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1
2 An act relating to condominiums; creating s. 627.714,
3 F.S.; requiring that coverage under a unit owner's
4 policy for certain assessments include at least a
5 minimum amount of loss assessment coverage; requiring
6 that every property insurance policy to an individual
7 unit owner contain a specified provision; amending s.
8 633.0215, F.S.; providing an exemption for certain
9 condominiums from installing a manual fire alarm
10 system as required in the Life Safety Code if certain
11 conditions are met; amending s. 718.111, F.S.;
12 requiring that adequate property insurance be based
13 upon the replacement cost of the property to be
14 insured as determined by an independent appraisal or
15 update of a prior appraisal; requiring that such
16 replacement cost be determined at least once within a
17 specified period; providing means by which an
18 association may provide adequate property insurance;
19 providing that certain property insurance policies or
20 programs are not subject to review and approval by the
21 Office of Insurance Regulation; prohibiting such
22 coverage or program from existing beyond a specified
23 date; authorizing an association to consider
24 deductibles when determining an adequate amount of
25 property insurance; providing that failure to maintain
26 adequate property insurance constitutes a breach of
27 fiduciary duty by the members of the board of
28 directors of an association; revising the procedures
29 for the board to establish the amount of deductibles;

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30 requiring that an association controlled by unit
31 owners operating as a residential condominium use its
32 best efforts to obtain and maintain adequate property
33 insurance to protect the association and certain
34 property; requiring that every property insurance
35 policy issued or renewed on or after a specified date
36 provide certain coverage; excluding certain items from
37 such requirement; providing that excluded items and
38 any insurance thereupon are the responsibility of the
39 unit owner; requiring that condominium unit owner's
40 policies conform to certain provisions of state law;
41 deleting provisions relating to certain hazard and
42 casualty insurance policies; conforming provisions to
43 changes made by the act; amending s. 718.112, F.S.;
44 conforming cross-references; revising requirements for
45 the reappointment of certain board members; revising
46 board eligibility requirements; revising notice
47 requirements for board candidates; establishing
48 requirements for newly elected board members;
49 extending the period during which condominium common
50 areas do not have to be retrofitted with sprinkler
51 systems; providing that certain directors and officers
52 delinquent in the payment of any fee, fine, or regular
53 or special assessments shall be deemed to have
54 abandoned their office; repealing s. 553.509(2), F.S.,
55 relating to the requirement that certain residential
56 family dwellings have at least one public elevator
57 that is capable of operating on an alternate power
58 source for emergency purposes; providing an effective

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59 date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Section 627.714, Florida Statutes, is created to
64 read:

65 627.714 Residential condominium unit owner coverage; loss
66 assessment coverage required; excess coverage provision
67 required.—For policies issued or renewed on or after July 1,
68 2009, coverage under a unit owner's residential property policy
69 shall include property loss assessment coverage of at least
70 \$2,000 for all assessments made as a result of the same direct
71 loss to the property, regardless of the number of assessments,
72 owned by all members of the association collectively when such
73 loss is of the type of loss covered by the unit owner's
74 residential property insurance policy, to which a deductible
75 shall apply of no more than \$250 per direct property loss. If a
76 deductible was or will be applied to other property loss
77 sustained by the unit owner resulting from the same direct loss
78 to the property, no deductible shall apply to the loss
79 assessment coverage. Every individual unit owner's residential
80 property policy must contain a provision stating that the
81 coverage afforded by such policy is excess coverage over the
82 amount recoverable under any other policy covering the same
83 property.

84 Section 2. Subsection (13) is added to section 633.0215,
85 Florida Statutes, to read:

86 633.0215 Florida Fire Prevention Code.—

87 (13) A condominium that is one or two stories in height and

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88 has an exterior means of egress corridor is exempt from
89 installing a manual fire alarm system as required in s. 9.6 of
90 the most recent edition of the Life Safety Code adopted in the
91 Florida Fire Prevention Code.

