COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	___ (Y/N)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

Committee/Subcommittee hearing bill: Commerce Committee
Representative Overdorf offered the following:

Amendment

Remove lines 495-583 and insert:

Section 6. Subsections (1), (8), and (10) of section 720.301, Florida Statutes, are amended, current subsection (13) is renumbered as subsection (14), and a new subsection (13) is created to read:

(1) "Assessment" ~~or "amenity fee"~~ means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel by the association.

(8)(a) "Governing documents" means:

1.~~(a)~~ the recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and

2.~~(b)~~ the articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

(b) Consistent with s. 720.302(3)(b), recreational covenants respecting privately-owned recreational amenities are not governing documents of an association, even if the recreational covenants are attached as exhibits to, or referenced in, a declaration of covenants.

(10) "Member" means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof, and includes any person or entity obligated by the governing documents to pay an assessment ~~or amenity fee~~ to the association.

(13) "Recreational covenant" means a recorded covenant, separate and distinct from a declaration of covenants, which provides the nature and requirements of a membership in or the use or purchase of privately owned commercial recreational facilities or amenities for parcel owners in one or more communities or community development districts and which:

(a) Is recorded in the public records of the county in which the recreational facility or amenity or a property encumbered thereby is located;

(b) Contains information regarding the amenity dues that may be imposed on members and other persons permitted to use the recreational facility or amenity and remedies that the recreational facility or amenity owner or other third party may have upon nonpayment of such amenity fees; and

(c) Requires mandatory membership or mandatory payment of amenity dues by some or all of the parcel owners in a community.

Section 7. Subsection (3) of section 720.302, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

720.302 Purposes, scope, and application.—

(3) This chapter does not apply to:

(a) A community that is composed of property primarily intended for commercial, industrial, or other nonresidential use; ~~or~~

(b) The commercial or industrial parcels in a community that contains both residential parcels and parcels intended for commercial or industrial use; or

(c) Privately-owned recreational amenities.

(6) This chapter does not apply to recreational covenants or recreational facilities or amenities governed by a

recreational covenant except as provided in ss. 720.3086 and 720.319.