifications, and prevailing earnings level in  
89 the community if such information is available. If the  
90 information is unavailable or the unemployed or underemployed  
91 parent fails to supply the required financial information in a  
92 child support proceeding, the earnings level shall be based on  
93 the median income of year-round full-time workers as derived  
94 from current population reports or replacement reports published  
95 by the United States Bureau of Census. ~~as provided in this~~  
96 ~~paragraph~~; However, the court may refuse to impute income to a  
97 parent if the court finds it necessary for the parent to stay  
98 home with the child who is the subject of a child support  
99 calculation.

Amendment No. 1

100 1. To impute income to a party in a child support  
 101 proceeding, the court must:

102 a. Conclude that the unemployment or underemployment was  
 103 voluntary.

104 b. Determine whether any subsequent underemployment  
 105 resulted from the spouse's pursuit of his or her own interests  
 106 or through less than diligent and bona fide efforts to find  
 107 employment paying income at a level equal to or better than that  
 108 formerly received.

109 2. The burden of proof is on the party seeking to impute  
 110 income to the other party.

111 (c) Public assistance as defined in s. 409.2554 shall be  
 112 excluded from gross income.

113 (6) The following guidelines schedule shall be applied to  
 114 the combined net income to determine the minimum child support  
 115 need:

Combined Monthly

116

Net Income

Child or Children

117

|        | One | Two | Three | Four | Five | Six |
|--------|-----|-----|-------|------|------|-----|
| 650.00 | 74  | 75  | 75    | 76   | 77   | 78  |
| 700.00 | 119 | 120 | 121   | 123  | 124  | 125 |
| 750.00 | 164 | 166 | 167   | 169  | 171  | 173 |

118

650.00 74 75 75 76 77 78

119

700.00 119 120 121 123 124 125

120

750.00 164 166 167 169 171 173

121

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |     |     |     |     |     |     |
|-----|-----------------|-----|-----|-----|-----|-----|-----|
| 122 | 800.00          | 190 | 211 | 213 | 216 | 218 | 220 |
| 123 | 850.00          | 202 | 257 | 259 | 262 | 265 | 268 |
| 124 | 900.00          | 213 | 302 | 305 | 309 | 312 | 315 |
| 125 | 950.00          | 224 | 347 | 351 | 355 | 359 | 363 |
| 126 | 1000.00         | 235 | 365 | 397 | 402 | 406 | 410 |
| 127 | 1050.00         | 246 | 382 | 443 | 448 | 453 | 458 |
| 128 | 1100.00         | 258 | 400 | 489 | 495 | 500 | 505 |
| 129 | 1150.00         | 269 | 417 | 522 | 541 | 547 | 553 |
| 130 | 1200.00         | 280 | 435 | 544 | 588 | 594 | 600 |
| 131 | 1250.00         | 290 | 451 | 565 | 634 | 641 | 648 |
| 132 | 1300.00         | 300 | 467 | 584 | 659 | 688 | 695 |
| 133 | 1350.00         | 310 | 482 | 603 | 681 | 735 | 743 |
| 134 | 1400.00         | 320 | 498 | 623 | 702 | 765 | 790 |
| 135 | 1450.00         | 330 | 513 | 642 | 724 | 789 | 838 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |     |     |     |      |      |      |
|-----|-----------------|-----|-----|-----|------|------|------|
| 136 | 1500.00         | 340 | 529 | 662 | 746  | 813  | 869  |
|     | 1550.00         | 350 | 544 | 681 | 768  | 836  | 895  |
| 137 |                 |     |     |     |      |      |      |
|     | 1600.00         | 360 | 560 | 701 | 790  | 860  | 920  |
| 138 |                 |     |     |     |      |      |      |
|     | 1650.00         | 370 | 575 | 720 | 812  | 884  | 945  |
| 139 |                 |     |     |     |      |      |      |
|     | 1700.00         | 380 | 591 | 740 | 833  | 907  | 971  |
| 140 |                 |     |     |     |      |      |      |
|     | 1750.00         | 390 | 606 | 759 | 855  | 931  | 996  |
| 141 |                 |     |     |     |      |      |      |
|     | 1800.00         | 400 | 622 | 779 | 877  | 955  | 1022 |
| 142 |                 |     |     |     |      |      |      |
|     | 1850.00         | 410 | 638 | 798 | 900  | 979  | 1048 |
| 143 |                 |     |     |     |      |      |      |
|     | 1900.00         | 421 | 654 | 818 | 923  | 1004 | 1074 |
| 144 |                 |     |     |     |      |      |      |
|     | 1950.00         | 431 | 670 | 839 | 946  | 1029 | 1101 |
| 145 |                 |     |     |     |      |      |      |
|     | 2000.00         | 442 | 686 | 859 | 968  | 1054 | 1128 |
| 146 |                 |     |     |     |      |      |      |
|     | 2050.00         | 452 | 702 | 879 | 991  | 1079 | 1154 |
| 147 |                 |     |     |     |      |      |      |
|     | 2100.00         | 463 | 718 | 899 | 1014 | 1104 | 1181 |
| 148 |                 |     |     |     |      |      |      |
|     | 2150.00         | 473 | 734 | 919 | 1037 | 1129 | 1207 |
| 149 |                 |     |     |     |      |      |      |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |     |     |      |      |      |      |
|-----|-----------------|-----|-----|------|------|------|------|
| 150 | 2200.00         | 484 | 751 | 940  | 1060 | 1154 | 1234 |
|     | 2250.00         | 494 | 767 | 960  | 1082 | 1179 | 1261 |
| 151 | 2300.00         | 505 | 783 | 980  | 1105 | 1204 | 1287 |
| 152 | 2350.00         | 515 | 799 | 1000 | 1128 | 1229 | 1314 |
| 153 | 2400.00         | 526 | 815 | 1020 | 1151 | 1254 | 1340 |
| 154 | 2450.00         | 536 | 831 | 1041 | 1174 | 1279 | 1367 |
| 155 | 2500.00         | 547 | 847 | 1061 | 1196 | 1304 | 1394 |
| 156 | 2550.00         | 557 | 864 | 1081 | 1219 | 1329 | 1420 |
| 157 | 2600.00         | 568 | 880 | 1101 | 1242 | 1354 | 1447 |
| 158 | 2650.00         | 578 | 896 | 1121 | 1265 | 1379 | 1473 |
| 159 | 2700.00         | 588 | 912 | 1141 | 1287 | 1403 | 1500 |
| 160 | 2750.00         | 597 | 927 | 1160 | 1308 | 1426 | 1524 |
| 161 | 2800.00         | 607 | 941 | 1178 | 1328 | 1448 | 1549 |
| 162 | 2850.00         | 616 | 956 | 1197 | 1349 | 1471 | 1573 |
| 163 |                 |     |     |      |      |      |      |