92 Section 3. Paragraphs (a), (b), (c), (d), (f), (g), (j),
93 and (n) of subsection (11) of section 718.111, Florida Statutes,
94 are amended to read:

95 718.111 The association.—

96 (11) INSURANCE.—In order to protect the safety, health, and
97 welfare of the people of the State of Florida and to ensure
98 consistency in the provision of insurance coverage to
99 condominiums and their unit owners, this subsection applies to
100 every residential condominium in the state, regardless of the
101 date of its declaration of condominium. It is the intent of the
102 Legislature to encourage lower or stable insurance premiums for
103 associations described in this subsection.

104 (a) Adequate property hazard insurance, regardless of any
105 requirement in the declaration of condominium for coverage by
106 the association for full insurable value, replacement cost, or
107 similar coverage, shall be based upon the replacement cost of
108 the property to be insured as determined by an independent
109 insurance appraisal or update of a prior appraisal. The
110 replacement cost ~~full insurable value~~ shall be determined at
111 least once every 36 months.

112 1. An association or group of associations may provide
113 adequate property hazard insurance through a self-insurance fund
114 that complies with the requirements of ss. 624.460-624.488.

115 2. The association may also provide adequate property
116 ~~hazard~~ insurance coverage for a group of no fewer than three

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117 communities created and operating under this chapter, chapter
118 719, chapter 720, or chapter 721 by obtaining and maintaining
119 for such communities insurance coverage sufficient to cover an
120 amount equal to the probable maximum loss for the communities
121 for a 250-year windstorm event. Such probable maximum loss must
122 be determined through the use of a competent model that has been
123 accepted by the Florida Commission on Hurricane Loss Projection
124 Methodology. No policy or program providing such coverage shall
125 be issued or renewed after July 1, 2008, unless it has been
126 reviewed and approved by the Office of Insurance Regulation. The
127 review and approval shall include approval of the policy and
128 related forms pursuant to ss. 627.410 and 627.411, approval of
129 the rates pursuant to s. 627.062, a determination that the loss
130 model approved by the commission was accurately and
131 appropriately applied to the insured structures to determine the
132 250-year probable maximum loss, and a determination that
133 complete and accurate disclosure of all material provisions is
134 provided to condominium unit owners prior to execution of the
135 agreement by a condominium association. A property insurance
136 policy or program originally issued before January 1, 2000,
137 which has provided uninterrupted property insurance coverage and
138 provided coverage for a group of no fewer than three communities
139 is not subject to review and approval by the Office of Insurance
140 Regulation until renewed after July 1, 2009. Such coverage or
141 program may not exist beyond July 1, 2010.

142 3. When determining the adequate amount of property hazard
143 insurance coverage, the association may consider deductibles as
144 determined by this subsection.

145 (b) If an association is a developer-controlled

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146 association, the association shall exercise its best efforts to
147 obtain and maintain insurance as described in paragraph (a).
148 Failure to obtain and maintain adequate property hazard
149 insurance during any period of developer control constitutes a
150 breach of fiduciary responsibility by the developer-appointed
151 members of the board of directors of the association, unless the
152 members can show that despite such failure, they have made their
153 best efforts to maintain the required coverage.

154 (c) Policies may include deductibles as determined by the
155 board.

156 1. The deductibles shall be consistent with industry
157 standards and prevailing practice for communities of similar
158 size and age, and having similar construction and facilities in
159 the locale where the condominium property is situated.

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

163 3. The board shall establish the amount of deductibles
164 based upon the level of available funds and predetermined
165 assessment authority at a meeting of the board. ~~Such meeting~~
166 ~~shall be open to all unit owners~~ in the manner set forth in s.
167 718.112(2)(e). ~~The notice of such meeting must state the~~
168 ~~proposed deductible and the available funds and the assessment~~
169 ~~authority relied upon by the board and estimate any potential~~
170 ~~assessment amount against each unit, if any. The meeting~~
171 ~~described in this paragraph may be held in conjunction with a~~
172 ~~meeting to consider the proposed budget or an amendment thereto.~~

173 (d) An association controlled by unit owners operating as a
174 residential condominium shall use its best efforts to obtain and

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175 maintain adequate property insurance to protect the association,
176 the association property, the common elements, and the
177 condominium property that is required to be insured by the
178 association pursuant to this subsection.

