

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause, and insert:

5 Section 1. Paragraph (e) of subsection (12) of section

6 718.111, Florida Statutes, is amended to read:

7 718.111 The association.--

8 (12) OFFICIAL RECORDS.--

9 (e)1. The association or its authorized agent is ~~shall~~ not

10 ~~be~~ required to provide a prospective purchaser or lienholder

11 with information about the condominium or the association other

12 than information or documents required by this chapter to be

13 made available or disclosed. The association or its authorized

14 agent may ~~shall be entitled to~~ charge a reasonable fee to the

15 prospective purchaser, lienholder, or the current unit owner for

16 ~~its time in~~ providing good faith responses to requests for

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17 information by or on behalf of a prospective purchaser or  
18 lienholder, other than that required by law, if the provided  
19 ~~that such~~ fee does shall not exceed \$150 plus the reasonable  
20 cost of photocopying and any attorney's fees incurred by the  
21 association in connection with the ~~association's~~ response.

22 2. An association and its authorized agent are not liable  
23 for providing such information in good faith pursuant to a  
24 written request if the person providing the information includes  
25 a written statement in substantially the following form: "The  
26 responses herein are made in good faith and to the best of my  
27 ability as to their accuracy."

28 Section 2. Subsection (2) of section 720.303, Florida  
29 Statutes, is amended to read:

30 720.303 Association powers and duties; meetings of board;  
31 official records; budgets; financial reporting.--

32 (2) BOARD MEETINGS.--A meeting of the board of directors  
33 of an association occurs whenever a quorum of the board gathers  
34 to conduct association business. All meetings of the board must  
35 be open to all members except for meetings between the board and  
36 its attorney with respect to proposed or pending litigation  
37 where the contents of the discussion would otherwise be governed  
38 by the attorney-client privilege. Notices of all board meetings  
39 must be posted in a conspicuous place in the community at least  
40 48 hours in advance of a meeting, except in an emergency. In  
41 the alternative, if notice is not posted in a conspicuous place  
42 in the community, notice of each board meeting must be mailed or  
43 delivered to each member at least 7 days before the meeting,  
44 except in an emergency. Notwithstanding this general notice

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45 requirement, for communities with more than 100 members, the  
46 bylaws may provide for a reasonable alternative to posting or  
47 mailing of notice for each board meeting, including publication  
48 of notice, provision of a schedule of board meetings, or the  
49 conspicuous posting and repeated broadcasting of the notice on a  
50 closed-circuit cable television system serving the homeowners'  
51 association. However, if broadcast notice is used in lieu of a  
52 notice posted physically in the community, the notice must be  
53 broadcast at least four times every broadcast hour of each day  
54 that a posted notice is otherwise required. When broadcast  
55 notice is provided, the notice and agenda must be broadcast in a  
56 manner and for a sufficient continuous length of time so as to  
57 allow an average reader to observe the notice and read and  
58 comprehend the entire content of the notice and the agenda. The  
59 bylaws or amended bylaws may provide for giving notice by  
60 electronic transmission in a manner authorized by law for  
61 meetings of the board of directors, committee meetings requiring  
62 notice under this section, and annual and special meetings of  
63 the members; however, a member must consent in writing to  
64 receiving notice by electronic transmission. An assessment may  
65 not be levied at a board meeting unless a written ~~the~~ notice of  
66 the meeting is provided to all members at least 14 days before  
67 the meeting, which notice includes a statement that assessments  
68 will be considered at the meeting and the nature of the  
69 assessments. Rules that regulate the use of parcels in the  
70 community may not be adopted, amended, or revoked at a board  
71 meeting unless a written meeting notice is provided to all  
72 members at least 14 days before the meeting, which notice

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73 | includes a statement that changes to the rules regarding the use  
74 | of parcels will be considered at the meeting. Directors may not  
75 | vote by proxy or by secret ballot at board meetings, except that  
76 | secret ballots may be used in the election of officers. This  
77 | subsection also applies to the meetings of any committee or  
78 | other similar body, when a final decision will be made regarding  
79 | the expenditure of association funds, and to any body vested  
80 | with the power to approve or disapprove architectural decisions  
81 | with respect to a specific parcel of residential property owned  
82 | by a member of the community.

83 |       Section 3. Subsection (3) of section 768.1325, Florida  
84 | Statutes, is amended, and subsection (6) is added to said  
85 | section, to read:

86 |       768.1325 Cardiac Arrest Survival Act; immunity from civil  
87 | liability.--

88 |       (3) Notwithstanding any other provision of law to the  
89 | contrary, and except as provided in subsection (4), any person  
90 | who uses or attempts to use an automated external defibrillator  
91 | device on a victim of a perceived medical emergency, without  
92 | objection of the victim of the perceived medical emergency, is  
93 | immune from civil liability for any harm resulting from the use  
94 | or attempted use of such device. In addition, any person who  
95 | acquired the device, including, but not limited to, a community  
96 | association organized under chapter 617, chapter 718, chapter  
97 | 719, chapter 720, chapter 721, or chapter 723, is immune from  
98 | such liability, if the harm was not due to the failure of such  
99 | acquirer of the device to:

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100 (a) Notify the local emergency medical services medical  
101 director of the most recent placement of the device within a  
102 reasonable period of time after the device was placed;

103 (b) Properly maintain and test the device; or

104 (c) Provide appropriate training in the use of the device  
105 to an employee or agent of the acquirer when the employee or  
106 agent was the person who used the device on the victim, except  
107 that such requirement of training does not apply if:

108 1. The employee or agent was not an employee or agent who  
109 would have been reasonably expected to use the device; or

110 2. The period of time elapsing between the engagement of  
111 the person as an employee or agent and the occurrence of the  
112 harm, or between the acquisition of the device and the  
113 occurrence of the harm in any case in which the device was  
114 acquired after engagement of the employee or agent, was not a  
115 reasonably sufficient period in which to provide the training.

116 (6) An insurer may not require an acquirer of an automated  
117 external defibrillator device which is a community association  
118 organized under chapter 617, chapter 718, chapter 719, chapter  
119 720, chapter 721, or chapter 723 to purchase medical malpractice  
120 liability coverage as a condition of issuing any other coverage  
121 carried by the association, and an insurer may not exclude  
122 damages resulting from the use of an automated external  
123 defibrillator device from coverage under a general liability  
124 policy issued to an association.

125 Section 4. Paragraphs (f) and (l) of subsection (2) of  
126 section 718.112, Florida Statutes, are amended to read:

127 718.112 Bylaws.--

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128 (2) REQUIRED PROVISIONS.--The bylaws shall provide for the  
129 following and, if they do not do so, shall be deemed to include  
130 the following:

131 (f) Annual budget.--

132 1. The proposed annual budget of common expenses shall be  
133 detailed and shall show the amounts budgeted by accounts and  
134 expense classifications, including, if applicable, but not  
135 limited to, those expenses listed in s. 718.504(21). A  
136 multicondominium association shall adopt a separate budget of  
137 common expenses for each condominium the association operates  
138 and shall adopt a separate budget of common expenses for the  
139 association. In addition, if the association maintains limited  
140 common elements with the cost to be shared only by those  
141 entitled to use the limited common elements as provided for in  
142 s. 718.113(1), the budget or a schedule attached thereto shall  
143 show amounts budgeted therefor. If, after turnover of control of  
144 the association to the unit owners, any of the expenses listed  
145 in s. 718.504(21) are not applicable, they need not be listed.

146 2. In addition to annual operating expenses, the budget  
147 shall include reserve accounts for capital expenditures and  
148 deferred maintenance. These accounts shall include, but are not  
149 limited to, roof replacement, building painting, and pavement  
150 resurfacing, regardless of the amount of deferred maintenance  
151 expense or replacement cost, and for any other item for which  
152 the deferred maintenance expense or replacement cost exceeds  
153 \$10,000. The amount to be reserved shall be computed by means of  
154 a formula which is based upon estimated remaining useful life  
155 and estimated replacement cost or deferred maintenance expense

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156 of each reserve item. The association may adjust replacement  
157 reserve assessments annually to take into account any changes in  
158 estimates or extension of the useful life of a reserve item  
159 caused by deferred maintenance. This subsection does not apply  
160 to an adopted budget in which the members of an association have  
161 determined, by a majority vote at a duly called meeting of the  
162 association, to provide no reserves or less reserves than  
163 required by this subsection. However, prior to turnover of  
164 control of an association by a developer to unit owners other  
165 than a developer pursuant to s. 718.301, the developer may vote  
166 to waive the reserves or reduce the funding of reserves for the  
167 first 2 fiscal years of the association's operation, beginning  
168 with the fiscal year in which the initial declaration is  
169 recorded, after which time reserves may be waived or reduced  
170 only upon the vote of a majority of all nondeveloper voting  
171 interests voting in person or by limited proxy at a duly called  
172 meeting of the association. If a meeting of the unit owners has  
173 been called to determine whether to waive or reduce the funding  
174 of reserves, and no such result is achieved or a quorum is not  
175 attained, the reserves as included in the budget shall go into  
176 effect. After the turnover, the developer may vote its voting  
177 interest to waive or reduce the funding of reserves.

178 3. Reserve funds and any interest accruing thereon shall  
179 remain in the reserve account or accounts, and shall be used  
180 only for authorized reserve expenditures unless their use for  
181 other purposes is approved in advance by a majority vote at a  
182 duly called meeting of the association. Prior to turnover of  
183 control of an association by a developer to unit owners other

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184 than the developer pursuant to s. 718.301, the developer-  
185 controlled association shall not vote to use reserves for  
186 purposes other than that for which they were intended without  
187 the approval of a majority of all nondeveloper voting interests,  
188 voting in person or by limited proxy at a duly called meeting of  
189 the association.

190 4. ~~In a multicondominium association,~~ The only voting  
191 interests which are eligible to vote on questions that involve  
192 waiving or reducing the funding of reserves, or using existing  
193 reserve funds for purposes other than purposes for which the  
194 reserves were intended, are the voting interests of the units  
195 subject to assessment to fund the reserves in question.

196 (1) Certificate of compliance.--There shall be a provision  
197 that a certificate of compliance from a licensed electrical  
198 contractor or electrician may be accepted by the association's  
199 board as evidence of compliance of the condominium units with  
200 the applicable fire and life safety code. Notwithstanding the  
201 provisions of chapter 633 or of any other code, statute,  
202 ordinance, administrative rule, or regulation, or any  
203 interpretation of the foregoing, an association, condominium, or  
204 unit owner is not obligated to retrofit the common elements or  
205 units of a residential condominium with a fire sprinkler system  
206 or other engineered lifesafety system in a building that has  
207 been certified for occupancy by the applicable governmental  
208 entity, if the unit owners have voted to forego such  
209 retrofitting and engineered lifesafety system by the affirmative  
210 vote of two-thirds of all voting interests in the affected  
211 condominium. However, a condominium association may not vote to

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212 forego the retrofitting with a fire sprinkler system of common  
213 areas in a high-rise building. For purposes of this subsection,  
214 the term "high-rise building" means a building that is greater  
215 than 75 feet in height where the building height is measured  
216 from the lowest level of fire department access to the floor of  
217 the highest occupiable story. For purposes of this subsection,  
218 the term "common areas" means any enclosed hallway, corridor,  
219 lobby, stairwell, or entryway. In no event shall the local  
220 authority having jurisdiction require completion of retrofitting  
221 of common areas with a sprinkler system before the end of 2014.

222 1. A vote to forego retrofitting may ~~not~~ be obtained by  
223 ~~general proxy or limited proxy or by a ballot, but shall be~~  
224 ~~obtained by a vote~~ personally cast at a duly called membership  
225 meeting, or by execution of a written consent by the member, and  
226 shall be effective upon the recording of a certificate attesting  
227 to such vote in the public records of the county where the  
228 condominium is located. The association shall mail, hand  
229 deliver, or electronically transmit to provide each unit owner  
230 written notice at least 14 days prior to such membership meeting  
231 in which ~~of~~ the vote to forego retrofitting of the required fire  
232 sprinkler system is to take place, ~~in at least 16-point bold~~  
233 ~~type, by certified mail, within 20 days after the association's~~  
234 ~~vote. Within 30 days after the association's opt-out vote,~~  
235 notice of the results of the opt-out vote shall be mailed, hand  
236 delivered, or electronically transmitted to all unit owners.  
237 Evidence of compliance with this 30-day notice shall be made by  
238 an affidavit executed by the person providing the notice and  
239 filed among the official records of the association. After such

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240 notice is provided to each owner, a copy of such notice shall be  
241 provided by the current owner to a new owner prior to closing  
242 and shall be provided by a unit owner to a renter prior to  
243 signing a lease.

244 2. As part of the information collected annually from  
245 condominiums, the division shall require condominium  
246 associations to report the membership vote and recording of a  
247 certificate under this subsection and, if retrofitting has been  
248 undertaken, the per-unit cost of such work. The division shall  
249 annually report to the Division of State Fire Marshal of the  
250 Department of Financial Services the number of condominiums that  
251 have elected to forego retrofitting.

252 Section 5. Paragraph (a) of subsection (5) of section  
253 719.1055, Florida Statutes, is amended to read:

254 719.1055 Amendment of cooperative documents; alteration  
255 and acquisition of property.--

256 (5) Notwithstanding the provisions of chapter 633 or of  
257 any other code, statute, ordinance, administrative rule, or  
258 regulation, or any interpretation of the foregoing, a  
259 cooperative or unit owner is not obligated to retrofit the  
260 common elements or units of a residential cooperative with a  
261 fire sprinkler system or other engineered life safety system in  
262 a building that has been certified for occupancy by the  
263 applicable governmental entity, if the unit owners have voted to  
264 forego such retrofitting and engineered life safety system by  
265 the affirmative vote of two-thirds of all voting interests in  
266 the affected cooperative. However, a cooperative may not forego  
267 the retrofitting with a fire sprinkler system of common areas in

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268 a high-rise building. For purposes of this subsection, the term  
269 "high-rise building" means a building that is greater than 75  
270 feet in height where the building height is measured from the  
271 lowest level of fire department access to the floor of the  
272 highest occupiable story. For purposes of this subsection, the  
273 term "common areas" means any enclosed hallway, corridor, lobby,  
274 stairwell, or entryway. In no event shall the local authority  
275 having jurisdiction require completion of retrofitting of common  
276 areas with a sprinkler system before the end of 2014.

277 (a) A vote to forego retrofitting may ~~not~~ be obtained by  
278 ~~general proxy or limited proxy or by a ballot, but shall be~~  
279 ~~obtained by a vote~~ personally cast at a duly called membership  
280 meeting, or by execution of a written consent by the member, and  
281 shall be effective upon the recording of a certificate attesting  
282 to such vote in the public records of the county where the  
283 cooperative is located. The association shall mail, hand  
284 deliver, or electronically transmit to provide each unit owner  
285 written notice at least 14 days prior to such membership meeting  
286 in which ~~of~~ the vote to forego retrofitting of the required fire  
287 sprinkler system is to take place., ~~in at least 16-point bold~~  
288 ~~type, by certified mail, within 20 days after the association's~~  
289 ~~vote.~~ Within 30 days after the association's opt-out vote,  
290 notice of the results of the opt-out vote shall be mailed, hand  
291 delivered, or electronically transmitted to all unit owners.  
292 Evidence of compliance with this 30 day notice shall be made by  
293 an affidavit executed by the person providing the notice and  
294 filed among the official records of the association. After such  
295 notice is provided to each owner, a copy of such notice shall be

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296 provided by the current owner to a new owner prior to closing  
297 and shall be provided by a unit owner to a renter prior to  
298 signing a lease.

299 Section 6. Section 718.5011, Florida Statutes, is created  
300 to read:

301 718.5011 Ombudsman; appointment; administration.--

302 (1) There is created an Office of the Condominium  
303 Ombudsman, to be located, for administrative purposes, within  
304 the Division of Florida Land Sales, Condominiums, and Mobile  
305 Homes. The functions of the office shall be funded by the  
306 Division of Florida Land Sales, Condominiums, and Mobile Homes  
307 Trust Fund. The ombudsman shall be a bureau chief of the  
308 division and the office shall be set within the division in the  
309 same manner as any other bureau is staffed and funded.

