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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2010	.	
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The Committee on Judiciary (Fasano) recommended the following:

1 **Senate Amendment to Amendment (979386) (with title**
2 **amendment)**

3
4 Delete lines 70 - 91
5 and insert:

6 Section 7. Subsection (16) of section 718.103, Florida
7 Statutes, is amended to read:

8 718.103 Definitions.—As used in this chapter, the term:

9 (16) "Developer" means a person who creates a condominium
10 or offers condominium parcels for sale or lease in the ordinary
11 course of business, but does not include:

12 (a) An owner or lessee of a condominium or cooperative unit
13 who has acquired the unit for his or her own occupancy;~~; nor~~



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14 ~~does it include~~

15 (b) A cooperative association that ~~which~~ creates a
16 condominium by conversion of an existing residential cooperative
17 after control of the association has been transferred to the
18 unit owners if, following the conversion, the unit owners are
19 ~~will be~~ the same persons who were unit owners of the cooperative
20 and no units are offered for sale or lease to the public as part
21 of the plan of conversion; ~~-~~

22 (c) A bulk assignee or bulk buyer as defined in s. 718.703;
23 or

24 (d) A state, county, or municipal entity ~~is not a developer~~
25 ~~for any purposes under this act when it is~~ acting as a lessor
26 and not otherwise named as a developer in the declaration of
27 condominium association.

28 Section 8. Subsection (13) of section 718.110, Florida
29 Statutes, is amended, and subsection (14) is added to that
30 section, to read:

31 718.110 Amendment of declaration; correction of error or
32 omission in declaration by circuit court.-

33 (13) An Any amendment prohibiting restricting unit owners
34 from renting their units or altering the duration of the rental
35 term or specifying or limiting the number of times unit owners
36 are entitled to rent their units during a specified period
37 ~~owners' rights relating to the rental of units~~ applies only to
38 unit owners who consent to the amendment and unit owners who
39 acquire title to purchase their units after the effective date
40 of that amendment.

41 (14) Except for those portions of the common elements
42 designed and intended to be used by all unit owners, a portion



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43 of the common elements serving only one unit or a group of units
44 may be reclassified as a limited common element upon the vote
45 required to amend the declaration as provided therein or as
46 required under paragraph (1)(a), and shall not be considered an
47 amendment pursuant to subsection (4). This is a clarification of
48 existing law.

49

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

51 And the title is amended as follows:

52 Delete lines 2721 - 2725

53 and insert:

54 the term "developer"; amending s. 718.110, F.S.;

55 allowing the condominium association to have the

56 authority to restrict through an amendment to a

57 declaration of condominium, rather than prohibit, the

58 rental of condominium units; authorizing the

59 classification of certain portions of common elements

60 as limited common elements upon receipt of the

61 required vote to amend a declaration; providing that

62 such reclassification is not an amendment pursuant to

63 specified provisions of state law; amending s.

64 718.111,