179 (f) Every property ~~hazard~~ insurance policy issued or
180 renewed on or after January 1, 2009, for the purpose of
181 protecting the condominium shall provide primary coverage for:

182 1. All portions of the condominium property as originally
183 installed or replacement of like kind and quality, in accordance
184 with the original plans and specifications.

185 2. All alterations or additions made to the condominium
186 property or association property pursuant to s. 718.113(2).

187 3. The coverage shall exclude all personal property within the
188 unit or limited common elements, and floor, wall, and ceiling
189 coverings, electrical fixtures, appliances, water heaters, water
190 filters, built-in cabinets and countertops, and window
191 treatments, including curtains, drapes, blinds, hardware, and
192 similar window treatment components, or replacements of any of
193 the foregoing which are located within the boundaries of the
194 unit and serve only such unit. Such property and any insurance
195 thereupon shall be the responsibility of the unit owner.

196 (g) A condominium unit owner's policy shall conform to the
197 requirements of s. 627.714. Every hazard insurance policy issued
198 or renewed on or after January 1, 2009, to an individual unit
199 owner must contain a provision stating that the coverage
200 afforded by such policy is excess coverage over the amount
201 recoverable under any other policy covering the same property.
202 Such policies must include special assessment coverage of no
203 less than \$2,000 per occurrence. An insurance policy issued to

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204 ~~an individual unit owner providing such coverage does not~~
205 ~~provide rights of subrogation against the condominium~~
206 ~~association operating the condominium in which such individual's~~
207 ~~unit is located.~~

208 ~~1. All improvements or additions to the condominium~~
209 ~~property that benefit fewer than all unit owners shall be~~
210 ~~insured by the unit owner or owners having the use thereof, or~~
211 ~~may be insured by the association at the cost and expense of the~~
212 ~~unit owners having the use thereof.~~

213 ~~2. The association shall require each owner to provide~~
214 ~~evidence of a currently effective policy of hazard and liability~~
215 ~~insurance upon request, but not more than once per year. Upon~~
216 ~~the failure of an owner to provide a certificate of insurance~~
217 ~~issued by an insurer approved to write such insurance in this~~
218 ~~state within 30 days after the date on which a written request~~
219 ~~is delivered, the association may purchase a policy of insurance~~
220 ~~on behalf of an owner. The cost of such a policy, together with~~
221 ~~reconstruction costs undertaken by the association but which are~~
222 ~~the responsibility of the unit owner, may be collected in the~~
223 ~~manner provided for the collection of assessments in s. 718.116.~~

224 ~~1.3.~~ All reconstruction work after a property ~~casualty~~ loss
225 shall be undertaken by the association except as otherwise
226 authorized in this section. A unit owner may undertake
227 reconstruction work on portions of the unit with the prior
228 written consent of the board of administration. However, such
229 work may be conditioned upon the approval of the repair methods,
230 the qualifications of the proposed contractor, or the contract
231 that is used for that purpose. A unit owner shall obtain all
232 required governmental permits and approvals prior to commencing

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233 reconstruction.

234 ~~2.4.~~ Unit owners are responsible for the cost of
235 reconstruction of any portions of the condominium property for
236 which the unit owner is required to carry property casualty
237 insurance, and any such reconstruction work undertaken by the
238 association shall be chargeable to the unit owner and
239 enforceable as an assessment pursuant to s. 718.116. ~~The~~
240 ~~association must be an additional named insured and loss payee~~
241 ~~on all casualty insurance policies issued to unit owners in the~~
242 ~~condominium operated by the association.~~

243 ~~3.5.~~ A multicondominium association may elect, by a
244 majority vote of the collective members of the condominiums
245 operated by the association, to operate such condominiums as a
246 single condominium for purposes of insurance matters, including,
247 but not limited to, the purchase of the property hazard
248 insurance required by this section and the apportionment of
249 deductibles and damages in excess of coverage. The election to
250 aggregate the treatment of insurance premiums, deductibles, and
251 excess damages constitutes an amendment to the declaration of
252 all condominiums operated by the association, and the costs of
253 insurance shall be stated in the association budget. The
254 amendments shall be recorded as required by s. 718.110.

