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1 A bill to be entitled
2 An act relating to condominiums; creating s. 627.714,
3 F.S.; requiring coverage under a condominium unit owner's
4 policy to include a specified amount of loss assessment
5 coverage; providing notice requirements for certain
6 coverage; amending s. 718.111, F.S.; requiring coverage
7 for certain personal property to be the responsibility of
8 the condominium unit owner; revising board meeting notice
9 requirements; requiring insurance policies issued or
10 renewed on or after a specified date to conform to
11 specified loss assessment coverage requirements; revising
12 and deleting provisions relating to hazard or casualty
13 insurance coverage requirements, to conform; deleting a
14 provision requiring the condominium association to be an
15 additional named insured and loss payee on all casualty
16 insurance policies issued to unit owners in the
17 condominium operated by the association; amending s.
18 718.112, F.S.; revising requirements for the reappointment
19 of certain board members; revising board eligibility
20 requirements; revising notice requirements for board
21 candidates; extending a period in which condominium common
22 areas do not have to be retrofitted with sprinkler
23 systems; providing that certain directors and officers
24 delinquent in the payment of any fee, fine, or regular or
25 special assessments shall be deemed to have abandoned
26 their office; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
 30 Section 1. Section 627.714, Florida Statutes, is created
 31 to read:

32 627.714 Condominium unit owner's coverage; loss assessment
 33 coverage required.--For policies issued or renewed on or after
 34 October 1, 2009, coverage under a condominium unit owner's
 35 policy shall include loss assessment coverage of at least
 36 \$2,000. Every property insurance policy issued or renewed on or
 37 after January 1, 2009, to an individual unit owner must contain
 38 a provision stating that the coverage afforded by such policy is
 39 excess coverage over the amount recoverable under any other
 40 policy covering the same property.

41 Section 2. Paragraphs (a), (b), (c), (d), (f), (g), (j),
 42 and (n) of subsection (11) of section 718.111, Florida Statutes,
 43 are amended to read:

44 718.111 The association.--

45 (11) INSURANCE.--In order to protect the safety, health,
 46 and welfare of the people of the State of Florida and to ensure
 47 consistency in the provision of insurance coverage to
 48 condominiums and their unit owners, this subsection applies to
 49 every residential condominium in the state, regardless of the
 50 date of its declaration of condominium. It is the intent of the
 51 Legislature to encourage lower or stable insurance premiums for
 52 associations described in this subsection.

53 (a) Adequate property ~~hazard~~ insurance, regardless of any
 54 requirement in the declaration of condominium for coverage by
 55 the association for full insurable value, replacement cost, or
 56 similar coverage, shall be based upon the replacement cost of

57 | the property to be insured as determined by an independent
58 | insurance appraisal or update of a prior appraisal. The
59 | replacement cost ~~full insurable value~~ shall be determined at
60 | least once every 36 months.

61 | 1. An association or group of associations may provide
62 | adequate property ~~hazard~~ insurance through a self-insurance fund
63 | that complies with the requirements of ss. 624.460-624.488.

64 | 2. The association may also provide adequate property
65 | ~~hazard~~ insurance coverage for a group of no fewer than three
66 | communities created and operating under this chapter, chapter
67 | 719, chapter 720, or chapter 721 by obtaining and maintaining
68 | for such communities insurance coverage sufficient to cover an
69 | amount equal to the probable maximum loss for the communities
70 | for a 250-year windstorm event. Such probable maximum loss must
71 | be determined through the use of a competent model that has been
72 | accepted by the Florida Commission on Hurricane Loss Projection
73 | Methodology. No policy or program providing such coverage shall
74 | be issued or renewed after July 1, 2008, unless it has been
75 | reviewed and approved by the Office of Insurance Regulation. The
76 | review and approval shall include approval of the policy and
77 | related forms pursuant to ss. 627.410 and 627.411, approval of
78 | the rates pursuant to s. 627.062, a determination that the loss
79 | model approved by the commission was accurately and
80 | appropriately applied to the insured structures to determine the
81 | 250-year probable maximum loss, and a determination that
82 | complete and accurate disclosure of all material provisions is
83 | provided to condominium unit owners prior to execution of the
84 | agreement by a condominium association.

85 3. When determining the adequate amount of property hazard
 86 insurance coverage, the association may consider deductibles as
 87 determined by this subsection.