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

| Amendment No. 1 |         |     |      |      |      |      |      |
|-----------------|---------|-----|------|------|------|------|------|
| 164             | 2900.00 | 626 | 971  | 1215 | 1370 | 1494 | 1598 |
| 165             | 2950.00 | 635 | 986  | 1234 | 1391 | 1517 | 1622 |
| 166             | 3000.00 | 644 | 1001 | 1252 | 1412 | 1540 | 1647 |
| 167             | 3050.00 | 654 | 1016 | 1271 | 1433 | 1563 | 1671 |
| 168             | 3100.00 | 663 | 1031 | 1289 | 1453 | 1586 | 1695 |
| 169             | 3150.00 | 673 | 1045 | 1308 | 1474 | 1608 | 1720 |
| 170             | 3200.00 | 682 | 1060 | 1327 | 1495 | 1631 | 1744 |
| 171             | 3250.00 | 691 | 1075 | 1345 | 1516 | 1654 | 1769 |
| 172             | 3300.00 | 701 | 1090 | 1364 | 1537 | 1677 | 1793 |
| 173             | 3350.00 | 710 | 1105 | 1382 | 1558 | 1700 | 1818 |
| 174             | 3400.00 | 720 | 1120 | 1401 | 1579 | 1723 | 1842 |
| 175             | 3450.00 | 729 | 1135 | 1419 | 1599 | 1745 | 1867 |
| 176             | 3500.00 | 738 | 1149 | 1438 | 1620 | 1768 | 1891 |
| 177             | 3550.00 | 748 | 1164 | 1456 | 1641 | 1791 | 1915 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |     |      |      |      |      |      |
|-----|-----------------|-----|------|------|------|------|------|
| 178 | 3600.00         | 757 | 1179 | 1475 | 1662 | 1814 | 1940 |
|     | 3650.00         | 767 | 1194 | 1493 | 1683 | 1837 | 1964 |
| 179 |                 |     |      |      |      |      |      |
|     | 3700.00         | 776 | 1208 | 1503 | 1702 | 1857 | 1987 |
| 180 |                 |     |      |      |      |      |      |
|     | 3750.00         | 784 | 1221 | 1520 | 1721 | 1878 | 2009 |
| 181 |                 |     |      |      |      |      |      |
|     | 3800.00         | 793 | 1234 | 1536 | 1740 | 1899 | 2031 |
| 182 |                 |     |      |      |      |      |      |
|     | 3850.00         | 802 | 1248 | 1553 | 1759 | 1920 | 2053 |
| 183 |                 |     |      |      |      |      |      |
|     | 3900.00         | 811 | 1261 | 1570 | 1778 | 1940 | 2075 |
| 184 |                 |     |      |      |      |      |      |
|     | 3950.00         | 819 | 1275 | 1587 | 1797 | 1961 | 2097 |
| 185 |                 |     |      |      |      |      |      |
|     | 4000.00         | 828 | 1288 | 1603 | 1816 | 1982 | 2119 |
| 186 |                 |     |      |      |      |      |      |
|     | 4050.00         | 837 | 1302 | 1620 | 1835 | 2002 | 2141 |
| 187 |                 |     |      |      |      |      |      |
|     | 4100.00         | 846 | 1315 | 1637 | 1854 | 2023 | 2163 |
| 188 |                 |     |      |      |      |      |      |
|     | 4150.00         | 854 | 1329 | 1654 | 1873 | 2044 | 2185 |
| 189 |                 |     |      |      |      |      |      |
|     | 4200.00         | 863 | 1342 | 1670 | 1892 | 2064 | 2207 |
| 190 |                 |     |      |      |      |      |      |
|     | 4250.00         | 872 | 1355 | 1687 | 1911 | 2085 | 2229 |
| 191 |                 |     |      |      |      |      |      |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |     |      |      |      |      |      |