310 (2) The Secretary of Business and Professional Regulation  
311 shall appoint the ombudsman. The ombudsman must be an attorney  
312 admitted to practice before the Florida Supreme Court and shall  
313 serve at the pleasure of the secretary. A vacancy in the office  
314 shall be filled in the same manner as the original appointment.  
315 An officer or full-time employee of the ombudsman's office may  
316 not actively engage in any other business or profession; serve  
317 as the representative of any political party, executive  
318 committee, or other governing body of a political party; serve  
319 as an executive, officer, or employee of a political party;  
320 receive remuneration for activities on behalf of any candidate  
321 for public office; or engage in soliciting votes or other  
322 activities on behalf of a candidate for public office. The  
323 ombudsman or any employee of his or her office may not become a

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324 candidate for election to public office unless he or she first  
325 resigns from his or her office or employment.

326 Section 7. Section 718.5012, Florida Statutes, is created  
327 to read:

328 718.5012 Ombudsman; powers and duties.--The ombudsman  
329 shall have the powers that are necessary to carry out the duties  
330 of his or her office, including the following specific powers:

331 (1) To have access to and use of all files and records of  
332 the division.

333 (2) To employ professional and clerical staff as necessary  
334 for the efficient operation of the office.

335 (3) To prepare and issue reports and recommendations to  
336 the Governor, the department, the division, the Advisory Council  
337 on Condominiums, the President of the Senate, and the Speaker of  
338 the House of Representatives on any matter or subject within the  
339 jurisdiction of the division. The ombudsman shall make  
340 recommendations he or she deems appropriate for legislation  
341 relative to division procedures, rules, jurisdiction, personnel,  
342 and functions.

343 (4) To act as liaison between the division, unit owners,  
344 boards of directors, board members, community association  
345 managers, and other affected parties. The ombudsman shall  
346 develop policies and procedures to assist unit owners, boards of  
347 directors, board members, community association managers, and  
348 other affected parties to understand their rights and  
349 responsibilities as set forth in this chapter and the  
350 condominium documents governing their respective association.  
351 The ombudsman shall coordinate and assist in the preparation and

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352 adoption of educational and reference material, and shall  
353 endeavor to coordinate with private or volunteer providers of  
354 these services, so that the availability of these resources is  
355 made known to the largest possible audience.

356 (5) To monitor and review procedures and disputes  
357 concerning condominium elections or meetings, including, but not  
358 limited to, recommending that the division pursue enforcement  
359 action in any manner where there is reasonable cause to believe  
360 that election misconduct has occurred.

361 (6) To make recommendations to the division for changes in  
362 rules and procedures for the filing, investigation, and  
363 resolution of complaints filed by unit owners, associations, and  
364 managers.

365 (7) To provide resources to assist members of boards of  
366 directors and officers of associations to carry out their powers  
367 and duties consistent with this chapter, division rules, and the  
368 condominium documents governing the association.

369 (8) To encourage and facilitate voluntary meetings with  
370 and between unit owners, boards of directors, board members,  
371 community association managers, and other affected parties when  
372 the meetings may assist in resolving a dispute within a  
373 community association before a person submits a dispute for a  
374 formal or administrative remedy. It is the intent of the  
375 Legislature that the ombudsman act as a neutral resource for  
376 both the rights and responsibilities of unit owners,  
377 associations, and board members.

378 Section 8. Section 718.5014, Florida Statutes, is created  
379 to read:

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380       718.5014 Ombudsman location.--The ombudsman shall maintain  
381 his or her principal office in Leon County on the premises of  
382 the division or, if suitable space cannot be provided there, at  
383 another place convenient to the offices of the division which  
384 will enable the ombudsman to expeditiously carry out the duties  
385 and functions of his or her office. The ombudsman may establish  
386 branch offices elsewhere in the state upon the concurrence of  
387 the secretary of the department.

388       Section 9. Section 718.5015, Florida Statutes, is created  
389 to read:

390       718.5015 Advisory council; membership functions.--

391       (1) There is created the Advisory Council on Condominiums.  
392 The council shall consist of seven appointed members. Two  
393 members shall be appointed by the President of the Senate, two  
394 members shall be appointed by the Speaker of the House of  
395 Representatives, and three members shall be appointed by the  
396 Governor. At least one member that is appointed by the Governor  
397 shall represent timeshare condominiums. Members shall be  
398 appointed to 2-year terms; however, one of the persons initially  
399 appointed by the Governor, by the President of the Senate, and  
400 by the Speaker of the House of Representatives shall be  
401 appointed to a 1-year term. The director of the division shall  
402 serve as an ex officio nonvoting member. The Legislature intends  
403 that the persons appointed represent a cross-section of persons  
404 interested in condominium issues. The council shall be located  
405 within the division for administrative purposes. Members of the  
406 council shall serve without compensation, but are entitled to

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407 receive per diem and travel expenses pursuant to s. 112.061  
408 while on official business.

409 (2) The functions of the advisory council shall be to:

410 (a) Receive, from the public, input regarding issues of  
411 concern with respect to condominiums and recommendations for  
412 changes in the condominium law. The issues that the council  
413 shall consider include, but are not limited to, the rights and  
414 responsibilities of the unit owners in relation to the rights  
415 and responsibilities of the association.

416 (b) Review, evaluate, and advise the division concerning  
417 revisions and adoption of rules affecting condominiums.

418 (c) Recommend improvements, if needed, in the education  
419 programs offered by the division.

420 (3) The council may elect a chair and vice chair and such  
421 other officers as it may deem advisable. The council shall meet  
422 at the call of its chair, at the request of a majority of its  
423 membership, at the request of the division, or at such times as  
424 it may prescribe. A majority of the members of the council shall  
425 constitute a quorum. Council action may be taken by vote of a  
426 majority of the voting members who are present at a meeting  
427 where there is a quorum.

428 Section 10. Subsection (2) of section 718.503, Florida  
429 Statutes, is amended to read:

430 718.503 Developer disclosure prior to sale; nondeveloper  
431 unit owner disclosure prior to sale; voidability.--

432 (2) NONDEVELOPER DISCLOSURE.--

433 (a) Each unit owner who is not a developer as defined by  
434 this chapter shall comply with the provisions of this subsection

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435 prior to the sale of his or her unit. Each prospective  
436 purchaser who has entered into a contract for the purchase of a  
437 condominium unit is entitled, at the seller's expense, to a  
438 current copy of the declaration of condominium, articles of  
439 incorporation of the association, bylaws, and rules of the  
440 association, ~~and a copy of the~~ financial information required by  
441 s. 718.111, and the document entitled "Frequently Asked  
442 Questions and Answers" required by s. 718.504.

443 (b) If a person licensed under part I of chapter 475  
444 provides to or otherwise obtains for a prospective purchaser the  
445 documents described in this subsection, the person is not liable  
446 for any error or inaccuracy contained in the documents.

447 (c) Each contract entered into after July 1, 1992, for the  
448 resale of a residential unit shall contain in conspicuous type  
449 either:

450 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
451 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION  
452 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,  
453 BYLAWS AND, RULES OF THE ASSOCIATION, AND A COPY OF THE MOST  
454 RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED  
455 QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING  
456 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF  
457 THIS CONTRACT; or

458 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
459 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
460 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
461 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
462 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION

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463 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF  
464 THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END  
465 FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND ANSWERS  
466 DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF  
467 THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND  
468 THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS,  
469 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE  
470 BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,  
471 BYLAWS, AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST  
472 RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED  
473 QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S  
474 RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

475  
476 A contract that does not conform to the requirements of this  
477 paragraph is voidable at the option of the purchaser prior to  
478 closing.

479 Section 11. Section 720.401, Florida Statutes, is created  
480 to read:

481 720.401 Preservation of residential communities; revival  
482 of declaration of covenants.--

483 (1) Consistent with required and optional elements of  
484 local comprehensive plans and other applicable provisions of the  
485 Local Government Comprehensive Planning and Land Development  
486 Regulation Act, homeowners are encouraged to preserve existing  
487 residential communities, promote available and affordable  
488 housing, protect structural and aesthetic elements of their  
489 residential community, and, as applicable, maintain roads and  
490 streets, easements, water and sewer systems, utilities, drainage

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491 improvements, conservation and open areas, recreational  
492 amenities, and other infrastructure and common areas that serve  
493 and support the residential community by the revival of a  
494 previous declaration of covenants and other governing documents  
495 that may have ceased to govern some or all parcels in the  
496 community.

497 (2) In order to preserve a residential community and the  
498 associated infrastructure and common areas for the purposes  
499 described in this section, the parcel owners in a community that  
500 was previously subject to a declaration of covenants that has  
501 ceased to govern one or more parcels in the community may revive  
502 the declaration and the homeowners' association for the  
503 community upon approval by the parcel owners to be governed  
504 thereby as provided in this act, and upon approval of the  
505 declaration and the other governing documents for the  
506 association by the Department of Community Affairs in a manner  
507 consistent with this act.

508 Section 12. Section 720.402, Florida Statutes, is created  
509 to read:

510 720.402 Eligible residential communities; requirements for  
511 revival of declaration.--Parcel owners in a community are  
512 eligible to seek approval from the Department of Community  
513 Affairs to revive a declaration of covenants under this act if  
514 all of the following requirements are met:

515 (1) All parcels to be governed by the revived declaration  
516 must have been once governed by a previous declaration that has  
517 ceased to govern some or all of the parcels in the community.

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518       (2) The revived declaration must be approved in the manner  
519 provided in s. 720.403(6).

520       (3) The revived declaration may not contain covenants that  
521 are more restrictive on the parcel owners than the covenants  
522 contained in the previous declaration, except that the  
523 declaration may:

524           (a) Have an effective term of longer duration than the  
525 term of the previous declaration.

526           (b) Omit restrictions contained in the previous  
527 declaration.

528           (c) Govern fewer than all of the parcels governed by the  
529 previous declaration.

530           (d) Provide for amendments to the declaration and other  
531 governing documents.

532           (e) Contain provisions required by this chapter for new  
533 declarations that were not contained in the previous  
534 declaration.

535       Section 13. Section 720.403, Florida Statutes, is created  
536 to read:

537       720.403 Organizing committee; parcel owner approval.--

538       (1) The proposal to revive a declaration of covenants and  
539 a homeowners' association for a community under the terms of  
540 this act shall be initiated by an organizing committee  
541 consisting of not less than three parcel owners located in the  
542 community that is proposed to be governed by the revived  
543 declaration. The name, address, and telephone number of each  
544 member of the organizing committee must be included in any

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545 notice or other document provided by the committee to parcel  
546 owners to be affected by the proposed revived declaration.

547 (2) The organizing committee shall prepare or cause to be  
548 prepared the complete text of the proposed revised declaration  
549 of covenants to be submitted to the parcel owners for approval.  
550 The proposed revived documents must identify each parcel that is  
551 to be subject to the governing documents by its legal  
552 description, and by the name of the parcel owner or the person  
553 in whose name the parcel is assessed on the last completed tax  
554 assessment roll of the county at the time when the proposed  
555 revived declaration is submitted for approval by the parcel  
556 owners.

557 (3) The organizing committee shall prepare the full text  
558 of the proposed articles of incorporation and bylaws of the  
559 revived homeowners' association to be submitted to the parcel  
560 owners for approval, unless the association is then an existing  
561 corporation, in which case the organizing committee shall  
562 prepare the existing articles of incorporation and bylaws to be  
563 submitted to the parcel owners.

564 (4) The proposed revived declaration and other governing  
565 documents for the community shall:

566 (a) Provide that the voting interest of each parcel owner  
567 shall be the same as the voting interest of the parcel owner  
568 under the previous governing documents.

569 (b) Provide that the proportional-assessment obligations  
570 of each parcel owner shall be the same as proportional-  
571 assessment obligations of the parcel owner under the previous  
572 governing documents.

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573 (c) Contain the same respective amendment provisions as  
574 the previous governing documents or, if there were no amendment  
575 provisions in the previous governing document, amendment  
576 provisions that require approval of not less than two-thirds of  
577 the affected parcel owners.

578 (d) Contain no covenants that are more restrictive on the  
579 affected parcel owners than the covenants contained in the  
580 previous governing documents, except as permitted under s.  
581 720.402(3).

582 (e) Comply with the other requirements for a declaration  
583 of covenants and other governing documents as specified in this  
584 chapter.

585 (5) A copy of the complete text of the proposed revised  
586 declaration of covenants, the proposed new or existing articles  
587 of incorporation and bylaws of the homeowners' association, and  
588 a graphic depiction of the property to be governed by the  
589 revived declaration shall be presented to all of the affected  
590 parcel owners by mail or hand delivery not less than 14 days  
591 before the time that the consent of the affected parcel owners  
592 to the proposed governing documents is sought by the organizing  
593 committee.

594 (6) A majority of the affected parcel owners must agree in  
595 writing to the revived declaration of covenants and governing  
596 documents of the homeowners' association or approve the revived  
597 declaration and governing documents by a vote at a meeting of  
598 the affected parcel owners noticed and conducted in the manner  
599 prescribed by s. 720.306. Proof of notice of the meeting to all  
600 affected owners of the meeting and the minutes of the meeting

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601 recording the votes of the property owners shall be certified by  
602 a court reporter or an attorney licensed to practice in the  
603 state.

604 Section 14. Section 720.404, Florida Statutes, is created  
605 to read:

606 720.404 Department of Community Affairs; submission;  
607 review and determination.--

608 (1) No later than 60 days after the date the proposed  
609 revived declaration and other governing documents are approved  
610 by the affected parcel owners, the organizing committee or its  
611 designee must submit the proposed revived governing documents  
612 and supporting materials to the Department of Community Affairs  
613 to review and determine whether to approve or disapprove of the  
614 proposal to preserve the residential community. The submission  
615 to the department must include:

616 (a) The full text of the proposed revived declaration of  
617 covenants and articles of incorporation and bylaws of the  
618 homeowners' association.

619 (b) A verified copy of the previous declaration of  
620 covenants and other previous governing documents for the  
621 community, including any amendments thereto.

622 (c) The legal description of each parcel to be subject to  
623 the revived declaration and other governing documents and a plat  
624 or other graphic depiction of the affected properties in the  
625 community.

626 (d) A verified copy of the written consents of the  
627 requisite number of the affected parcel owners approving the  
628 revived declaration and other governing documents or, if

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629 approval was obtained by a vote at a meeting of affected parcel  
630 owners, verified copies of the notice of the meeting,  
631 attendance, and voting results.

632 (e) An affidavit by a current or former officer of the  
633 association or by a member of the organizing committee verifying  
634 that the requirements for the revived declaration set forth in  
635 s. 720.402 have been satisfied.

636 (f) Such other documentation that the organizing committee  
637 believes is supportive of the policy of preserving the  
638 residential community and operating, managing, and maintaining  
639 the infrastructure, aesthetic character, and common areas  
640 servicing the residential community.

641 (2) No later than 60 days after receiving the submission,  
642 the department must determine whether the proposed revived  
643 declaration of covenants and other governing documents comply  
644 with the requirements of this act.

645 (a) If the department determines that the proposed revived  
646 declaration and other governing documents comply with the act  
647 and have been approved by the parcel owners as required by this  
648 act, the department shall notify the organizing committee in  
649 writing of its approval.

650 (b) If the department determines that the proposed revived  
651 declaration and other governing documents do not comply with  
652 this act or have not been approved as required by this act, the  
653 department shall notify the organizing committee in writing that  
654 it does not approve the governing documents and shall state the  
655 reasons for the disapproval.

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656 Section 15. Section 720.405, Florida Statutes, is created  
657 to read:

658 720.405 Recording; notice of recording; applicability and  
659 effective date.--

660 (1) No later than 30 days after receiving approval from  
661 the department, the organizing committee shall file the articles  
662 of incorporation of the association with the Division of  
663 Corporations of the Department of State if the articles have not  
664 been previously filed with the division.

665 (2) No later than 30 days after receiving approval from  
666 the division, the president and secretary of the association  
667 shall execute the revived declaration and other governing  
668 documents approved by the department in the name of the  
669 association and have the documents recorded with the clerk of  
670 the circuit court in the county where the affected parcels are  
671 located.

672 (3) The recorded documents shall include the full text of  
673 the approved declaration of covenants, the articles of  
674 incorporation and bylaws of the homeowners' association, the  
675 letter of approval by the department, and the legal description  
676 of each affected parcel of property. For purposes of chapter  
677 712, the association is deemed to be and shall be indexed as the  
678 grantee in a title transaction and the parcel owners named in  
679 the revived declaration are deemed to be and shall be indexed as  
680 the grantors in the title transaction.