88 (b) If an association is a developer-controlled
 89 association, the association shall exercise its best efforts to
 90 obtain and maintain insurance as described in paragraph (a).
 91 Failure to obtain and maintain adequate property hazard
 92 insurance during any period of developer control constitutes a
 93 breach of fiduciary responsibility by the developer-appointed
 94 members of the board of directors of the association, unless the
 95 members can show that despite such failure, they have made their
 96 best efforts to maintain the required coverage.

97 (c) Policies may include deductibles as determined by the
 98 board.

99 1. The deductibles shall be consistent with industry
 100 standards and prevailing practice for communities of similar
 101 size and age, and having similar construction and facilities in
 102 the locale where the condominium property is situated.

103 2. The deductibles may be based upon available funds,
 104 including reserve accounts, or predetermined assessment
 105 authority at the time the insurance is obtained.

106 3. The board shall establish the amount of deductibles
 107 based upon the level of available funds and predetermined
 108 assessment authority at a meeting of the board. Such meeting
 109 shall be open to all unit owners in the manner set forth in s.
 110 718.112(2)(e). ~~The notice of such meeting must state the~~
 111 ~~proposed deductible and the available funds and the assessment~~
 112 ~~authority relied upon by the board and estimate any potential~~

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113 ~~assessment amount against each unit, if any. The meeting~~
114 ~~described in this paragraph may be held in conjunction with a~~
115 ~~meeting to consider the proposed budget or an amendment thereto.~~

116 (d) An association controlled by unit owners operating as
117 a residential condominium shall use its best efforts to obtain
118 and maintain adequate property insurance to protect the
119 association, the association property, the common elements, and
120 the condominium property that is required to be insured by the
121 association pursuant to this subsection.

122 (f) Every property ~~hazard~~ insurance policy issued or
123 renewed on or after January 1, 2009, for the purpose of
124 protecting the condominium shall:

125 1. Provide primary coverage for:

126 ~~a.1.~~ All portions of the condominium property as
127 originally installed or replacement of like kind and quality, in
128 accordance with the original plans and specifications.

129 ~~b.2.~~ All alterations or additions made to the condominium
130 property or association property pursuant to s. 718.113(2).

131 ~~2.3.~~ ~~The coverage shall~~ Exclude all personal property
132 within the unit or limited common elements, and floor, wall, and
133 ceiling coverings, electrical fixtures, appliances, water
134 heaters, water filters, built-in cabinets and countertops, and
135 window treatments, including curtains, drapes, blinds, hardware,
136 and similar window treatment components, or replacements of any
137 of the foregoing. Such property and any insurance therefor shall
138 be the responsibility of the unit owner.

139 (g) A condominium unit owner's policy issued after October
140 1, 2009, shall conform to the requirements of s. 627.714. Every

141 ~~hazard insurance policy issued or renewed on or after January 1,~~
 142 ~~2009, to an individual unit owner must contain a provision~~
 143 ~~stating that the coverage afforded by such policy is excess~~
 144 ~~coverage over the amount recoverable under any other policy~~
 145 ~~covering the same property. Such policies must include special~~
 146 ~~assessment coverage of no less than \$2,000 per occurrence. An~~
 147 ~~insurance policy issued to an individual unit owner providing~~
 148 ~~such coverage does not provide rights of subrogation against the~~
 149 ~~condominium association operating the condominium in which such~~
 150 ~~individual's unit is located.~~

151 ~~1. All improvements or additions to the condominium~~
 152 ~~property that benefit fewer than all unit owners shall be~~
 153 ~~insured by the unit owner or owners having the use thereof, or~~
 154 ~~may be insured by the association at the cost and expense of the~~
 155 ~~unit owners having the use thereof.~~

156 1.2. The association may ~~shall~~ require each owner to
 157 provide evidence of a currently effective policy of property
 158 ~~hazard~~ and liability insurance upon request, but not more than
 159 once per year. Upon the failure of an owner to provide a
 160 certificate of insurance issued by an insurer approved to write
 161 such insurance in this state within 30 days after the date on
 162 which a written request is delivered, the association may
 163 purchase a policy of insurance on behalf of an owner. The cost
 164 of such a policy, together with reconstruction costs undertaken
 165 by the association but which are the responsibility of the unit
 166 owner, may be collected in the manner provided for the
 167 collection of assessments in s. 718.116.

