

By the Committee on Regulated Industries and Senator Dudley

315-1682-98

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A bill to be entitled

An act relating to condominiums and cooperative property; amending ss. 718.103, 719.103, F.S.; defining the term "buyer"; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), and (27) of section 718.103, Florida Statutes, are redesignated as subsections (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27) and (28), respectively, and a new subsection (5) is added to that section to read:

718.103 Definitions.--As used in this chapter, the term:

(5) "Buyer" means a person who purchases a condominium. The term "purchaser" may be used interchangeably with the term "buyer."

Section 2. Section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.--As used in this chapter:

(1) "Assessment" means a share of the funds required for the payment of common expenses, which from time to time is assessed against the unit owner.

(2) "Association" means the corporation for profit or not for profit that owns the record interest in the cooperative property or a leasehold of the property of a

1 cooperative and that is responsible for the operation of the  
2 cooperative.

3 (3) "Board of administration" means the board of  
4 directors or other representative body responsible for  
5 administration of the association.

6 (4) "Buyer" means a person who purchases a  
7 cooperative. The term "purchaser" may be used interchangeably  
8 with the term "buyer."

9 (5)~~(4)~~ "Bylaws" means the bylaws of the association  
10 existing from time to time.

11 (6)~~(5)~~ "Committee" means a group of board members,  
12 unit owners, or board members and unit owners appointed by the  
13 board or a member of the board to make recommendations to the  
14 board regarding the association budget or take action on  
15 behalf of the board.

16 (7)~~(6)~~ "Common areas" means the portions of the  
17 cooperative property not included in the units.

18 (8) "Common areas" includes within its meaning the  
19 following:

20 (a) The cooperative property which is not included  
21 within the units.

22 (b) Easements through units for conduits, ducts,  
23 plumbing, wiring, and other facilities for the furnishing of  
24 utility services to units and the common areas.

25 (c) An easement of support in every portion of a unit  
26 which contributes to the support of a building.

27 (d) The property and installations required for the  
28 furnishing of utilities and other services to more than one  
29 unit or to the common areas.

30 (e) Any other part of the cooperative property  
31 designated in the cooperative documents as common areas.

1           ~~(9)(7)~~ "Common expenses" means all expenses and  
2 assessments properly incurred by the association for the  
3 cooperative.

4           ~~(10)(8)~~ "Common surplus" means the excess of all  
5 receipts of the association--including, but not limited to,  
6 assessments, rents, profits, and revenues on account of the  
7 common areas--over the amount of common expenses.

8           (11) "Conspicuous type" means type in capital letters  
9 no smaller than the largest type on the page on which it  
10 appears.

11           ~~(12)(9)~~ "Cooperative" means that form of ownership of  
12 real property wherein legal title is vested in a corporation  
13 or other entity and the beneficial use is evidenced by an  
14 ownership interest in the association and a lease or other  
15 muniment of title or possession granted by the association as  
16 the owner of all the cooperative property.

17           ~~(13)(10)~~ "Cooperative documents" means:

18           (a) The documents that create a cooperative,  
19 including, but not limited to, articles of incorporation of  
20 the association, bylaws, and the ground lease or other  
21 underlying lease, if any.

22           (b) The document evidencing a unit owner's membership  
23 or share in the association.

24           (c) The document recognizing a unit owner's title or  
25 right of possession to his or her unit.

26           ~~(14)(11)~~ "Cooperative parcel" means the shares or  
27 other evidence of ownership in a cooperative representing an  
28 undivided share in the assets of the association, together  
29 with the lease or other muniment of title or possession.

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1           ~~(15)(12)~~ "Cooperative property" means the lands,  
2 leaseholds, and personal property owned by a cooperative  
3 association.

4           ~~(16)(13)~~ "Developer" means a person who creates a  
5 cooperative or who offers cooperative parcels for sale or  
6 lease in the ordinary course of business, but does not include  
7 the owner or lessee of a unit who has acquired or leased the  
8 unit for his or her own occupancy, nor does it include a  
9 condominium association which creates a cooperative by  
10 conversion of an existing residential condominium after  
11 control of the association has been transferred to the unit  
12 owners if, following the conversion, the unit owners will be  
13 the same persons.

14           (17) "Limited common areas" means those common areas  
15 which are reserved for the use of a certain cooperative unit  
16 or units to the exclusion of other units, as specified in the  
17 cooperative documents.

