

## 2011 Laws Passed or Pending

Revised: 3.13.11  
(Senate Bills through SB1199)

Bill	Status	Summary (from legislative website, unless marked with *)
<a href="#">S0082</a>	Filed 1.10.11	<b>Onsite Sewage Treatment and Disposal Systems.</b> Eliminates provisions directing the Department of Health to create and administer a statewide septic tank evaluation program. (Similar <a href="#">H 0013</a> , <a href="#">S 0130</a> , <a href="#">S 0168</a> , Compare <a href="#">H 0167</a> )
<a href="#">S0132</a>	Committees 1.14.11	<b>Contamination Notification.</b> Requires by Florida DEP of environmental contamination to property owners, presidents of condo associations and others.
<a href="#">S0142</a>	Committees 1.18.11	<b>Comparative Fault.</b> In broadly defined "negligence actions" the Court must apply comparative fault analysis. (See <a href="#">H0201</a> )
<a href="#">S0172</a>	Committees 1.11.11	<b>Growth Management.</b> Amends growth management act including urban service areas, concurrency requirements and plan amendments.
<a href="#">S0210</a>	Committees 1.14.11	<b>Homestead Property Assessed Value;</b> Proposes amendments to the State Constitution to prohibit increases in the assessed value of homestead property if the fair market value of the property decreases. (Similar <a href="#">S 0390</a> , Compare <a href="#">H 0273</a> )
<a href="#">S0270</a>	Committees 1.05.11	<b>Property Tax Discounts for Early Payment.</b> Increases the discount rates for early payment of property taxes. November and other discounts doubled. 95% min. assessment to 91%.
<a href="#">S0328</a>	Committees 1.03.11	<b>Service of Process.</b> Authorized process servers are given unannounced access inside gated communities and condominium common areas. (Identical <a href="#">H 0059</a> )
<a href="#">S0332</a>	Committees 1.03.11	<b>Submerged Lands.</b> Authorizes the Florida to lease sovereign submerged lands for private residential use. (Identical <a href="#">H 0173</a> )
<a href="#">S0366</a>	Committees 1.12.11	<b>Handbill Distribution.</b> Expands penalties for unlawfully distributing handbills in a public lodging establishment. (Similar <a href="#">H 0063</a> )
<a href="#">S0382</a>	Committees 1.12.11	<b>Tax Certificates.</b> Revises procedures for tax certificate sales and tax deeds focused on paperless functions. (Similar <a href="#">H 0161</a> , Compare <a href="#">S 0478</a> )
<a href="#">S0396</a>	Filed 1.11.11	<b>Building Construction and Inspection.</b> Expands the categories of persons who may be certified as qualified for a license by endorsement as a home inspector. Revises requirements for selecting a member of the Florida Building Commission.

