

Bill No. CS for CS for SB 2984

Amendment No. \_\_\_\_ Barcode 313072

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

**Senate Amendment (with title amendment)**

On page 3, line 6,

insert:

Section 1. Paragraph (e) of subsection (12) of section 718.111, Florida Statutes, is amended to read:

718.111 The association.--

(12) OFFICIAL RECORDS.--

(e)1. The association or its authorized agent ~~is shall~~ not ~~be~~ required to provide a prospective purchaser or lienholder with information about the condominium or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent ~~may shall be entitled to~~ charge a reasonable fee to the prospective purchaser, lienholder, or the current unit owner for ~~its time in~~ providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, other than that required by law, if the provided that such fee does

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1 shall not exceed \$150 plus the reasonable cost of photocopying  
2 and any attorney's fees incurred by the association in  
3 connection with the ~~association's~~ response.

4 2. An association and its authorized agent are not  
5 liable for providing such information in good faith pursuant  
6 to a written request if the person providing the information  
7 includes a written statement in substantially the following  
8 form: "The responses herein are made in good faith and to the  
9 best of my ability as to their accuracy."

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

12 720.303 Association powers and duties; meetings of  
13 board; official records; budgets; financial reporting.--

14 (2) BOARD MEETINGS.--A meeting of the board of  
15 directors of an association occurs whenever a quorum of the  
16 board gathers to conduct association business. All meetings  
17 of the board must be open to all members except for meetings  
18 between the board and its attorney with respect to proposed or  
19 pending litigation where the contents of the discussion would  
20 otherwise be governed by the attorney-client privilege.

21 Notices of all board meetings must be posted in a conspicuous  
22 place in the community at least 48 hours in advance of a  
23 meeting, except in an emergency. In the alternative, if  
24 notice is not posted in a conspicuous place in the community,  
25 notice of each board meeting must be mailed or delivered to  
26 each member at least 7 days before the meeting, except in an  
27 emergency. Notwithstanding this general notice requirement,  
28 for communities with more than 100 members, the bylaws may  
29 provide for a reasonable alternative to posting or mailing of  
30 notice for each board meeting, including publication of  
31 notice, provision of a schedule of board meetings, or the

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1 conspicuous posting and repeated broadcasting of the notice on  
2 a closed-circuit cable television system serving the  
3 homeowners' association. However, if broadcast notice is used  
4 in lieu of a notice posted physically in the community, the  
5 notice must be broadcast at least four times every broadcast  
6 hour of each day that a posted notice is otherwise required.  
7 When broadcast notice is provided, the notice and agenda must  
8 be broadcast in a manner and for a sufficient continuous  
9 length of time so as to allow an average reader to observe the  
10 notice and read and comprehend the entire content of the  
11 notice and the agenda. The bylaws or amended bylaws may  
12 provide for giving notice by electronic transmission in a  
13 manner authorized by law for meetings of the board of  
14 directors, committee meetings requiring notice under this  
15 section, and annual and special meetings of the members;  
16 however, a member must consent in writing to receiving notice  
17 by electronic transmission. An assessment may not be levied at  
18 a board meeting unless a written the notice of the meeting is  
19 provided to all members at least 14 days before the meeting,  
20 which notice includes a statement that assessments will be  
21 considered at the meeting and the nature of the assessments.  
22 Rules that regulate the use of parcels in the community may  
23 not be adopted, amended, or revoked at a board meeting unless  
24 a written meeting notice is provided to all members at least  
25 14 days before the meeting, which notice includes a statement  
26 that changes to the rules regarding the use of parcels will be  
27 considered at the meeting. Directors may not vote by proxy or  
28 by secret ballot at board meetings, except that secret ballots  
29 may be used in the election of officers. This subsection also  
30 applies to the meetings of any committee or other similar  
31 body, when a final decision will be made regarding the

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1 expenditure of association funds, and to any body vested with  
2 the power to approve or disapprove architectural decisions  
3 with respect to a specific parcel of residential property  
4 owned by a member of the community.