255 (j) Any portion of the condominium property required to be
256 insured by the association against property casualty loss
257 pursuant to paragraph (f) which is damaged ~~by casualty~~ shall be
258 reconstructed, repaired, or replaced as necessary by the
259 association as a common expense. All property hazard insurance
260 deductibles, uninsured losses, and other damages in excess of
261 property hazard insurance coverage under the property hazard

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262 insurance policies maintained by the association are a common
263 expense of the condominium, except that:

264 1. A unit owner is responsible for the costs of repair or
265 replacement of any portion of the condominium property not paid
266 by insurance proceeds, if such damage is caused by intentional
267 conduct, negligence, or failure to comply with the terms of the
268 declaration or the rules of the association by a unit owner, the
269 members of his or her family, unit occupants, tenants, guests,
270 or invitees, without compromise of the subrogation rights of any
271 insurer ~~as set forth in paragraph (g)~~.

272 2. The provisions of subparagraph 1. regarding the
273 financial responsibility of a unit owner for the costs of
274 repairing or replacing other portions of the condominium
275 property also apply to the costs of repair or replacement of
276 personal property of other unit owners or the association, as
277 well as other property, whether real or personal, which the unit
278 owners are required to insure ~~under paragraph (g)~~.

279 3. To the extent the cost of repair or reconstruction for
280 which the unit owner is responsible under this paragraph is
281 reimbursed to the association by insurance proceeds, and, to the
282 extent the association has collected the cost of such repair or
283 reconstruction from the unit owner, the association shall
284 reimburse the unit owner without the waiver of any rights of
285 subrogation.

286 4. The association is not obligated to pay for repair or
287 reconstruction or repairs of property casualty losses as a
288 common expense if the property casualty losses were known or
289 should have been known to a unit owner and were not reported to
290 the association until after the insurance claim of the

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291 association for that property ~~casualty~~ was settled or resolved
292 with finality, or denied on the basis that it was untimely
293 filed.

294 (n) The association is not obligated to pay for any
295 reconstruction or repair expenses due to property ~~casualty~~ loss
296 to any improvements installed by a current or former owner of
297 the unit or by the developer if the improvement benefits only
298 the unit for which it was installed and is not part of the
299 standard improvements installed by the developer on all units as
300 part of original construction, whether or not such improvement
301 is located within the unit. This paragraph does not relieve any
302 party of its obligations regarding recovery due under any
303 insurance implemented specifically for any such improvements.

304 Section 4. Paragraphs (b), (d), (l), and (n) of subsection
305 (2) of section 718.112, Florida Statutes, are amended to read:

306 718.112 Bylaws.—

307 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
308 following and, if they do not do so, shall be deemed to include
309 the following:

310 (b) *Quorum; voting requirements; proxies.*—

311 1. Unless a lower number is provided in the bylaws, the
312 percentage of voting interests required to constitute a quorum
313 at a meeting of the members shall be a majority of the voting
314 interests. Unless otherwise provided in this chapter or in the
315 declaration, articles of incorporation, or bylaws, and except as
316 provided in sub-subparagraph ~~subparagraph~~ (d)3.a., decisions
317 shall be made by owners of a majority of the voting interests
318 represented at a meeting at which a quorum is present.

