

By Senator Geller

29-1446-01

See HB

1 A bill to be entitled
2 An act relating to community associations;
3 amending s. 26.012, F.S.; clarifying
4 jurisdiction of the circuit court to exclude
5 certain matters; amending s. 34.01, F.S.;
6 providing that judges of county courts may hear
7 certain matters in equity concerning certain
8 condominium, cooperative, and homeowner cases;
9 amending s. 95.11, F.S.; providing a time
10 limitation on legal or equitable actions to
11 enforce the provisions of community association
12 governing documents; amending s. 702.09, F.S.;
13 revising the definitions of the terms
14 "mortgage" and "foreclosure proceedings";
15 amending s. 713.135, F.S.; revising the form
16 for a building permit application to include
17 reference to communities regulated by a private
18 community association; amending s. 718.104,
19 F.S.; revising provisions governing
20 declarations for the creation of a condominium;
21 amending s. 718.106, F.S.; revising provisions
22 with respect to appurtenances that pass with a
23 condominium unit; amending s. 718.110, F.S.;
24 revising provisions governing amendments to a
25 declaration of condominium; amending s.
26 718.111, F.S.; revising provisions with respect
27 to the association; amending s. 718.112, F.S.;
28 revising provisions with respect to bylaws;
29 amending s. 718.113, F.S.; revising provisions
30 with respect to material alterations of common
31 elements or association real property operated

1 by a multicondominium association; amending s.
2 718.115, F.S.; revising provisions with respect
3 to common expenses; amending s. 718.405, F.S.;
4 revising provisions with respect to
5 multicondominiums and multicondominium
6 associations; amending s. 718.504, F.S.;
7 revising provisions with respect to the
8 prospectus or offering circular; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (2) of section 26.012, Florida
14 Statutes, is amended to read:

15 26.012 Jurisdiction of circuit court.--

16 (2) They shall have exclusive original jurisdiction:

17 (a) In all actions at law not cognizable by the county
18 courts;

19 (b) Of proceedings relating to the settlement of the
20 estates of decedents and minors, the granting of letters
21 testamentary, guardianship, involuntary hospitalization, the
22 determination of incompetency, and other jurisdiction usually
23 pertaining to courts of probate;

24 (c) In all cases in equity including all cases
25 relating to juveniles except traffic offenses as provided in
26 chapters 316 and 985 and except as set forth in s. 34.01(4);

27 (d) Of all felonies and of all misdemeanors arising
28 out of the same circumstances as a felony which is also
29 charged;

30
31

1 (e) In all cases involving legality of any tax
2 assessment or toll or denial of refund, except as provided in
3 s. 72.011;

4 (f) In actions of ejectment; and

5 (g) In all actions involving the title and boundaries
6 of real property.

7 Section 2. Subsection (4) of section 34.01, Florida
8 Statutes, is amended to read:

9 34.01 Jurisdiction of county court.--

10 (4) Judges of county courts may hear all matters in
11 equity involved in any case within the jurisdictional amount
12 of the county court, except as otherwise restricted by the
13 State Constitution or the laws of Florida. Judges of county
14 courts may hear all matters in equity in cases arising under
15 ss. 718.303, 719.303, and 720.305, or to enforce an
16 arbitrator's award under s. 718.1255 where no monetary damages
17 are sought. It is the intent of this subsection to provide the
18 circuit courts and county courts with concurrent jurisdiction
19 over condominium, cooperative, and homeowner cases seeking
20 solely injunctive relief, declaratory relief, or other
21 equitable relief where no claim for damages is asserted.

22 Section 3. Paragraph (d) is added to subsection (2) of
23 section 95.11, Florida Statutes, and paragraph (a) of
24 subsection (5) of that section is amended, to read:

25 95.11 Limitations other than for the recovery of real
26 property.--Actions other than for recovery of real property
27 shall be commenced as follows:

28 (2) WITHIN FIVE YEARS.--

29 (d) A legal or equitable action to enforce the
30 provisions of community association governing documents,
31 including deed restrictions, declaration of covenants,

1 declaration of condominium, cooperative ownership agreements,
2 articles of incorporation, bylaws, and association rules and
3 regulations.