681 (4) Immediately after recording the documents, a complete  
682 copy of all of the approved recorded documents must be mailed or  
683 hand delivered to the owner of each affected parcel. The revived

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684 declaration and other governing documents shall be effective  
685 upon recordation in the public records with respect to each  
686 affected parcel subject thereto, regardless of whether the  
687 particular parcel owner approved the revived declaration. Upon  
688 recordation, the revived declaration shall replace and supersede  
689 the previous declaration with respect to all affected parcels  
690 then governed by the previous declaration and shall have the  
691 same record priority as the superseded previous declaration.  
692 With respect to any affected parcels that had ceased to be  
693 governed by the previous declaration as of the recording date,  
694 the revived declaration may not have retroactive effect with  
695 respect to the parcel and shall take priority with respect to  
696 the parcel as of the recording date.

697 (5) The owner of any parcel that has ceased to be governed  
698 by a previous declaration of covenants as of July 1, 2004, may  
699 commence an action within 1 year after that date for a judicial  
700 determination that the previous declaration did not govern that  
701 parcel as of July 1, 2004, and that any revival of such  
702 declaration as to that parcel would unconstitutionally deprive  
703 the parcel owner of rights or property. A revived declaration  
704 that is implemented pursuant to this act shall not apply to or  
705 affect the rights of the respective parcel owner recognized by a  
706 court order or judgment in an action commenced within 1 year  
707 after July 1, 2004, and any rights so recognized may not be  
708 subsequently altered by a revived declaration implemented under  
709 this act without the consent of the affected property owner.

710 Section 16. Section 720.301, Florida Statutes, is amended  
711 to read:

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712           720.301 Definitions.--As used in this chapter ~~ss. 720.301-~~  
713 ~~720.312~~, the term:

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

721           (2) "Common area" means all real property within a  
722 community which is owned or leased by an association or  
723 dedicated for use or maintenance by the association or its  
724 members, including, regardless of whether title has been  
725 conveyed to the association:

726           (a) Real property the use of which is dedicated to the  
727 association or its members by a recorded plat; or

728           (b) Real property committed by a declaration of covenants  
729 to be leased or conveyed to the association.

730           (3) "Community" means the real property that is or will be  
731 subject to a declaration of covenants which is recorded in the  
732 county where the property is located. The term "community"  
733 includes all real property, including undeveloped phases, that  
734 is or was the subject of a development-of-regional-impact  
735 development order, together with any approved modification  
736 thereto.

737           (4) "Declaration of covenants," or "declaration," means a  
738 recorded written instrument in the nature of covenants running  
739 with the land which subjects the land comprising the community

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740 to the jurisdiction and control of an association or  
741 associations in which the owners of the parcels, or their  
742 association representatives, must be members.

743 (5) "Department" means the Department of Business and  
744 Professional Regulation.

745 (6)~~(5)~~ "Developer" means a person or entity that:

746 (a) Creates the community served by the association; or

747 (b) Succeeds to the rights and liabilities of the person  
748 or entity that created the community served by the association,  
749 provided that such is evidenced in writing.

750 (7) "Division" means the Division of Florida Land Sales,  
751 Condominiums, and Mobile Homes in the Department of Business and  
752 Professional Regulation.

753 (8)~~(6)~~ "Governing documents" means:

754 (a) The recorded declaration of covenants for a community,  
755 and all duly adopted and recorded amendments, supplements, and  
756 recorded exhibits thereto; and

757 (b) The articles of incorporation and bylaws of the  
758 homeowners' association, and any duly adopted amendments  
759 thereto.

760 (9)~~(7)~~ "Homeowners' association" or "association" means a  
761 Florida corporation responsible for the operation of a community  
762 or a mobile home subdivision in which the voting membership is  
763 made up of parcel owners or their agents, or a combination  
764 thereof, and in which membership is a mandatory condition of  
765 parcel ownership, and which is authorized to impose assessments  
766 that, if unpaid, may become a lien on the parcel. The term  
767 "homeowners' association" does not include a community

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768 development district or other similar special taxing district  
769 created pursuant to statute.

770 ~~(10)(8)~~ "Member" means a member of an association, and may  
771 include, but is not limited to, a parcel owner or an association  
772 representing parcel owners or a combination thereof, and  
773 includes any person or entity obligated by the governing  
774 documents to pay an assessment or amenity fee.

775 ~~(11)(9)~~ "Parcel" means a platted or unplatted lot, tract,  
776 unit, or other subdivision of real property within a community,  
777 as described in the declaration:

778 (a) Which is capable of separate conveyance; and

779 (b) Of which the parcel owner, or an association in which  
780 the parcel owner must be a member, is obligated:

781 1. By the governing documents to be a member of an  
782 association that serves the community; and

783 2. To pay to the homeowners' association assessments that,  
784 if not paid, may result in a lien.

785 ~~(12)(10)~~ "Parcel owner" means the record owner of legal  
786 title to a parcel.

787 ~~(13)(11)~~ "Voting interest" means the voting rights  
788 distributed to the members of the homeowners' association,  
789 pursuant to the governing documents.

790 Section 17. Subsections (1), (2), (3), and (4) of section  
791 720.302, Florida Statutes, are amended to read:

792 720.302 Purposes, scope, and application.--

793 (1) The purposes of this chapter ~~ss. 720.301-720.312~~ are  
794 to give statutory recognition to corporations not for profit  
795 that operate residential communities in this state, to provide

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796 | procedures for operating homeowners' associations, and to  
797 | protect the rights of association members without unduly  
798 | impairing the ability of such associations to perform their  
799 | functions.

800 |       (2) The Legislature recognizes that it is not in the best  
801 | interest of homeowners' associations or the individual  
802 | association members thereof to create or impose a bureau or  
803 | other agency of state government to regulate the affairs of  
804 | homeowners' associations. However, in accordance with s.  
805 | 720.311, the Legislature finds that homeowners' associations and  
806 | their individual members will benefit from an expedited  
807 | alternative process for resolution of election and recall  
808 | disputes and presuit mediation of other disputes involving  
809 | covenant enforcement and authorizes the department to hear,  
810 | administer, and determine these disputes as more fully set forth  
811 | in this chapter. Further, the Legislature recognizes that  
812 | certain contract rights have been created for the benefit of  
813 | homeowners' associations and members thereof before the  
814 | effective date of this act and that ss. 720.301-720.501 ~~ss.~~  
815 | ~~720.301-720.312~~ are not intended to impair such contract rights,  
816 | including, but not limited to, the rights of the developer to  
817 | complete the community as initially contemplated.

818 |       (3) This chapter does ~~Sections 720.301-720.312~~ ~~do~~ not  
819 | apply to:

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

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823 (b) The commercial or industrial parcels in a community  
824 that contains both residential parcels and parcels intended for  
825 commercial or industrial use.

826 (4) This chapter does ~~Sections 720.301-720.312 do~~ not  
827 apply to any association that is subject to regulation under  
828 chapter 718, chapter 719, or chapter 721; or to any nonmandatory  
829 association formed under chapter 723.

830 Section 18. Section 720.303, Florida Statutes, is amended  
831 to read:

832 720.303 Association powers and duties; meetings of board;  
833 official records; budgets; financial reporting; association  
834 funds; recalls.--

835 (1) POWERS AND DUTIES.--An association which operates a  
836 community as defined in s. 720.301, must be operated by an  
837 association that is a Florida corporation. After October 1,  
838 1995, the association must be incorporated and the initial  
839 governing documents must be recorded in the official records of  
840 the county in which the community is located. An association may  
841 operate more than one community. The officers and directors of  
842 an association have a fiduciary relationship to the members who  
843 are served by the association. The powers and duties of an  
844 association include those set forth in this chapter and, except  
845 as expressly limited or restricted in this chapter, those set  
846 forth in the governing documents. After control of the  
847 association is obtained by members ~~unit-owners~~ other than the  
848 developer, the association may institute, maintain, settle, or  
849 appeal actions or hearings in its name on behalf of all members  
850 concerning matters of common interest to the members, including,

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851 but not limited to, the common areas; roof or structural  
852 components of a building, or other improvements for which the  
853 association is responsible; mechanical, electrical, or plumbing  
854 elements serving an improvement or building for which the  
855 association is responsible; representations of the developer  
856 pertaining to any existing or proposed commonly used facility;  
857 and protesting ad valorem taxes on commonly used facilities. The  
858 association may defend actions in eminent domain or bring  
859 inverse condemnation actions. Before commencing litigation  
860 against any party in the name of the association involving  
861 amounts in controversy in excess of \$100,000, the association  
862 must obtain the affirmative approval of a majority of the voting  
863 interests at a meeting of the membership at which a quorum has  
864 been attained. This subsection does not limit any statutory or  
865 common-law right of any individual member or class of members to  
866 bring any action without participation by the association. A  
867 member does not have authority to act for the association by  
868 virtue of being a member. An association may have more than one  
869 class of members and may issue membership certificates. An  
870 association of 15 or fewer parcel owners may enforce only the  
871 requirements of those deed restrictions established prior to the  
872 purchase of each parcel upon an affected parcel owner or owners.

873 (2) BOARD MEETINGS.--

874 (a) A meeting of the board of directors of an association  
875 occurs whenever a quorum of the board gathers to conduct  
876 association business. All meetings of the board must be open to  
877 all members except for meetings between the board and its  
878 attorney with respect to proposed or pending litigation where

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879 the contents of the discussion would otherwise be governed by  
880 the attorney-client privilege.

881 (b) Members have the right to attend all meetings of the  
882 board and to speak on any matter placed on the agenda by  
883 petition of the voting interests for at least 3 minutes. The  
884 association may adopt written reasonable rules expanding the  
885 right of members to speak and governing the frequency, duration,  
886 and other manner of member statements, which rules must be  
887 consistent with this paragraph and may include a sign-up sheet  
888 for members wishing to speak. Notwithstanding any other law, the  
889 requirement that board meetings and committee meetings be open  
890 to the members is inapplicable to meetings between the board or  
891 a committee and the association's attorney, with respect to  
892 meetings of the board held for the purpose of discussing  
893 personnel matters.

894 (c) The bylaws shall provide for giving notice to parcel  
895 owners and members of all board meetings and, if they do not do  
896 so, shall be deemed to provide the following:

897 1. Notices of all board meetings must be posted in a  
898 conspicuous place in the community at least 48 hours in advance  
899 of a meeting, except in an emergency. In the alternative, if  
900 notice is not posted in a conspicuous place in the community,  
901 notice of each board meeting must be mailed or delivered to each  
902 member at least 7 days before the meeting, except in an  
903 emergency. Notwithstanding this general notice requirement, for  
904 communities with more than 100 members, the bylaws may provide  
905 for a reasonable alternative to posting or mailing of notice for  
906 each board meeting, including publication of notice, provision

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907 of a schedule of board meetings, or the conspicuous posting and  
908 repeated broadcasting of the notice on a closed-circuit cable  
909 television system serving the homeowners' association. However,  
910 if broadcast notice is used in lieu of a notice posted  
911 physically in the community, the notice must be broadcast at  
912 least four times every broadcast hour of each day that a posted  
913 notice is otherwise required. When broadcast notice is provided,  
914 the notice and agenda must be broadcast in a manner and for a  
915 sufficient continuous length of time so as to allow an average  
916 reader to observe the notice and read and comprehend the entire  
917 content of the notice and the agenda. The bylaws or amended  
918 bylaws may provide for giving notice by electronic transmission  
919 in a manner authorized by law for meetings of the board of  
920 directors, committee meetings requiring notice under this  
921 section, and annual and special meetings of the members;  
922 however, a member must consent in writing to receiving notice by  
923 electronic transmission.

924 2. An assessment may not be levied at a board meeting  
925 unless the notice of the meeting includes a statement that  
926 assessments will be considered and the nature of the  
927 assessments. Written notice of any meeting at which special  
928 assessments will be considered or at which amendments to rules  
929 regarding parcel use will be considered must be mailed, hand  
930 delivered, or electronically transmitted to the members and  
931 parcel owners and posted conspicuously on the property or  
932 broadcast on closed-circuit cable television not less than 14  
933 days before the meeting.

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934       3. Directors may not vote by proxy or by secret ballot at  
935 board meetings, except that secret ballots may be used in the  
936 election of officers. This subsection also applies to the  
937 meetings of any committee or other similar body, when a final  
938 decision will be made regarding the expenditure of association  
939 funds, and to any body vested with the power to approve or  
940 disapprove architectural decisions with respect to a specific  
941 parcel of residential property owned by a member of the  
942 community.

943       (d) If 20 percent of the total voting interests petition  
944 the board to address an item of business, the board shall at its  
945 next regular board meeting or at a special meeting of the board,  
946 but not later than 60 days after the receipt of the petition,  
947 take the petitioned item up on an agenda. The board shall give  
948 all members notice of the meeting at which the petitioned item  
949 shall be addressed in accordance with the 14-day notice  
950 requirement pursuant to subparagraph 2. Each member shall have  
951 the right to speak for at least 3 minutes on each matter placed  
952 on the agenda by petition, provided that the member signs the  
953 sign-up sheet, if one is provided, or submits a written request  
954 to speak prior to the meeting. Other than addressing the  
955 petitioned item at the meeting, the board is not obligated to  
956 take any other action requested by the petition.

957       (3) MINUTES.--Minutes of all meetings of the members of an  
958 association and of the board of directors of an association must  
959 be maintained in written form or in another form that can be  
960 converted into written form within a reasonable time. A vote or  
961 abstention from voting on each matter voted upon for each

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962 director present at a board meeting must be recorded in the  
963 minutes.

964 (4) OFFICIAL RECORDS.--The association shall maintain each  
965 of the following items, when applicable, which constitute the  
966 official records of the association:

967 (a) Copies of any plans, specifications, permits, and  
968 warranties related to improvements constructed on the common  
969 areas or other property that the association is obligated to  
970 maintain, repair, or replace.

971 (b) A copy of the bylaws of the association and of each  
972 amendment to the bylaws.

973 (c) A copy of the articles of incorporation of the  
974 association and of each amendment thereto.

975 (d) A copy of the declaration of covenants and a copy of  
976 each amendment thereto.

977 (e) A copy of the current rules of the homeowners'  
978 association.

979 (f) The minutes of all meetings of the board of directors  
980 and of the members, which minutes must be retained for at least  
981 7 years.

982 (g) A current roster of all members and their mailing  
983 addresses and parcel identifications. The association shall also  
984 maintain the electronic mailing addresses and the numbers  
985 designated by members for receiving notice sent by electronic  
986 transmission of those members consenting to receive notice by  
987 electronic transmission. The electronic mailing addresses and  
988 numbers provided by unit owners to receive notice by electronic  
989 transmission shall be removed from association records when

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990 consent to receive notice by electronic transmission is revoked.  
991 However, the association is not liable for an erroneous  
992 disclosure of the electronic mail address or the number for  
993 receiving electronic transmission of notices.

994 (h) All of the association's insurance policies or a copy  
995 thereof, which policies must be retained for at least 7 years.

996 (i) A current copy of all contracts to which the  
997 association is a party, including, without limitation, any  
998 management agreement, lease, or other contract under which the  
999 association has any obligation or responsibility. Bids received  
1000 by the association for work to be performed must also be  
1001 considered official records and must be kept for a period of 1  
1002 year.

1003 (j) The financial and accounting records of the  
1004 association, kept according to good accounting practices. All  
1005 financial and accounting records must be maintained for a period  
1006 of at least 7 years. The financial and accounting records must  
1007 include:

1008 1. Accurate, itemized, and detailed records of all  
1009 receipts and expenditures.

1010 2. A current account and a periodic statement of the  
1011 account for each member, designating the name and current  
1012 address of each member who is obligated to pay assessments, the  
1013 due date and amount of each assessment or other charge against  
1014 the member, the date and amount of each payment on the account,  
1015 and the balance due.

1016 3. All tax returns, financial statements, and financial  
1017 reports of the association.

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1018 4. Any other records that identify, measure, record, or  
1019 communicate financial information.

1020 (k) A copy of the disclosure summary described in s.  
1021 720.401(2).

1022 (l) All other written records of the association not  
1023 specifically included in the foregoing which are related to the  
1024 operation of the association.

