



1 posting on the condominium property, or some other means the  
2 board deems reasonable under the circumstances. Notice of  
3 board decisions also may be communicated as provided in this  
4 paragraph;

5 (b) Cancel and reschedule any association meeting;

6 (c) Name as assistant officers persons who are not  
7 directors, which assistant officers shall have the same  
8 authority as the executive officers to whom they are assistant  
9 during the state of emergency, to accommodate the incapacity  
10 or unavailability of any officer of the association;

11 (d) Relocate the association's principal office or  
12 designate alternative principal offices;

13 (e) Enter into agreements with local counties or  
14 municipalities to assist with debris removal.

15 (2) Consistent with the standards of s. 617.0830, the  
16 association may:

17 (a) Implement a disaster plan, including, but not  
18 limited to, shutting down or off elevators, electricity,  
19 water, sewer, security systems, or air conditioners;

20 (b) Declare any portion of the condominium property  
21 unavailable for entry or occupancy by unit owners, family  
22 members, tenants, guests, agents, or invitees in order to  
23 protect the health, safety, or welfare of such persons;

24 (c) Order the evacuation of the condominium property  
25 in the event of a mandatory evacuation order in the locale in  
26 which the condominium is located. If any unit owner or other  
27 occupant of a condominium fails or refuses to evacuate the  
28 condominium property upon such an order, the association is  
29 immune from liability for injury to persons or property  
30 arising from such a refusal;

31

1       (d) Determine whether the condominium property can be  
2 safely inhabited or occupied. However, such determination is  
3 not conclusive as to any determination of habitability  
4 pursuant to the declaration.

5       (3) To the extent allowed by law and unless  
6 specifically prohibited by the declaration, the articles, or  
7 the bylaws of an association, and consistent with the  
8 provisions of s. 617.0830, the association may, in response to  
9 damage caused by an event for which a state of emergency is  
10 declared in accordance with s. 252.36(2) in the locale in  
11 which the condominium is located, exercise the power to:

12       (a) Mitigate further damage, including taking action  
13 to prevent or mitigate the spread of fungus, including but not  
14 limited to mold, or mildew, by removing and disposing of wet  
15 drywall, insulation, carpet, cabinetry, or other fixtures,  
16 even if the unit owner is obligated by the declaration or law  
17 to insure or replace those fixtures and to remove personal  
18 property from a unit;

19       (b) Contract, on behalf of unit owners and with unit  
20 owners being responsible for reimbursing the association, for  
21 items or services for which the owners are otherwise  
22 responsible, but which may be necessary to prevent further  
23 damage. Without limitation, such items or services may include  
24 the drying of units, boarding of broken windows or doors, and  
25 replacement of damaged air conditioners or air handlers to  
26 provide climate control in the units or other portions of the  
27 property;

28       (c) Levy special assessments; or

29       (d) Borrow money and pledge association assets as  
30 collateral to fund emergency repairs and carry out the duties  
31 of the association when operating funds are insufficient,

1 without unit owner approval. This paragraph does not limit the  
2 general authority of the association to borrow money, which  
3 may be exercised by the board pursuant to the declaration,  
4 articles, or bylaws.

5 (4) Use of the special powers of the association  
6 authorized under this section is limited to those times and  
7 circumstances in which such use is reasonably necessary to  
8 protect the health, safety, and welfare of the association,  
9 the unit owners, their family members, tenants, guests,  
10 agents, or invitees and reasonably necessary to mitigate  
11 further damage and make emergency repairs.

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

14 718.112 Bylaws.--

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

18 (f) Annual budget.--

19 1. The proposed annual budget of common expenses shall  
20 be detailed and shall show the amounts budgeted by accounts  
21 and expense classifications, including, if applicable, but not  
22 limited to, those expenses listed in s. 718.504(21). A  
23 multicondominium association shall adopt a separate budget of  
24 common expenses for each condominium the association operates  
25 and shall adopt a separate budget of common expenses for the  
26 association. In addition, if the association maintains limited  
27 common elements with the cost to be shared only by those  
28 entitled to use the limited common elements as provided for in  
29 s. 718.113(1), the budget or a schedule attached thereto shall  
30 show amounts budgeted therefor. If, after turnover of control  
31 of the association to the unit owners, any of the expenses

1 | listed in s. 718.504(21) are not applicable, they need not be  
2 | listed.

3 |           2. In addition to annual operating expenses, the  
4 | budget shall include reserve accounts for capital expenditures  
5 | and deferred maintenance. These accounts shall include, but  
6 | are not limited to, roof replacement, building painting, and  
7 | pavement resurfacing, regardless of the amount of deferred  
8 | maintenance expense or replacement cost, and for any other  
9 | item for which the deferred maintenance expense or replacement  
10 | cost exceeds \$10,000. The amount to be reserved shall be  
11 | computed by means of a formula which is based upon estimated  
12 | remaining useful life and estimated replacement cost or  
13 | deferred maintenance expense of each reserve item. The  
14 | association may adjust replacement reserve assessments  
15 | annually to take into account any changes in estimates or  
16 | extension of the useful life of a reserve item caused by  
17 | deferred maintenance. This subsection does not apply to an  
18 | adopted budget in which the members of an association have  
19 | determined, by a majority vote at a duly called meeting of the  
20 | association, to provide no reserves or less reserves than  
21 | required by this subsection. However, prior to turnover of  
22 | control of an association by a developer to unit owners other  
23 | than a developer pursuant to s. 718.301, the developer may  
24 | vote to waive the reserves or reduce the funding of reserves  
25 | for the first 2 fiscal years of the association's operation,  
26 | beginning with the fiscal year in which the initial  
27 | declaration is recorded, after which time reserves may be  
28 | waived or reduced only upon the vote of a majority of all  
29 | nondeveloper voting interests voting in person or by limited  
30 | proxy at a duly called meeting of the association. If a  
31 | meeting of the unit owners has been called to determine

1 | whether to waive or reduce the funding of reserves, and no  
2 | such result is achieved or a quorum is not attained, the  
3 | reserves as included in the budget shall go into effect. After  
4 | the turnover, the developer may vote its voting interest to  
5 | waive or reduce the funding of reserves.