|-----|-----------------|-----|------|------|------|------|------|
| 192 | 4300.00         | 881 | 1369 | 1704 | 1930 | 2106 | 2251 |
| 193 | 4350.00         | 889 | 1382 | 1721 | 1949 | 2127 | 2273 |
| 194 | 4400.00         | 898 | 1396 | 1737 | 1968 | 2147 | 2295 |
| 195 | 4450.00         | 907 | 1409 | 1754 | 1987 | 2168 | 2317 |
| 196 | 4500.00         | 916 | 1423 | 1771 | 2006 | 2189 | 2339 |
| 197 | 4550.00         | 924 | 1436 | 1788 | 2024 | 2209 | 2361 |
| 198 | 4600.00         | 933 | 1450 | 1804 | 2043 | 2230 | 2384 |
| 199 | 4650.00         | 942 | 1463 | 1821 | 2062 | 2251 | 2406 |
| 200 | 4700.00         | 951 | 1477 | 1838 | 2081 | 2271 | 2428 |
| 201 | 4750.00         | 959 | 1490 | 1855 | 2100 | 2292 | 2450 |
| 202 | 4800.00         | 968 | 1503 | 1871 | 2119 | 2313 | 2472 |
| 203 | 4850.00         | 977 | 1517 | 1888 | 2138 | 2334 | 2494 |
| 204 | 4900.00         | 986 | 1530 | 1905 | 2157 | 2354 | 2516 |
| 205 | 4950.00         | 993 | 1542 | 1927 | 2174 | 2372 | 2535 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |      |      |      |      |      |      |
|-----|-----------------|------|------|------|------|------|------|
| 206 | 5000.00         | 1000 | 1551 | 1939 | 2188 | 2387 | 2551 |
| 207 | 5050.00         | 1006 | 1561 | 1952 | 2202 | 2402 | 2567 |
| 208 | 5100.00         | 1013 | 1571 | 1964 | 2215 | 2417 | 2583 |
| 209 | 5150.00         | 1019 | 1580 | 1976 | 2229 | 2432 | 2599 |
| 210 | 5200.00         | 1025 | 1590 | 1988 | 2243 | 2447 | 2615 |
| 211 | 5250.00         | 1032 | 1599 | 2000 | 2256 | 2462 | 2631 |
| 212 | 5300.00         | 1038 | 1609 | 2012 | 2270 | 2477 | 2647 |
| 213 | 5350.00         | 1045 | 1619 | 2024 | 2283 | 2492 | 2663 |
| 214 | 5400.00         | 1051 | 1628 | 2037 | 2297 | 2507 | 2679 |
| 215 | 5450.00         | 1057 | 1638 | 2049 | 2311 | 2522 | 2695 |
| 216 | 5500.00         | 1064 | 1647 | 2061 | 2324 | 2537 | 2711 |
| 217 | 5550.00         | 1070 | 1657 | 2073 | 2338 | 2552 | 2727 |
| 218 | 5600.00         | 1077 | 1667 | 2085 | 2352 | 2567 | 2743 |
| 219 | 5650.00         | 1083 | 1676 | 2097 | 2365 | 2582 | 2759 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |      |      |      |      |      |      |
|-----|-----------------|------|------|------|------|------|------|
| 220 | 5700.00         | 1089 | 1686 | 2109 | 2379 | 2597 | 2775 |
| 221 | 5750.00         | 1096 | 1695 | 2122 | 2393 | 2612 | 2791 |
| 222 | 5800.00         | 1102 | 1705 | 2134 | 2406 | 2627 | 2807 |
| 223 | 5850.00         | 1107 | 1713 | 2144 | 2418 | 2639 | 2820 |
| 224 | 5900.00         | 1111 | 1721 | 2155 | 2429 | 2651 | 2833 |
| 225 | 5950.00         | 1116 | 1729 | 2165 | 2440 | 2663 | 2847 |
| 226 | 6000.00         | 1121 | 1737 | 2175 | 2451 | 2676 | 2860 |
| 227 | 6050.00         | 1126 | 1746 | 2185 | 2462 | 2688 | 2874 |
| 228 | 6100.00         | 1131 | 1754 | 2196 | 2473 | 2700 | 2887 |
| 229 | 6150.00         | 1136 | 1762 | 2206 | 2484 | 2712 | 2900 |
| 230 | 6200.00         | 1141 | 1770 | 2216 | 2495 | 2724 | 2914 |
| 231 | 6250.00         | 1145 | 1778 | 2227 | 2506 | 2737 | 2927 |
| 232 | 6300.00         | 1150 | 1786 | 2237 | 2517 | 2749 | 2941 |
| 233 | 6350.00         | 1155 | 1795 | 2247 | 2529 | 2761 | 2954 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