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168 ~~2.3.~~ All reconstruction work after a property casualty
169 loss shall be undertaken by the association except as otherwise
170 authorized in this section. A unit owner may undertake
171 reconstruction work on portions of the unit with the prior
172 written consent of the board of administration. However, such
173 work may be conditioned upon the approval of the repair methods,
174 the qualifications of the proposed contractor, or the contract
175 that is used for that purpose. A unit owner shall obtain all
176 required governmental permits and approvals prior to commencing
177 reconstruction.

178 ~~3.4.~~ Unit owners are responsible for the cost of
179 reconstruction of any portions of the condominium property for
180 which the unit owner is required to carry property casualty
181 insurance, and any such reconstruction work undertaken by the
182 association shall be chargeable to the unit owner and
183 enforceable as an assessment pursuant to s. 718.116. ~~The~~
184 ~~association must be an additional named insured and loss payee~~
185 ~~on all casualty insurance policies issued to unit owners in the~~
186 ~~condominium operated by the association.~~

187 ~~4.5.~~ A multicondominium association may elect, by a
188 majority vote of the collective members of the condominiums
189 operated by the association, to operate such condominiums as a
190 single condominium for purposes of insurance matters, including,
191 but not limited to, the purchase of the property hazard
192 insurance required by this section and the apportionment of
193 deductibles and damages in excess of coverage. The election to
194 aggregate the treatment of insurance premiums, deductibles, and
195 excess damages constitutes an amendment to the declaration of

196 all condominiums operated by the association, and the costs of
 197 insurance shall be stated in the association budget. The
 198 amendments shall be recorded as required by s. 718.110.

199 (j) Any portion of the condominium property required to be
 200 insured by the association against property ~~casualty~~ loss
 201 pursuant to paragraph (f) which is damaged ~~by casualty~~ shall be
 202 reconstructed, repaired, or replaced as necessary by the
 203 association as a common expense. All property ~~hazard~~ insurance
 204 deductibles, uninsured losses, and other damages in excess of
 205 property ~~hazard~~ insurance coverage under the property ~~hazard~~
 206 insurance policies maintained by the association are a common
 207 expense of the condominium, except that:

208 1. A unit owner is responsible for the costs of repair or
 209 replacement of any portion of the condominium property not paid
 210 by insurance proceeds, if such damage is caused by intentional
 211 conduct, negligence, or failure to comply with the terms of the
 212 declaration or the rules of the association by a unit owner, the
 213 members of his or her family, unit occupants, tenants, guests,
 214 or invitees, ~~without compromise of the subrogation rights of any~~
 215 ~~insurer as set forth in paragraph (g).~~

216 2. The provisions of subparagraph 1. regarding the
 217 financial responsibility of a unit owner for the costs of
 218 repairing or replacing other portions of the condominium
 219 property also apply to the costs of repair or replacement of
 220 personal property of other unit owners or the association, ~~as~~
 221 ~~well as other property, whether real or personal, which the unit~~
 222 ~~owners are required to insure under paragraph (g).~~

223 3. To the extent the cost of repair or reconstruction for
 224 which the unit owner is responsible under this paragraph is
 225 reimbursed to the association by insurance proceeds, and, to the
 226 extent the association has collected the cost of such repair or
 227 reconstruction from the unit owner, the association shall
 228 reimburse the unit owner ~~without the waiver of any rights of~~
 229 ~~subrogation.~~

230 4. The association is not obligated to pay for repair or
 231 reconstruction or repairs of property casualty losses as a
 232 common expense if the property casualty losses were known or
 233 should have been known to a unit owner and were not reported to
 234 the association until after the insurance claim of the
 235 association for that property casualty was settled or resolved
 236 with finality, or denied on the basis that it was untimely
 237 filed.

238 (n) The association is not obligated to pay for any
 239 reconstruction or repair expenses due to property casualty loss
 240 to any improvements installed by a current or former owner of
 241 the unit or by the developer if the improvement benefits only
 242 the unit for which it was installed and is not part of the
 243 standard improvements installed by the developer on all units as
 244 part of original construction, whether or not such improvement
 245 is located within the unit. This paragraph does not relieve any
 246 party of its obligations regarding recovery due under any
 247 insurance implemented specifically for any such improvements.

