

Bill No. CS for CS for SB 694

Amendment No. Barcode 260806

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Campbell moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 17, between lines 15 and 16,

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16 insert:

17 Section 13. Section 718.701, Florida Statutes, is

18 created to read:

19 718.701 Definitions.--As used in ss. 718.701-718.704,

20 the term:

21 (1) "Affected owner" means a condominium unit owner or

22 homeowner that has use rights in the common property or

23 facilities administered by the master association.

24 (2) "Master association" means any entity not covered

25 under the definition of "association" in s. 718.103(2) which

26 has been given control or decision-making authority over real

27 property or facilities serving one or more condominiums under

28 its governing documents, and which receives moneys funded by

29 mandatory dues or assessments paid by affected owners, whether

30 or not the master association has a governing body that

31 includes representatives of the condominium association. The

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1 term does not include an entity that is granted management or
 2 maintenance responsibility under a service contract with a
 3 single association. The term also does not include any entity
 4 that has been granted or assigned decision-making authority
 5 over real property or facilities that include, in whole or in
 6 part, a timeshare plan as defined in s. 721.03, or any entity
 7 governed under chapter 720, until control of the association
 8 has been relinquished by the developer.

9 (3) "Master association documents" means any
 10 declaration of covenants and restrictions or other
 11 organizational document that governs the property administered
 12 by the master association and includes the bylaws and the
 13 articles of incorporation of the master association.

14 (4) "Member" means a member of the master association
 15 as designated by the master association documents.

16 (5) "Revenues" means all regular or special
 17 assessments for reserves, operating or other expenses, and all
 18 other sources of revenue, including interest, user fees,
 19 developer subsidies, litigation proceeds, and insurance
 20 proceeds.

21 Section 14. Section 718.702, Florida Statutes, is
 22 created to read:

23 718.702 Master association meetings; records.--

24 (1) Meetings of a master association board at which a
 25 quorum of board members are present are open to the members of
 26 the master association and affected owners. Meetings between
 27 the board or a committee and the master association attorney
 28 with respect to proposed or pending litigation, or board or
 29 committee meetings pertaining to legal advice, are not open to
 30 the membership of the master association, and notice to the
 31 membership is not required.

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1 complete cash basis financial report of actual receipts and
2 expenditures for the prior fiscal year.

3 (2) If total annual revenue of a master association
4 exceeds \$100,000, the association shall prepare a complete set
5 of financial statements in accordance with generally accepted
6 accounting principles as follows:

7 (a) If total annual revenue of the master association
8 exceeds \$100,000 but is less than \$200,000, the association
9 shall obtain from the master association for inclusion in the
10 association's records compiled financial statements.

11 (b) If total annual revenue of the master association
12 exceeds \$200,000 but is less than \$400,000, the association
13 shall obtain from the master association for inclusion in the
14 association's records reviewed financial statements.

15 (c) If total annual revenue of the master association
16 exceeds \$400,000, the association shall obtain from the master
17 association for inclusion in the association's records audited
18 financial statements.

19 (3) Master associations may exceed these reporting
20 requirements.

21 (4) The association shall obtain the financial reports
22 or statements within 90 days following the end of the fiscal
23 year to which the reports or statements relate. The
24 condominium association shall make the reports or statements
25 available to condominium unit owners in the manner and form
26 required under its governing documents, but no later than 14
27 days after receipt.

28 (5) This section does not limit public records or
29 disclosure requirements that are required of a master
30 association or association under their governing documents or
31 under any other provision of law; however, the financial

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1 reporting requirements of this section satisfy the financial
2 reporting requirements of s. 720.303(7).

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4 (Redesignate subsequent sections.)

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 2, line 4, after the semicolon

10
11 insert:

12 creating s. 718.701, F.S.; providing
13 definitions; creating s. 718.702, F.S.;
14 providing for master association meetings;
15 requiring certain notices; establishing meeting
16 rules; creating s. 718.703, F.S.; providing
17 powers of the Division of Florida Land Sales,
18 Condominiums, and Mobile Homes over master
19 associations; creating s. 718.704, F.S.;
20 requiring master associations to provide
21 certain financial records or statements;

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