5 Section 3. Subsection (3) of section 768.1325, Florida  
6 Statutes, is amended, and subsection (6) is added to that  
7 section, to read:

8 768.1325 Cardiac Arrest Survival Act; immunity from  
9 civil liability.--

10 (3) Notwithstanding any other provision of law to the  
11 contrary, and except as provided in subsection (4), any person  
12 who uses or attempts to use an automated external  
13 defibrillator device on a victim of a perceived medical  
14 emergency, without objection of the victim of the perceived  
15 medical emergency, is immune from civil liability for any harm  
16 resulting from the use or attempted use of such device. In  
17 addition, any person who acquired the device, including, but  
18 not limited to, a community association organized under  
19 chapter 617, chapter 718, chapter 719, chapter 720, chapter  
20 721, or chapter 723, is immune from such liability, if the  
21 harm was not due to the failure of such acquirer of the device  
22 to:

23 (a) Notify the local emergency medical services  
24 medical director of the most recent placement of the device  
25 within a reasonable period of time after the device was  
26 placed;

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

28 (c) Provide appropriate training in the use of the  
29 device to an employee or agent of the acquirer when the  
30 employee or agent was the person who used the device on the  
31 victim, except that such requirement of training does not

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1 apply if:

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

4 2. The period of time elapsing between the engagement  
5 of the person as an employee or agent and the occurrence of  
6 the harm, or between the acquisition of the device and the  
7 occurrence of the harm in any case in which the device was  
8 acquired after engagement of the employee or agent, was not a  
9 reasonably sufficient period in which to provide the training.

10 (6) An insurer may not require an acquirer of an  
11 automated external defibrillator device which is a community  
12 association organized under chapter 617, chapter 718, chapter  
13 719, chapter 720, chapter 721, or chapter 723 to purchase  
14 medical malpractice liability coverage as a condition of  
15 issuing any other coverage carried by the association, and an  
16 insurer may not exclude damages resulting from the use of an  
17 automated external defibrillator device from coverage under a  
18 general liability policy issued to an association.

19 Section 4. Paragraphs (f) and (1) of subsection (2) of  
20 section 718.112, Florida Statutes, are amended to read:

21 718.112 Bylaws.--

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

25 (f) Annual budget.--

26 1. The proposed annual budget of common expenses shall  
27 be detailed and shall show the amounts budgeted by accounts  
28 and expense classifications, including, if applicable, but not  
29 limited to, those expenses listed in s. 718.504(21). A  
30 multicondominium association shall adopt a separate budget of  
31 common expenses for each condominium the association operates

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1 and shall adopt a separate budget of common expenses for the  
2 association. In addition, if the association maintains limited  
3 common elements with the cost to be shared only by those  
4 entitled to use the limited common elements as provided for in  
5 s. 718.113(1), the budget or a schedule attached thereto shall  
6 show amounts budgeted therefor. If, after turnover of control  
7 of the association to the unit owners, any of the expenses  
8 listed in s. 718.504(21) are not applicable, they need not be  
9 listed.

10           2. In addition to annual operating expenses, the  
11 budget shall include reserve accounts for capital expenditures  
12 and deferred maintenance. These accounts shall include, but  
13 are not limited to, roof replacement, building painting, and  
14 pavement resurfacing, regardless of the amount of deferred  
15 maintenance expense or replacement cost, and for any other  
16 item for which the deferred maintenance expense or replacement  
17 cost exceeds \$10,000. The amount to be reserved shall be  
18 computed by means of a formula which is based upon estimated  
19 remaining useful life and estimated replacement cost or  
20 deferred maintenance expense of each reserve item. The  
21 association may adjust replacement reserve assessments  
22 annually to take into account any changes in estimates or  
23 extension of the useful life of a reserve item caused by  
24 deferred maintenance. This subsection does not apply to an  
25 adopted budget in which the members of an association have  
26 determined, by a majority vote at a duly called meeting of the  
27 association, to provide no reserves or less reserves than  
28 required by this subsection. However, prior to turnover of  
29 control of an association by a developer to unit owners other  
30 than a developer pursuant to s. 718.301, the developer may  
31 vote to waive the reserves or reduce the funding of reserves

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1 for the first 2 fiscal years of the association's operation,  
2 beginning with the fiscal year in which the initial  
3 declaration is recorded, after which time reserves may be  
4 waived or reduced only upon the vote of a majority of all  
5 nondeveloper voting interests voting in person or by limited  
6 proxy at a duly called meeting of the association. If a  
7 meeting of the unit owners has been called to determine  
8 whether to waive or reduce the funding of reserves, and no  
9 such result is achieved or a quorum is not attained, the  
10 reserves as included in the budget shall go into effect. After  
11 the turnover, the developer may vote its voting interest to  
12 waive or reduce the funding of reserves.