4 (5) WITHIN ONE YEAR.--

5 (a) An action for specific performance of a contract.
6 Legal or equitable actions to enforce the provisions of
7 community association governing documents, as set forth in
8 paragraph (2)(d), shall not be considered actions involving
9 specific performance of contract.

10 Section 4. Section 702.09, Florida Statutes, is
11 amended to read:

12 702.09 Definitions.--For the purposes of ss. 702.07
13 and 702.08 the words "decree of foreclosure" shall include a
14 judgment or order rendered or passed in the foreclosure
15 proceedings in which the decree of foreclosure shall be
16 rescinded, vacated, and set aside; the word "mortgage" shall
17 mean any written instrument securing the payment of money or
18 advances and shall include liens to secure payment of
19 assessments arising under chapters 718, 719, and 720; the word
20 "debt" shall include promissory notes, bonds, and all other
21 written obligations given for the payment of money; the words
22 "foreclosure proceedings" shall embrace every action in the
23 circuit or county courts of this state wherein it is sought to
24 foreclose a mortgage and sell the property covered by the
25 same; and the word "property" shall mean and include both real
26 and personal property.

27 Section 5. Subsection (6) of section 713.135, Florida
28 Statutes, is amended to read:

29 713.135 Notice of commencement and applicability of
30 lien.--

31

1 (6) In addition to any other information required by
 2 the authority issuing the permit, the building permit
 3 application must be in substantially the following form:
 4
 5 Tax Folio No.....
 6 BUILDING PERMIT APPLICATION
 7
 8 Owner's Name.....
 9 Owner's Address.....
 10 Fee Simple Titleholder's Name (If other than owner).....
 11 Fee Simple Titleholder's Address (If other than owner).....
 12 City.....
 13 State..... Zip.....
 14 Contractor's Name.....
 15 Contractor's Address.....
 16 City.....
 17 State..... Zip.....
 18 Job Name.....
 19 Job Address.....
 20 City..... County.....
 21 Legal Description.....
 22 Bonding Company.....
 23 Bonding Company Address.....
 24 City..... State.....
 25 Architect/Engineer's Name.....
 26 Architect/Engineer's Address.....
 27 Mortgage Lender's Name.....
 28 Mortgage Lender's Address.....
 29
 30 Application is hereby made to obtain a permit to do the
 31 work and installations as indicated. I certify that no work

1 or installation has commenced prior to the issuance of a
2 permit and that all work will be performed to meet the
3 standards of all laws regulating construction in this
4 jurisdiction. I understand that a separate permit must be
5 secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS,
6 FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

7
8 OWNER'S AFFIDAVIT: I certify that all the foregoing
9 information is accurate and that all work will be done in
10 compliance with all applicable laws regulating construction
11 and zoning.

12
13 WARNING TO OWNER: YOUR FAILURE TO RECORD A
14 NOTICE OF COMMENCEMENT MAY RESULT IN YOUR
15 PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

16
17 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH
18 YOUR LENDER OR AN ATTORNEY BEFORE RECORDING
19 YOUR NOTICE OF COMMENCEMENT.

20
21 IF YOUR PROPERTY IS IN A CONDOMINIUM,
22 COOPERATIVE, SUBDIVISION, OR OTHER COMMUNITY
23 REGULATED BY A PRIVATE COMMUNITY ASSOCIATION,
24 OR IF IT IS SUBJECT TO COVENANTS OR
25 RESTRICTIONS, THE BUILDING PERMIT YOU OBTAIN
26 WITH THIS APPLICATION DOES NOT AFFECT ANY
27 SEPARATE PRIVATE OBLIGATION YOU MAY HAVE TO
28 SATISFY THOSE COVENANTS OR RESTRICTIONS OR TO
29 OBTAIN PERMISSION FROM A COMMUNITY ASSOCIATION
30 BEFORE UNDERTAKING THE PROPOSED WORK.