248 Section 3. Paragraphs (d), (l), and (n) of subsection (2)
 249 of section 718.112, Florida Statutes, are amended to read:

250 718.112 Bylaws.--

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

254 (d) Unit owner meetings.--

255 1. There shall be an annual meeting of the unit owners
 256 held at the location provided in the association bylaws and, if
 257 the bylaws are silent as to the location, the meeting shall be
 258 held within 45 miles of the condominium property. However, such
 259 distance requirement does not apply to an association governing
 260 a timeshare condominium. Unless the bylaws provide otherwise, a
 261 vacancy on the board caused by the expiration of a director's
 262 term shall be filled by electing a new board member, and the
 263 election shall be by secret ballot; however, if the number of
 264 vacancies equals ~~or exceeds~~ the number of candidates, no
 265 election is required. The terms of all members of the board
 266 shall expire at the annual meeting and such board members may
 267 stand for reelection unless otherwise permitted by the bylaws.
 268 In the event that the bylaws permit staggered terms of no more
 269 than 2 years and upon approval of a majority of the total voting
 270 interests, the association board members may serve 2-year
 271 staggered terms. If the number ~~no person is interested in or~~
 272 ~~demonstrates an intention to run for the position of a board~~
 273 ~~members~~ ~~member~~ whose terms have ~~term has~~ expired according to
 274 the provisions of this subparagraph exceeds the number of
 275 eligible members showing interest in or demonstrating an
 276 intention to run for the vacant positions, each ~~such~~ board
 277 member whose term has expired shall become eligible for
 278 reappointment ~~be automatically reappointed~~ to the board of

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279 administration and need not stand for reelection. In a
280 condominium association of more than 10 units, coowners or co-
281 occupants of a unit may not serve as members of the board of
282 directors at the same time unless they own more than one unit.
283 Any unit owner desiring to be a candidate for board membership
284 shall comply with subparagraph 3. A person who has been
285 suspended or removed by the division under this chapter, or who
286 is delinquent in the payment of any fee, fine, or special or
287 regular assessment as provided in paragraph (n), is not eligible
288 for board membership. A person who has been convicted of any
289 felony in this state or in a United States District or
290 Territorial Court, or who has been convicted of any offense in
291 another jurisdiction that would be considered a felony if
292 committed in this state, is not eligible for board membership
293 unless such felon's civil rights have been restored for a period
294 of no less than 5 years as of the date on which such person
295 seeks election to the board. The validity of an action by the
296 board is not affected if it is later determined that a member of
297 the board is ineligible for board membership due to having been
298 convicted of a felony.

299 2. The bylaws shall provide the method of calling meetings
300 of unit owners, including annual meetings. Written notice, which
301 notice must include an agenda, shall be mailed, hand delivered,
302 or electronically transmitted to each unit owner at least 14
303 days prior to the annual meeting and shall be posted in a
304 conspicuous place on the condominium property at least 14
305 continuous days preceding the annual meeting. Upon notice to the
306 unit owners, the board shall by duly adopted rule designate a

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307 specific location on the condominium property or association
308 property upon which all notices of unit owner meetings shall be
309 posted; however, if there is no condominium property or
310 association property upon which notices can be posted, this
311 requirement does not apply. In lieu of or in addition to the
312 physical posting of notice of any meeting of the unit owners on
313 the condominium property, the association may, by reasonable
314 rule, adopt a procedure for conspicuously posting and repeatedly
315 broadcasting the notice and the agenda on a closed-circuit cable
316 television system serving the condominium association. However,
317 if broadcast notice is used in lieu of a notice posted
318 physically on the condominium property, the notice and agenda
319 must be broadcast at least four times every broadcast hour of
320 each day that a posted notice is otherwise required under this
321 section. When broadcast notice is provided, the notice and
322 agenda must be broadcast in a manner and for a sufficient
323 continuous length of time so as to allow an average reader to
324 observe the notice and read and comprehend the entire content of
325 the notice and the agenda. Unless a unit owner waives in writing
326 the right to receive notice of the annual meeting, such notice
327 shall be hand delivered, mailed, or electronically transmitted
328 to each unit owner. Notice for meetings and notice for all other
329 purposes shall be mailed to each unit owner at the address last
330 furnished to the association by the unit owner, or hand
331 delivered to each unit owner. However, if a unit is owned by
332 more than one person, the association shall provide notice, for
333 meetings and all other purposes, to that one address which the
334 developer initially identifies for that purpose and thereafter

335 as one or more of the owners of the unit shall so advise the
336 association in writing, or if no address is given or the owners
337 of the unit do not agree, to the address provided on the deed of
338 record. An officer of the association, or the manager or other
339 person providing notice of the association meeting, shall
340 provide an affidavit or United States Postal Service certificate
341 of mailing, to be included in the official records of the
342 association affirming that the notice was mailed or hand
343 delivered, in accordance with this provision.