13           3. Reserve funds and any interest accruing thereon  
14 shall remain in the reserve account or accounts, and shall be  
15 used only for authorized reserve expenditures unless their use  
16 for other purposes is approved in advance by a majority vote  
17 at a duly called meeting of the association. Prior to turnover  
18 of control of an association by a developer to unit owners  
19 other than the developer pursuant to s. 718.301, the  
20 developer-controlled association shall not vote to use  
21 reserves for purposes other than that for which they were  
22 intended without the approval of a majority of all  
23 nondeveloper voting interests, voting in person or by limited  
24 proxy at a duly called meeting of the association.

25           4. ~~In a multicondominium association,~~ The only voting  
26 interests which are eligible to vote on questions that involve  
27 waiving or reducing the funding of reserves, or using existing  
28 reserve funds for purposes other than purposes for which the  
29 reserves were intended, are the voting interests of the units  
30 subject to assessment to fund the reserves in question.

31           (1) Certificate of compliance.--There shall be a

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1 provision that a certificate of compliance from a licensed  
2 electrical contractor or electrician may be accepted by the  
3 association's board as evidence of compliance of the  
4 condominium units with the applicable fire and life safety  
5 code. Notwithstanding the provisions of chapter 633 or of any  
6 other code, statute, ordinance, administrative rule, or  
7 regulation, or any interpretation of the foregoing, an  
8 association, condominium, or unit owner is not obligated to  
9 retrofit the common elements or units of a residential  
10 condominium with a fire sprinkler system or other engineered  
11 lifesafety system in a building that has been certified for  
12 occupancy by the applicable governmental entity, if the unit  
13 owners have voted to forego such retrofitting and engineered  
14 lifesafety system by the affirmative vote of two-thirds of all  
15 voting interests in the affected condominium. However, a  
16 condominium association may not vote to forego the  
17 retrofitting with a fire sprinkler system of common areas in a  
18 high-rise building. For purposes of this subsection, the term  
19 "high-rise building" means a building that is greater than 75  
20 feet in height where the building height is measured from the  
21 lowest level of fire department access to the floor of the  
22 highest occupiable story. For purposes of this subsection, the  
23 term "common areas" means any enclosed hallway, corridor,  
24 lobby, stairwell, or entryway. In no event shall the local  
25 authority having jurisdiction require completion of  
26 retrofitting of common areas with a sprinkler system before  
27 the end of 2014.

28           1. A vote to forego retrofitting may ~~not~~ be obtained  
29 by ~~general proxy or limited proxy or by a ballot, but shall be~~  
30 ~~obtained by a vote~~ personally cast at a duly called membership  
31 meeting, or by execution of a written consent by the member,



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1 and shall be effective upon the recording of a certificate  
2 attesting to such vote in the public records of the county  
3 where the condominium is located. The association shall mail,  
4 hand deliver, or electronically transmit to provide each unit  
5 owner written notice at least 14 days prior to such membership  
6 meeting in which ~~of~~ the vote to forego retrofitting of the  
7 required fire sprinkler system is to take place, in at least  
8 ~~16-point bold type, by certified mail, within 20 days after~~  
9 ~~the association's vote. Within 30 days after the association's~~  
10 opt-out vote, notice of the results of the opt-out vote shall  
11 be mailed, hand delivered, or electronically transmitted to  
12 all unit owners. Evidence of compliance with this 30-day  
13 notice shall be made by an affidavit executed by the person  
14 providing the notice and filed among the official records of  
15 the association. After such notice is provided to each owner,  
16 a copy of such notice shall be provided by the current owner  
17 to a new owner prior to closing and shall be provided by a  
18 unit owner to a renter prior to signing a lease.

19           2. As part of the information collected annually from  
20 condominiums, the division shall require condominium  
21 associations to report the membership vote and recording of a  
22 certificate under this subsection and, if retrofitting has  
23 been undertaken, the per-unit cost of such work. The division  
24 shall annually report to the Division of State Fire Marshal of  
25 the Department of Financial Services the number of  
26 condominiums that have elected to forego retrofitting.