Amendment No. 1

|     |         |      |      |      |      |      |      |
|-----|---------|------|------|------|------|------|------|
| 234 | 6400.00 | 1160 | 1803 | 2258 | 2540 | 2773 | 2967 |
| 235 | 6450.00 | 1165 | 1811 | 2268 | 2551 | 2785 | 2981 |
| 236 | 6500.00 | 1170 | 1819 | 2278 | 2562 | 2798 | 2994 |
| 237 | 6550.00 | 1175 | 1827 | 2288 | 2573 | 2810 | 3008 |
| 238 | 6600.00 | 1179 | 1835 | 2299 | 2584 | 2822 | 3021 |
| 239 | 6650.00 | 1184 | 1843 | 2309 | 2595 | 2834 | 3034 |
| 240 | 6700.00 | 1189 | 1850 | 2317 | 2604 | 2845 | 3045 |
| 241 | 6750.00 | 1193 | 1856 | 2325 | 2613 | 2854 | 3055 |
| 242 | 6800.00 | 1196 | 1862 | 2332 | 2621 | 2863 | 3064 |
| 243 | 6850.00 | 1200 | 1868 | 2340 | 2630 | 2872 | 3074 |
| 244 | 6900.00 | 1204 | 1873 | 2347 | 2639 | 2882 | 3084 |
| 245 | 6950.00 | 1208 | 1879 | 2355 | 2647 | 2891 | 3094 |
| 246 | 7000.00 | 1212 | 1885 | 2362 | 2656 | 2900 | 3103 |
| 247 | 7050.00 | 1216 | 1891 | 2370 | 2664 | 2909 | 3113 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |      |      |      |      |      |      |
|-----|-----------------|------|------|------|------|------|------|
| 248 | 7100.00         | 1220 | 1897 | 2378 | 2673 | 2919 | 3123 |
| 249 | 7150.00         | 1224 | 1903 | 2385 | 2681 | 2928 | 3133 |
| 250 | 7200.00         | 1228 | 1909 | 2393 | 2690 | 2937 | 3142 |
| 251 | 7250.00         | 1232 | 1915 | 2400 | 2698 | 2946 | 3152 |
| 252 | 7300.00         | 1235 | 1921 | 2408 | 2707 | 2956 | 3162 |
| 253 | 7350.00         | 1239 | 1927 | 2415 | 2716 | 2965 | 3172 |
| 254 | 7400.00         | 1243 | 1933 | 2423 | 2724 | 2974 | 3181 |
| 255 | 7450.00         | 1247 | 1939 | 2430 | 2733 | 2983 | 3191 |
| 256 | 7500.00         | 1251 | 1945 | 2438 | 2741 | 2993 | 3201 |
| 257 | 7550.00         | 1255 | 1951 | 2446 | 2750 | 3002 | 3211 |
| 258 | 7600.00         | 1259 | 1957 | 2453 | 2758 | 3011 | 3220 |
| 259 | 7650.00         | 1263 | 1963 | 2461 | 2767 | 3020 | 3230 |
| 260 | 7700.00         | 1267 | 1969 | 2468 | 2775 | 3030 | 3240 |
| 261 | 7750.00         | 1271 | 1975 | 2476 | 2784 | 3039 | 3250 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |      |      |      |      |      |      |
|-----|-----------------|------|------|------|------|------|------|
| 262 | 7800.00         | 1274 | 1981 | 2483 | 2792 | 3048 | 3259 |
| 263 | 7850.00         | 1278 | 1987 | 2491 | 2801 | 3057 | 3269 |
| 264 | 7900.00         | 1282 | 1992 | 2498 | 2810 | 3067 | 3279 |
| 265 | 7950.00         | 1286 | 1998 | 2506 | 2818 | 3076 | 3289 |
| 266 | 8000.00         | 1290 | 2004 | 2513 | 2827 | 3085 | 3298 |
| 267 | 8050.00         | 1294 | 2010 | 2521 | 2835 | 3094 | 3308 |
| 268 | 8100.00         | 1298 | 2016 | 2529 | 2844 | 3104 | 3318 |
| 269 | 8150.00         | 1302 | 2022 | 2536 | 2852 | 3113 | 3328 |
| 270 | 8200.00         | 1306 | 2028 | 2544 | 2861 | 3122 | 3337 |
| 271 | 8250.00         | 1310 | 2034 | 2551 | 2869 | 3131 | 3347 |
| 272 | 8300.00         | 1313 | 2040 | 2559 | 2878 | 3141 | 3357 |
| 273 | 8350.00         | 1317 | 2046 | 2566 | 2887 | 3150 | 3367 |
| 274 | 8400.00         | 1321 | 2052 | 2574 | 2895 | 3159 | 3376 |
| 275 | 8450.00         | 1325 | 2058 | 2581 | 2904 | 3168 | 3386 |