18           ~~(18)(14)~~ "Operation" or "operation of the cooperative"  
19 includes the administration and management of the cooperative  
20 property.

21           (19) "Rental agreement" means any written agreement,  
22 or oral agreement if for less duration than 1 year, providing  
23 for use and occupancy of premises.

24           (20) "Residential cooperative" means a cooperative  
25 consisting of cooperative units, any of which are intended for  
26 use as a private residence. A cooperative is not a residential  
27 cooperative if the use of the units is intended as primarily  
28 commercial or industrial and not more than three units are  
29 intended to be used for private residence, domicile, or  
30 homestead, or if the units are intended to be used as housing  
31 for maintenance, managerial, janitorial, or other operational

1 staff of the cooperative. If a cooperative is a residential  
2 cooperative under this definition, but has units intended to  
3 be commercial or industrial, then the cooperative is a  
4 residential cooperative with respect to those units intended  
5 for use as a private residence, domicile, or homestead, but  
6 not a residential cooperative with respect to those units  
7 intended for use commercially or industrially.

8 (21)~~(15)~~ "Unit" means a part of the cooperative  
9 property which is subject to exclusive use and possession. A  
10 unit may be improvements, land, or land and improvements  
11 together, as specified in the cooperative documents.

12 (22)~~(16)~~ "Unit owner" or "owner of a unit" means the  
13 person holding a share in the cooperative association and a  
14 lease or other muniment of title or possession of a unit that  
15 is granted by the association as the owner of the cooperative  
16 property.

17 ~~(17) "Residential cooperative" means a cooperative~~  
18 ~~consisting of cooperative units, any of which are intended for~~  
19 ~~use as a private residence. A cooperative is not a~~  
20 ~~residential cooperative if the use of the units is intended as~~  
21 ~~primarily commercial or industrial and not more than three~~  
22 ~~units are intended to be used for private residence, domicile,~~  
23 ~~or homestead, or if the units are intended to be used as~~  
24 ~~housing for maintenance, managerial, janitorial, or other~~  
25 ~~operational staff of the cooperative. If a cooperative is a~~  
26 ~~residential cooperative under this definition, but has units~~  
27 ~~intended to be commercial or industrial, then the cooperative~~  
28 ~~is a residential cooperative with respect to those units~~  
29 ~~intended for use as a private residence, domicile, or~~  
30 ~~homestead, but not a residential cooperative with respect to~~  
31 ~~those units intended for use commercially or industrially.~~

1           ~~(18) "Rental agreement" means any written agreement,~~  
2 ~~or oral agreement if for less duration than 1 year, providing~~  
3 ~~for use and occupancy of premises.~~

4           ~~(19) "Conspicuous type" means type in capital letters~~  
5 ~~no smaller than the largest type on the page on which it~~  
6 ~~appears.~~

7           ~~(20) "Limited common areas" means those common areas~~  
8 ~~which are reserved for the use of a certain cooperative unit~~  
9 ~~or units to the exclusion of other units, as specified in the~~  
10 ~~cooperative documents.~~

11           ~~(21) "Common areas" includes within its meaning the~~  
12 ~~following:~~

13           ~~(a) The cooperative property which is not included~~  
14 ~~within the units.~~

15           ~~(b) Easements through units for conduits, ducts,~~  
16 ~~plumbing, wiring, and other facilities for the furnishing of~~  
17 ~~utility services to units and the common areas.~~

18           ~~(c) An easement of support in every portion of a unit~~  
19 ~~which contributes to the support of a building.~~

20           ~~(d) The property and installations required for the~~  
21 ~~furnishing of utilities and other services to more than one~~  
22 ~~unit or to the common areas.~~

23           ~~(e) Any other part of the cooperative property~~  
24 ~~designated in the cooperative documents as common areas.~~

25           Section 3. Subsection (28) of section 721.05, Florida  
26 Statutes, is amended to read:

27           721.05 Definitions.--As used in this chapter, the  
28 term:

29           (28) "Timeshare estate" means a right to occupy a  
30 timeshare unit, coupled with a freehold estate or an estate  
31 for years with a future interest in a timeshare property or a

1 specified portion thereof. The term shall also mean an  
2 interest in a condominium unit pursuant to s. 718.103 ~~s.~~  
3 ~~718.103(22)~~.

4 Section 4. This act shall take effect upon becoming a  
5 law.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 SB 1452

10 Defines the terms "buyer" and "purchaser" to be used  
11 interchangeably in laws relating to condominiums and  
12 cooperatives.  
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