



412506

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 2/AD/2R

.

04/28/2014 04:35 PM

.

.

---

Senator Detert moved the following:

**Senate Amendment (with title amendment)**

Between lines 862 and 863

insert:

Section 18. Paragraph (a) of subsection (1) of section  
627.7842, Florida Statutes, is amended to read:

627.7842 Policy exceptions.-

(1) (a) If a survey meeting the ~~minimum technical~~ standards  
of practice for surveying required by the Department of  
Agriculture and Consumer Services ~~Business and Professional~~  
~~Regulation~~ and certified to the title insurer by a registered



412506

12 Florida surveyor has been completed on the property within 90  
13 days before the date of closing, the title policy may only  
14 except from coverage the encroachments, overlays, boundary line  
15 disputes, and other matters that ~~which~~ are actually shown on the  
16 survey.

17 Section 19. Paragraph (e) of subsection (4) of section  
18 718.104, Florida Statutes, is amended to read:

19 718.104 Creation of condominiums; contents of declaration.-  
20 Every condominium created in this state shall be created  
21 pursuant to this chapter.

22 (4) The declaration must contain or provide for the  
23 following matters:

24 (e) A survey of the land which meets the ~~minimum technical~~  
25 standards of practice established set forth by the Board of  
26 Professional Surveyors and Mappers, pursuant to s. 472.027, and  
27 a graphic description of the improvements in which units are  
28 located and a plot plan thereof that, together with the  
29 declaration, are in sufficient detail to identify the common  
30 elements and each unit and their relative locations and  
31 approximate dimensions. Failure of the survey to meet ~~minimum~~  
32 technical standards of practice does shall not invalidate an  
33 otherwise validly created condominium. The survey, graphic  
34 description, and plot plan may be in the form of exhibits  
35 consisting of building plans, floor plans, maps, surveys, or  
36 sketches. If the construction of the condominium is not  
37 substantially completed, there shall be a statement to that  
38 effect, and, upon substantial completion of construction, the  
39 developer or the association shall amend the declaration to  
40 include the certificate described below. The amendment may be



41 accomplished by referring to the recording data of a survey of  
42 the condominium that complies with the certificate. A  
43 certificate of a surveyor and mapper authorized to practice in  
44 this state shall be included in or attached to the declaration  
45 or the survey or graphic description as recorded under s.  
46 718.105 that the construction of the improvements is  
47 substantially complete so that the material, together with the  
48 provisions of the declaration describing the condominium  
49 property, is an accurate representation of the location and  
50 dimensions of the improvements and so that the identification,  
51 location, and dimensions of the common elements and of each unit  
52 can be determined from these materials. Completed units within  
53 each substantially completed building in a condominium  
54 development may be conveyed to purchasers, notwithstanding that  
55 other buildings in the condominium are not substantially  
56 completed, provided that all planned improvements, including,  
57 but not limited to, landscaping, utility services and access to  
58 the unit, and common-element facilities serving such building,  
59 as set forth in the declaration, are first completed and the  
60 declaration of condominium is first recorded and provided that  
61 as to the units being conveyed there is a certificate of a  
62 surveyor and mapper as required above, including certification  
63 that all planned improvements, including, but not limited to,  
64 landscaping, utility services and access to the unit, and  
65 common-element facilities serving the building in which the  
66 units to be conveyed are located have been substantially  
67 completed, and such certificate is recorded with the original  
68 declaration or as an amendment to such declaration. This section  
69 does ~~shall~~ not, however, operate to require development of



412506

70 improvements and amenities declared to be included in future  
71 phases pursuant to s. 718.403 before ~~prior to~~ conveying a unit  
72 as provided in this paragraph herein. For the purposes of this  
73 section, a "certificate of a surveyor and mapper" means  
74 certification by a surveyor and mapper in the form provided in  
75 this paragraph herein and may include, along with certification  
76 by a surveyor and mapper, when appropriate, certification by an  
77 architect or engineer authorized to practice in this state.  
78 Notwithstanding the requirements of substantial completion  
79 provided in this section, this paragraph does not ~~nothing~~  
80 ~~contained herein shall~~ prohibit or impair the validity of a  
81 mortgage encumbering units together with an undivided interest  
82 in the common elements as described in a declaration of  
83 condominium recorded before ~~prior to~~ the recording of a  
84 certificate of a surveyor and mapper as provided in this  
85 paragraph herein.

86  
87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete line 107

90 and insert:

91 certain circumstances; amending ss. 627.7842 and  
92 718.104, F.S.; conforming provisions to changes made  
93 by the act; amending s. 943.059, F.S.;