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |      |      |      |      |      |      |
|-----|-----------------|------|------|------|------|------|------|
| 276 | 8500.00         | 1329 | 2064 | 2589 | 2912 | 3178 | 3396 |
| 277 | 8550.00         | 1333 | 2070 | 2597 | 2921 | 3187 | 3406 |
| 278 | 8600.00         | 1337 | 2076 | 2604 | 2929 | 3196 | 3415 |
| 279 | 8650.00         | 1341 | 2082 | 2612 | 2938 | 3205 | 3425 |
| 280 | 8700.00         | 1345 | 2088 | 2619 | 2946 | 3215 | 3435 |
| 281 | 8750.00         | 1349 | 2094 | 2627 | 2955 | 3224 | 3445 |
| 282 | 8800.00         | 1352 | 2100 | 2634 | 2963 | 3233 | 3454 |
| 283 | 8850.00         | 1356 | 2106 | 2642 | 2972 | 3242 | 3464 |
| 284 | 8900.00         | 1360 | 2111 | 2649 | 2981 | 3252 | 3474 |
| 285 | 8950.00         | 1364 | 2117 | 2657 | 2989 | 3261 | 3484 |
| 286 | 9000.00         | 1368 | 2123 | 2664 | 2998 | 3270 | 3493 |
| 287 | 9050.00         | 1372 | 2129 | 2672 | 3006 | 3279 | 3503 |
| 288 | 9100.00         | 1376 | 2135 | 2680 | 3015 | 3289 | 3513 |
| 289 | 9150.00         | 1380 | 2141 | 2687 | 3023 | 3298 | 3523 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

|     | Amendment No. 1 |      |      |      |      |      |      |
|-----|-----------------|------|------|------|------|------|------|
| 290 | 9200.00         | 1384 | 2147 | 2695 | 3032 | 3307 | 3532 |
| 291 | 9250.00         | 1388 | 2153 | 2702 | 3040 | 3316 | 3542 |
| 292 | 9300.00         | 1391 | 2159 | 2710 | 3049 | 3326 | 3552 |
| 293 | 9350.00         | 1395 | 2165 | 2717 | 3058 | 3335 | 3562 |
| 294 | 9400.00         | 1399 | 2171 | 2725 | 3066 | 3344 | 3571 |
| 295 | 9450.00         | 1403 | 2177 | 2732 | 3075 | 3353 | 3581 |
| 296 | 9500.00         | 1407 | 2183 | 2740 | 3083 | 3363 | 3591 |
| 297 | 9550.00         | 1411 | 2189 | 2748 | 3092 | 3372 | 3601 |
| 298 | 9600.00         | 1415 | 2195 | 2755 | 3100 | 3381 | 3610 |
| 299 | 9650.00         | 1419 | 2201 | 2763 | 3109 | 3390 | 3620 |
| 300 | 9700.00         | 1422 | 2206 | 2767 | 3115 | 3396 | 3628 |
| 301 | 9750.00         | 1425 | 2210 | 2772 | 3121 | 3402 | 3634 |
| 302 | 9800.00         | 1427 | 2213 | 2776 | 3126 | 3408 | 3641 |
| 303 | 9850.00         | 1430 | 2217 | 2781 | 3132 | 3414 | 3647 |