319 2. Except as specifically otherwise provided herein, after

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320 January 1, 1992, unit owners may not vote by general proxy, but
321 may vote by limited proxies substantially conforming to a
322 limited proxy form adopted by the division. No voting interest
323 or consent right allocated to a unit owned by the association
324 shall be exercised or considered for any purpose, whether for a
325 quorum, an election, or otherwise. Limited proxies and general
326 proxies may be used to establish a quorum. Limited proxies shall
327 be used for votes taken to waive or reduce reserves in
328 accordance with subparagraph (f)2.; for votes taken to waive the
329 financial reporting requirements of s. 718.111(13); for votes
330 taken to amend the declaration pursuant to s. 718.110; for votes
331 taken to amend the articles of incorporation or bylaws pursuant
332 to this section; and for any other matter for which this chapter
333 requires or permits a vote of the unit owners. Except as
334 provided in paragraph (d), after January 1, 1992, no proxy,
335 limited or general, shall be used in the election of board
336 members. General proxies may be used for other matters for which
337 limited proxies are not required, and may also be used in voting
338 for nonsubstantive changes to items for which a limited proxy is
339 required and given. Notwithstanding the provisions of this
340 subparagraph, unit owners may vote in person at unit owner
341 meetings. Nothing contained herein shall limit the use of
342 general proxies or require the use of limited proxies for any
343 agenda item or election at any meeting of a timeshare
344 condominium association.

345 3. Any proxy given shall be effective only for the specific
346 meeting for which originally given and any lawfully adjourned
347 meetings thereof. In no event shall any proxy be valid for a
348 period longer than 90 days after the date of the first meeting

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349 for which it was given. Every proxy is revocable at any time at
350 the pleasure of the unit owner executing it.

351 4. A member of the board of administration or a committee
352 may submit in writing his or her agreement or disagreement with
353 any action taken at a meeting that the member did not attend.
354 This agreement or disagreement may not be used as a vote for or
355 against the action taken and may not be used for the purposes of
356 creating a quorum.

357 5. When any of the board or committee members meet by
358 telephone conference, those board or committee members attending
359 by telephone conference may be counted toward obtaining a quorum
360 and may vote by telephone. A telephone speaker must be used so
361 that the conversation of those board or committee members
362 attending by telephone may be heard by the board or committee
363 members attending in person as well as by any unit owners
364 present at a meeting.

365 (d) *Unit owner meetings.*—

366 1. There shall be an annual meeting of the unit owners held
367 at the location provided in the association bylaws and, if the
368 bylaws are silent as to the location, the meeting shall be held
369 within 45 miles of the condominium property. However, such
370 distance requirement does not apply to an association governing
371 a timeshare condominium. Unless the bylaws provide otherwise, a
372 vacancy on the board caused by the expiration of a director's
373 term shall be filled by electing a new board member, and the
374 election shall be by secret ballot; however, if the number of
375 vacancies equals ~~or exceeds~~ the number of candidates, no
376 election is required. Except in a timeshare condominium, the
377 terms of all members of the board shall expire at the annual

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378 meeting and such board members may stand for reelection unless
379 otherwise permitted by the bylaws. In the event that the bylaws
380 permit staggered terms of no more than 2 years and upon approval
381 of a majority of the total voting interests, the association
382 board members may serve 2-year staggered terms. If the number ~~no~~
383 ~~person is interested in or demonstrates an intention to run for~~
384 ~~the position of a board~~ members ~~member~~ whose terms have ~~term has~~
385 expired according to the provisions of this subparagraph exceeds
386 the number of eligible members showing interest in or
387 demonstrating an intention to run for the vacant positions, each
388 ~~such~~ board member whose term has expired shall become eligible
389 for reappointment ~~be automatically reappointed~~ to the board of
390 administration and need not stand for reelection. In a
391 condominium association of more than 10 units or in a
392 condominium association that does not include timeshare units,
393 coowners of a unit may not serve as members of the board of
394 directors at the same time unless they own more than one unit
395 and are not co-occupants of a unit. Any unit owner desiring to
396 be a candidate for board membership shall comply with sub-
397 subparagraph ~~subparagraph~~ 3.a. A person who has been suspended
398 or removed by the division under this chapter, or who is
399 delinquent in the payment of any fee, fine, or special or
400 regular assessment as provided in paragraph (n), is not eligible
401 for board membership. A person who has been convicted of any
402 felony in this state or in a United States District or
403 Territorial Court, or who has been convicted of any offense in
404 another jurisdiction that would be considered a felony if
405 committed in this state, is not eligible for board membership
406 unless such felon's civil rights have been restored for a period

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407 of no less than 5 years as of the date on which such person
408 seeks election to the board. The validity of an action by the
409 board is not affected if it is later determined that a member of
410 the board is ineligible for board membership due to having been
411 convicted of a felony.