1025 (5) INSPECTION AND COPYING OF RECORDS.--The official  
1026 records shall be maintained within the state and must be open to  
1027 inspection and available for photocopying by members or their  
1028 authorized agents at reasonable times and places within 10  
1029 business days after receipt of a written request for access.  
1030 This subsection may be complied with by having a copy of the  
1031 official records available for inspection or copying in the  
1032 community. If the association has a photocopy machine available  
1033 where the records are maintained, it must provide parcel owners  
1034 with copies on request during the inspection if the entire  
1035 request is limited to no more than 25 pages.

1036 (a) The failure of an association to provide access to the  
1037 records within 10 business days after receipt of a written  
1038 request creates a rebuttable presumption that the association  
1039 willfully failed to comply with this subsection.

1040 (b) A member who is denied access to official records is  
1041 entitled to the actual damages or minimum damages for the  
1042 association's willful failure to comply with this subsection.  
1043 The minimum damages are to be \$50 per calendar day up to 10  
1044 days, the calculation to begin on the 11th business day after  
1045 receipt of the written request.

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1046 (c) The association may adopt reasonable written rules  
1047 governing the frequency, time, location, notice, records to be  
1048 inspected, and manner of inspections, but may not impose a  
1049 requirement that a parcel owner demonstrate any proper purpose  
1050 for the inspection, state any reason for the inspection, or  
1051 limit a parcel owner's right to inspect records to less than one  
1052 8-hour business day per month. The association ~~and~~ may impose  
1053 fees to cover the costs of providing copies of the official  
1054 records, including, without limitation, the costs of copying.  
1055 The association may charge up to 50 cents per page for copies  
1056 made on the association's photocopier. If the association does  
1057 not have a photocopy machine available where the records are  
1058 kept, or if the records requested to be copied exceed 25 pages  
1059 in length, the association may have copies made by an outside  
1060 vendor and may charge the actual cost of copying. The  
1061 association shall maintain an adequate number of copies of the  
1062 recorded governing documents, to ensure their availability to  
1063 members and prospective members, ~~and may charge only its actual~~  
1064 ~~costs for reproducing and furnishing these documents to those~~  
1065 ~~persons who are entitled to receive them. Notwithstanding the~~  
1066 ~~provisions of this paragraph, the following records shall not be~~  
1067 ~~accessible to members or parcel owners:~~

1068 1. Any record protected by the lawyer-client privilege as  
1069 described in s. 90.502 and any record protected by the work-  
1070 product privilege, including, but not limited to, any record  
1071 prepared by an association attorney or prepared at the  
1072 attorney's express direction which reflects a mental impression,  
1073 conclusion, litigation strategy, or legal theory of the attorney

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1074 or the association and was prepared exclusively for civil or  
1075 criminal litigation or for adversarial administrative  
1076 proceedings or which was prepared in anticipation of imminent  
1077 civil or criminal litigation or imminent adversarial  
1078 administrative proceedings until the conclusion of the  
1079 litigation or adversarial administrative proceedings.

1080 2. Information obtained by an association in connection  
1081 with the approval of the lease, sale, or other transfer of a  
1082 parcel.

1083 3. Disciplinary, health, insurance, and personnel records  
1084 of the association's employees.

1085 4. Medical records of parcel owners or community  
1086 residents.

1087 (6) BUDGETS.--The association shall prepare an annual  
1088 budget. The budget must reflect the estimated revenues and  
1089 expenses for that year and the estimated surplus or deficit as  
1090 of the end of the current year. The budget must set out  
1091 separately all fees or charges for recreational amenities,  
1092 whether owned by the association, the developer, or another  
1093 person. The association shall provide each member with a copy  
1094 of the annual budget or a written notice that a copy of the  
1095 budget is available upon request at no charge to the member.  
1096 The copy must be provided to the member within the time limits  
1097 set forth in subsection (5).

1098 (7) FINANCIAL REPORTING.--The association shall prepare an  
1099 annual financial report within 60 days after the close of the  
1100 fiscal year. The association shall, within the time limits set  
1101 forth in subsection (5), provide each member with a copy of the

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1102 annual financial report or a written notice that a copy of the  
1103 financial report is available upon request at no charge to the  
1104 member. Financial reports shall be prepared as follows ~~The~~  
1105 ~~financial report must consist of either:~~

1106 (a) An association that meets the criteria of this  
1107 paragraph shall prepare or cause to be prepared a complete set  
1108 of financial statements in accordance with generally accepted  
1109 accounting principles. The financial statements shall be based  
1110 upon the association's total annual revenues, as follows:

1111 1. An association with total annual revenues of \$100,000  
1112 or more, but less than \$200,000, shall prepare compiled  
1113 financial statements.

1114 2. An association with total annual revenues of at least  
1115 \$200,000, but less than \$400,000, shall prepare reviewed  
1116 financial statements.

1117 3. An association with total annual revenues of \$400,000  
1118 or more shall prepare audited financial statements. ~~Financial~~  
1119 statements presented in conformity with generally accepted  
1120 accounting principles; or

1121 (b) ~~A financial report of actual receipts and~~  
1122 ~~expenditures, cash basis, which report must show:~~

1123 1. An association with total annual revenues of less than  
1124 \$100,000 shall prepare a report of cash receipts and  
1125 expenditures. ~~The amount of receipts and expenditures by~~  
1126 classification; and

1127 2. An association in a community of fewer than 50 parcels,  
1128 regardless of the association's annual revenues, may prepare a  
1129 report of cash receipts and expenditures in lieu of financial

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1130 statements required by paragraph (a) unless the governing  
1131 documents provide otherwise. ~~The beginning and ending cash~~  
1132 ~~balances of the association.~~

1133 3. A report of cash receipts and disbursement must  
1134 disclose the amount of receipts by accounts and receipt  
1135 classifications and the amount of expenses by accounts and  
1136 expense classifications, including, but not limited to, the  
1137 following, as applicable: costs for security, professional, and  
1138 management fees and expenses; taxes; costs for recreation  
1139 facilities; expenses for refuse collection and utility services;  
1140 expenses for lawn care; costs for building maintenance and  
1141 repair; insurance costs; administration and salary expenses; and  
1142 reserves if maintained by the association.

1143 (c) If 20 percent of the parcel owners petition the board  
1144 for a level of financial reporting higher than that required by  
1145 this section, the association shall duly notice and hold a  
1146 meeting of members within 30 days of receipt of the petition for  
1147 the purpose of voting on raising the level of reporting for that  
1148 fiscal year. Upon approval of a majority of the total voting  
1149 interests of the parcel owners, the association shall prepare or  
1150 cause to be prepared, shall amend the budget or adopt a special  
1151 assessment to pay for the financial report regardless of any  
1152 provision to the contrary in the governing documents, and shall  
1153 provide within 90 days of the meeting or the end of the fiscal  
1154 year, whichever occurs later:

1155 1. Compiled, reviewed, or audited financial statements, if  
1156 the association is otherwise required to prepare a report of  
1157 cash receipts and expenditures;

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1158 2. Reviewed or audited financial statements, if the  
1159 association is otherwise required to prepare compiled financial  
1160 statements; or

1161 3. Audited financial statements if the association is  
1162 otherwise required to prepare reviewed financial statements.

1163 (d) If approved by a majority of the voting interests  
1164 present at a properly called meeting of the association, an  
1165 association may prepare or cause to be prepared:

1166 1. A report of cash receipts and expenditures in lieu of a  
1167 compiled, reviewed, or audited financial statement;

1168 2. A report of cash receipts and expenditures or a  
1169 compiled financial statement in lieu of a reviewed or audited  
1170 financial statement; or

1171 3. A report of cash receipts and expenditures, a compiled  
1172 financial statement, or a reviewed financial statement in lieu  
1173 of an audited financial statement.

1174 (8) ASSOCIATION FUNDS; COMMINGLING.--

1175 (a) All association funds held by a developer shall be  
1176 maintained separately in the association's name. Reserve and  
1177 operating funds of the association shall not be commingled prior  
1178 to turnover except the association may jointly invest reserve  
1179 funds; however, such jointly invested funds must be accounted  
1180 for separately.

1181 (b) No developer in control of a homeowners' association  
1182 shall commingle any association funds with his or her funds or  
1183 with the funds of any other homeowners' association or community  
1184 association.

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1185 (c) Association funds may not be used by a developer to  
1186 defend a civil or criminal action, administrative proceeding, or  
1187 arbitration proceeding that has been filed against the developer  
1188 or directors appointed to the association board by the  
1189 developer, even when the subject of the action or proceeding  
1190 concerns the operation of the developer-controlled association.

1191 (9) APPLICABILITY.--Sections 617.1601-617.1604 do not  
1192 apply to a homeowners' association in which the members have the  
1193 inspection and copying rights set forth in this section.

1194 (10) RECALL OF DIRECTORS.--

1195 (a)1. Regardless of any provision to the contrary  
1196 contained in the governing documents, subject to the provisions  
1197 of s. 720.307 regarding transition of association control, any  
1198 member of the board or directors may be recalled and removed  
1199 from office with or without cause by a majority of the total  
1200 voting interests.

1201 2. When the governing documents, including the  
1202 declaration, articles of incorporation, or bylaws, provide that  
1203 only a specific class of members is entitled to elect a board  
1204 director or directors, only that class of members may vote to  
1205 recall those board directors so elected.

1206 (b)1. Board directors may be recalled by an agreement in  
1207 writing or by written ballot without a membership meeting. The  
1208 agreement in writing or the written ballots, or a copy thereof,  
1209 shall be served on the association by certified mail or by  
1210 personal service in the manner authorized by chapter 48 and the  
1211 Florida Rules of Civil Procedure.

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1212       2. The board shall duly notice and hold a meeting of the  
1213 board within 5 full business days after receipt of the agreement  
1214 in writing or written ballots. At the meeting, the board shall  
1215 either certify the written ballots or written agreement to  
1216 recall a director or directors of the board, in which case such  
1217 director or directors shall be recalled effective immediately  
1218 and shall turn over to the board within 5 full business days any  
1219 and all records and property of the association in their  
1220 possession, or proceed as described in paragraph (d).

1221       3. When it is determined by the department pursuant to  
1222 binding arbitration proceedings that an initial recall effort  
1223 was defective, written recall agreements or written ballots used  
1224 in the first recall effort and not found to be defective may be  
1225 reused in one subsequent recall effort. However, in no event is  
1226 a written agreement or written ballot valid for more than 120  
1227 days after it has been signed by the member.

1228       4. Any rescission or revocation of a member's written  
1229 recall ballot or agreement must be in writing and, in order to  
1230 be effective, must be delivered to the association before the  
1231 association is served with the written recall agreements or  
1232 ballots.

1233       5. The agreement in writing or ballot shall list at least  
1234 as many possible replacement directors as there are directors  
1235 subject to the recall, when at least a majority of the board is  
1236 sought to be recalled; the person executing the recall  
1237 instrument may vote for as many replacement candidates as there  
1238 are directors subject to the recall.

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1239 (c)1. If the declaration, articles of incorporation, or  
1240 bylaws specifically provide, the members may also recall and  
1241 remove a board director or directors by a vote taken at a  
1242 meeting. If so provided in the governing documents, a special  
1243 meeting of the members to recall a director or directors of the  
1244 board of administration may be called by 10 percent of the  
1245 voting interests giving notice of the meeting as required for a  
1246 meeting of members, and the notice shall state the purpose of  
1247 the meeting. Electronic transmission may not be used as a method  
1248 of giving notice of a meeting called in whole or in part for  
1249 this purpose.

1250 2. The board shall duly notice and hold a board meeting  
1251 within 5 full business days after the adjournment of the member  
1252 meeting to recall one or more directors. At the meeting, the  
1253 board shall certify the recall, in which case such member or  
1254 members shall be recalled effective immediately and shall turn  
1255 over to the board within 5 full business days any and all  
1256 records and property of the association in their possession, or  
1257 shall proceed as set forth in subparagraph (d).

1258 (d) If the board determines not to certify the written  
1259 agreement or written ballots to recall a director or directors  
1260 of the board or does not certify the recall by a vote at a  
1261 meeting, the board shall, within 5 full business days after the  
1262 meeting, file with the department a petition for binding  
1263 arbitration pursuant to the applicable procedures in ss.  
1264 718.1255 and 718.112(2)(j) and the rules adopted thereunder. For  
1265 the purposes of this section, the members who voted at the  
1266 meeting or who executed the agreement in writing shall

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1267 constitute one party under the petition for arbitration. If the  
1268 arbitrator certifies the recall as to any director or directors  
1269 of the board, the recall will be effective upon mailing of the  
1270 final order of arbitration to the association. The director or  
1271 directors so recalled shall deliver to the board any and all  
1272 records of the association in their possession within 5 full  
1273 business days after the effective date of the recall.

1274 (e) If a vacancy occurs on the board as a result of a  
1275 recall and less than a majority of the board directors are  
1276 removed, the vacancy may be filled by the affirmative vote of a  
1277 majority of the remaining directors, notwithstanding any  
1278 provision to the contrary contained in this subsection or in the  
1279 association documents. If vacancies occur on the board as a  
1280 result of a recall and a majority or more of the board directors  
1281 are removed, the vacancies shall be filled by members voting in  
1282 favor of the recall; if removal is at a meeting, any vacancies  
1283 shall be filled by the members at the meeting. If the recall  
1284 occurred by agreement in writing or by written ballot, members  
1285 may vote for replacement directors in the same instrument in  
1286 accordance with procedural rules adopted by the division, which  
1287 rules need not be consistent with this subsection.

1288 (f) If the board fails to duly notice and hold a board  
1289 meeting within 5 full business days after service of an  
1290 agreement in writing or within 5 full business days after the  
1291 adjournment of the member recall meeting, the recall shall be  
1292 deemed effective and the board directors so recalled shall  
1293 immediately turn over to the board all records and property of  
1294 the association.

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1295 (g) If a director who is removed fails to relinquish his  
1296 or her office or turn over records as required under this  
1297 section, the circuit court in the county where the association  
1298 maintains its principal office may, upon the petition of the  
1299 association, summarily order the director to relinquish his or  
1300 her office and turn over all association records upon  
1301 application of the association.

1302 (h) The minutes of the board meeting at which the board  
1303 decides whether to certify the recall are an official  
1304 association record. The minutes must record the date and time of  
1305 the meeting, the decision of the board, and the vote count taken  
1306 on each board member subject to the recall. In addition, when  
1307 the board decides not to certify the recall, as to each vote  
1308 rejected, the minutes must identify the parcel number and the  
1309 specific reason for each such rejection.

1310 (i) When the recall of more than one board director is  
1311 sought, the written agreement, ballot, or vote at a meeting  
1312 shall provide for a separate vote for each board director sought  
1313 to be recalled.

1314 Section 19. Section 720.304, Florida Statutes, is amended  
1315 to read:

1316 720.304 Right of owners to peaceably assemble; display of  
1317 flag; SLAPP suits prohibited.--

1318 (1) All common areas and recreational facilities serving  
1319 any homeowners' association shall be available to parcel owners  
1320 in the homeowners' association served thereby and their invited  
1321 guests for the use intended for such common areas and  
1322 recreational facilities. The entity or entities responsible for



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1323 the operation of the common areas and recreational facilities  
1324 may adopt reasonable rules and regulations pertaining to the use  
1325 of such common areas and recreational facilities. No entity or  
1326 entities shall unreasonably restrict any parcel owner's right to  
1327 peaceably assemble or right to invite public officers or  
1328 candidates for public office to appear and speak in common areas  
1329 and recreational facilities.

1330 (2) Any homeowner may display one portable, removable  
1331 United States flag or official flag of the State of Florida in a  
1332 respectful manner, and on Armed Forces Day, Memorial Day, Flag  
1333 Day, Independence Day, and Veterans Day may display in a  
1334 respectful manner portable, removable official flags, not larger  
1335 than 4 1/2 feet by 6 feet, which represents the United States  
1336 Army, Navy, Air Force, Marine Corps, or Coast Guard, regardless  
1337 of any declaration rules or requirements dealing with flags or  
1338 decorations.

1339 (3) Any owner prevented from exercising rights guaranteed  
1340 by subsection (1) or subsection (2) may bring an action in the  
1341 appropriate court of the county in which the alleged  
1342 infringement occurred, and, upon favorable adjudication, the  
1343 court shall enjoin the enforcement of any provision contained in  
1344 any homeowners' association document or rule that operates to  
1345 deprive the owner of such rights.