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

Amendment No. 1

|     |          |      |      |      |      |      |      |
|-----|----------|------|------|------|------|------|------|
| 304 | 9900.00  | 1432 | 2221 | 2786 | 3137 | 3420 | 3653 |
| 305 | 9950.00  | 1435 | 2225 | 2791 | 3143 | 3426 | 3659 |
| 306 | 10000.00 | 1437 | 2228 | 2795 | 3148 | 3432 | 3666 |

307        (a) If the obligor parent's ~~For combined monthly~~ net  
 308 income is less than the amount in ~~set out on the above~~  
 309 guidelines schedule:r

310        1. The parent should be ordered to pay a child support  
 311 amount, determined on a case-by-case basis, to establish the  
 312 principle of payment and lay the basis for increased support  
 313 orders should the parent's income increase ~~in the future~~.

314        2. The obligor parent's child support payment shall be the  
 315 lesser of the obligor parent's actual dollar share of the total  
 316 minimum child support amount, as determined in subparagraph 1.,  
 317 and 90 percent of the difference between the obligor parent's  
 318 monthly net income and the current poverty guidelines as  
 319 periodically updated in the Federal Register by the United  
 320 States Department of Health and Human Services pursuant to 42  
 321 U.S.C. s. 9902(2) for a single individual living alone.

322        (b) For combined monthly net income greater than the  
 323 amount ~~set out~~ in the ~~above~~ guidelines schedule, the obligation  
 324 is ~~shall be~~ the minimum amount of support provided by the  
 325 guidelines schedule plus the following percentages multiplied by  
 326 the amount of income over \$10,000:

327

Amendment No. 1

Child or Children

328

| One  | Two  | Three | Four  | Five  | Six   |
|------|------|-------|-------|-------|-------|
| 5.0% | 7.5% | 9.5%  | 11.0% | 12.0% | 12.5% |

329

330

331 (7) Child care costs incurred ~~on behalf of the children~~  
 332 due to employment, job search, or education calculated to result  
 333 in employment or to enhance income of current employment of  
 334 either parent ~~shall be reduced by 25 percent and then shall be~~  
 335 added to the basic obligation. After the ~~adjusted~~ child care  
 336 costs are added ~~to the basic obligation~~, any moneys prepaid by a  
 337 parent for child care costs for the child or children of this  
 338 action shall be deducted from that parent's child support  
 339 obligation for that child or those children. Child care costs  
 340 may ~~shall~~ not exceed the level required to provide quality care  
 341 from a licensed source ~~for the children~~.

342 (11) (a) The court may adjust the total minimum child  
 343 support award, or either or both parents' share of the total  
 344 minimum child support award, based upon the following deviation  
 345 factors:

346 1. Extraordinary medical, psychological, educational, or  
 347 dental expenses.

348 2. Independent income of the child, not to include moneys  
 349 received by a child from supplemental security income.

350 3. The payment of support for a parent which ~~regularly~~ has  
 351 been regularly paid and for which there is a demonstrated need.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

Amendment No. 1

352 4. Seasonal variations in one or both parents' incomes or  
353 expenses.

354 5. The age of the child, taking into account the greater  
355 needs of older children.

356 6. Special needs, such as costs that may be associated  
357 with the disability of a child, that have traditionally been met  
358 within the family budget even though the fulfilling of those  
359 needs will cause the support to exceed the presumptive amount  
360 established by the guidelines.

361 7. Total available assets of the obligee, obligor, and the  
362 child.

363 8. ~~The impact of the Internal Revenue Service Child &~~  
364 ~~Dependent Care Tax Credit, Earned Income Tax Credit, and~~  
365 ~~dependency exemption and waiver of that exemption. The court may~~  
366 ~~order a parent to execute a waiver of the Internal Revenue~~  
367 ~~Service dependency exemption if the paying parent is current in~~  
368 ~~support payments.~~

369 9. ~~An~~ When application of the child support guidelines  
370 schedule that requires a person to pay another person more than  
371 55 percent of his or her gross income for a child support  
372 obligation for current support resulting from a single support  
373 order.