412 2. The bylaws shall provide the method of calling meetings
413 of unit owners, including annual meetings. Written notice, which
414 notice must include an agenda, shall be mailed, hand delivered,
415 or electronically transmitted to each unit owner at least 14
416 days prior to the annual meeting and shall be posted in a
417 conspicuous place on the condominium property at least 14
418 continuous days preceding the annual meeting. Upon notice to the
419 unit owners, the board shall by duly adopted rule designate a
420 specific location on the condominium property or association
421 property upon which all notices of unit owner meetings shall be
422 posted; however, if there is no condominium property or
423 association property upon which notices can be posted, this
424 requirement does not apply. In lieu of or in addition to the
425 physical posting of notice of any meeting of the unit owners on
426 the condominium property, the association may, by reasonable
427 rule, adopt a procedure for conspicuously posting and repeatedly
428 broadcasting the notice and the agenda on a closed-circuit cable
429 television system serving the condominium association. However,
430 if broadcast notice is used in lieu of a notice posted
431 physically on the condominium property, the notice and agenda
432 must be broadcast at least four times every broadcast hour of
433 each day that a posted notice is otherwise required under this
434 section. When broadcast notice is provided, the notice and
435 agenda must be broadcast in a manner and for a sufficient

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436 continuous length of time so as to allow an average reader to
437 observe the notice and read and comprehend the entire content of
438 the notice and the agenda. Unless a unit owner waives in writing
439 the right to receive notice of the annual meeting, such notice
440 shall be hand delivered, mailed, or electronically transmitted
441 to each unit owner. Notice for meetings and notice for all other
442 purposes shall be mailed to each unit owner at the address last
443 furnished to the association by the unit owner, or hand
444 delivered to each unit owner. However, if a unit is owned by
445 more than one person, the association shall provide notice, for
446 meetings and all other purposes, to that one address which the
447 developer initially identifies for that purpose and thereafter
448 as one or more of the owners of the unit shall so advise the
449 association in writing, or if no address is given or the owners
450 of the unit do not agree, to the address provided on the deed of
451 record. An officer of the association, or the manager or other
452 person providing notice of the association meeting, shall
453 provide an affidavit or United States Postal Service certificate
454 of mailing, to be included in the official records of the
455 association affirming that the notice was mailed or hand
456 delivered, in accordance with this provision.

457 3.a. The members of the board shall be elected by written
458 ballot or voting machine. Proxies shall in no event be used in
459 electing the board, either in general elections or elections to
460 fill vacancies caused by recall, resignation, or otherwise,
461 unless otherwise provided in this chapter. Not less than 60 days
462 before a scheduled election, the association shall mail,
463 deliver, or electronically transmit, whether by separate
464 association mailing or included in another association mailing,

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465 delivery, or transmission, including regularly published
466 newsletters, to each unit owner entitled to a vote, a first
467 notice of the date of the election ~~along with a certification~~
468 ~~form provided by the division attesting that he or she has read~~
469 ~~and understands, to the best of his or her ability, the~~
470 ~~governing documents of the association and the provisions of~~
471 ~~this chapter and any applicable rules.~~ Any unit owner or other
472 eligible person desiring to be a candidate for the board must
473 give written notice of intent to be a candidate to the
474 association not less than 40 days before a scheduled election.
475 Together with the written notice and agenda as set forth in
476 subparagraph 2., the association shall mail, deliver, or
477 electronically transmit a second notice of the election to all
478 unit owners entitled to vote therein, together with a ballot
479 which shall list all candidates. Upon request of a candidate,
480 ~~the association shall include~~ an information sheet, no larger
481 than 8 1/2 inches by 11 inches, which must be furnished by the
482 candidate not less than 35 days before the election, shall ~~along~~
483 ~~with the signed certification form provided for in this~~
484 ~~subparagraph,~~ to be included with the mailing, delivery, or
485 transmission of the ballot, with the costs of mailing, delivery,
486 or electronic transmission and copying to be borne by the
487 association. The association is not liable for the contents of
488 the information sheets prepared by the candidates. In order to
489 reduce costs, the association may print or duplicate the
490 information sheets on both sides of the paper. The division
491 shall by rule establish voting procedures consistent with the
492 provisions contained herein, including rules establishing
493 procedures for giving notice by electronic transmission and