1346 (4) It is the intent of the Legislature to protect the  
1347 right of parcel owners to exercise their rights to instruct  
1348 their representatives and petition for redress of grievances  
1349 before the various governmental entities of this state as  
1350 protected by the First Amendment to the United States

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1351 Constitution and s. 5, Art. I of the State Constitution. The  
1352 Legislature recognizes that "Strategic Lawsuits Against Public  
1353 Participation" or "SLAPP" suits, as they are typically called,  
1354 have occurred when members are sued by individuals, business  
1355 entities, or governmental entities arising out of a parcel  
1356 owner's appearance and presentation before a governmental entity  
1357 on matters related to the homeowners' association. However, it  
1358 is the public policy of this state that government entities,  
1359 business organizations, and individuals not engage in SLAPP  
1360 suits because such actions are inconsistent with the right of  
1361 parcel owners to participate in the state's institutions of  
1362 government. Therefore, the Legislature finds and declares that  
1363 prohibiting such lawsuits by governmental entities, business  
1364 entities, and individuals against parcel owners who address  
1365 matters concerning their homeowners' association will preserve  
1366 this fundamental state policy, preserve the constitutional  
1367 rights of parcel owners, and assure the continuation of  
1368 representative government in this state. It is the intent of the  
1369 Legislature that such lawsuits be expeditiously disposed of by  
1370 the courts.

1371 (a) As used in this subsection, the term "governmental  
1372 entity" means the state, including the executive, legislative,  
1373 and judicial branches of government, the independent  
1374 establishments of the state, counties, municipalities,  
1375 districts, authorities, boards, or commissions, or any agencies  
1376 of these branches which are subject to chapter 286.

1377 (b) A governmental entity, business organization, or  
1378 individual in this state may not file or cause to be filed

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1379 through its employees or agents any lawsuit, cause of action,  
1380 claim, cross-claim, or counterclaim against a parcel owner  
1381 without merit and solely because such parcel owner has exercised  
1382 the right to instruct his or her representatives or the right to  
1383 petition for redress of grievances before the various  
1384 governmental entities of this state, as protected by the First  
1385 Amendment to the United States Constitution and s. 5, Art. I of  
1386 the State Constitution.

1387 (c) A parcel owner sued by a governmental entity, business  
1388 organization, or individual in violation of this section has a  
1389 right to an expeditious resolution of a claim that the suit is  
1390 in violation of this section. A parcel owner may petition the  
1391 court for an order dismissing the action or granting final  
1392 judgment in favor of that parcel owner. The petitioner may file  
1393 a motion for summary judgment, together with supplemental  
1394 affidavits, seeking a determination that the governmental  
1395 entity's, business organization's, or individual's lawsuit has  
1396 been brought in violation of this section. The governmental  
1397 entity, business organization, or individual shall thereafter  
1398 file its response and any supplemental affidavits. As soon as  
1399 practicable, the court shall set a hearing on the petitioner's  
1400 motion, which shall be held at the earliest possible time after  
1401 the filing of the governmental entity's, business organization's  
1402 or individual's response. The court may award the parcel owner  
1403 sued by the governmental entity, business organization, or  
1404 individual actual damages arising from the governmental  
1405 entity's, individual's, or business organization's violation of  
1406 this section. A court may treble the damages awarded to a

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1407 prevailing parcel owner and shall state the basis for the treble  
1408 damages award in its judgment. The court shall award the  
1409 prevailing party reasonable attorney's fees and costs incurred  
1410 in connection with a claim that an action was filed in violation  
1411 of this section.

1412 (d) Homeowners' associations may not expend association  
1413 funds in prosecuting a SLAPP suit against a parcel owner.

1414 (5)(a) Any parcel owner may construct an access ramp if a  
1415 resident or occupant of the parcel has a medical necessity or  
1416 disability that requires a ramp for egress and ingress under the  
1417 following conditions:

1418 1. The ramp must be as unobtrusive as possible, be  
1419 designed to blend in aesthetically as practicable, and be  
1420 reasonably sized to fit the intended use.

1421 2. Plans for the ramp must be submitted in advance to the  
1422 homeowners' association. The association may make reasonable  
1423 requests to modify the design to achieve architectural  
1424 consistency with surrounding structures and surfaces.

1425 (b) The parcel owner must submit to the association an  
1426 affidavit from a physician attesting to the medical necessity or  
1427 disability of the resident or occupant of the parcel requiring  
1428 the access ramp. Certification used for s. 320.0848 shall be  
1429 sufficient to meet the affidavit requirement.

1430 (6) Any parcel owner may display a sign of reasonable size  
1431 provided by a contractor for security services within 10 feet of  
1432 any entrance to the home.

1433 Section 20. Subsection (2) of section 720.305, Florida  
1434 Statutes, is amended to read:

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1435 720.305 Obligations of members; remedies at law or in  
1436 equity; levy of fines and suspension of use rights; failure to  
1437 fill sufficient number of vacancies on board of directors to  
1438 constitute a quorum; appointment of receiver upon petition of  
1439 any member.--

1440 (2) If the governing documents so provide, an association  
1441 may suspend, for a reasonable period of time, the rights of a  
1442 member or a member's tenants, guests, or invitees, or both, to  
1443 use common areas and facilities and may levy reasonable fines,  
1444 not to exceed \$100 per violation, against any member or any  
1445 tenant, guest, or invitee. A fine may be levied on the basis of  
1446 each day of a continuing violation, with a single notice and  
1447 opportunity for hearing, except that no such fine shall exceed  
1448 \$1,000 in the aggregate unless otherwise provided in the  
1449 governing documents. A fine shall not become a lien against a  
1450 parcel. In any action to recover a fine, the prevailing party is  
1451 entitled to collect its reasonable attorney's fees and costs  
1452 from the nonprevailing party as determined by the court.

1453 (a) A fine or suspension may not be imposed without notice  
1454 of at least 14 days to the person sought to be fined or  
1455 suspended and an opportunity for a hearing before a committee of  
1456 at least three members appointed by the board who are not  
1457 officers, directors, or employees of the association, or the  
1458 spouse, parent, child, brother, or sister of an officer,  
1459 director, or employee. If the committee, by majority vote, does  
1460 not approve a proposed fine or suspension, it may not be  
1461 imposed.

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1462 (b) The requirements of this subsection do not apply to  
1463 the imposition of suspensions or fines upon any member because  
1464 of the failure of the member to pay assessments or other charges  
1465 when due if such action is authorized by the governing  
1466 documents.

1467 (c) Suspension of common-area-use rights shall not impair  
1468 the right of an owner or tenant of a parcel to have vehicular  
1469 and pedestrian ingress to and egress from the parcel, including,  
1470 but not limited to, the right to park.

1471 Section 21. Section 720.3055, Florida Statutes, is created  
1472 to read:

1473 720.3055 Contracts for products and services; in writing;  
1474 bids; exceptions.--

1475 (1) All contracts as further described in this section or  
1476 any contract that is not to be fully performed within 1 year  
1477 after the making thereof for the purchase, lease, or renting of  
1478 materials or equipment to be used by the association in  
1479 accomplishing its purposes under this chapter or the governing  
1480 documents, and all contracts for the provision of services,  
1481 shall be in writing. If a contract for the purchase, lease, or  
1482 renting of materials or equipment, or for the provision of  
1483 services, requires payment by the association that exceeds 10  
1484 percent of the total annual budget of the association, including  
1485 reserves, the association must obtain competitive bids for the  
1486 materials, equipment, or services. Nothing contained in this  
1487 section shall be construed to require the association to accept  
1488 the lowest bid.

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1489 (2)(a)1. Notwithstanding the foregoing, contracts with  
1490 employees of the association, and contracts for attorney,  
1491 accountant, architect, community association manager,  
1492 engineering, and landscape architect services are not subject to  
1493 the provisions of this section.

1494 2. A contract executed before October 1, 2004, and any  
1495 renewal thereof, is not subject to the competitive bid  
1496 requirements of this section. If a contract was awarded under  
1497 the competitive bid procedures of this section, any renewal of  
1498 that contract is not subject to such competitive bid  
1499 requirements if the contract contains a provision that allows  
1500 the board to cancel the contract on 30 days' notice. Materials,  
1501 equipment, or services provided to an association under a local  
1502 government franchise agreement by a franchise holder are not  
1503 subject to the competitive bid requirements of this section. A  
1504 contract with a manager, if made by a competitive bid, may be  
1505 made for up to 3 years. An association whose declaration or  
1506 bylaws provide for competitive bidding for services may operate  
1507 under the provisions of that declaration or bylaws in lieu of  
1508 this section if those provisions are not less stringent than the  
1509 requirements of this section.

1510 (b) Nothing contained in this section is intended to limit  
1511 the ability of an association to obtain needed products and  
1512 services in an emergency.

1513 (c) This section does not apply if the business entity  
1514 with which the association desires to enter into a contract is  
1515 the only source of supply within the county serving the  
1516 association.

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1517 (d) Nothing contained in this section shall excuse a party  
1518 contracting to provide maintenance or management services from  
1519 compliance with s. 720.309.

1520 Section 22. Present subsections (5) through (8) of section  
1521 720.306, Florida Statutes, are renumbered as subsections (7)  
1522 through (10), respectively, present subsection (7) is amended,  
1523 and new subsections (5) and (6) are added to said section, to  
1524 read:

1525 720.306 Meetings of members; voting and election  
1526 procedures; amendments.--

1527 (5) NOTICE OF MEETINGS.--The bylaws shall provide for  
1528 giving notice to members of all member meetings, and if they do  
1529 not do so shall be deemed to provide the following: The  
1530 association shall give all parcel owners and members actual  
1531 notice of all membership meetings, which shall be mailed,  
1532 delivered, or electronically transmitted to the members not less  
1533 than 14 days prior to the meeting. Evidence of compliance with  
1534 this 14-day notice shall be made by an affidavit executed by the  
1535 person providing the notice and filed upon execution among the  
1536 official records of the association. In addition to mailing,  
1537 delivering, or electronically transmitting the notice of any  
1538 meeting, the association may, by reasonable rule, adopt a  
1539 procedure for conspicuously posting and repeatedly broadcasting  
1540 the notice and the agenda on a closed-circuit cable television  
1541 system serving the association. When broadcast notice is  
1542 provided, the notice and agenda must be broadcast in a manner  
1543 and for a sufficient continuous length of time so as to allow an

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1544 average reader to observe the notice and read and comprehend the  
1545 entire content of the notice and the agenda.

1546 (6) RIGHT TO SPEAK.--Members and parcel owners have the  
1547 right to attend all membership meetings and to speak at any  
1548 meeting with reference to all items opened for discussion or  
1549 included on the agenda. Notwithstanding any provision to the  
1550 contrary in the governing documents or any rules adopted by the  
1551 board or by the membership, a member and a parcel owner have the  
1552 right to speak for at least 3 minutes on any item, provided that  
1553 the member or parcel owner submits a written request to speak  
1554 prior to the meeting. The association may adopt written  
1555 reasonable rules governing the frequency, duration, and other  
1556 manner of member and parcel owner statements, which rules must  
1557 be consistent with this paragraph.

1558 (9)(7) ELECTIONS.--Elections of directors must be  
1559 conducted in accordance with the procedures set forth in the  
1560 governing documents of the association. All members of the  
1561 association shall be eligible to serve on the board of  
1562 directors, and a member may nominate himself or herself as a  
1563 candidate for the board at a meeting where the election is to be  
1564 held. Except as otherwise provided in the governing documents,  
1565 boards of directors must be elected by a plurality of the votes  
1566 cast by eligible voters. Any election dispute between a member  
1567 and an association must be submitted to mandatory binding  
1568 arbitration with the division. Such proceedings shall be  
1569 conducted in the manner provided by s. 718.1255 and the  
1570 procedural rules adopted by the division.

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1571 Section 23. Section 720.311, Florida Statutes, is amended  
1572 to read:

1573 720.311 Dispute resolution.--

1574 (1) The Legislature finds that alternative dispute  
1575 resolution has made progress in reducing court dockets and  
1576 trials and in offering a more efficient, cost-effective option  
1577 to litigation. The filing of any petition for mediation or  
1578 arbitration provided for in this section shall toll the  
1579 applicable statute of limitations. Any recall dispute filed with  
1580 the department pursuant to s. 720.303(10) shall be conducted by  
1581 the department in accordance with the provisions of ss. 718.1255  
1582 and 718.112(2)(j) and the rules adopted by the division. In  
1583 addition, the department shall conduct mandatory binding  
1584 arbitration of election disputes between a member and an  
1585 association pursuant to s. 718.1255 and rules adopted by the  
1586 division. Neither election disputes nor recall disputes are  
1587 eligible for mediation; these disputes shall be arbitrated by  
1588 the department. At the conclusion of the proceeding, the  
1589 department shall charge the parties a fee in an amount adequate  
1590 to cover all costs and expenses incurred by the department in  
1591 conducting the proceeding. Initially, the petitioner shall remit  
1592 a filing fee of at least \$200 to the department. The fees paid  
1593 to the department shall become a recoverable cost in the  
1594 arbitration proceeding and the prevailing party in an  
1595 arbitration proceeding shall recover its reasonable costs and  
1596 attorney's fees in an amount found reasonable by the arbitrator.  
1597 The department shall adopt rules to effectuate the purposes of  
1598 this section.

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1599       (2)(a) Disputes between an association and a parcel owner  
1600 regarding use of or changes to the parcel or the common areas  
1601 and other covenant enforcement disputes, disputes regarding  
1602 amendments to the association documents, disputes regarding  
1603 meetings of the board and committees appointed by the board,  
1604 membership meetings not including election meetings, and access  
1605 to the official records of the association shall be filed with  
1606 the department for mandatory mediation before the dispute is  
1607 filed in court. Mediation proceedings must be conducted in  
1608 accordance with the applicable Florida Rules of Civil Procedure,  
1609 and these proceedings are privileged and confidential to the  
1610 same extent as court-ordered mediation. An arbitrator or judge  
1611 may not consider any information or evidence arising from the  
1612 mediation proceeding except in a proceeding to impose sanctions  
1613 for failure to attend a mediation session. Persons who are not  
1614 parties to the dispute may not attend the mediation conference  
1615 without the consent of all parties, except for counsel for the  
1616 parties and a corporate representative designated by the  
1617 association. When mediation is attended by a quorum of the  
1618 board, such mediation is not a board meeting for purposes of  
1619 notice and participation set forth in s. 720.303. The department  
1620 shall conduct the proceedings through the use of department  
1621 mediators or refer the disputes to private mediators who have  
1622 been duly certified by the department as provided in paragraph  
1623 (c). The parties shall share the costs of mediation equally,  
1624 including the fee charged by the mediator, if any, unless the  
1625 parties agree otherwise. If a department mediator is used, the  
1626 department may charge such fee as is necessary to pay expenses

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1627 of the mediation, including, but not limited to, the salary and  
1628 benefits of the mediator and any travel expenses incurred. The  
1629 petitioner shall initially file with the department upon filing  
1630 the disputes, a filing fee of \$200, which shall be used to  
1631 defray the costs of the mediation. At the conclusion of the  
1632 mediation, the department shall charge to the parties, to be  
1633 shared equally unless otherwise agreed by the parties, such  
1634 further fees as are necessary to fully reimburse the department  
1635 for all expenses incurred in the mediation.

1636 (b) If mediation as described in paragraph (a) is not  
1637 successful in resolving all issues between the parties, the  
1638 parties may file the unresolved dispute in a court of competent  
1639 jurisdiction or elect to enter into binding or nonbinding  
1640 arbitration pursuant to the procedures set forth in s. 718.1255  
1641 and rules adopted by the division, with the arbitration  
1642 proceeding to be conducted by a department arbitrator or by a  
1643 private arbitrator certified by the department. If all parties  
1644 do not agree to arbitration proceedings following an  
1645 unsuccessful mediation, any party may file the dispute in court.  
1646 A final order resulting from nonbinding arbitration is final and  
1647 enforceable in the courts if a complaint for trial de novo is  
1648 not filed in a court of competent jurisdiction within 30 days  
1649 after entry of the order.