31

1
2 Personally Known OR Produced Identification

3
4 Type of Identification Produced.....

5
6 (Certificate of Competency Holder)

7
8 Contractor's State Certification or Registration No.....

9
10 Contractor's Certificate of Competency No.....

11
12 APPLICATION APPROVED BY
13Permit Officer

14
15 Section 6. Paragraph (h) of subsection (4) and
16 subsection (5) of section 718.104, Florida Statutes, are
17 amended to read:

18 718.104 Creation of condominiums; contents of
19 declaration.--Every condominium created in this state shall be
20 created pursuant to this chapter.

21 (4) The declaration must contain or provide for the
22 following matters:

23 (h) If a developer reserves the right, in a
24 declaration recorded on or after July 1, 2000, to create a
25 multicondominium, the declaration must state, or provide a
26 specific formula for determining, the fractional or percentage
27 shares of liability for the common expenses of the association
28 and of ownership of the common surplus of the association to
29 be allocated to the units in each condominium to be operated
30 by the association. If a the declaration recorded on or after
31 July 1, 2000, for a condominium operated by a multicondominium

1 association, as originally recorded, fails to so provide, the
2 share of liability for the common expenses of the association
3 and of ownership of the common surplus of the association
4 allocated to each unit in each condominium operated by the
5 association shall be a fraction of the whole, the numerator of
6 which is the number "one" and the denominator of which is the
7 total number of units in all condominiums operated by the
8 association.

9 (5) The declaration as originally recorded, or as
10 amended pursuant to the procedures provided therein, may
11 include covenants and restrictions concerning the use,
12 occupancy, and transfer of the units permitted by law with
13 reference to real property. With the exception of amendments
14 that materially modify unit appurtenances as defined in s.
15 718.110(4), amendments may be applied to owners of units
16 existing as of the effective date of the amendment. This
17 section is intended to clarify existing law and applies to
18 associations existing on the effective date of this act.

19 However, the rule against perpetuities shall not defeat a
20 right given any person or entity by the declaration for the
21 purpose of allowing unit owners to retain reasonable control
22 over the use, occupancy, and transfer of units.

23 Section 7. Paragraph (b) of subsection (2) of section
24 718.106, Florida Statutes, is amended to read:

25 718.106 Condominium parcels; appurtenances; possession
26 and enjoyment.--

27 (2) There shall pass with a unit, as appurtenances
28 thereto:

29 (b) The exclusive right to use such portion of the
30 common elements as may be provided by the declaration,
31 including the right to transfer such right to other units or

1 unit owners to the extent authorized by the declaration as
2 originally recorded, or amendments to the declaration adopted
3 pursuant to the provisions contained therein under s.
4 718.110(2). Amendments to declarations of condominium
5 providing for the transfer of use rights with respect to
6 limited common elements are not amendments which materially
7 modify unit appurtenances as described in s. 718.110(4). This
8 section is intended to clarify existing law and applies to
9 associations existing on the effective date of this act.
10 However, in order to be effective, the transfer of use rights
11 with respect to limited common elements must be effectuated in
12 conformity with the procedures set forth in the declaration as
13 originally recorded or as amended. Further, such transfers
14 must be evidenced by a written instrument which must be
15 executed with the formalities of a deed and recorded in the
16 land records of the county in which the condominium is located
17 in order to be effective. Such instrument of transfer must
18 also specify the legal description of the unit which is
19 transferring use rights, as well as the legal description of
20 the unit obtaining the transfer of such rights.