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494 rules providing for the secrecy of ballots. Elections shall be
495 decided by a plurality of those ballots cast. There shall be no
496 quorum requirement; however, at least 20 percent of the eligible
497 voters must cast a ballot in order to have a valid election of
498 members of the board. No unit owner shall permit any other
499 person to vote his or her ballot, and any such ballots
500 improperly cast shall be deemed invalid, provided any unit owner
501 who violates this provision may be fined by the association in
502 accordance with s. 718.303. A unit owner who needs assistance in
503 casting the ballot for the reasons stated in s. 101.051 may
504 obtain assistance in casting the ballot. The regular election
505 shall occur on the date of the annual meeting. The provisions of
506 this sub-subparagraph ~~subparagraph~~ shall not apply to timeshare
507 condominium associations. Notwithstanding the provisions of this
508 sub-subparagraph ~~subparagraph~~, an election is not required
509 unless more candidates file notices of intent to run or are
510 nominated than board vacancies exist.

511 b. Within 90 days after being elected to the board, each
512 newly elected director shall certify in writing to the secretary
513 of the association that he or she has read the association's
514 declarations of covenants and restrictions, articles of
515 incorporation, bylaws, and current written policies; that he or
516 she will work to uphold such documents and policies to the best
517 of his or her ability; and that he or she will faithfully
518 discharge his or her fiduciary responsibility to the
519 association's members. In lieu of this written certification,
520 the newly elected director may submit a certificate of
521 satisfactory completion of the educational curriculum
522 administered by a division-approved condominium education

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523 provider. Failure to timely file the written certification or
524 educational certificate automatically disqualifies the director
525 from service on the board. The secretary shall cause the
526 association to retain a director's written certification or
527 educational certificate for inspection by the members for 5
528 years after a director's election. Failure to have such written
529 certification or educational certificate on file does not affect
530 the validity of any appropriate action.

531 4. Any approval by unit owners called for by this chapter
532 or the applicable declaration or bylaws, including, but not
533 limited to, the approval requirement in s. 718.111(8), shall be
534 made at a duly noticed meeting of unit owners and shall be
535 subject to all requirements of this chapter or the applicable
536 condominium documents relating to unit owner decisionmaking,
537 except that unit owners may take action by written agreement,
538 without meetings, on matters for which action by written
539 agreement without meetings is expressly allowed by the
540 applicable bylaws or declaration or any statute that provides
541 for such action.

542 5. Unit owners may waive notice of specific meetings if
543 allowed by the applicable bylaws or declaration or any statute.
544 If authorized by the bylaws, notice of meetings of the board of
545 administration, unit owner meetings, except unit owner meetings
546 called to recall board members under paragraph (j), and
547 committee meetings may be given by electronic transmission to
548 unit owners who consent to receive notice by electronic
549 transmission.

550 6. Unit owners shall have the right to participate in
551 meetings of unit owners with reference to all designated agenda

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552 items. However, the association may adopt reasonable rules
553 governing the frequency, duration, and manner of unit owner
554 participation.

555 7. Any unit owner may tape record or videotape a meeting of
556 the unit owners subject to reasonable rules adopted by the
557 division.

558 8. Unless otherwise provided in the bylaws, any vacancy
559 occurring on the board before the expiration of a term may be
560 filled by the affirmative vote of the majority of the remaining
561 directors, even if the remaining directors constitute less than
562 a quorum, or by the sole remaining director. In the alternative,
563 a board may hold an election to fill the vacancy, in which case
564 the election procedures must conform to the requirements of sub-
565 subparagraph ~~subparagraph~~ 3.a. unless the association governs 10
566 units or fewer ~~less~~ and has opted out of the statutory election
567 process, in which case the bylaws of the association control.
568 Unless otherwise provided in the bylaws, a board member
569 appointed or elected under this section shall fill the vacancy
570 for the unexpired term of the seat being filled. Filling
571 vacancies created by recall is governed by paragraph (j) and
572 rules adopted by the division.