1650 (c) The department shall develop a certification and  
1651 training program for private mediators and private arbitrators  
1652 which shall emphasize experience and expertise in the area of  
1653 the operation of community associations. A mediator or  
1654 arbitrator shall be certified by the department only if he or

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1655 she has attended at least 20 hours of training in mediation or  
1656 arbitration, as appropriate, and only if the applicant has  
1657 mediated or arbitrated at least 10 disputes involving community  
1658 associations within 5 years prior to the date of the  
1659 application, or has mediated or arbitrated 10 disputes in any  
1660 area within 5 years prior to the date of application and has  
1661 completed 20 hours of training in community association  
1662 disputes. In order to be certified by the department, any  
1663 mediator must also be certified by the Florida Supreme Court.  
1664 The department may conduct the training and certification  
1665 program within the department or may contract with an outside  
1666 vendor to perform the training or certification. The expenses of  
1667 operating the training and certification and training program  
1668 shall be paid by the moneys and filing fees generated by the  
1669 arbitration of recall and election disputes and by the mediation  
1670 of those disputes referred to in this subsection and by the  
1671 training fees.

1672 (d) The mediation procedures provided by this subsection  
1673 may be used by a Florida corporation responsible for the  
1674 operation of a community in which the voting members are parcel  
1675 owners or their representatives, in which membership in the  
1676 corporation is not a mandatory condition of parcel ownership, or  
1677 which is not authorized to impose an assessment that may become  
1678 a lien on the parcel.

1679 (3) The department shall develop an education program to  
1680 assist homeowners, associations, board members, and managers in  
1681 understanding and increasing awareness of the operation of  
1682 homeowners' associations pursuant to chapter 720 and in

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1683 understanding the use of alternative dispute resolution  
1684 techniques in resolving disputes between parcel owners and  
1685 associations or between owners. Such education program may  
1686 include the development of pamphlets and other written  
1687 instructional guides, the holding of classes and meetings by  
1688 department employees or outside vendors, as the department  
1689 determines, and the creation and maintenance of a website  
1690 containing instructional materials. The expenses of operating  
1691 the education program shall be initially paid by the moneys and  
1692 filing fees generated by the arbitration of recall and election  
1693 disputes and by the mediation of those disputes referred to in  
1694 this subsection. ~~At any time after the filing in a court of~~  
1695 ~~competent jurisdiction of a complaint relating to a dispute~~  
1696 ~~under ss. 720.301-720.312, the court may order that the parties~~  
1697 ~~enter mediation or arbitration procedures.~~

1698 Section 24. Subsection (13) is added to section 718.110,  
1699 Florida Statutes, to read:

1700 718.110 Amendment of declaration; correction of error or  
1701 omission in declaration by circuit court.--

1702 (13) Any amendment restricting unit owners' rights  
1703 relating to the rental of units applies only to unit owners who  
1704 consent to the amendment and unit owners who purchase their  
1705 units after the effective date of that amendment.

1706 Section 25. Section 689.26, Florida Statutes, is  
1707 transferred, renumbered as section 720.601, Florida Statutes,  
1708 and amended to read:

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1709 720.601 ~~689.26~~ Prospective purchasers subject to  
1710 association membership requirement; disclosure required;  
1711 covenants; assessments; contract cancellation ~~voidability~~.--

1712 (1)(a) A prospective parcel owner in a community must be  
1713 presented a disclosure summary before executing the contract for  
1714 sale. The disclosure summary must be in a form substantially  
1715 similar to the following form:

DISCLOSURE SUMMARY

FOR

(NAME OF COMMUNITY)

1720 1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU WILL  
1721 ~~(WILL)~~ ~~(WILL NOT)~~ BE OBLIGATED TO BE A MEMBER OF A HOMEOWNERS'  
1722 ASSOCIATION.

1723 2. THERE HAVE BEEN OR WILL BE RECORDED RESTRICTIVE  
1724 COVENANTS GOVERNING THE USE AND OCCUPANCY OF PROPERTIES IN THIS  
1725 COMMUNITY.

1726 3. YOU WILL ~~(WILL)~~ ~~(WILL NOT)~~ BE OBLIGATED TO PAY  
1727 ASSESSMENTS TO THE ASSOCIATION. ASSESSMENTS MAY BE SUBJECT TO  
1728 PERIODIC CHANGE. IF APPLICABLE, THE CURRENT AMOUNT IS \$\_\_\_\_\_  
1729 PER \_\_\_\_\_. YOU WILL ALSO BE OBLIGATED TO PAY ANY SPECIAL  
1730 ASSESSMENTS IMPOSED BY THE ASSOCIATION. SUCH SPECIAL ASSESSMENTS  
1731 MAY BE SUBJECT TO CHANGE. IF APPLICABLE, THE CURRENT AMOUNT IS  
1732 \$\_\_\_\_\_ PER \_\_\_\_\_.

1733 4. YOU MAY ~~(WILL)~~ ~~(WILL NOT)~~ BE OBLIGATED TO PAY SPECIAL  
1734 ASSESSMENTS TO THE RESPECTIVE MUNICIPALITY, COUNTY, OR SPECIAL  
1735 DISTRICT. ALL ASSESSMENTS ARE SUBJECT TO PERIODIC CHANGE.

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1736 5.4. YOUR FAILURE TO PAY SPECIAL ASSESSMENTS OR  
1737 ASSESSMENTS LEVIED BY A MANDATORY HOMEOWNERS' ASSOCIATION COULD  
1738 RESULT IN A LIEN ON YOUR PROPERTY.

1739 6.5. THERE MAY BE ~~(IS)~~ ~~(IS NOT)~~ AN OBLIGATION TO PAY RENT  
1740 OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED  
1741 FACILITIES AS AN OBLIGATION OF MEMBERSHIP IN THE HOMEOWNERS'  
1742 ASSOCIATION. IF APPLICABLE, THE CURRENT AMOUNT IS \$\_\_\_\_\_ PER  
1743 \_\_\_\_\_. ~~(If such obligation exists, then the amount of the~~  
1744 ~~current obligation shall be set forth.)~~

1745 7.6. THE DEVELOPER MAY HAVE THE RIGHT TO AMEND THE  
1746 RESTRICTIVE COVENANTS ~~(CAN)~~ ~~(CANNOT)~~ ~~BE AMENDED~~ WITHOUT THE  
1747 APPROVAL OF THE ASSOCIATION MEMBERSHIP OR THE APPROVAL OF THE  
1748 ~~IF NO MANDATORY ASSOCIATION EXISTS,~~ PARCEL OWNERS.

1749 8.7. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE  
1750 ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU  
1751 SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING  
1752 DOCUMENTS BEFORE PURCHASING PROPERTY.

1753 9.8. THESE DOCUMENTS ARE EITHER MATTERS OF PUBLIC RECORD  
1754 AND CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE  
1755 THE PROPERTY IS LOCATED, OR ARE NOT RECORDED AND CAN BE OBTAINED  
1756 FROM THE DEVELOPER.

DATE: PURCHASER:  
PURCHASER:

1757  
1758  
1759  
1760 The disclosure must be supplied by the developer, or by the  
1761 parcel owner if the sale is by an owner that is not the  
1762 developer. Any contract or agreement for sale shall refer to  
1763 and incorporate the disclosure summary and shall include, in



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1764 prominent language, a statement that the potential buyer should  
1765 not execute the contract or agreement until they have received  
1766 and read the disclosure summary required by this section.

1767 (b) Each contract entered into for the sale of property  
1768 governed by covenants subject to disclosure required by this  
1769 section must contain in conspicuous type a clause that states:

1770  
1771 IF THE DISCLOSURE SUMMARY REQUIRED BY SECTION 720.601 ~~689.26~~,  
1772 FLORIDA STATUTES, HAS NOT BEEN PROVIDED TO THE PROSPECTIVE  
1773 PURCHASER BEFORE EXECUTING THIS CONTRACT FOR SALE, THIS CONTRACT  
1774 IS VOIDABLE BY BUYER BY DELIVERING TO SELLER OR SELLER'S AGENT  
1775 OR REPRESENTATIVE WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1776 CANCEL WITHIN 3 DAYS AFTER RECEIPT OF THE DISCLOSURE SUMMARY OR  
1777 PRIOR TO CLOSING, WHICHEVER OCCURS FIRST. ANY PURPORTED WAIVER  
1778 OF THIS VOIDABILITY RIGHT HAS NO EFFECT. BUYER'S RIGHT TO VOID  
1779 THIS CONTRACT SHALL TERMINATE AT CLOSING.

1780  
1781 (c) If the disclosure summary is not provided to a  
1782 prospective purchaser before the purchaser executes a contract  
1783 for the sale of property governed by covenants that are subject  
1784 to disclosure pursuant to this section, the purchaser may void  
1785 the contract by delivering to the seller or the seller's agent  
1786 or representative written notice canceling the contract within 3  
1787 days after receipt of the disclosure summary or prior to  
1788 closing, whichever occurs first. This right may not be waived by  
1789 the purchaser but terminates at closing. A contract that does  
1790 not conform to the requirements of this subsection is voidable  
1791 at the option of the purchaser prior to closing.

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1792 (2) This section does not apply to any association  
1793 regulated under chapter 718, chapter 719, chapter 721, or  
1794 chapter 723 or to a subdivider registered under chapter 498; and  
1795 also does not apply if disclosure regarding the association is  
1796 otherwise made in connection with the requirements of chapter  
1797 718, chapter 719, chapter 721, or chapter 723.

1798 Section 26. Section 689.265, Florida Statutes, is  
1799 transferred and renumbered as section 720.3086, Florida  
1800 Statutes, to read:

1801 720.3086 ~~689.265~~ Financial report.--In a residential  
1802 subdivision in which the owners of lots or parcels must pay  
1803 mandatory maintenance or amenity fees to the subdivision  
1804 developer or to the owners of the common areas, recreational  
1805 facilities, and other properties serving the lots or parcels,  
1806 the developer or owner of such areas, facilities, or properties  
1807 shall make public, within 60 days following the end of each  
1808 fiscal year, a complete financial report of the actual, total  
1809 receipts of mandatory maintenance or amenity fees received by  
1810 it, and an itemized listing of the expenditures made by it from  
1811 such fees, for that year. Such report shall be made public by  
1812 mailing it to each lot or parcel owner in the subdivision, by  
1813 publishing it in a publication regularly distributed within the  
1814 subdivision, or by posting it in prominent locations in the  
1815 subdivision. This section does not apply to amounts paid to  
1816 homeowner associations pursuant to chapter 617, chapter 718,  
1817 chapter 719, chapter 721, or chapter 723, or to amounts paid to  
1818 local governmental entities, including special districts.

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1819 Section 27. Paragraphs (g) and (h) of subsection (2) of  
1820 section 498.025, Florida Statutes, are amended to read:

1821 498.025 Exemptions.--

1822 (2) Except as provided in s. 498.022, the provisions of  
1823 this chapter do not apply to offers or dispositions of interests  
1824 in lots, parcels, or units contained in a recorded subdivision  
1825 plat, or resulting from the subdivision of land in accordance  
1826 with applicable local land development laws and regulations  
1827 pursuant to part II of chapter 163, including lots, parcels,  
1828 units, or interest vested under such part, if all of the  
1829 following conditions exist:

1830 (g) The contract for purchase or lease contains, and the  
1831 subdivider complies with, the following provisions:

1832 1. The purchaser must inspect the subdivided land prior to  
1833 the execution of the contract or lease.

1834 2. The purchaser shall have an absolute right to cancel  
1835 the contract or lease for any reason whatsoever for a period of  
1836 7 business days following the date on which the contract or  
1837 lease was executed by the purchaser.

1838 3. In the event the purchaser elects to cancel within the  
1839 period provided, all funds or other property paid by the  
1840 purchaser shall be refunded without penalty or obligation within  
1841 20 days of the receipt of the notice of cancellation by the  
1842 developer.

1843 4. All funds or property paid by the purchaser shall be  
1844 put in escrow until closing has occurred and the lease or deed  
1845 has been recorded.

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1846           5. Unless otherwise timely canceled, closing shall occur  
1847 within 180 days of the date of execution of the contract by the  
1848 purchaser.

1849           6. When title is conveyed, said title shall be conveyed by  
1850 statutory warranty deed unencumbered by any lien or mortgage  
1851 except for any first purchase money mortgage given by the  
1852 purchaser and restrictions, covenants, or easements of record.

1853           7. The subdivider presents to the purchaser the disclosure  
1854 required by s. 720.601 ~~s. 689.26~~ prior to the execution of the  
1855 contract or lease.

1856           (h) The agreement for deed contains, and the subdivider  
1857 complies with, the following provisions:

1858           1. The purchaser must inspect the subdivided land prior to  
1859 the execution of the agreement for deed.

1860           2. The purchaser shall have an absolute right to cancel  
1861 the agreement for deed for any reason whatsoever for a period of  
1862 7 business days following the date on which the agreement for  
1863 deed was executed by the purchaser.

1864           3. If the purchaser elects to cancel within the period  
1865 provided, all funds or other property paid by the purchaser  
1866 shall be refunded without penalty or obligation within 20 days  
1867 after the receipt of the notice of cancellation by the  
1868 developer.

1869           4. All funds or ~~for~~ property paid by the purchaser shall  
1870 be put in escrow until the agreement for deed has been recorded  
1871 in the county in which the subdivision is located.

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1872 5. Unless otherwise timely canceled, the agreement for  
1873 deed shall be recorded within 180 days after its execution by  
1874 the purchaser.

1875 6. Sale of lots in the subdivision shall be restricted  
1876 solely to residents of the state.

1877 7. The underlying mortgage or other ancillary documents  
1878 shall contain release provisions for the individual lot  
1879 purchased.

1880 8. The subdivider presents to the purchaser the disclosure  
1881 required by s. 720.601 ~~s. 689.26~~ prior to the execution of the  
1882 agreement for deed.

1883 Section 28. Section 720.602, Florida Statutes, is created  
1884 to read:

1885 720.602 Publication of false and misleading information.--

1886 (1) Any person who, in reasonable reliance upon any  
1887 material statement or information that is false or misleading  
1888 and published by or under authority from the developer in  
1889 advertising and promotional materials, including, but not  
1890 limited to, a contract of purchaser, the declaration of  
1891 covenants, exhibits to a declaration of covenants, brochures,  
1892 and newspaper advertising, pays anything of value toward the  
1893 purchase of a parcel in a community located in this state has a  
1894 cause of action to rescind the contract or collect damages from  
1895 the developer for his or her loss before the closing of the  
1896 transaction. After the closing of the transaction, the purchaser  
1897 has a cause of action against the developer for damages under  
1898 this section from the time of closing until 1 year after the

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1899 date upon which the last of the events described in paragraphs  
1900 (a) through (d) occur:

1901 (a) The closing of the transaction;

1902 (b) The issuance by the applicable governmental authority  
1903 of a certificate of occupancy or other evidence of sufficient  
1904 completion of construction of the purchaser's residence to allow  
1905 lawful occupancy of the residence by the purchaser. In counties  
1906 or municipalities in which certificates of occupancy or other  
1907 evidences of completion sufficient to allow lawful occupancy are  
1908 not customarily issued, for the purpose of this section,  
1909 evidence of lawful occupancy shall be deemed to be given or  
1910 issued upon the date that such lawful occupancy of the residence  
1911 may be allowed under prevailing applicable laws, ordinances, or  
1912 statutes;

1913 (c) The completion by the developer of the common areas  
1914 and such recreational facilities, whether or not the same are  
1915 common areas, which the developer is obligated to complete or  
1916 provide under the terms of the written contract, governing  
1917 documents, or written agreement for purchase or lease of the  
1918 parcel; or

1919 (d) In the event there is not a written contract or  
1920 agreement for sale or lease of the parcel, then the completion  
1921 by the developer of the common areas and such recreational  
1922 facilities, whether or not they are common areas, which the  
1923 developer would be obligated to complete under any rule of law  
1924 applicable to the developer's obligation.

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1926 Under no circumstances may a cause of action created or  
1927 recognized under this section survive for a period of more than  
1928 5 years after the closing of the transaction.

1929 (2) In any action for relief under this section, the  
1930 prevailing party may recover reasonable attorney's fees. A  
1931 developer may not expend association funds in the defense of any  
1932 suit under this section.

1933 Section 29. Subsection (1) of section 34.01, Florida  
1934 Statutes, is amended to read:

1935 34.01 Jurisdiction of county court.--

1936 (1) County courts shall have original jurisdiction:

1937 (a) In all misdemeanor cases not cognizable by the circuit  
1938 courts.†

1939 (b) Of all violations of municipal and county ordinances.†  
1940 and

1941 (c) Of all actions at law in which the matter in  
1942 controversy does not exceed the sum of \$15,000, exclusive of  
1943 interest, costs, and attorney's fees, except those within the  
1944 exclusive jurisdiction of the circuit courts. The party  
1945 instituting any civil action, suit, or proceeding pursuant to  
1946 this paragraph where the amount in controversy is in excess of  
1947 \$5,000 shall pay to the clerk of the county court the filing  
1948 fees and service charges in the same amounts and in the same  
1949 manner as provided in s. 28.241.