27           Section 5. Paragraph (a) of subsection (5) of section  
28 719.1055, Florida Statutes, is amended to read:

29           719.1055 Amendment of cooperative documents;  
30 alteration and acquisition of property.--

31           (5) Notwithstanding the provisions of chapter 633 or

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1 of any other code, statute, ordinance, administrative rule, or  
2 regulation, or any interpretation of the foregoing, a  
3 cooperative or unit owner is not obligated to retrofit the  
4 common elements or units of a residential cooperative with a  
5 fire sprinkler system or other engineered life safety system  
6 in a building that has been certified for occupancy by the  
7 applicable governmental entity, if the unit owners have voted  
8 to forego such retrofitting and engineered life safety system  
9 by the affirmative vote of two-thirds of all voting interests  
10 in the affected cooperative. However, a cooperative may not  
11 forego the retrofitting with a fire sprinkler system of common  
12 areas in a high-rise building. For purposes of this  
13 subsection, the term "high-rise building" means a building  
14 that is greater than 75 feet in height where the building  
15 height is measured from the lowest level of fire department  
16 access to the floor of the highest occupiable story. For  
17 purposes of this subsection, the term "common areas" means any  
18 enclosed hallway, corridor, lobby, stairwell, or entryway. In  
19 no event shall the local authority having jurisdiction require  
20 completion of retrofitting of common areas with a sprinkler  
21 system before the end of 2014.

22 (a) A vote to forego retrofitting may ~~not~~ be obtained  
23 by ~~general proxy or limited proxy or by a ballot, but shall be~~  
24 ~~obtained by a vote~~ personally cast at a duly called membership  
25 meeting, or by execution of a written consent by the member,  
26 and shall be effective upon the recording of a certificate  
27 attesting to such vote in the public records of the county  
28 where the cooperative is located. The association shall mail,  
29 hand deliver, or electronically transmit to ~~provide~~ each unit  
30 owner written notice at least 14 days prior to such membership  
31 meeting in which of the vote to forego retrofitting of the

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1 required fire sprinkler system ~~is to take place, in at least~~  
 2 ~~16-point bold type, by certified mail, within 20 days after~~  
 3 ~~the association's vote. Within 30 days after the association's~~  
 4 ~~opt-out vote, notice of the results of the opt-out vote shall~~  
 5 ~~be mailed, hand delivered, or electronically transmitted to~~  
 6 ~~all unit owners. Evidence of compliance with this 30-day~~  
 7 ~~notice shall be made by an affidavit executed by the person~~  
 8 ~~providing the notice and filed among the official records of~~  
 9 ~~the association.~~ After such notice is provided to each owner,  
 10 a copy of such notice shall be provided by the current owner  
 11 to a new owner prior to closing and shall be provided by a  
 12 unit owner to a renter prior to signing a lease.

13 Section 6. Subsection (2) of section 718.503, Florida  
 14 Statutes, is amended to read:

15 718.503 Developer disclosure prior to sale;  
 16 nondeveloper unit owner disclosure prior to sale;  
 17 voidability.--

18 (2) NONDEVELOPER DISCLOSURE.--

19 (a) Each unit owner who is not a developer as defined  
 20 by this chapter shall comply with the provisions of this  
 21 subsection prior to the sale of his or her unit. Each  
 22 prospective purchaser who has entered into a contract for the  
 23 purchase of a condominium unit is entitled, at the seller's  
 24 expense, to a current copy of the declaration of condominium,  
 25 articles of incorporation of the association, bylaws, and  
 26 rules of the association, ~~and a copy of the financial~~  
 27 ~~information required by s. 718.111, and the document entitled~~  
 28 "Frequently Asked Questions and Answers" required by s.  
 29 718.504.

30 (b) If a person licensed under part I of chapter 475  
 31 provides to or otherwise obtains for a prospective purchaser

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1 the documents described in this subsection, the person is not  
2 liable for any error or inaccuracy contained in the documents.