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<a href="#"><u>S0408</u></a>	Committees 1.14.11	<b>Insurance.</b> Revises operation of Office of Insurance Regulation. No current impact apparent for associations.
<a href="#"><u>S0401</u></a>	Filed 1.12.11	<b>Impact Fees.</b> Places burden of proof on government when the legality of an impact fee is challenged in court.
<a href="#"><u>S0412</u></a>	Filed 1.12.11	<b>Constitutional Amendment to Allow Tax Exemption for Renewable Energy Devices.</b>
<a href="#"><u>S0426</u></a>	Filed 1.12.11	<b>Residential Tenancies.</b> Authorizes certified process servers to serve writs of possession in actions for possession of residential property.
<a href="#"><u>S0434</u></a>	Filed 1.13.11	<b>Assessment of Residential Real Property.</b> Prohibits adding the value of certain improvements (hurricane proofing, solar and wind energy etc...), to the assessed value of certain real property. Specifies additional exceptions to assessments of homestead and nonhomestead property at just value. (See <a href="#"><u>HB 117</u></a> - No decrease if value drops.)
<a href="#"><u>S0476</u></a>	Filed 1.19.11	<b>Public Lodging Establishments.</b> Provides that vacation rentals <a href="#"><u>s. 509.242(1)(c)</u></a> are residential property for purposes of provisions related to the treatment of such properties. Requires that the operator of a vacation rental retain any advance payment or deposit made for the vacation rental until the occupancy begins or is cancelled. Clarifies that vacation rentals are exempt from certain sanitary rules. Clarifies an exemption from licensure for condominium associations that do not own vacation rentals.
<a href="#"><u>H0089</u></a>	Committees 1.10.11	<b>Effective Public Notices by Governmental Entities.</b> Authorizes local government to use its publicly accessible website for legally required notices & advertisements; defines "publicly accessible website"; provides conditions for utilization of publicly accessible website for such purposes; provides for optional receipt of legally required public notices & advertisements via first class mail or e-mail; provides requirements for legally required advertisements & public notices published on publicly accessible website; provides that specified notice, advertisement, or publication on publicly accessible website constitutes legal notice; provides that advertisements directed by law or order or decree of court to be made in county in which no newspaper is published may be made by publication on publicly accessible website; provides clarifying & conforming language.
<a href="#"><u>H0253</u></a>	Filed 1.18.11	<b>Limited Liability Companies:</b> Provides that charging order against member's transferable interest is sole & exclusive remedy available to enforce judgment creditor's unsatisfied judgment against member or member's transferee with respect to limited liability company; provides exception for enforcing judgment creditor's unsatisfied judgment against judgment debtor or assignee of judgment debtor of single-member limited liability company under certain circumstances.
<a href="#"><u>H0281</u></a>	Filed 1.19.11	<b>Property Taxation:</b> Deletes provisions relating to early payment discounts applicable after making request for correction of tax notice or mailing of tax notice that results from value adjustment board action; requires payment of specified percentage of tax bill on or before time certain before issuance of tax certificate or warrant may be stayed pending final action of value adjustment board; requires taxpayer refund or credit if final action results in amount owed that is less than percentage amount paid.
<a href="#"><u>H0275</u></a>	Filed 1.19.11	<b>Ad Valorem Tax Exemptions for Real Property Used for Charitable Purposes:</b> Authorizes 50% ad valorem tax exemptions for nonexempt owners of real property leased or gratuitously provided to exempt entities for exclusive use for charitable purposes..  <b>Condominium/Cooperative/Homeowners' Associations;</b> Revises provisions relating to the official records of condominium associations. Requires the vote or written consent of a majority of the voting interests before a condominium association may enter into certain agreements to acquire leaseholds, memberships, or other possessory or use interests. Provides procedures and requirements for partial termination of a condominium property. Revises provisions relating to the offering of units by a bulk assignee or bulk buyer, etc. See <a href="#"><u>H 1035</u></a> , <a href="#"><u>H 1195</u></a> & <a href="#"><u>S 1516</u></a> .
<a href="#"><u>S0530</u></a>	Committees 3.11.11	Building Construction Standards; Prohibits a local enforcement agency or building code official from requiring the inspection of any portion of a residential structure that is not directly related to the purpose for which a building permit is sought. See <a href="#"><u>H 0407</u></a>