21 Section 8. Subsection (4) of section 718.110, Florida
22 Statutes, is amended to read:

23 718.110 Amendment of declaration; correction of error
24 or omission in declaration by circuit court.--

25 (4) Unless otherwise provided in the declaration as
26 originally recorded, no amendment may change the configuration
27 or size of any unit in any material fashion, materially alter
28 or modify the appurtenances to the unit, or change the
29 proportion or percentage by which the unit owner shares the
30 common expenses of the condominium and owns the common surplus
31 of the condominium unless the record owner of the unit and all

1 record owners of liens on the unit join in the execution of
2 the amendment and unless all the record owners of all other
3 units in the same condominium approve the amendment. The
4 acquisition of property by the association, and material
5 alterations or substantial additions to such property or the
6 common elements by the association in accordance with s.
7 718.111(7) or s. 718.113, amendments providing for the
8 transfer of use rights in limited common elements pursuant to
9 s. 718.106(2)(b), and amendments restricting or modifying the
10 right to lease condominium units, shall not be deemed to
11 constitute a material alteration or modification of the
12 appurtenances to the units. With the exception of amendments
13 that materially modify unit appurtenances as defined in this
14 section, amendments may be applied to owners of units existing
15 as of the effective date of the amendment. This section is
16 intended to clarify existing law and applies to associations
17 existing on the effective date of this act. A declaration
18 recorded after April 1, 1992, may not require the approval of
19 less than a majority of total voting interests of the
20 condominium for amendments under this subsection, unless
21 otherwise required by a governmental entity.

22 Section 9. Subsection (4), paragraph (a) of subsection
23 (7), and subsection (13) of section 718.111, Florida Statutes,
24 are amended to read:

25 718.111 The association.--

26 (4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.--The
27 association has the power to make and collect assessments and
28 to lease, maintain, repair, and replace the common elements or
29 association property; however, the association may not charge
30 a use fee against a unit owner for the use of common elements
31 or association property unless otherwise provided for in the

1 declaration of condominium or by a majority vote of the
2 association or unless the charges relate to ~~expenses incurred~~
3 ~~by~~ an owner having exclusive use of the common elements or
4 association property.

5 (7) TITLE TO PROPERTY.--

6 (a) The association has the power to acquire title to
7 property or otherwise hold, convey, lease, and mortgage
8 association property for the use and benefit of its members.
9 The power to acquire personal property shall be exercised by
10 the board of administration. Except as otherwise permitted in
11 subsections (8) and (9) and in s. 718.114, no association may
12 acquire, convey, ~~lease~~, or mortgage association real property
13 except in the manner provided in the declaration, and if the
14 declaration does not specify the procedure, then approval of
15 75 percent of the total voting interests shall be required.

16 (13) FINANCIAL REPORTING.--Within 90 days after the
17 end of the fiscal year, or annually on a date provided in the
18 bylaws, the association shall prepare and complete, or
19 contract for the preparation and completion of ~~cause to be~~
20 ~~prepared and completed by a third party~~, a financial report
21 for the preceding fiscal year. Within 21 days after the final
22 financial report is completed by the association or received
23 ~~by the association~~ from the third party, but in no event later
24 than 120 days from the end of the fiscal year, or such other
25 date as is provided in the bylaws, the association shall mail
26 to each unit owner at the address last furnished to the
27 association by the unit owner, or hand deliver to each unit
28 owner, a copy of the financial report or a notice that a copy
29 of the financial report will be mailed or hand delivered to
30 the unit owner, without charge, upon receipt of a written
31 request from the unit owner. The division shall adopt rules

1 setting forth uniform accounting principles and standards to
2 be used by all associations and shall adopt rules addressing
3 financial reporting requirements for multicondominium
4 associations. In adopting such rules, the division shall
5 consider the number of members and annual revenues of an
6 association. Financial reports shall be prepared as follows:
7 (a) An association that meets the criteria of this
8 paragraph shall prepare or cause to be prepared a complete set
9 of financial statements in accordance with generally accepted
10 accounting principles. The financial statements shall be
11 based upon the association's total annual revenues, as
12 follows:
13 1. An association with total annual revenues of
14 \$100,000 or more, but less than \$200,000, shall prepare
15 compiled financial statements.
16 2. An association with total annual revenues of at
17 least \$200,000, but less than \$400,000, shall prepare reviewed
18 financial statements.
19 3. An association with total annual revenues of
20 \$400,000 or more shall prepare audited financial statements.
21 (b)1. An association with total annual revenues of
22 less than \$100,000 shall prepare a report of cash receipts and
23 expenditures.
24 2. An association which operates less than 50 units,
25 regardless of the association's annual revenues, shall prepare
26 a report of cash receipts and expenditures in lieu of
27 financial statements required by paragraph (a).
28 3. A report of cash receipts and disbursements must
29 disclose the amount of receipts by accounts and receipt
30 classifications and the amount of expenses by accounts and
31 expense classifications, including, but not limited to, the