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

6 1. A clause which states: THE BUYER HEREBY  
7 ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF  
8 THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF  
9 THE ASSOCIATION, BYLAWS AND, RULES OF THE ASSOCIATION, AND A  
10 COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND  
11 FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3  
12 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR  
13 TO EXECUTION OF THIS CONTRACT; or

14 2. A clause which states: THIS AGREEMENT IS VOIDABLE  
15 BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION  
16 TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND  
17 LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT  
18 BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE  
19 DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS  
20 AND, RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT  
21 YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS  
22 AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED  
23 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT.  
24 BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE  
25 THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS,  
26 AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF  
27 INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND A  
28 COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND  
29 FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED  
30 IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
31 TERMINATE AT CLOSING.

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

Section 7. Section 720.403, Florida Statutes, is created to read:

720.403 Preservation of residential communities; revival of declaration of covenants.--

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, homeowners are encouraged to preserve existing residential communities, promote available and affordable housing, protect structural and aesthetic elements of their residential community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the residential community by the revival of a previous declaration of covenants and other governing documents that may have ceased to govern some or all parcels in the community.

(2) In order to preserve a residential community and the associated infrastructure and common areas for the purposes described in this section, the parcel owners in a community that was previously subject to a declaration of covenants that has ceased to govern one or more parcels in the community may revive the declaration and the homeowners' association for the community upon approval by the parcel owners to be governed thereby as provided in this act, and upon approval of the declaration and the other governing

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1 documents for the association by the Department of Community  
2 Affairs in a manner consistent with this act.

3 Section 8. Section 720.404, Florida Statutes, is  
4 created to read:

5 720.404 Eligible residential communities; requirements  
6 for revival of declaration.--Parcel owners in a community are  
7 eligible to seek approval from the Department of Community  
8 Affairs to revive a declaration of covenants under this act if  
9 all of the following requirements are met:

10 (1) All parcels to be governed by the revived  
11 declaration must have been once governed by a previous  
12 declaration that has ceased to govern some or all of the  
13 parcels in the community;

14 (2) The revived declaration must be approved in the  
15 manner provided in s. 720.405(6); and

16 (3) The revived declaration may not contain covenants  
17 that are more restrictive on the parcel owners than the  
18 covenants contained in the previous declaration, except that  
19 the declaration may:

20 (a) Have an effective term of longer duration than the  
21 term of the previous declaration;

22 (b) Omit restrictions contained in the previous  
23 declaration;

24 (c) Govern fewer than all of the parcels governed by  
25 the previous declaration;

26 (d) Provide for amendments to the declaration and  
27 other governing documents; and

28 (e) Contain provisions required by this chapter for  
29 new declarations that were not contained in the previous  
30 declaration.

31 Section 9. Section 720.405, Florida Statutes, is

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1 created to read:

2 720.405 Organizing committee; parcel owner approval.--

3 (1) The proposal to revive a declaration of covenants  
4 and a homeowners' association for a community under the terms  
5 of this act shall be initiated by an organizing committee  
6 consisting of not less than three parcel owners located in the  
7 community that is proposed to be governed by the revived  
8 declaration. The name, address, and telephone number of each  
9 member of the organizing committee must be included in any  
10 notice or other document provided by the committee to parcel  
11 owners to be affected by the proposed revived declaration.

12 (2) The organizing committee shall prepare or cause to  
13 be prepared the complete text of the proposed revised  
14 declaration of covenants to be submitted to the parcel owners  
15 for approval. The proposed revived documents must identify  
16 each parcel that is to be subject to the governing documents  
17 by its legal description, and by the name of the parcel owner  
18 or the person in whose name the parcel is assessed on the last  
19 completed tax assessment roll of the county at the time when  
20 the proposed revived declaration is submitted for approval by  
21 the parcel owners.

22 (3) The organizing committee shall prepare the full  
23 text of the proposed articles of incorporation and bylaws of  
24 the revived homeowners' association to be submitted to the  
25 parcel owners for approval, unless the association is then an  
26 existing corporation, in which case the organizing committee  
27 shall prepare the existing articles of incorporation and  
28 bylaws to be submitted to the parcel owners.

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

31 (a) Provide that the voting interest of each parcel

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1 owner shall be the same as the voting interest of the parcel  
2 owner under the previous governing documents;

3 (b) Provide that the proportional-assessment  
4 obligations of each parcel owner shall be the same as  
5 proportional-assessment obligations of the parcel owner under  
6 the previous governing documents;

7 (c) Contain the same respective amendment provisions  
8 as the previous governing documents or, if there were no  
9 amendment provisions in the previous governing document,  
10 amendment provisions that require approval of not less than  
11 two-thirds of the affected parcel owners;

12 (d) Contain no covenants that are more restrictive on  
13 the affected parcel owners than the covenants contained in the  
14 previous governing documents, except as permitted under s.  
15 720.402(3); and

16 (e) Comply with the other requirements for a  
17 declaration of covenants and other governing documents as  
18 specified in this chapter.