374 10. ~~The particular parenting plan, such as where the child~~  
375 ~~spends a significant amount of time, but less than 40 percent of~~  
376 ~~the overnights, with one parent, thereby reducing the financial~~  
377 ~~expenditures incurred by the other parent, or the refusal of a~~  
378 ~~parent to become involved in the activities of the child.~~

COUNCIL/COMMITTEE AMENDMENT

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379 11. Any other adjustment that ~~which~~ is needed to achieve  
380 an equitable result which may include, but not be limited to, a  
381 reasonable and necessary existing expense or debt. Such expense  
382 or debt may include, but is not limited to, a reasonable and  
383 necessary expense or debt that ~~which~~ the parties jointly  
384 incurred during the marriage.

385 (b) If ~~Whenever~~ a particular parenting plan provides that  
386 each child spend ~~a substantial amount of~~ time with each parent,  
387 the court shall adjust any award of child support, as follows:

388 1. In accordance with subsections (9) and (10), calculate  
389 the amount of support obligation apportioned to each parent  
390 without including day care and health insurance costs in the  
391 calculation ~~and multiply the amount by 1.5.~~

392 2. Calculate the percentage of overnight stays the child  
393 spends with each parent.

394 3. Multiply each parent's support obligation as calculated  
395 in subparagraph 1. by the sum of one and the smaller percentage  
396 calculated in subparagraph 2.

397 ~~4.3.~~ Multiply each parent's support obligation as  
398 calculated in subparagraph 3. ~~1.~~ by the percentage of the other  
399 parent's overnight stays with the child as calculated in  
400 subparagraph 2.

401 ~~5.4.~~ The difference between the amounts calculated in  
402 subparagraph 4. ~~is 3.~~ shall be the monetary transfer necessary  
403 between the parents for the care of the child, subject to an  
404 adjustment for day care and health insurance expenses.

405 ~~6.5.~~ Pursuant to subsections (7) and (8), calculate the  
406 net amounts owed by each parent for the expenses incurred for

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 907 (2010)

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407 day care and health insurance coverage for the child. Day care  
408 ~~shall be calculated without regard to the 25 percent reduction~~  
409 ~~applied by subsection (7).~~

410 7.6. Adjust the support obligation owed by each parent  
411 pursuant to subparagraph 5. 4. by crediting or debiting the  
412 amount calculated in subparagraph 6. 5. This amount represents  
413 the child support which must be exchanged between the parents.

414 8.7. The court may deviate from the child support amount  
415 calculated pursuant to subparagraph 7. 6. based upon the  
416 deviation factors in paragraph (a), as well as the obligee  
417 parent's low income and ability to maintain the basic  
418 necessities of the home for the child, the likelihood that  
419 either parent will actually exercise the time-sharing schedule  
420 set forth in the parenting plan granted by the court, and  
421 whether all of the children are exercising the same time-sharing  
422 schedule.

423 ~~8. For purposes of adjusting any award of child support~~  
424 ~~under this paragraph, "substantial amount of time" means that a~~  
425 ~~parent exercises visitation at least 40 percent of the~~  
426 ~~overnights of the year.~~

427 (c) A parent's failure to regularly exercise the court-  
428 ordered or agreed time-sharing schedule not caused by the other  
429 parent which resulted in the adjustment of the amount of child  
430 support pursuant to subparagraph (a)10. or paragraph (b) shall  
431 be deemed a substantial change of circumstances for purposes of  
432 modifying the child support award. A modification pursuant to  
433 this paragraph is ~~shall be~~ retroactive to the date the

Amendment No. 1

434 noncustodial parent first failed to regularly exercise the  
435 court-ordered or agreed time-sharing schedule.

436 Section 4. This act shall take effect January 1, 2011.

437

438 -----

439

**T I T L E   A M E N D M E N T**

440

Remove the entire title and insert:

441

A bill to be entitled

442

An act relating to child support guidelines; amending s.

443

61.13, F.S.; requiring all child support orders after a

444

certain date to contain certain provisions; creating s.

445

61.29, F.S.; providing principles for implementing the

446

support guidelines schedule; amending s. 61.30, F.S.;

447

requiring that census information be used if information

448

about earnings level in the community is not available;

449

providing that the burden of proof is on the party seeking

450

to impute income to the other party; providing for the

451

calculation of the obligor parent's child support payment

452

under certain circumstances; revising the deviation

453

factors that a court may consider when adjusting a

454

parent's share of the child support award; providing an

455

effective date.



