

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Rodríguez, J. offered the following:

Amendment (with title amendment)

5 Remove lines 340-412 and insert:

6 association of 10 or fewer units may, by affirmative vote of a
 7 majority of the total voting interests, provide for different
 8 voting and election procedures in its bylaws, which may be by a
 9 proxy specifically delineating the different voting and election
 10 procedures. The different voting and election procedures may
 11 provide for elections to be conducted by limited or general
 12 proxy.

13 (k) Arbitration.—There shall be a provision for mandatory
 14 nonbinding arbitration as provided for in s. 718.1255 for any
 15 residential condominium.

16 (l) Certificate of compliance.— A provision that a
 17 certificate of compliance from a licensed electrical contractor

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18 or electrician may be accepted by the association's board as
19 evidence of compliance of the condominium units with the
20 applicable fire and life safety code must be included.
21 Notwithstanding chapter 633 or of any other code, statute,
22 ordinance, administrative rule, or regulation, or any
23 interpretation of the foregoing, an association, residential
24 condominium, or unit owner is not obligated to retrofit the
25 common elements, association property, or units of a residential
26 condominium with a fire sprinkler system in a building that has
27 been certified for occupancy by the applicable governmental
28 entity if the unit owners have voted to forego such retrofitting
29 by the affirmative vote of a majority of all voting interests in
30 the affected condominium. The local authority having
31 jurisdiction may not require completion of retrofitting with a
32 fire sprinkler system before January 1, 2020 ~~the end of 2019~~. By
33 December 31, 2016, a residential condominium ~~an~~ association that
34 is not in compliance with the requirements for a fire sprinkler
35 system and has not voted to forego retrofitting of such a system
36 must initiate an application for a building permit for the
37 required installation with the local government having
38 jurisdiction demonstrating that the association will become
39 compliant by December 31, 2019.

40 1. A vote to forego retrofitting may be obtained by
41 limited proxy or by a ballot personally cast at a duly called
42 membership meeting, or by execution of a written consent by the
43 member, and is effective upon recording a certificate attesting

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44 to such vote in the public records of the county where the
45 condominium is located. The association shall mail or hand
46 deliver to each unit owner written notice at least 14 days
47 before the membership meeting in which the vote to forego
48 retrofitting of the required fire sprinkler system is to take
49 place. Within 30 days after the association's opt-out vote,
50 notice of the results of the opt-out vote must be mailed or hand
51 delivered to all unit owners. Evidence of compliance with this
52 notice requirement must be made by affidavit executed by the
53 person providing the notice and filed among the official records
54 of the association. After notice is provided to each owner, a
55 copy must be provided by the current owner to a new owner before
56 closing and by a unit owner to a renter before signing a lease.

57 2. If there has been a previous vote to forego
58 retrofitting, a vote to require retrofitting may be obtained at
59 a special meeting of the unit owners called by a petition of at
60 least 10 percent of the voting interests. Such a vote may only
61 be called once every 3 years. Notice shall be provided as
62 required for any regularly called meeting of the unit owners,
63 and must state the purpose of the meeting. Electronic
64 transmission may not be used to provide notice of a meeting
65 called in whole or in part for this purpose.

66 3. As part of the information collected annually from
67 condominiums, the division shall require condominium
68 associations to report the membership vote and recording of a
69 certificate under this subsection and, if retrofitting has been

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70 undertaken, the per-unit cost of such work. The division shall
71 annually report to the Division of State Fire Marshal of the
72 Department of Financial Services the number of condominiums that
73 have elected to forego retrofitting.

74 4. Notwithstanding s. 553.509, a residential ~~an~~
75 association may not be obligated to, and may forego the
76 retrofitting of, any improvements required by s. 553.509(2) upon
77 an affirmative vote of a majority of the voting interests in the
78 affected condominium.

79 Section 2. Subsection (5) of section 718.113, Florida
80 Statutes, is amended to read:

81 718.113 Maintenance; limitation upon improvement; display
82 of flag; hurricane shutters and protection; display of religious
83 decorations.—

84 (5) Each board of administration of a residential
85 condominium shall adopt hurricane shutter specifications for
86 each building within each condominium operated by the
87 association which shall include color, style, and other factors
88 deemed relevant by the board. All specifications adopted by the
89 board must comply with the applicable building code.

90 (a) The board may, subject to s. 718.3026 and the approval
91 of a majority of voting interests of the residential
92 condominium, install hurricane shutters, impact glass, code-
93 compliant windows or doors, or other types of code-compliant
94 hurricane protection that comply with or exceed the applicable
95 building code. However, a vote of the owners is not required if

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196 the maintenance, repair, and replacement of hurricane shutters,
197 impact glass, code-compliant windows or doors, or other types of
198 code-compliant hurricane protection are the responsibility of
199 the association pursuant to the declaration of condominium. If
200 hurricane protection or laminated glass or window film
201 architecturally designed to function as hurricane protection
202 that complies with or exceeds the current applicable building
203 code has been previously installed, the board may not install
204 hurricane shutters, impact glass, code-compliant windows or
205 doors, or other types of code-compliant hurricane protection
206 except upon approval by a majority vote of the voting interests.

207 (b) The association is responsible for the maintenance,
208 repair, and replacement of the hurricane shutters, impact glass,
209 code-compliant windows or doors, or other types of code-
210 compliant hurricane protection authorized by this subsection if
211 such property is the responsibility of the association pursuant
212 to the declaration of condominium. If the hurricane shutters,
213 impact glass, code-compliant windows or doors, or other types of
214 code-compliant hurricane protection are the responsibility of
215 the unit owners pursuant to the declaration of condominium, the
216 maintenance, repair, and replacement of such items are the
217 responsibility of the unit owner.