19 (5) A copy of the complete text of the proposed  
20 revised declaration of covenants, the proposed new or existing  
21 articles of incorporation and bylaws of the homeowners'  
22 association, and a graphic depiction of the property to be  
23 governed by the revived declaration shall be presented to all  
24 of the affected parcel owners by mail or hand delivery not  
25 less than 14 days before the time that the consent of the  
26 affected parcel owners to the proposed governing documents is  
27 sought by the organizing committee.

28 (6) A majority of the affected parcel owners must  
29 agree in writing to the revived declaration of covenants and  
30 governing documents of the homeowners' association or approve  
31 the revived declaration and governing documents by a vote at a



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1 meeting of the affected parcel owners noticed and conducted in  
2 the manner prescribed by s. 720.306. Proof of notice of the  
3 meeting to all affected owners of the meeting and the minutes  
4 of the meeting recording the votes of the property owners  
5 shall be certified by a court reporter or an attorney licensed  
6 to practice in the state.

7 Section 10. Section 720.406, Florida Statutes, is  
8 created to read:

9 720.406 Department of Community Affairs; submission;  
10 review and determination.--

11 (1) No later than 60 days after the date the proposed  
12 revived declaration and other governing documents are approved  
13 by the affected parcel owners, the organizing committee or its  
14 designee must submit the proposed revived governing documents  
15 and supporting materials to the Department of Community  
16 Affairs to review and determine whether to approve or  
17 disapprove of the proposal to preserve the residential  
18 community. The submission to the department must include:

19 (a) The full text of the proposed revived declaration  
20 of covenants and articles of incorporation and bylaws of the  
21 homeowners' association;

22 (b) A verified copy of the previous declaration of  
23 covenants and other previous governing documents for the  
24 community, including any amendments thereto;

25 (c) The legal description of each parcel to be subject  
26 to the revived declaration and other governing documents and a  
27 plat or other graphic depiction of the affected properties in  
28 the community;

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

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1 approval was obtained by a vote at a meeting of affected  
2 parcel owners, verified copies of the notice of the meeting,  
3 attendance, and voting results;

4 (e) An affidavit by a current or former officer of the  
5 association or by a member of the organizing committee  
6 verifying that the requirements for the revived declaration  
7 set forth in s. 720.404 have been satisfied; and

8 (f) Such other documentation that the organizing  
9 committee believes is supportive of the policy of preserving  
10 the residential community and operating, managing, and  
11 maintaining the infrastructure, aesthetic character, and  
12 common areas serving the residential community.

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

17 (a) If the department determines that the proposed  
18 revived declaration and other governing documents comply with  
19 the act and have been approved by the parcel owners as  
20 required by this act, the department shall notify the  
21 organizing committee in writing of its approval.

22 (b) If the department determines that the proposed  
23 revived declaration and other governing documents do not  
24 comply with this act or have not been approved as required by  
25 this act, the department shall notify the organizing committee  
26 in writing that it does not approve the governing documents  
27 and shall state the reasons for the disapproval.

28 Section 11. Section 720.407, Florida Statutes, is  
29 created to read:

30 720.407 Recording; notice of recording; applicability  
31 and effective date.--

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

6       (2) No later than 30 days after receiving approval  
7 from the division, the president and secretary of the  
8 association shall execute the revived declaration and other  
9 governing documents approved by the department in the name of  
10 the association and have the documents recorded with the clerk  
11 of the circuit court in the county where the affected parcels  
12 are located.

13       (3) The recorded documents shall include the full text  
14 of the approved declaration of covenants, the articles of  
15 incorporation and bylaws of the homeowners' association, the  
16 letter of approval by the department, and the legal  
17 description of each affected parcel of property. For purposes  
18 of chapter 712, the association is deemed to be and shall be  
19 indexed as the grantee in a title transaction and the parcel  
20 owners named in the revived declaration are deemed to be and  
21 shall be indexed as the grantors in the title transaction.