344 3. The members of the board shall be elected by written
345 ballot or voting machine. Proxies shall in no event be used in
346 electing the board, either in general elections or elections to
347 fill vacancies caused by recall, resignation, or otherwise,
348 unless otherwise provided in this chapter. Not less than 60 days
349 before a scheduled election, the association shall mail,
350 deliver, or electronically transmit, whether by separate
351 association mailing or included in another association mailing,
352 delivery, or transmission, including regularly published
353 newsletters, to each unit owner entitled to a vote, a first
354 notice of the date of the election ~~along with a certification~~
355 ~~form provided by the division attesting that he or she has read~~
356 ~~and understands, to the best of his or her ability, the~~
357 ~~governing documents of the association and the provisions of~~
358 ~~this chapter and any applicable rules.~~ Any unit owner or other
359 eligible person desiring to be a candidate for the board must
360 provide a give written notice of intent to be a candidate to the
361 association, which must contain a certification, on a form
362 provided by the division, attesting that he or she has read and

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363 understands, to the best of his or her ability, the governing
364 documents of the association and the provisions of this chapter
365 and any applicable rules. The notice of intent to be a candidate
366 and the certification must be acknowledged and signed by the
367 candidate not less than 40 days before a scheduled election.
368 Together with the written notice and agenda as set forth in
369 subparagraph 2., the association shall mail, deliver, or
370 electronically transmit a second notice of the election to all
371 unit owners entitled to vote therein, together with a ballot
372 which shall list all candidates. Upon request of a candidate,
373 ~~the association shall include~~ an information sheet, no larger
374 than 8 1/2 ~~8 1/2~~ inches by 11 inches, which must be furnished by
375 the candidate not less than 35 days before the election, shall
376 ~~along with the signed certification form provided for in this~~
377 ~~subparagraph,~~ to be included with the mailing, delivery, or
378 transmission of the ballot, with the costs of mailing, delivery,
379 or electronic transmission and copying to be borne by the
380 association. The association is not liable for the contents of
381 the information sheets prepared by the candidates. In order to
382 reduce costs, the association may print or duplicate the
383 information sheets on both sides of the paper. The division
384 shall by rule establish voting procedures consistent with the
385 provisions contained herein, including rules establishing
386 procedures for giving notice by electronic transmission and
387 rules providing for the secrecy of ballots. Elections shall be
388 decided by a plurality of those ballots cast. There shall be no
389 quorum requirement; however, at least 20 percent of the eligible
390 voters must cast a ballot in order to have a valid election of

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391 members of the board. No unit owner shall permit any other
392 person to vote his or her ballot, and any such ballots
393 improperly cast shall be deemed invalid, provided any unit owner
394 who violates this provision may be fined by the association in
395 accordance with s. 718.303. A unit owner who needs assistance in
396 casting the ballot for the reasons stated in s. 101.051 may
397 obtain assistance in casting the ballot. The regular election
398 shall occur on the date of the annual meeting. The provisions of
399 this subparagraph shall not apply to timeshare condominium
400 associations. Notwithstanding the provisions of this
401 subparagraph, an election is not required unless more candidates
402 file notices of intent to run or are nominated than board
403 vacancies exist.

404 4. Any approval by unit owners called for by this chapter
405 or the applicable declaration or bylaws, including, but not
406 limited to, the approval requirement in s. 718.111(8), shall be
407 made at a duly noticed meeting of unit owners and shall be
408 subject to all requirements of this chapter or the applicable
409 condominium documents relating to unit owner decisionmaking,
410 except that unit owners may take action by written agreement,
411 without meetings, on matters for which action by written
412 agreement without meetings is expressly allowed by the
413 applicable bylaws or declaration or any statute that provides
414 for such action.

415 5. Unit owners may waive notice of specific meetings if
416 allowed by the applicable bylaws or declaration or any statute.
417 If authorized by the bylaws, notice of meetings of the board of
418 administration, unit owner meetings, except unit owner meetings

419 called to recall board members under paragraph (j), and
420 committee meetings may be given by electronic transmission to
421 unit owners who consent to receive notice by electronic
422 transmission.

423 6. Unit owners shall have the right to participate in
424 meetings of unit owners with reference to all designated agenda
425 items. However, the association may adopt reasonable rules
426 governing the frequency, duration, and manner of unit owner
427 participation.