218 (c) The board may operate shutters, impact glass, code-
219 compliant windows or doors, or other types of code-compliant
220 hurricane protection installed pursuant to this subsection
221 without permission of the unit owners only if such operation is

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122 necessary to preserve and protect the condominium property and
123 association property. The installation, replacement, operation,
124 repair, and maintenance of such shutters, impact glass, code-
125 compliant windows or doors, or other types of code-compliant
126 hurricane protection in accordance with the procedures set forth
127 in this paragraph are not a material alteration to the common
128 elements or association property within the meaning of this
129 section.

130 (d) Notwithstanding any other provision in the residential
131 condominium documents, if approval is required by the documents,
132 a board may not refuse to approve the installation or
133 replacement of hurricane shutters, impact glass, code-compliant
134 windows or doors, or other types of code-compliant hurricane
135 protection by a unit owner conforming to the specifications
136 adopted by the board.

137 Section 3. Subsection (6) is added to section 718.1255,
138 Florida Statutes, to read:

139 718.1255 Alternative dispute resolution; voluntary
140 mediation; mandatory nonbinding arbitration; legislative
141 findings.—

142 (6) APPLICABILITY.—This section does not apply to any
143 nonresidential condominium unless otherwise specifically
144 provided for in the declaration of a nonresidential condominium.

145 Section 4. Section 718.1256, Florida Statutes, is amended
146 to read:

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147 718.1256 Condominiums as residential property.—For the
148 purpose of property and casualty insurance risk classification,
149 residential condominiums shall be classed as residential
150 property.

151 Section 5. Subsection (1) and paragraph (a) of subsection
152 (2) of section 718.403, Florida Statutes, are amended and
153 subsection (9) is added to section 718.403, to read:

154 718.403 Phase condominiums.—

155 (1) Notwithstanding the provisions of s. 718.110, a
156 developer may develop a condominium in phases, if the original
157 declaration of condominium submitting the initial phase to
158 condominium ownership or an amendment to the declaration which
159 has been approved by all of the unit owners and unit mortgagees
160 provides for and describes in detail all anticipated phases; the
161 impact, if any, which the completion of subsequent phases would
162 have upon the initial phase; and the time period within which
163 all phases must be added to the condominium and comply with the
164 requirements of this section and at the end of which the right
165 to add additional phases expires.

166 (a) All phases must be added to the condominium within 7
167 years after the date of the recording of the certificate of a
168 surveyor and mapper pursuant to s. 718.104(4)(e) or the
169 recording of an instrument that transfers title to a unit in the
170 condominium which is not accompanied by a recorded assignment of
171 developer rights in favor of the grantee of such unit, whichever

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172 occurs first, unless the unit owners vote to approve an
173 amendment extending the 7-year period pursuant to paragraph (b).

174 (b) An amendment to extend the 7-year period shall require
175 the approval of the owners necessary to amend the declaration of
176 condominium pursuant to s. 718.110(1)(a). An extension of the 7-
177 year period may be submitted for approval only during the last 3
178 years of the 7-year period.

179 (c) An amendment must describe the time period within
180 which all phases must be added to the condominium, and such time
181 period may not exceed 10 years from the date of the recording of
182 the certificate of a surveyor and mapper pursuant to s.
183 718.104(4)(e) or the recording of an instrument that transfers
184 title to a unit in the condominium which is not accompanied by a
185 recorded assignment of developer rights in favor of the grantee
186 of such unit, whichever occurs first.

187 (d) An amendment that extends the 7-year period pursuant
188 to this section is not subject to the requirements of s.
189 718.110(4).

190 (2) The original declaration of condominium, or an
191 amendment to the declaration, which amendment has been approved
192 by all unit owners and unit mortgagees and the developer, shall
193 describe:

194 (a) The land which may become part of the condominium and
195 the land on which each phase is to be built. The descriptions
196 shall include metes and bounds or other legal descriptions of
197 the land for each phase, plot plans, and surveys. Plot plans,

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198 attached as an exhibit, must show the approximate location of
199 all existing and proposed buildings and improvements that may
200 ultimately be contained within the condominium. The plot plan
201 may be modified by the developer as to unit or building types
202 but, in a residential condominium, to the extent that such
203 changes must be are described in the declaration. If provided in
204 the declaration, the developer may make nonmaterial changes in
205 the legal description of a phase.

206 (9) The provisions of subsections (2)(b)-(f) and (8) of
207 this section shall not apply to nonresidential condominiums.

208 Section 6. Section 718.707, Florida Statutes, is amended
209 to read:

210 718.707 Time limitation for classification as bulk
211 assignee or bulk buyer.—A person acquiring condominium parcels
212 may not be classified as a bulk assignee or bulk buyer unless
213 the condominium parcels were acquired on or after July 1, 2010,
214 but before July 1, 2016 ~~2015~~. The date of such acquisition shall
215 be determined by the date of recording a deed or other
216 instrument of conveyance for such parcels in the public records
217 of the county in which the condominium is located, or by the
218 date of issuing a certificate of title in a foreclosure
219 proceeding with respect to such condominium parcels.

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224 **T I T L E A M E N D M E N T**
225 Remove line 5 and insert:
226 their associations and boards; amending s. 718.1255, F.S.;
227 limiting the application of mandatory arbitration to residential
228 condominiums; amending s. 718.1256, F.S.; limiting the
229 application of property and casualty insurance risk
230 classification to residential condominiums; amending s. 718.113,
231 F.S.; limiting the application of certain requirements relating
232 to maintenance to residential condominiums and their
233 associations and boards; amending s. 718.403, F.S.; limiting the
234 application of certain requirements relating to phase
235 condominiums to residential condominiums; amending s. 718.707,
236 F.S.; extending the bulk assignee or bulk buyer provisions for
237 an additional year; providing an effective date.
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