1 following, as applicable: costs for security, professional and
2 management fees and expenses, taxes, costs for recreation
3 facilities, expenses for refuse collection and utility
4 services, expenses for lawn care, costs for building
5 maintenance and repair, insurance costs, administration and
6 salary expenses, and reserves accumulated and expended for
7 capital expenditures, deferred maintenance, and any other
8 category for which the association maintains reserves.

9 (c) An association may prepare or cause to be
10 prepared, without a meeting of or approval by the unit owners:

11 1. Compiled, reviewed, or audited financial
12 statements, if the association is required to prepare a report
13 of cash receipts and expenditures;

14 2. Reviewed or audited financial statements, if the
15 association is required to prepare compiled financial
16 statements; or

17 3. Audited financial statements if the association is
18 required to prepare reviewed financial statements.

19 (d) If approved by a majority of the voting interests
20 present at a properly called meeting of the association, an
21 association may prepare or cause to be prepared:

22 1. A report of cash receipts and expenditures in lieu
23 of a compiled, reviewed, or audited financial statement;

24 2. A report of cash receipts and expenditures or a
25 compiled financial statement in lieu of a reviewed or audited
26 financial statement; or

27 3. A report of cash receipts and expenditures, a
28 compiled financial statement, or a reviewed financial
29 statement in lieu of an audited financial statement.

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1 Such meeting and approval must occur prior to the end of the
2 fiscal year and is effective only for the fiscal year in which
3 the vote is taken. With respect to an association to which the
4 developer has not turned over control of the association, all
5 unit owners, including the developer, may vote on issues
6 related to the preparation of financial reports for the first
7 2 fiscal years of the association's operation, beginning with
8 the fiscal year in which the declaration is recorded.
9 Thereafter, all unit owners except the developer may vote on
10 such issues until control is turned over to the association by
11 the developer.

12 Section 10. Subsection (3) of section 718.112, Florida
13 Statutes, is amended to read:

14 718.112 Bylaws.--

15 (3) OPTIONAL PROVISIONS.--The bylaws as originally
16 recorded, or as amended pursuant to the procedure provided
17 therein, may provide for the following:

18 (a) A method of adopting and amending administrative
19 rules and regulations governing the details of the operation
20 and use of the common elements.

21 (b) Restrictions on and requirements for the use,
22 maintenance, and appearance of the units and the use of the
23 common elements.

24 (c) Other provisions which are not inconsistent with
25 this chapter or with the declaration, as may be desired. This
26 subsection is intended to clarify existing law and applies to
27 associations existing on the effective date of this act.

28 Section 11. Subsection (2) of section 718.113, Florida
29 Statutes, is amended to read:

30 718.113 Maintenance; limitation upon improvement;
31 display of flag; hurricane shutters.--

1 (2)(a) Except as otherwise provided in this section,
2 there shall be no material alteration or substantial additions
3 to the common elements or to real property which is
4 association property, except in a manner provided in the
5 declaration. If the declaration does not specify the
6 procedure for approval of material alterations or substantial
7 additions, 75 percent of the total voting interests of the
8 association must approve the alterations or additions.

9 (b) There shall not be any material alteration of, or
10 substantial addition to, the common elements of any
11 condominium operated by a multicondominium association unless
12 approved in the manner provided in the declaration of the
13 affected condominium or condominiums as originally recorded,
14 or as amended pursuant to the procedures provided therein. If
15 a declaration as originally recorded or amended does not
16 specify a procedure for approving such an alteration or
17 addition, the approval of 75 percent of the total voting
18 interests of each affected condominium is required. This
19 subsection does not prohibit a provision in any declaration,
20 articles of incorporation, or bylaws as originally recorded or
21 amended requiring the approval of unit owners in any
22 condominium operated by the same association or requiring
23 board approval before a material alteration or substantial
24 addition to the common elements is permitted. This paragraph
25 is intended to clarify existing law and applies to
26 associations existing on the effective date of this act.