428 7. Any unit owner may tape record or videotape a meeting
429 of the unit owners subject to reasonable rules adopted by the
430 division.

431 8. Unless otherwise provided in the bylaws, any vacancy
432 occurring on the board before the expiration of a term may be
433 filled by the affirmative vote of the majority of the remaining
434 directors, even if the remaining directors constitute less than
435 a quorum, or by the sole remaining director. In the alternative,
436 a board may hold an election to fill the vacancy, in which case
437 the election procedures must conform to the requirements of
438 subparagraph 3. unless the association governs 10 units or less
439 and has opted out of the statutory election process, in which
440 case the bylaws of the association control. Unless otherwise
441 provided in the bylaws, a board member appointed or elected
442 under this section shall fill the vacancy for the unexpired term
443 of the seat being filled. Filling vacancies created by recall is
444 governed by paragraph (j) and rules adopted by the division.

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446 Notwithstanding subparagraphs (b)2. and (d)3., an association of
447 10 or fewer units may, by the affirmative vote of a majority of
448 the total voting interests, provide for different voting and
449 election procedures in its bylaws, which vote may be by a proxy
450 specifically delineating the different voting and election
451 procedures. The different voting and election procedures may
452 provide for elections to be conducted by limited or general
453 proxy.

454 (1) Certificate of compliance.--There shall be a provision
455 that a certificate of compliance from a licensed electrical
456 contractor or electrician may be accepted by the association's
457 board as evidence of compliance of the condominium units with
458 the applicable fire and life safety code. Notwithstanding the
459 provisions of chapter 633 or of any other code, statute,
460 ordinance, administrative rule, or regulation, or any
461 interpretation of the foregoing, an association, condominium, or
462 unit owner is not obligated to retrofit the common elements or
463 units of a residential condominium with a fire sprinkler system
464 or other engineered lifesafety system in a building that has
465 been certified for occupancy by the applicable governmental
466 entity, if the unit owners have voted to forego such
467 retrofitting and engineered lifesafety system by the affirmative
468 vote of two-thirds of all voting interests in the affected
469 condominium. However, a condominium association may not vote to
470 forego the retrofitting with a fire sprinkler system of common
471 areas in a high-rise building. For purposes of this subsection,
472 the term "high-rise building" means a building that is greater
473 than 75 feet in height where the building height is measured

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474 from the lowest level of fire department access to the floor of
475 the highest occupiable story. For purposes of this subsection,
476 the term "common areas" means any enclosed hallway, corridor,
477 lobby, stairwell, or entryway. In no event shall the local
478 authority having jurisdiction require completion of retrofitting
479 of common areas with a sprinkler system before the end of 2025
480 ~~2014~~.

481 1. A vote to forego retrofitting may be obtained by
482 limited proxy or by a ballot personally cast at a duly called
483 membership meeting, or by execution of a written consent by the
484 member, and shall be effective upon the recording of a
485 certificate attesting to such vote in the public records of the
486 county where the condominium is located. The association shall
487 mail, hand deliver, or electronically transmit to each unit
488 owner written notice at least 14 days prior to such membership
489 meeting in which the vote to forego retrofitting of the required
490 fire sprinkler system is to take place. Within 30 days after the
491 association's opt-out vote, notice of the results of the opt-out
492 vote shall be mailed, hand delivered, or electronically
493 transmitted to all unit owners. Evidence of compliance with this
494 30-day notice shall be made by an affidavit executed by the
495 person providing the notice and filed among the official records
496 of the association. After such notice is provided to each owner,
497 a copy of such notice shall be provided by the current owner to
498 a new owner prior to closing and shall be provided by a unit
499 owner to a renter prior to signing a lease.

500 2. As part of the information collected annually from
501 condominiums, the division shall require condominium

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502 associations to report the membership vote and recording of a
503 certificate under this subsection and, if retrofitting has been
504 undertaken, the per-unit cost of such work. The division shall
505 annually report to the Division of State Fire Marshal of the
506 Department of Financial Services the number of condominiums that
507 have elected to forego retrofitting.

508 (n) Director or officer delinquencies.--A director or
509 officer more than 90 days delinquent in the payment of any fee,
510 fine, or regular or special assessments shall be deemed to have
511 abandoned the office, creating a vacancy in the office to be
512 filled according to law.

513 Section 4. This act shall take effect October 1, 2009.