1950 (d) Of disputes occurring in the homeowners' associations  
1951 as described in s. 720.311(2)(a), which shall be concurrent with  
1952 jurisdiction of the circuit courts.

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1953 Section 30. Paragraph (a) of subsection (1) of section  
1954 316.00825, Florida Statutes, is amended to read:

1955 316.00825 Closing and abandonment of roads; optional  
1956 conveyance to homeowners' association; traffic control  
1957 jurisdiction.--

1958 (1)(a) In addition to the authority provided in s. 336.12,  
1959 the governing body of the county may abandon the roads and  
1960 rights-of-way dedicated in a recorded residential subdivision  
1961 plat and simultaneously convey the county's interest in such  
1962 roads, rights-of-way, and appurtenant drainage facilities to a  
1963 homeowners' association for the subdivision, if the following  
1964 conditions have been met:

1965 1. The homeowners' association has requested the  
1966 abandonment and conveyance in writing for the purpose of  
1967 converting the subdivision to a gated neighborhood with  
1968 restricted public access.

1969 2. No fewer than four-fifths of the owners of record of  
1970 property located in the subdivision have consented in writing to  
1971 the abandonment and simultaneous conveyance to the homeowners'  
1972 association.

1973 3. The homeowners' association is both a corporation not  
1974 for profit organized and in good standing under chapter 617, and  
1975 a "homeowners' association" as defined in s. 720.301(8) ~~s.~~  
1976 ~~720.301(7)~~ with the power to levy and collect assessments for  
1977 routine and periodic major maintenance and operation of street  
1978 lighting, drainage, sidewalks, and pavement in the subdivision.

1979 4. The homeowners' association has entered into and  
1980 executed such agreements, covenants, warranties, and other

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1981 instruments; has provided, or has provided assurance of, such  
1982 funds, reserve funds, and funding sources; and has satisfied  
1983 such other requirements and conditions as may be established or  
1984 imposed by the county with respect to the ongoing operation,  
1985 maintenance, and repair and the periodic reconstruction or  
1986 replacement of the roads, drainage, street lighting, and  
1987 sidewalks in the subdivision after the abandonment by the  
1988 county.

1989 Section 31. Subsection (2) of section 558.002, Florida  
1990 Statutes, is amended to read:

1991 558.002 Definitions.--As used in this act, the term:  
1992 (2) "Association" has the same meaning as in s.  
1993 718.103(2), s. 719.103(2), s. 720.301(8) ~~s. 720.301(7)~~, or s.  
1994 723.025.

1995 Section 32. The Division of Statutory Revision is  
1996 requested to designate ss. 720.301-720.312, Florida Statutes, as  
1997 part I of chapter 720, Florida Statutes; to designate ss.  
1998 720.401-720.405, Florida Statutes, as part II of chapter 720,  
1999 Florida Statutes, and entitle that part as "Covenant  
2000 Revitalization"; to designate ss. 720.601 and 720.602, Florida  
2001 Statutes, as part III of chapter 720, Florida Statutes, and  
2002 entitle that part "Disclosure Prior to Sale of Residential  
2003 Parcels"; and to designate s. 720.501, Florida Statutes, as part  
2004 IV of chapter 720, Florida Statutes, and entitle that part  
2005 "Rights and Obligations of Developers."

2006 Section 33. Subsection (4) is added to section 190.012,  
2007 Florida Statutes, to read:

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2008 190.012 Special powers; public improvements and community  
2009 facilities.--The district shall have, and the board may  
2010 exercise, subject to the regulatory jurisdiction and permitting  
2011 authority of all applicable governmental bodies, agencies, and  
2012 special districts having authority with respect to any area  
2013 included therein, any or all of the following special powers  
2014 relating to public improvements and community facilities  
2015 authorized by this act:

2016 (4)(a) To adopt rules necessary for the district to  
2017 enforce certain deed restrictions pertaining to the use and  
2018 operation of real property within the district. For the purpose  
2019 of this subsection, "deed restrictions" are those covenants,  
2020 conditions, and restrictions contained in any applicable  
2021 declarations of covenants and restrictions that govern the use  
2022 and operation of real property within the district and, for  
2023 which covenants, conditions, and restrictions, there is no  
2024 homeowners' association or property owner's association having  
2025 respective enforcement powers. The district may adopt by rule  
2026 all or certain portions of the deed restrictions that:

2027 1. Relate to limitations or prohibitions that apply only  
2028 to external structures and are deemed by the district to be  
2029 generally beneficial for the district's landowners and for which  
2030 enforcement by the district is appropriate, as determined by the  
2031 district's board of supervisors; or

2032 2. Are consistent with the requirements of a development  
2033 order or regulatory agency permit.

2034 (b) The board may vote to adopt such rules only when all  
2035 of the following conditions exist:

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2036 1. The district's geographic area contains no homeowners'  
2037 associations as defined in s. 720.301(7);

2038 2. The district was in existence on the effective date of  
2039 this subsection, or is located within a development that  
2040 consists of multiple developments of regional impact and a  
2041 Florida Quality Development;

2042 3. The majority of the board has been elected by qualified  
2043 electors pursuant to the provisions of s. 190.006; and

2044 4. The declarant in any applicable declarations of  
2045 covenants and restrictions has provided the board with a written  
2046 agreement that such rules may be adopted. A memorandum of the  
2047 agreement shall be recorded in the public records.

2048 (c) Within 60 days after such rules taking effect, the  
2049 district shall record a notice of rule adoption stating  
2050 generally what rules were adopted and where a copy of the rules  
2051 may be obtained. Districts may impose fines for violations of  
2052 such rules and enforce such rules and fines in circuit court  
2053 through injunctive relief.

2054 Section 34. Section 190.046, Florida Statutes, is amended  
2055 to read:

2056 190.046 Termination, contraction, or expansion of  
2057 district.--

2058 (1) The board may petition to contract or expand the  
2059 boundaries of a community development district in the following  
2060 manner:

2061 (a) The petition shall contain the same information  
2062 required by s. 190.005(1)(a)1. and 8. In addition, if the  
2063 petitioner seeks to expand the district, the petition shall

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2064 describe the proposed timetable for construction of any district  
2065 services to the area, the estimated cost of constructing the  
2066 proposed services, and the designation of the future general  
2067 distribution, location, and extent of public and private uses of  
2068 land proposed for the area by the future land use plan element  
2069 of the adopted local government local comprehensive plan. If  
2070 the petitioner seeks to contract the district, the petition  
2071 shall describe what services and facilities are currently  
2072 provided by the district to the area being removed, and the  
2073 designation of the future general distribution, location, and  
2074 extent of public and private uses of land proposed for the area  
2075 by the future land element of the adopted local government  
2076 comprehensive plan.

2077 (b) For those districts initially established by county  
2078 ordinance, the petition for ordinance amendment shall be filed  
2079 with the county commission. If the land to be included or  
2080 excluded is, in whole or in part, within the boundaries of a  
2081 municipality, then the county commission shall not amend the  
2082 ordinance without municipal approval. A public hearing shall be  
2083 held in the same manner and with the same public notice as other  
2084 ordinance amendments. The county commission shall consider the  
2085 record of the public hearing and the factors set forth in s.  
2086 190.005(1)(e) in making its determination to grant or deny the  
2087 petition for ordinance amendment.

2088 (c) For those districts initially established by municipal  
2089 ordinance pursuant to s. 190.005(2)(e), the municipality shall  
2090 assume the duties of the county commission set forth in  
2091 paragraph (b); however, if any of the land to be included or

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2092 excluded, in whole or in part, is outside the boundaries of the  
2093 municipality, then the municipality shall not amend its  
2094 ordinance without county commission approval.

2095 (d)1. For those districts initially established by  
2096 administrative rule pursuant to s. 190.005(1), the petition  
2097 shall be filed with the Florida Land and Water Adjudicatory  
2098 Commission.

2099 2. Prior to filing the petition, the petitioner shall pay  
2100 a filing fee of \$1,500 to the county and to each municipality  
2101 the boundaries of which are contiguous with or contain all or a  
2102 portion of the land within the district or the proposed  
2103 amendment, and submit a copy of the petition to the county and  
2104 to each such municipality. In addition, if the district is not  
2105 the petitioner, the petitioner shall file the petition with the  
2106 district board of supervisors.

2107 3. The county and each municipality shall have the option  
2108 of holding a public hearing as provided by s. 190.005(1)(c).  
2109 However, such public hearing shall be limited to consideration  
2110 of the contents of the petition and whether the petition for  
2111 amendment should be supported by the county or municipality.

2112 4. The district board of supervisors shall, in lieu of a  
2113 hearing officer, hold the local public hearing provided for by  
2114 s. 190.005(1)(d). This local public hearing shall be noticed in  
2115 the same manner as provided in s. 190.005(1)(d). Within 45 days  
2116 of the conclusion of the hearing, the district board of  
2117 supervisors shall transmit to the Florida Land and Water  
2118 Adjudicatory Commission the full record of the local hearing,  
2119 the transcript of the hearing, any resolutions adopted by the

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2120 local general-purpose governments, and its recommendation  
2121 whether to grant the petition for amendment. The commission  
2122 shall then proceed in accordance with s. 190.005(1)(e).

2123 5. A rule amending a district boundary shall describe the  
2124 land to be added or deleted.

2125 (e) In all cases, written consent of all the landowners  
2126 whose land is to be added to or deleted from the district shall  
2127 be required. The filing of the petition for expansion or  
2128 contraction by the district board of supervisors shall  
2129 constitute consent of the landowners within the district other  
2130 than of landowners whose land is proposed to be added to or  
2131 removed from the district.

2132 (f)1. During the existence of a district initially  
2133 established by administrative rule, petitions to amend the  
2134 boundaries of the district pursuant to paragraphs (a)-(e) shall  
2135 be limited to a cumulative total of no more than 10 percent of  
2136 the land in the initial district, and in no event shall all such  
2137 petitions to amend the boundaries ever encompass more than a  
2138 total of 250 acres.

2139 2. For districts initially established by county or  
2140 municipal ordinance, the limitation provided by this paragraph  
2141 shall be a cumulative total of no more than 50 percent of the  
2142 land in the initial district, and in no event shall all such  
2143 petitions to amend the boundaries ever encompass more than a  
2144 total of 500 acres.

2145 3. Boundary expansions for districts initially established  
2146 by county or municipal ordinance shall follow the procedure set  
2147 forth in paragraph (b) or paragraph (c).

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2148 (g) Petitions to amend the boundaries of the district  
2149 which exceed the amount of land specified in paragraph (f) shall  
2150 be considered petitions to establish a new district and shall  
2151 follow all of the procedures specified in s. 190.005.

2152 (2) The district shall remain in existence unless:

2153 (a) The district is merged with another district as  
2154 provided in subsection (3);

2155 (b) All of the specific community development systems,  
2156 facilities, and services that it is authorized to perform have  
2157 been transferred to a general-purpose unit of local government  
2158 in the manner provided in subsections (4), (5), and (6); or

2159 (c) The district is dissolved as provided in subsection  
2160 (7), ~~or~~ subsection (8), or subsection (9).

2161 (3) The district may merge with other community  
2162 development districts upon filing a petition for establishment  
2163 of a community development district pursuant to s. 190.005 or  
2164 may merge with any other special districts upon filing a  
2165 petition for establishment of a community development district  
2166 pursuant to s. 190.005. The government formed by a merger  
2167 involving a community development district pursuant to this  
2168 section shall assume all indebtedness of, and receive title to,  
2169 all property owned by the preexisting special districts. Prior  
2170 to filing said petition, the districts desiring to merge shall  
2171 enter into a merger agreement and shall provide for the proper  
2172 allocation of the indebtedness so assumed and the manner in  
2173 which said debt shall be retired. The approval of the merger  
2174 agreement by the board of supervisors elected by the electors of

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2175 the district shall constitute consent of the landowners within  
2176 the district.

2177 (4) The local general-purpose government within the  
2178 geographical boundaries of which the district lies may adopt a  
2179 nonemergency ordinance providing for a plan for the transfer of  
2180 a specific community development service from a district to the  
2181 local general-purpose government. The plan must provide for the  
2182 assumption and guarantee of the district debt that is related to  
2183 the service by the local general-purpose government and must  
2184 demonstrate the ability of the local general-purpose government  
2185 to provide such service:

2186 (a) As efficiently as the district.

2187 (b) At a level of quality equal to or higher than the  
2188 level of quality actually delivered by the district to the users  
2189 of the service.

2190 (c) At a charge equal to or lower than the actual charge  
2191 by the district to the users of the service.

2192 (5) No later than 30 days following the adoption of a  
2193 transfer plan ordinance, the board of supervisors may file, in  
2194 the circuit court for the county in which the local general-  
2195 purpose government that adopted the ordinance is located, a  
2196 petition seeking review by certiorari of the factual and legal  
2197 basis for the adoption of the transfer plan ordinance.

2198 (6) Upon the transfer of all of the community development  
2199 services of the district to a general-purpose unit of local  
2200 government, the district shall be terminated in accordance with  
2201 a plan of termination which shall be adopted by the board of  
2202 supervisors and filed with the clerk of the circuit court.

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2203 (7) If, within 5 years after the effective date of the  
2204 rule or ordinance establishing ~~creating~~ the district, a  
2205 landowner has not received a development permit, as defined in  
2206 chapter 380, on some part or all of the area covered by the  
2207 district, then the district will be automatically dissolved and  
2208 a judge of the circuit court shall cause a statement to that  
2209 effect to be filed in the public records.

2210 (8) In the event the district has become inactive pursuant  
2211 to s. 189.4044, the respective board of county commissioners or  
2212 city commission shall be informed and it shall take appropriate  
2213 action.

2214 (9) If a district has no outstanding financial obligations  
2215 and no operating or maintenance responsibilities, upon the  
2216 petition of the district, the district may be dissolved by a  
2217 nonemergency ordinance of the general-purpose local governmental  
2218 entity that established the district or, if the district was  
2219 established by rule of the Florida Land and Water Adjudicatory  
2220 Commission, the district may be dissolved by repeal of such rule  
2221 of the commission.

2222 Section 35. Section 190.006, Florida Statutes, is amended  
2223 to read:

2224 190.006 Board of supervisors; members and meetings.--

2225 (1) The board of the district shall exercise the powers  
2226 granted to the district pursuant to this act. The board shall  
2227 consist of five members; except as otherwise provided herein,  
2228 each member shall hold office for a term of 2 years or 4 years,  
2229 as provided in this section, and until a successor is chosen and

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2230 qualifies. The members of the board must be residents of the  
2231 state and citizens of the United States.

2232 (2)(a) Within 90 days following the effective date of the  
2233 rule or ordinance establishing the district, there shall be held  
2234 a meeting of the landowners of the district for the purpose of  
2235 electing five supervisors for the district. Notice of the  
2236 landowners' meeting shall be published once a week for 2  
2237 consecutive weeks in a newspaper which is in general circulation  
2238 in the area of the district, the last day of such publication to  
2239 be not fewer than 14 days or more than 28 days before the date  
2240 of the election. The landowners, when assembled at such  
2241 meeting, shall organize by electing a chair who shall conduct  
2242 the meeting. The chair may be any person present at the meeting.  
2243 If the chair is a landowner or proxy holder of a landowner, he  
2244 or she may nominate candidates and make and second motions.