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<a href="#"><u>S0606</u></a>	Committees 3.09.11	<b>Fertilizer.</b> Limits the ability of local government to regulate use of fertilizers. See <a href="#"><u>H 0457</u></a>
<a href="#"><u>S0646</u></a>	Introduced 3.08.11	<b>Mobile Home Parks;</b> Requires a mobile home park owner who receives a bona fide offer for purchase of the park to provide certain notice to the homeowners' association.
<a href="#"><u>S0712</u></a>	Introduced 3.08.11	<b>Condominiums.</b> Clarifies that services which may be suspended for non-payment of dues include recreation facilities, pools, gyms, meeting rooms, 19 cable television service, Internet service, and valet service. Identical <a href="#"><u>H 1373</u></a>
<a href="#"><u>S0738</u></a>	Introduced 3.08.11	<b>Landlord/Tenant.</b> Limits the ability of a foreclosing mortgagee to evict tenants under fair market lease terms. Identical <a href="#"><u>H 0127</u></a> , Similar <a href="#"><u>S 0784</u></a>
<a href="#"><u>S0784</u></a>	Introduced 3.08.11	<b>Landlord/Tenant.</b> Requires a landlord who is being foreclosed to pay any advance rent and security deposits into registry of court to avoid criminal penalties. Similar <a href="#"><u>H 0127</u></a> , <a href="#"><u>S 0738</u></a>
<a href="#"><u>S0822</u></a>	Cmte Sub. 3.11.11	<b>Expert Testimony.</b> evises the standard for Florida courts to admit expert witness testimony so that it is in conformity with Federal Rule of Evidence 702 and the standard articulated in <i>Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> , 509 U.S. 579 (1993). Similar <a href="#"><u>H 0391</u></a>
<a href="#"><u>S0866</u></a>	Committees 3.09.11	<b>Judgment Interest.</b> Requires post-judgment interest rate to be adjusted quarterly instead of annually. Identical <a href="#"><u>H 0567</u></a>
<a href="#"><u>S0880</u></a>	Introduced 3.08.11	<b>Value Adjustment Boards.</b> Requires a property owner appealing an exemption denial to the VAB to make a partial pre-payment. Subjects underpayments to 12% interest accrual. Similar <a href="#"><u>H 0281</u></a>
<a href="#"><u>S0918</u></a>	Introduced 3.08.11	<b>Adverse Possession;</b> Specifies that occupation and maintenance of property satisfies requirements for possession for purposes of gaining title to property via adverse possession without color of title. Identical <a href="#"><u>H 0927</u></a> <a href="#"><u>S 1142</u></a>
<a href="#"><u>S0964</u></a>	Introduced 3.08.11	<b>Construction Liens.</b> Technical changes to bond and lien laws. Requires that a contractor provide an owner with a general statement of an owner's rights and responsibilities under Florida's Construction Lien Law. Prohibits the authority issuing a building permit or a private provider performing inspection services from inspecting an improvement until certain documents have been filed and the information in the notice of commencement meets certain standards, etc. Identical <a href="#"><u>H 1453</u></a>
<a href="#"><u>S0998</u></a>	Committees 3.08.11	<b>Property Rights.</b> Expands the Bert Harris Act which entitled landowners to compensation when the government unduly restricts property rights. Identical <a href="#"><u>H 0701</u></a>
<a href="#"><u>S1010</u></a>	Introduced 3.08.11	<b>Neighborhood Improvement Districts;</b> Revises the short title to become the "Neighborhoods Improvement Act." Authorizes the governing body of any municipality or county to form a neighborhood improvement district through the adoption of an ordinance rather than by a planning ordinance. Removes provisions pertaining to the creation and funding of safe neighborhood districts. Identical <a href="#"><u>H 0781</u></a>
<a href="#"><u>S1112</u></a>	Introduced 3.08.11	<b>Homestead Exemption Violations</b> Requires associations for condominiums and cooperatives to provide a list of rented units to the property appraiser's office, Provides for rewards for others to report violations.

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<a href="#">S1116</a>	Introduced 3.08.11	<b>Debt Collection.</b> Regulates the purchase of consumer debt and the collection of debts by professional debt purchasers. Identical <a href="#">H 1399</a>
<a href="#">S1122</a>	Introduced 3.08.11	<b>Growth Management</b> Extends the deadline for a local government to comply with the financial feasibility requirement for the capital improvements element of its comprehensive plan. Expands future land use categories to require the consideration of compatibility with adjacent lands, the preservation of recreational and commercial working waterfronts, public schools, and future municipal incorporation. Deletes consideration of future planned industrial use, based on certain criteria. Eliminates certain criteria specific to coastal counties, etc. Similar <a href="#">H 7021</a>
<a href="#">S1132</a>	Introduced 3.08.11	<b>Cooperatives</b> " Prohibits immediate family members residing in the same unit from serving concurrently on the board of administration of a cooperative.
<a href="#">S1196</a>	Introduced 3.08.11	<b>Construction Liens</b> Amends the requirements to protect a landlord's property from construction liens arising from construction by the tenant. Similar <a href="#">H 0941</a>