27 (c) There shall not be any material alteration or
28 substantial addition made to association real property
29 operated by a multicondominium association, except as provided
30 in the declaration, articles of incorporation, or bylaws as
31 said documents are originally recorded, or as amended pursuant

1 to the procedures provided therein. If the declaration,
2 articles of incorporation, or bylaws do not specify the
3 procedure for approving an alteration or addition to
4 association real property, the approval of 75 percent of the
5 total voting interests of the association is required. This
6 paragraph is intended to clarify existing law and applies to
7 associations existing on the effective date of this act.

8 Section 12. Paragraphs (b) and (c) of subsection (1)
9 of section 718.115, Florida Statutes, are amended to read:

10 718.115 Common expenses and common surplus.--

11 (1)

12 (b) The common expenses of a condominium within a
13 multicondominium are the common expenses directly attributable
14 to the operation of that condominium. The common expenses of a
15 multicondominium association do not include the common
16 expenses directly attributable to the operation of any
17 specific condominium or condominiums within the
18 multicondominium. This paragraph is intended to clarify
19 existing law and applies to associations existing on the
20 effective date of this act.

21 (c) The common expenses of a multicondominium
22 association may include categories of expenses related to the
23 property or common elements within a specific condominium in
24 the multicondominium if such property or common elements are
25 areas in which all members of the multicondominium association
26 have use rights or from which all members receive tangible
27 economic benefits. Such common expenses of the association
28 shall be identified in the declaration or bylaws of each
29 condominium within the multicondominium association. This
30 paragraph is intended to clarify existing law and applies to
31 associations existing on the effective date of this act.

1 Section 13. Subsections (1) and (4) of section
2 718.405, Florida Statutes, are amended to read:

3 718.405 Multicondominiums; multicondominium
4 associations.--

5 (1) An association may operate more than one
6 condominium. For multicondominiums created on or after July 1,
7 2000, if the declaration for each condominium ~~to be~~ operated
8 by that association shall provide ~~provides~~ for participation
9 in a multicondominium, in conformity with this section, and
10 disclose ~~discloses~~ or describe ~~describes~~:

11 (a) The manner or formula by which the assets,
12 liabilities, common surplus, and common expenses of the
13 association will be apportioned among the units within the
14 condominiums operated by the association, in accordance with
15 s. 718.104(4)(g) or (h), as applicable.

16 (b) Whether unit owners in any other condominium, or
17 any other persons, will or may have the right to use
18 recreational areas or any other facilities or amenities that
19 are common elements of the condominium, and, if so, the
20 specific formula by which the other users will share the
21 common expenses related to those facilities or amenities.

22 (c) Recreational and other commonly used facilities or
23 amenities which the developer has committed to provide that
24 will be owned, leased by, or dedicated by a recorded plat to
25 the association but which are not included within any
26 condominium operated by the association. The developer may
27 reserve the right to add additional facilities or amenities if
28 the declaration and prospectus for each condominium to be
29 operated by the association contains the following statement
30 in conspicuous type and in substantially the following form:
31

1 RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT
2 CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

3 (d) The voting rights of the unit owners in the
4 election of directors and in other multicondominium
5 association affairs when a vote of the owners is taken,
6 including, but not limited to, a statement as to whether each
7 unit owner will have a right to personally cast his or her own
8 vote in all matters voted upon.

9 (4) This section does not prevent or restrict the
10 formation of a multicondominium by the merger or consolidation
11 of two or more condominium associations. Mergers or
12 consolidations of associations shall be accomplished in
13 accordance with this chapter, the declarations of the
14 condominiums being merged or consolidated, and chapter 617.
15 Section 718.110(4) does not apply to amendments to
16 declarations necessary to effect a merger or consolidation.
17 This section is intended to clarify existing law and applies
18 to associations existing on the effective date of this act.