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

18 |         4. The only voting interests which are eligible to  
19 | vote on questions that involve waiving or reducing the funding  
20 | of reserves, or using existing reserve funds for purposes  
21 | other than purposes for which the reserves were intended, are  
22 | the voting interests of the units subject to assessment to  
23 | fund the reserves in question.

24 |         5. In addition to reserves required by this paragraph,  
25 | the association may establish a reserve category for uninsured  
26 | casualty losses, based upon a formula the board considers  
27 | appropriate.

28 |         (1) Certificate of compliance.--There shall be a  
29 | provision that a certificate of compliance from a licensed  
30 | electrical contractor or electrician may be accepted by the  
31 | association's board as evidence of compliance of the

1 | condominium units with the applicable fire and life safety  
2 | code. Notwithstanding the provisions of chapter 633 or of any  
3 | other code, statute, ordinance, administrative rule, or  
4 | regulation, or any interpretation of the foregoing, an  
5 | association, condominium, or unit owner is not obligated to  
6 | retrofit the common elements or units of a residential  
7 | condominium with a fire sprinkler system or other engineered  
8 | lifesafety system in a building that has been certified for  
9 | occupancy by the applicable governmental entity, if the unit  
10 | owners have voted to forego such retrofitting and engineered  
11 | lifesafety system by the affirmative vote of two-thirds of all  
12 | voting interests in the affected condominium. However, a  
13 | condominium association may not vote to forego the  
14 | retrofitting with a fire sprinkler system of common areas in a  
15 | high-rise building. For purposes of this subsection, the term  
16 | "high-rise building" means a building that is greater than 75  
17 | feet in height where the building height is measured from the  
18 | lowest level of fire department access to the floor of the  
19 | highest occupiable story. For purposes of this subsection, the  
20 | term "common areas" means any enclosed hallway, corridor,  
21 | lobby, stairwell, or entryway. In no event shall the local  
22 | authority having jurisdiction require completion of  
23 | retrofitting of common areas with a sprinkler system before  
24 | the end of 2020 ~~2014~~.

25 |         1. A vote to forego retrofitting may be obtained by  
26 | limited proxy or by a ballot personally cast at a duly called  
27 | membership meeting, or by execution of a written consent by  
28 | the member, and shall be effective upon the recording of a  
29 | certificate attesting to such vote in the public records of  
30 | the county where the condominium is located. The association  
31 | shall mail, hand deliver, or electronically transmit to each

1 unit owner written notice at least 14 days prior to such  
2 membership meeting in which the vote to forego retrofitting of  
3 the required fire sprinkler system is to take place. Within 30  
4 days after the association's opt-out vote, notice of the  
5 results of the opt-out vote shall be mailed, hand delivered,  
6 or electronically transmitted to all unit owners. Evidence of  
7 compliance with this 30-day notice shall be made by an  
8 affidavit executed by the person providing the notice and  
9 filed among the official records of the association. After  
10 such notice is provided to each owner, a copy of such notice  
11 shall be provided by the current owner to a new owner prior to  
12 closing and shall be provided by a unit owner to a renter  
13 prior to signing a lease.

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

22 Section 3. Section 712.11, Florida Statutes, is  
23 created to read:

24 712.11 Covenant restrictions.--A homeowners'  
25 association that is not otherwise subject to chapter 720 may  
26 use the procedures provided in ss. 720.403-720.407 to revive a  
27 declaration of covenants and restrictions which were  
28 extinguished pursuant to this chapter.

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

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2062

4                   The committee substitute provides condominium associations  
5                   with emergency powers in response to the declaration of a  
6                   state of emergency in accordance with s. 252.36, F.S., or a  
7                   mandatory evacuation order is issued by civil or law  
8                   enforcement authorities. The CS deletes the provision that  
9                   would provide the condominium associations emergency authority  
10                  in the event of a catastrophic emergency. It does not define  
11                  the term "catastrophic emergency."

12                  The CS authorizes condominium associations to enter into  
13                  agreements with local governments to assist with debris  
14                  removal.

15                  The CS provides powers that an association may exercise  
16                  consistent with the standards of s. 617.0830, F.S., and powers  
17                  that it may exercise in response to damage caused by an event  
18                  for which a state of emergency is declared in accordance with  
19                  s. 252.36(2), F.S.

20                  The CS amends s. 718.112, F.S., to authorize a condominium  
21                  association to establish a reserve category for uninsured  
22                  casualty losses.

23                  The CS does not provide condominium associations with the  
24                  authority to suspend or modify notice requirements for board  
25                  or unit owner meetings.

26                  The CS provides that the use of the special powers authorized  
27                  under this section is limited to those times and circumstances  
28                  that are reasonably necessary to the health, safety, and  
29                  welfare of persons, and to mitigate further damage and make  
30                  emergency repairs.

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