



414642

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2014	.	
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The Committee on Regulated Industries (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete lines 340 - 412
and insert:
association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may



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10 provide for elections to be conducted by limited or general
11 proxy.

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

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



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39 1. A vote to forego retrofitting may be obtained by limited
40 proxy or by a ballot personally cast at a duly called membership
41 meeting, or by execution of a written consent by the member, and
42 is effective upon recording a certificate attesting to such vote
43 in the public records of the county where the condominium is
44 located. The association shall mail or hand deliver to each unit
45 owner written notice at least 14 days before the membership
46 meeting in which the vote to forego retrofitting of the required
47 fire sprinkler system is to take place. Within 30 days after the
48 association's opt-out vote, notice of the results of the opt-out
49 vote must be mailed or hand delivered to all unit owners.

50 Evidence of compliance with this notice requirement must be made
51 by affidavit executed by the person providing the notice and
52 filed among the official records of the association. After
53 notice is provided to each owner, a copy must be provided by the
54 current owner to a new owner before closing and by a unit owner
55 to a renter before signing a lease.

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

65 3. As part of the information collected annually from
66 condominiums, the division shall require condominium
67 associations to report the membership vote and recording of a



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68 certificate under this subsection and, if retrofitting has been
69 undertaken, the per-unit cost of such work. The division shall
70 annually report to the Division of State Fire Marshal of the
71 Department of Financial Services the number of condominiums that
72 have elected to forego retrofitting.

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

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

80 718.113 Maintenance; limitation upon improvement; display
81 of flag; hurricane shutters and protection; display of religious
82 decorations.—

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

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



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97 code-compliant hurricane protection are the responsibility of
98 the association pursuant to the declaration of condominium. If
99 hurricane protection or laminated glass or window film
100 architecturally designed to function as hurricane protection
101 that complies with or exceeds the current applicable building
102 code has been previously installed, the board may not install
103 hurricane shutters, impact glass, code-compliant windows or
104 doors, or other types of code-compliant hurricane protection
105 except upon approval by a majority vote of the voting interests.

106 (b) The association is responsible for the maintenance,
107 repair, and replacement of the hurricane shutters, impact glass,
108 code-compliant windows or doors, or other types of code-
109 compliant hurricane protection authorized by this subsection if
110 such property is the responsibility of the association pursuant
111 to the declaration of condominium. If the hurricane shutters,
112 impact glass, code-compliant windows or doors, or other types of
113 code-compliant hurricane protection are the responsibility of
114 the unit owners pursuant to the declaration of condominium, the
115 maintenance, repair, and replacement of such items are the
116 responsibility of the unit owner.

117 (c) The board may operate shutters, impact glass, code-
118 compliant windows or doors, or other types of code-compliant
119 hurricane protection installed pursuant to this subsection
120 without permission of the unit owners only if such operation is
121 necessary to preserve and protect the condominium property and
122 association property. The installation, replacement, operation,
123 repair, and maintenance of such shutters, impact glass, code-
124 compliant windows or doors, or other types of code-compliant
125 hurricane protection in accordance with the procedures set forth



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126 in this paragraph are not a material alteration to the common
127 elements or association property within the meaning of this
128 section.

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

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

138 718.1255 Alternative dispute resolution; voluntary
139 mediation; mandatory nonbinding arbitration; legislative
140 findings.—

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

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

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. Paragraph (a) of subsection (2) of section
152 718.403, Florida Statutes, is amended and subsection (9) is
153 added to that section, to read:

154 718.403 Phase condominiums.—



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155 (2) The original declaration of condominium, or an
156 amendment to the declaration, which amendment has been approved
157 by all unit owners and unit mortgagees and the developer, shall
158 describe:

159 (a) The land which may become part of the condominium and
160 the land on which each phase is to be built. The descriptions
161 shall include metes and bounds or other legal descriptions of
162 the land for each phase, plot plans, and surveys. Plot plans,
163 attached as an exhibit, must show the approximate location of
164 all existing and proposed buildings and improvements that may
165 ultimately be contained within the condominium. The plot plan
166 may be modified by the developer as to unit or building types
167 but, in a residential condominium, only to the extent that such
168 changes are described in the declaration. If provided in the
169 declaration, the developer may make nonmaterial changes in the
170 legal description of a phase.

171 (9) Paragraphs (2)(b)-(f) and subsection (8) do not apply
172 to nonresidential condominiums.

173 Section 6. Section 718.707, Florida Statutes, is amended to
174 read:

175 718.707 Time limitation for classification as bulk assignee or
176 bulk buyer.—A person acquiring condominium parcels may not be
177 classified as a bulk assignee or bulk buyer unless the
178 condominium parcels were acquired on or after July 1, 2010, but
179 before July 1, 2016 ~~2015~~. The date of such acquisition shall be
180 determined by the date of recording a deed or other instrument
181 of conveyance for such parcels in the public records of the
182 county in which the condominium is located, or by the date of
183 issuing a certificate of title in a foreclosure proceeding with



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184 respect to such condominium parcels.

185

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

187 And the title is amended as follows:

188 Delete line 5

189 and insert:

190 their associations and boards; amending s. 718.113,
191 F.S.; limiting the application of certain requirements
192 relating to the maintenance of residential
193 condominiums and their associations and boards;
194 amending s. 718.1255, F.S.; exempting nonresidential
195 condominiums from mandatory arbitration unless
196 specifically provided for in their declarations;
197 amending s. 718.1256, F.S.; specifying that
198 residential condominiums are classified as residential
199 property; amending s. 718.403, F.S.; authorizing the
200 developer to modify the plot plan as to unit or
201 building types; limiting the circumstances under which
202 a plot plan may be modified as to a residential
203 condominium; specifying the provisions relating to
204 phase condominiums that are inapplicable to
205 nonresidential condominiums; amending s. 718.707,
206 F.S.; extending by 1 year the time limitation for
207 classification as a bulk assignee or bulk buyer;
208 providing an effective