19 Section 14. Subsection (15) of section 718.504,
20 Florida Statutes, is amended to read:

21 718.504 Prospectus or offering circular.--Every
22 developer of a residential condominium which contains more
23 than 20 residential units, or which is part of a group of
24 residential condominiums which will be served by property to
25 be used in common by unit owners of more than 20 residential
26 units, shall prepare a prospectus or offering circular and
27 file it with the Division of Florida Land Sales, Condominiums,
28 and Mobile Homes prior to entering into an enforceable
29 contract of purchase and sale of any unit or lease of a unit
30 for more than 5 years and shall furnish a copy of the
31 prospectus or offering circular to each buyer. In addition to

1 the prospectus or offering circular, each buyer shall be
2 furnished a separate page entitled "Frequently Asked Questions
3 and Answers," which shall be in accordance with a format
4 approved by the division and a copy of the financial
5 information required by s. 718.111. This page shall, in
6 readable language, inform prospective purchasers regarding
7 their voting rights and unit use restrictions, including
8 restrictions on the leasing of a unit; shall indicate whether
9 and in what amount the unit owners or the association is
10 obligated to pay rent or land use fees for recreational or
11 other commonly used facilities; shall contain a statement
12 identifying that amount of assessment which, pursuant to the
13 budget, would be levied upon each unit type, exclusive of any
14 special assessments, and which shall further identify the
15 basis upon which assessments are levied, whether monthly,
16 quarterly, or otherwise; shall state and identify any court
17 cases in which the association is currently a party of record
18 in which the association may face liability in excess of
19 \$100,000; and which shall further state whether membership in
20 a recreational facilities association is mandatory, and if so,
21 shall identify the fees currently charged per unit type. The
22 division shall by rule require such other disclosure as in its
23 judgment will assist prospective purchasers. The prospectus or
24 offering circular may include more than one condominium,
25 although not all such units are being offered for sale as of
26 the date of the prospectus or offering circular. The
27 prospectus or offering circular must contain the following
28 information:

29 (15) If ~~a~~ the condominium created on or after July 1,
30 2000, is or may become part of a multicondominium, the
31 following information must be provided:

1 (a) A statement in conspicuous type in substantially
2 the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A
3 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL
4 (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately
5 following this statement, the location in the prospectus or
6 offering circular and its exhibits where the multicondominium
7 aspects of the offering are described must be stated.

8 (b) A summary of the provisions in the declaration,
9 articles of incorporation, and bylaws which establish and
10 provide for the operation of the multicondominium, including a
11 statement as to whether unit owners in the condominium will
12 have the right to use recreational or other facilities located
13 or planned to be located in other condominiums operated by the
14 same association, and the manner of sharing the common
15 expenses related to such facilities.

16 (c) A statement of the minimum and maximum number of
17 condominiums, and the minimum and maximum number of units in
18 each of those condominiums, which will or may be operated by
19 the association, and the latest date by which the exact number
20 will be finally determined.

21 (d) A statement as to whether any of the condominiums
22 in the multicondominium may include units intended to be used
23 for nonresidential purposes and the purpose or purposes
24 permitted for such use.

25 (e) A general description of the location and
26 approximate acreage of any land on which any additional
27 condominiums to be operated by the association may be located.

28 Section 15. This act shall take effect July 1, 2001.

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LEGISLATIVE SUMMARY

Revises various provisions of law affecting community associations to:

1. Provide that judges of county courts may hear described matters in equity concerning certain condominium, cooperative, and homeowner cases.
2. Provide a 5-year time limitation on legal or equitable actions to enforce the provisions of community association governing documents.
3. Revise the definitions of the terms "mortgage" and "foreclosure proceedings."
4. Revise the form for a building permit application to include reference to communities regulated by a private community association.
5. Revise various provisions with respect to condominiums and cooperatives.

(See bill for details.)