22       (4) Immediately after recording the documents, a  
23 complete copy of all of the approved recorded documents must  
24 be mailed or hand delivered to the owner of each affected  
25 parcel. The revived declaration and other governing documents  
26 shall be effective upon recordation in the public records with  
27 respect to each affected parcel subject thereto, regardless of  
28 whether the particular parcel owner approved the revived  
29 declaration. Upon recordation, the revived declaration shall  
30 replace and supersede the previous declaration with respect to  
31 all affected parcels then governed by the previous declaration

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1 and shall have the same record priority as the superseded  
2 previous declaration. With respect to any affected parcels  
3 that had ceased to be governed by the previous declaration as  
4 of the recording date, the revived declaration may not have  
5 retroactive effect with respect to the parcel and shall take  
6 priority with respect to the parcel as of the recording date.

7       (5) With respect to any parcel that has ceased to be  
8 governed by a previous declaration of covenants as of the  
9 effective date of this act, the parcel owner may commence an  
10 action within one year after the effective date of this act  
11 for a judicial determination that the previous declaration did  
12 not govern that parcel as of the effective date of this act  
13 and that any revival of such declaration as to that parcel  
14 would unconstitutionally deprive the parcel owner of rights or  
15 property. A revived declaration that is implemented pursuant  
16 to this act shall not apply to or affect the rights of the  
17 respective parcel owner recognized by any court order or  
18 judgment in any such action commenced within one year after  
19 the effective date of this act, and any such rights so  
20 recognized may not be subsequently altered by a revived  
21 declaration implemented under this act without the consent of  
22 the affected property owner.

23  
24 (Redesignate subsequent sections.)

25  
26

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

28 And the title is amended as follows:

29       On page 1, lines 1-2, delete those lines

30

31 and insert:

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1 An act relating to condominium and community  
2 associations; amending s. 718.111, F.S.;  
3 providing immunity from liability for certain  
4 information provided by associations to  
5 prospective purchasers or lienholders under  
6 certain circumstances; amending s. 720.303,  
7 F.S.; requiring specific notice to be given to  
8 association members before certain assessments  
9 or rule changes may be considered at a meeting;  
10 amending s. 768.1325, F.S.; providing immunity  
11 from civil liability for community associations  
12 that provide automated defibrillator devices  
13 under certain circumstances; prohibiting  
14 insurers from requiring associations to  
15 purchase medical malpractice coverage as a  
16 condition of issuing other coverage;  
17 prohibiting insurers from excluding from  
18 coverage under a general liability policy  
19 damages resulting from the use of an automated  
20 external defibrillator device; amending ss.  
21 718.112 and 719.1055, F.S.; revising  
22 notification and voting procedures with respect  
23 to any vote to forego retrofitting of the  
24 common areas of condominiums and cooperatives  
25 with fire sprinkler systems; amending s.  
26 718.503, F.S.; requiring unit owners who are  
27 not developers to provide a specific question  
28 and answer disclosure document to certain  
29 prospective purchasers; creating s. 720.403,  
30 F.S.; providing legislative intent relating to  
31 the revival of governance of a community;

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1           creating s. 720.404, F.S.; providing  
2           eligibility to revive governance documents;  
3           specifying prerequisites to reviving governance  
4           documents; creating s. 720.405, F.S.; requiring  
5           the formation of an organizing committee;  
6           providing for membership; providing duties and  
7           responsibilities of the organizing committee;  
8           directing the organizing committee to prepare  
9           certain documents; providing for the contents  
10          of the documents; providing for a vote of the  
11          eligible parcel owners; creating s. 720.406,  
12          F.S.; directing the organizing committee to  
13          file certain documents with the Department of  
14          Community Affairs; specifies the content of the  
15          submission to the department; requiring the  
16          department to approve or disapprove the request  
17          to revive the governance documents within a  
18          specified time period; creating s. 720.407,  
19          F.S.; requiring the organizing committee to  
20          file and record certain documents within a  
21          specified time period; directing the organizing  
22          committee to give all affected parcel owners a  
23          copy of the documents filed and recorded;  
24          providing for judicial determination of the  
25          effects of revived covenants on parcels;  
26          providing for effects of such a judicial  
27          determination;  
28  
29  
30  
31