2245 (b) At such meeting, each landowner shall be entitled to  
2246 cast one vote per acre of land owned by him or her and located  
2247 within the district for each person to be elected. A landowner  
2248 may vote in person or by proxy in writing. Each proxy must be  
2249 signed by one of the legal owners of the property for which the  
2250 vote is cast and must contain the typed or printed name of the  
2251 individual who signed the proxy; the street address, legal  
2252 description of the property, or tax parcel identification  
2253 number; and the number of authorized votes. If the proxy  
2254 authorizes more than one vote, each property must be listed and  
2255 the number of acres of each property must be included. The  
2256 signature on a proxy need not be notarized. A fraction of an  
2257 acre shall be treated as 1 acre, entitling the landowner to one

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2258 | vote with respect thereto. The two candidates receiving the  
2259 | highest number of votes shall be elected for a period of 4  
2260 | years, and the three candidates receiving the next largest  
2261 | number of votes shall be elected for a period of 2 years, with  
2262 | the term of office for each successful candidate commencing upon  
2263 | election. The members of the first board elected by landowners  
2264 | shall serve their respective 4-year or 2-year terms; however,  
2265 | the next election by landowners shall be held on the first  
2266 | Tuesday in November. Thereafter, there shall be an election of  
2267 | supervisors for the district every 2 years in November on a date  
2268 | established by the board and noticed pursuant to paragraph (a).  
2269 | The second and subsequent landowners' election shall be  
2270 | announced at a public meeting of the board at least 90 days  
2271 | prior to the date of the landowners' meeting and shall also be  
2272 | noticed pursuant to paragraph (a). Instructions on how all  
2273 | landowners may participate in the election, along with sample  
2274 | proxies, shall be provided during the board meeting that  
2275 | announces the landowners' meeting. The two candidates receiving  
2276 | the highest number of votes shall be elected to serve for a 4-  
2277 | year period, and the remaining candidate elected shall serve for  
2278 | a 2-year period.

2279 | (3)(a)1. If the board proposes to exercise the ad valorem  
2280 | taxing power authorized by s. 190.021, the district board shall  
2281 | call an election at which the members of the board of  
2282 | supervisors will be elected. Such election shall be held in  
2283 | conjunction with a primary or general election unless the  
2284 | district bears the cost of a special election. Each member  
2285 | shall be elected by the qualified electors of the district for a

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2286 term of 4 years, except that, at the first such election, three  
2287 members shall be elected for a period of 4 years and two members  
2288 shall be elected for a period of 2 years. All elected board  
2289 members must be qualified electors of the district.

2290 2.a. Regardless of whether a district has proposed to levy  
2291 ad valorem taxes, commencing 6 years after the initial  
2292 appointment of members or, for a district exceeding 5,000 acres  
2293 in area, 10 years after the initial appointment of members, the  
2294 position of each member whose term has expired shall be filled  
2295 by a qualified elector of the district, elected by the qualified  
2296 electors of the district. However, for those districts  
2297 established after June 21, 1991, and for those existing  
2298 districts established after December 31, 1983, which have less  
2299 than 50 qualified electors on June 21, 1991, sub-subparagraphs  
2300 b. and d. ~~e.~~ shall apply.

2301 ~~b. For those districts to which this sub-subparagraph~~  
2302 ~~applies~~ If, in the 6th year after the initial appointment of  
2303 members, or 10 years after such initial appointment for  
2304 districts exceeding 5,000 acres in area, there are not at least  
2305 250 qualified electors in the district, or for a district  
2306 exceeding 5,000 acres, there are not at least 500 qualified  
2307 electors, members of the board shall continue to be elected by  
2308 landowners.

2309 b. After the 6th or 10th year, once a district reaches 250  
2310 or 500 qualified electors, respectively, then the positions  
2311 ~~position~~ of two board members whose terms are expiring shall be  
2312 filled by qualified electors of the district, elected by the  
2313 qualified electors of the district for 4-year terms. ~~One of~~

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2314 ~~these board members shall serve a 2-year term, and the other a~~  
2315 ~~4-year term.~~ The remaining board member whose term is expiring  
2316 shall be elected for a 4-year term by the landowners and is not  
2317 required to be a qualified elector. Thereafter, as terms expire,  
2318 board members shall be qualified electors elected by qualified  
2319 electors of the district for a term of 4 years.

2320 c. Once a district qualifies to have any of its board  
2321 members elected by the qualified electors of the district, the  
2322 initial and all subsequent elections by the qualified electors  
2323 of the district shall be held at the general election in  
2324 November. The board shall adopt a resolution if necessary to  
2325 implement this requirement when the board determines the number  
2326 of qualified electors as required by sub-subparagraph d., to  
2327 extend or reduce the terms of current board members.

2328 ~~d.e.~~ On or before June 1 ~~July 15~~ of each year, the board  
2329 shall determine the number of qualified electors in the district  
2330 as of the immediately preceding April 15 ~~June 1~~. The board  
2331 shall use and rely upon the official records maintained by the  
2332 supervisor of elections and property appraiser or tax collector  
2333 in each county in making this determination. Such determination  
2334 shall be made at a properly noticed meeting of the board and  
2335 shall become a part of the official minutes of the district.

2336 (b) Elections of board members by qualified electors held  
2337 pursuant to this subsection shall be nonpartisan and shall be  
2338 conducted in the manner prescribed by law for holding general  
2339 elections. Board members shall assume the office on the second  
2340 Tuesday following their election.

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2341 (c) Candidates seeking election to office by qualified  
2342 electors under this subsection shall conduct their campaigns in  
2343 accordance with the provisions of chapter 106 and shall file  
2344 qualifying papers and qualify for individual seats in accordance  
2345 with s. 99.061. Candidates shall pay a qualifying fee, which  
2346 shall consist of a filing fee and an election assessment or, as  
2347 an alternative, shall file a petition signed by not less than 1  
2348 percent of the registered voters of the district, Candidates  
2349 shall file petitions, and take the oath required in s. 99.021,  
2350 with the supervisor of elections in the county affected by such  
2351 candidacy. The amount of the filing fee is 3 percent of \$4,800;  
2352 however, if the electors have provided for compensation pursuant  
2353 to subsection (8), the amount of the filing fee is 3 percent of  
2354 the maximum annual compensation so provided. The amount of the  
2355 election assessment is 1 percent of \$4,800; however, if the  
2356 electors have provided for compensation pursuant to subsection  
2357 (8), the amount of the election assessment is 1 percent of the  
2358 maximum annual compensation so provided. The filing fee and  
2359 election assessment shall be distributed as provided in s.  
2360 105.031(3).

2361 (d) The supervisor of elections shall appoint the  
2362 inspectors and clerks of elections, prepare and furnish the  
2363 ballots, designate polling places, and canvass the returns of  
2364 the election of board members by qualified electors. The county  
2365 canvassing board of county commissioners shall declare and  
2366 certify the results of the election.

2367 (4) Members of the board shall be known as supervisors  
2368 and, upon entering into office, shall take and subscribe to the

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2369 | oath of office as prescribed by s. 876.05. They shall hold  
2370 | office for the terms for which they were elected or appointed  
2371 | and until their successors are chosen and qualified. If, during  
2372 | the term of office, a vacancy occurs, the remaining members of  
2373 | the board shall fill the vacancy by an appointment for the  
2374 | remainder of the unexpired term.

2375 |         (5) A majority of the members of the board constitutes a  
2376 | quorum for the purposes of conducting its business and  
2377 | exercising its powers and for all other purposes. Action taken  
2378 | by the district shall be upon a vote of a majority of the  
2379 | members present unless general law or a rule of the district  
2380 | requires a greater number.

2381 |         (6) As soon as practicable after each election or  
2382 | appointment, the board shall organize by electing one of its  
2383 | members as chair and by electing a secretary, who need not be a  
2384 | member of the board, and such other officers as the board may  
2385 | deem necessary.

2386 |         (7) The board shall keep a permanent record book entitled  
2387 | "Record of Proceedings of . . . (name of district) . . .  
2388 | Community Development District," in which shall be recorded  
2389 | minutes of all meetings, resolutions, proceedings, certificates,  
2390 | bonds given by all employees, and any and all corporate acts.  
2391 | The record book shall at reasonable times be opened to  
2392 | inspection in the same manner as state, county, and municipal  
2393 | records pursuant to chapter 119. The record book shall be kept  
2394 | at the office or other regular place of business maintained by  
2395 | the board in the county or municipality in which the district is  
2396 | located or within the boundaries of a development of regional

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2397 | impact or Florida Quality Development, or combination of a  
2398 | development of regional impact and Florida Quality Development,  
2399 | which includes the district.

2400 | (8) Each supervisor shall be entitled to receive for his  
2401 | or her services an amount not to exceed \$200 per meeting of the  
2402 | board of supervisors, not to exceed \$4,800 per year per  
2403 | supervisor, or an amount established by the electors at  
2404 | referendum. In addition, each supervisor shall receive travel  
2405 | and per diem expenses as set forth in s. 112.061.

2406 | (9) All meetings of the board shall be open to the public  
2407 | and governed by the provisions of chapter 286.

2408 | Section 36. This act shall take effect October 1, 2004.

2409 |  
2410 | ===== T I T L E A M E N D M E N T =====

2411 | Remove the entire title, and insert:

2412 | A bill to be entitled  
2413 | An act relating to condominium and community associations;  
2414 | amending s. 718.111, F.S.; providing immunity from  
2415 | liability for certain information provided by associations  
2416 | to prospective purchasers or lienholders under certain  
2417 | circumstances; amending s. 720.303, F.S.; requiring  
2418 | specific notice to be given to association members before  
2419 | certain assessments or rule changes may be considered at a  
2420 | meeting; amending s. 768.1325, F.S.; providing immunity  
2421 | from civil liability for community associations that  
2422 | provide automated defibrillator devices under certain  
2423 | circumstances; prohibiting insurers from requiring  
2424 | associations to purchase medical malpractice coverage as a



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2425 condition of issuing other coverage; prohibiting insurers  
2426 from excluding from coverage under a general liability  
2427 policy damages resulting from the use of an automated  
2428 external defibrillator device; amending ss. 718.112 and  
2429 719.1055, F.S.; revising notification and voting  
2430 procedures with respect to any vote to forego retrofitting  
2431 of the common areas of condominiums and cooperatives with  
2432 fire sprinkler systems; creating s. 718.5011, F.S.;  
2433 creating the Office of the Condominium Ombudsman within  
2434 the Division of Florida Land Sales, Condominiums, and  
2435 Mobile Homes; directing the Secretary of Business and  
2436 Professional Regulation to appoint the ombudsman;  
2437 requiring the ombudsman to be an attorney; providing for  
2438 the filling of a vacant ombudsman position; prohibiting  
2439 the ombudsman and staff from engaging in any other  
2440 profession, serving as a representative or employee of any  
2441 political party, or receiving remuneration for activities  
2442 on behalf of political candidates; prohibiting the  
2443 ombudsman and staff from seeking public office unless  
2444 resigned from the Office of the Condominium Ombudsman;  
2445 providing requirements and limitations for office staff;  
2446 creating s. 718.5012, F.S.; providing for powers and  
2447 duties of the ombudsman; requiring the ombudsman to  
2448 prepare and issue reports and make recommendations to  
2449 specified persons; directing the ombudsman to be a liaison  
2450 between certain parties, to monitor condominium elections,  
2451 to assist unit owners and boards of directors, and to  
2452 encourage voluntary resolutions to disputes before filing

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2453 the matter as a formal complaint; creating s. 718.5014,  
2454 F.S.; providing for the principal location of the  
2455 ombudsman's office in Leon County; authorizing the  
2456 ombudsman to establish branch offices elsewhere in the  
2457 state under specified circumstances; creating s. 718.5015,  
2458 F.S.; creating the Advisory Council on Condominiums;  
2459 providing for appointments by the President of the Senate,  
2460 the Speaker of the House of Representatives, and the  
2461 Governor; providing limited compensation and other terms  
2462 of service; specifying functions; amending s. 718.503,  
2463 F.S.; requiring unit owners who are not developers to  
2464 provide a specific question and answer disclosure document  
2465 to certain prospective purchasers; creating s. 720.401,  
2466 F.S.; providing legislative intent relating to the revival  
2467 of governance of a community; creating s. 720.402, F.S.;  
2468 providing eligibility to revive governance documents;  
2469 specifying prerequisites to reviving governance documents;  
2470 creating s. 720.403, F.S.; requiring the formation of an  
2471 organizing committee; providing for membership; providing  
2472 duties and responsibilities of the organizing committee;  
2473 directing the organizing committee to prepare certain  
2474 documents; providing for the contents of the documents;  
2475 providing for a vote of the eligible parcel owners;  
2476 creating s. 720.404, F.S.; directing the organizing  
2477 committee to file certain documents with the Department of  
2478 Community Affairs; specifies the content of the submission  
2479 to the department; requiring the department to approve or  
2480 disapprove the request to revive the governance documents

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2481 within a specified time period; creating s. 720.405, F.S.;  
2482 requiring the organizing committee to file and record  
2483 certain documents within a specified time period;  
2484 directing the organizing committee to give all affected  
2485 parcel owners a copy of the documents filed and recorded;  
2486 amending ss. 720.301 and 720.302, F.S.; conforming  
2487 provisions to changes made by the act; providing  
2488 definitions; prescribing a legislative purpose of  
2489 providing alternative dispute resolution procedures for  
2490 disputes involving elections and recalls; amending s.  
2491 720.303, F.S.; prescribing the right of an association to  
2492 enforce deed restrictions; prescribing rights of members  
2493 and parcel owners to attend and address association board  
2494 meetings and to have items placed on an agenda;  
2495 prescribing additional requirements for notice of  
2496 meetings; providing for additional materials to be  
2497 maintained as records; providing additional requirements  
2498 and limitations with respect to inspecting and copying  
2499 records; providing requirements with respect to financial  
2500 statements; providing procedures for recall of directors;  
2501 amending s. 720.304, F.S.; prescribing owners' rights with  
2502 respect to flag display; prohibiting certain lawsuits  
2503 against parcel owners; providing penalties; allowing a  
2504 parcel owner to construct a ramp for a parcel resident who  
2505 has a medical need for a ramp; providing conditions;  
2506 allowing the display of a security-services sign; amending  
2507 s. 720.305, F.S.; providing that a fine by an association  
2508 cannot become a lien against a parcel; providing for

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HOUSE AMENDMENT

Bill No.HB 1223 CS

Amendment No. (for drafter's use only)

2509 attorney's fees in actions to recover fines; creating s.  
2510 720.3055, F.S.; prescribing requirements for contracts for  
2511 products and services; amending s. 720.306, F.S.;  
2512 providing for notice of and right to speak at member  
2513 meetings; requiring election disputes between a member and  
2514 an association to be submitted to mandatory binding  
2515 arbitration; amending s. 720.311, F.S.; expanding  
2516 requirements and guidelines with respect to alternative  
2517 dispute resolution; providing requirements for mediation  
2518 and arbitration; providing for training and education  
2519 programs; amending s. 718.110, F.S.; restricting the  
2520 application of certain amendments restricting owners'  
2521 rental rights; transferring, renumbering, and amending s.  
2522 689.26, F.S.; modifying the disclosure form that a  
2523 prospective purchaser must receive before a contract for  
2524 sale; providing that certain contracts are voidable for a  
2525 specified period; requiring that a purchaser provide  
2526 written notice of cancellation; transferring and  
2527 renumbering s. 689.265, F.S., relating to required  
2528 financial reports of certain residential subdivision  
2529 developers; amending s. 498.025, F.S., relating to the  
2530 disposition of subdivided lands; conforming cross-  
2531 references; creating s. 720.602, F.S.; providing remedies  
2532 for publication of false and misleading information;  
2533 amending s. 34.01, F.S.; providing jurisdiction of  
2534 disputes involving homeowners' associations; amending ss.  
2535 316.00825 and 558.002, F.S.; conforming cross-references;  
2536 providing for internal organization of ch. 720, F.S.;

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Amendment No. (for drafter's use only)

2537 | amending s. 190.012, F.S.; providing for the enforcement  
2538 | of deed restrictions in certain circumstances; amending s.  
2539 | 190.046, F.S.; providing for additional dissolution  
2540 | procedures; amending s. 190.006, F.S.; specifying  
2541 | procedures for selecting a chair at the initial  
2542 | landowners' meeting; specifying requirements for proxy  
2543 | voting; requiring notice of landowners' elections;  
2544 | specifying the terms of certain supervisors; providing for  
2545 | nonpartisan elections; specifying the time that resident  
2546 | supervisors assume office; authorizing the supervisor of  
2547 | elections to designate seat numbers for resident  
2548 | supervisors of the board; providing procedures for filing  
2549 | qualifying papers; allowing candidates the option of  
2550 | paying a filing fee to qualify for the election;  
2551 | specifying payment requirements; specifying the number of  
2552 | petition signatures required to qualify for the election;  
2553 | requiring the county canvassing board to certify the  
2554 | results of resident elections; providing an effective  
2555 | date.