**COMMITTEE MEETING REPORT**  
**Civil Justice & Courts Policy Committee**

**3/9/2010 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**HB 927 : Homestead Assessments**

Favorable With Committee Substitute

|                       | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|-----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Eric Eisnaugle        | X          |                      |                |                         |                         |
| Adam M. Fetterman     | X          |                      |                |                         |                         |
| Anitere Flores        | X          |                      |                |                         |                         |
| James Frishe          | X          |                      |                |                         |                         |
| Audrey Gibson         | X          |                      |                |                         |                         |
| Eduardo Gonzalez      | X          |                      |                |                         |                         |
| Tom Grady             | X          |                      |                |                         |                         |
| Seth McKeel           | X          |                      |                |                         |                         |
| Dave Murzin           |            |                      | X              |                         |                         |
| H. Marlene O'Toole    | X          |                      |                |                         |                         |
| Ralph Poppell         | X          |                      |                |                         |                         |
| Darren Soto           | X          |                      |                |                         |                         |
| Michael Weinstein     | X          |                      |                |                         |                         |
| Carl Domino (Chair)   | X          |                      |                |                         |                         |
| <b>Total Yeas: 13</b> |            | <b>Total Nays: 0</b> |                |                         |                         |

**Appearances:**

Homestead Assessments

Martha Edenfield (Lobbyist) - Proponent

The Real Property Probate & Trust Law Section of the Florida Bar  
P.O. Box 10095  
Tallahassee Florida 32302  
Phone: 850-222-3533

Homestead Assessments (Bill & Amendment)

Ben Phipps (Lobbyist) - Proponent

Wells Fargo  
201 South Monroe Street  
Tallahassee Florida 32309  
Phone: 222-2000

Homestead Assessments (Amendment)

Frank Meiners (Lobbyist) - Proponent

Wells Fargo  
PO Box 1633  
Tallahassee Florida 32302  
Phone: 591-0177

Committee meeting was reported out: Tuesday, March 09, 2010 10:20:14AM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 927 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

*Adopted w/out objection  
3-9-10*

1 Council/Committee hearing bill: Civil Justice & Courts Policy  
2 Committee

3 Representative(s) Kiar offered the following:

4  
5 **Amendment (with title amendment)**

6 Between lines 54 and 55, insert:

7 Section 2. Section 193.1556, Florida Statutes, is amended  
8 to read:

9 193.1556 Notice of change of ownership or control  
10 required.—

11 (1) Any person or entity that owns property assessed under  
12 s. 193.1554 or s. 193.1555 must notify the property appraiser  
13 promptly of any change of ownership or control as defined in ss.  
14 193.1554(5) and 193.1555(5). If any property owner fails to so  
15 notify the property appraiser and the property appraiser  
16 determines that for any year within the prior 10 years the  
17 owner's property was not entitled to assessment under s.  
18 193.1554 or s. 193.1555, the owner of the property is subject to  
19 the taxes avoided as a result of such failure plus 15 percent

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 927 (2010)

Amendment No. 1

20 interest per annum and a penalty of 50 percent of the taxes  
21 avoided. It is the duty of the property appraiser making such  
22 determination to record in the public records of the county a  
23 notice of tax lien against any property owned by that person or  
24 entity in the county, and such property must be identified in  
25 the notice of tax lien. Such property is subject to the payment  
26 of all taxes and penalties. Such lien when filed shall attach to  
27 any property, identified in the notice of tax lien, owned by the  
28 person or entity that illegally or improperly was assessed under  
29 s. 193.1554 or s. 193.1555. If such person or entity no longer  
30 owns property in that county, but owns property in some other  
31 county or counties in the state, it shall be the duty of the  
32 property appraiser to record a notice of tax lien in such other  
33 county or counties, identifying the property owned by such  
34 person or entity in such county or counties, and it becomes a  
35 lien against such property in such county or counties.

36 (2) If the transfer of the real property was made pursuant  
37 to the provisions of 12 U.S.C. s.215a(e) conducted under the  
38 receivership of the Federal Deposit Insurance Corporation,  
39 authorized and made pursuant to 12 U.S.C. s. 191, the  
40 notification requirement in subsection (1) shall not apply for  
41 transfers between December 31, 2007 and December 31, 2011.

42  
43  
44 -----  
45 **T I T L E A M E N D M E N T**

46 Remove line 5 and insert:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 927 (2010)

Amendment No. 1

47 ownership; providing construction; amending s. 193.1556, F.S.;

48 providing that notice to a property appraiser is not required

49 when transfer of real property is made as part of a federal

50 receivership proceeding related to failed banks; providing an

51 effective