



207642

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
	.	
	.	
	.	

---

---

The Committee on Community Affairs (Ring) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 780 - 784  
and insert:

Section 5. Paragraph (c) is added to subsection (2) of section 718.117, Florida Statutes, and subsections (3), (4), and (11), paragraphs (a) and (d) of subsection (12), subsection (14), paragraph (a) of subsection (17), and subsections (18) and (19) of that section are amended, to read:

718.117 Termination of condominium.—

(2) TERMINATION BECAUSE OF ECONOMIC WASTE OR IMPOSSIBILITY.—



207642

13           (c) Notwithstanding paragraph (a), a condominium that  
14 includes units and timeshare estates where the improvements have  
15 been totally destroyed or demolished may be terminated pursuant  
16 to a plan of termination proposed by a unit owner upon filing a  
17 petition in court seeking equitable relief.

18           1. Within 10 days after filing the petition, and in lieu of  
19 the requirements of paragraph (15) (a), the petitioner shall  
20 record the proposed plan of termination and mail copies of the  
21 plan and the petition to:

22           a. Each member of the board of directors of the association  
23 identified in the most recent annual report filed with the  
24 department of state and the registered agent of the association  
25 if the association has not been dissolved as a matter of law;

26           b. The managing entity as defined in s. 721.05;

27           c. Each unit owner and each timeshare estate owner at the  
28 address reflected in the official records of the association, or  
29 if the association records cannot be obtained by the petitioner,  
30 each unit owner and each timeshare estate owner at the address  
31 listed in the office of the tax collector for tax notices; and

32           d. Each holder of a recorded mortgage lien affecting a unit  
33 or timeshare estate at the address appearing on the recorded  
34 mortgage or any recorded assignment thereof.

35           2. The association as class representative if it has not  
36 been dissolved as a matter of law, the managing entity as  
37 defined in s. 721.05, any unit owner, timeshare estate owner, or  
38 holder of a recorded mortgage lien affecting a unit or timeshare  
39 estate may intervene in the proceedings to contest the proposed  
40 plan of termination brought pursuant to this paragraph. The  
41 provisions of subsection (9), to the extent inconsistent with



207642

42 this paragraph, and subsection (16) are not applicable to a  
43 party contesting a plan of termination under this paragraph. If  
44 no party intervenes to contest the proposed plan within 45 days  
45 after filing the petition, the petitioner may move the court to  
46 enter a final judgment authorizing that the plan of termination  
47 be implemented. If a party timely intervenes to contest the  
48 proposed plan, the plan may not be implemented until a final  
49 judgment has been entered by the court finding that the proposed  
50 plan of termination is fair and reasonable and authorizing  
51 implementation of the plan.

52  
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete line 30

56 and insert:

57 owner; amending s. 718.117, F.S.; providing a  
58 procedure for the termination of ownership of a  
59 condominium if the units have been totally destroyed  
60 or demolished; providing procedures