573
574 Notwithstanding subparagraph ~~subparagraphs~~ (b)2. and sub-
575 subparagraph (d)3.a., an association of 10 or fewer units may,
576 by the affirmative vote of a majority of the total voting
577 interests, provide for different voting and election procedures
578 in its bylaws, which vote may be by a proxy specifically
579 delineating the different voting and election procedures. The
580 different voting and election procedures may provide for

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581 elections to be conducted by limited or general proxy.

582 (1) *Certificate of compliance.*—There shall be a provision
583 that a certificate of compliance from a licensed electrical
584 contractor or electrician may be accepted by the association's
585 board as evidence of compliance of the condominium units with
586 the applicable fire and life safety code. Notwithstanding the
587 provisions of chapter 633 or of any other code, statute,
588 ordinance, administrative rule, or regulation, or any
589 interpretation of the foregoing, an association, condominium, or
590 unit owner is not obligated to retrofit the common elements or
591 units of a residential condominium with a fire sprinkler system
592 or other engineered lifesafety system in a building that has
593 been certified for occupancy by the applicable governmental
594 entity, if the unit owners have voted to forego such
595 retrofitting and engineered lifesafety system by the affirmative
596 vote of two-thirds of all voting interests in the affected
597 condominium. However, a condominium association may not vote to
598 forego the retrofitting with a fire sprinkler system of common
599 areas in a high-rise building. For purposes of this subsection,
600 the term "high-rise building" means a building that is greater
601 than 75 feet in height where the building height is measured
602 from the lowest level of fire department access to the floor of
603 the highest occupiable story. For purposes of this subsection,
604 the term "common areas" means any enclosed hallway, corridor,
605 lobby, stairwell, or entryway. In no event shall the local
606 authority having jurisdiction require completion of retrofitting
607 of common areas with a sprinkler system before the end of 2025
608 ~~2014~~.

609 1. A vote to forego retrofitting may be obtained by limited

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610 proxy or by a ballot personally cast at a duly called membership
611 meeting, or by execution of a written consent by the member, and
612 shall be effective upon the recording of a certificate attesting
613 to such vote in the public records of the county where the
614 condominium is located. The association shall mail, hand
615 deliver, or electronically transmit to each unit owner written
616 notice at least 14 days prior to such membership meeting in
617 which the vote to forego retrofitting of the required fire
618 sprinkler system is to take place. Within 30 days after the
619 association's opt-out vote, notice of the results of the opt-out
620 vote shall be mailed, hand delivered, or electronically
621 transmitted to all unit owners. Evidence of compliance with this
622 30-day notice shall be made by an affidavit executed by the
623 person providing the notice and filed among the official records
624 of the association. After such notice is provided to each owner,
625 a copy of such notice shall be provided by the current owner to
626 a new owner prior to closing and shall be provided by a unit
627 owner to a renter prior to signing a lease.

628 2. As part of the information collected annually from
629 condominiums, the division shall require condominium
630 associations to report the membership vote and recording of a
631 certificate under this subsection and, if retrofitting has been
632 undertaken, the per-unit cost of such work. The division shall
633 annually report to the Division of State Fire Marshal of the
634 Department of Financial Services the number of condominiums that
635 have elected to forego retrofitting.

636 (n) *Director or officer delinquencies.*—A director or
637 officer more than 90 days delinquent in the payment of any fee,
638 fine, or regular or special assessments shall be deemed to have

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639 abandoned the office, creating a vacancy in the office to be
640 filled according to law.

641 Section 5. Subsection (2) of section 553.509, Florida
642 Statutes, is repealed.

643 Section 6. This act shall take effect upon becoming a law.