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1  
2 An act relating to condominiums; amending s. 718.112,  
3 F.S.; limiting the application of certain requirements  
4 relating to bylaws to residential condominiums and  
5 their associations and boards; amending s. 718.113,  
6 F.S.; limiting the application of certain requirements  
7 relating to the maintenance of residential  
8 condominiums and their associations and boards;  
9 amending s. 718.1255, F.S.; exempting nonresidential  
10 condominiums from mandatory arbitration unless  
11 specifically provided for in their declarations;  
12 amending s. 718.403, F.S., and reenacting subsection  
13 (1), relating to the authority to develop a  
14 condominium in phases; authorizing the developer to  
15 modify the plot plan as to unit or building types;  
16 limiting the circumstances under which a plot plan may  
17 be modified as to a residential condominium;  
18 specifying the provisions relating to phase  
19 condominiums that are inapplicable to nonresidential  
20 condominiums; amending s. 718.707, F.S.; extending by  
21 1 year the time limitation for classification as a  
22 bulk assignee or bulk buyer; providing an effective  
23 date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Paragraphs (a), (b), (d), (k), and (l) of  
28 subsection (2) of section 718.112, Florida Statutes, are amended  
29 to read:

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30 718.112 Bylaws.—

31 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
32 following and, if they do not do so, shall be deemed to include  
33 the following:

34 (a) *Administration*.—

35 1. The form of administration of the association shall be  
36 described indicating the title of the officers and board of  
37 administration and specifying the powers, duties, manner of  
38 selection and removal, and compensation, if any, of officers and  
39 boards. In the absence of such a provision, the board of  
40 administration shall be composed of five members, except in the  
41 case of a condominium which has five or fewer units, in which  
42 case in a not-for-profit corporation the board shall consist of  
43 not fewer than three members. In the absence of provisions to  
44 the contrary in the bylaws, the board of administration shall  
45 have a president, a secretary, and a treasurer, who shall  
46 perform the duties of such officers customarily performed by  
47 officers of corporations. Unless prohibited in the bylaws, the  
48 board of administration may appoint other officers and grant  
49 them the duties it deems appropriate. Unless otherwise provided  
50 in the bylaws, the officers shall serve without compensation and  
51 at the pleasure of the board of administration. Unless otherwise  
52 provided in the bylaws, the members of the board shall serve  
53 without compensation.

54 2. When a unit owner of a residential condominium files a  
55 written inquiry by certified mail with the board of  
56 administration, the board shall respond in writing to the unit  
57 owner within 30 days after ~~of~~ receipt of the inquiry. The  
58 board's response shall either give a substantive response to the

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59 inquirer, notify the inquirer that a legal opinion has been  
60 requested, or notify the inquirer that advice has been requested  
61 from the division. If the board requests advice from the  
62 division, the board shall, within 10 days after ~~of~~ its receipt  
63 of the advice, provide in writing a substantive response to the  
64 inquirer. If a legal opinion is requested, the board shall,  
65 within 60 days after the receipt of the inquiry, provide in  
66 writing a substantive response to the inquiry. The failure to  
67 provide a substantive response to the inquiry as provided herein  
68 precludes the board from recovering attorney ~~attorney's~~ fees and  
69 costs in any subsequent litigation, administrative proceeding,  
70 or arbitration arising out of the inquiry. The association may  
71 through its board of administration adopt reasonable rules and  
72 regulations regarding the frequency and manner of responding to  
73 unit owner inquiries, one of which may be that the association  
74 is only obligated to respond to one written inquiry per unit in  
75 any given 30-day period. In such a case, any additional inquiry  
76 or inquiries must be responded to in the subsequent 30-day  
77 period, or periods, as applicable.

78 (b) *Quorum; voting requirements; proxies.*—

79 1. Unless a lower number is provided in the bylaws, the  
80 percentage of voting interests required to constitute a quorum  
81 at a meeting of the members is a majority of the voting  
82 interests. Unless otherwise provided in this chapter or in the  
83 declaration, articles of incorporation, or bylaws, and except as  
84 provided in subparagraph (d)4., decisions shall be made by a  
85 majority of the voting interests represented at a meeting at  
86 which a quorum is present.

87 2. Except as specifically otherwise provided herein, unit

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88 owners in a residential condominium may not vote by general  
89 proxy, but may vote by limited proxies substantially conforming  
90 to a limited proxy form adopted by the division. A voting  
91 interest or consent right allocated to a unit owned by the  
92 association may not be exercised or considered for any purpose,  
93 whether for a quorum, an election, or otherwise. Limited proxies  
94 and general proxies may be used to establish a quorum. Limited  
95 proxies shall be used for votes taken to waive or reduce  
96 reserves in accordance with subparagraph (f)2.; for votes taken  
97 to waive the financial reporting requirements of s. 718.111(13);  
98 for votes taken to amend the declaration pursuant to s. 718.110;  
99 for votes taken to amend the articles of incorporation or bylaws  
100 pursuant to this section; and for any other matter for which  
101 this chapter requires or permits a vote of the unit owners.  
102 Except as provided in paragraph (d), a proxy, limited or  
103 general, may not be used in the election of board members in a  
104 residential condominium. General proxies may be used for other  
105 matters for which limited proxies are not required, and may be  
106 used in voting for nonsubstantive changes to items for which a  
107 limited proxy is required and given. Notwithstanding this  
108 subparagraph, unit owners may vote in person at unit owner  
109 meetings. This subparagraph does not limit the use of general  
110 proxies or require the use of limited proxies for any agenda  
111 item or election at any meeting of a timeshare condominium  
112 association or a nonresidential condominium association.

113 3. A ~~Any~~ proxy given is effective only for the specific  
114 meeting for which originally given and any lawfully adjourned  
115 meetings thereof. A proxy is not valid longer than 90 days after  
116 the date of the first meeting for which it was given. Each ~~Every~~

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117 proxy is revocable at any time at the pleasure of the unit owner  
118 executing it.

119 4. A member of the board of administration or a committee  
120 may submit in writing his or her agreement or disagreement with  
121 any action taken at a meeting that the member did not attend.  
122 This agreement or disagreement may not be used as a vote for or  
123 against the action taken or to create a quorum.

124 5. If any of the board or committee members meet by  
125 telephone conference, those board or committee members may be  
126 counted toward obtaining a quorum and may vote by telephone. A  
127 telephone speaker must be used so that the conversation of those  
128 members may be heard by the board or committee members attending  
129 in person as well as by any unit owners present at a meeting.

130 (d) *Unit owner meetings.*—

131 1. An annual meeting of the unit owners shall be held at  
132 the location provided in the association bylaws and, if the  
133 bylaws are silent as to the location, the meeting shall be held  
134 within 45 miles of the condominium property. However, such  
135 distance requirement does not apply to an association governing  
136 a timeshare condominium.

137 2. Unless the bylaws provide otherwise, a vacancy on the  
138 board caused by the expiration of a director's term shall be  
139 filled by electing a new board member, and the election must be  
140 by secret ballot. An election is not required if the number of  
141 vacancies equals or exceeds the number of candidates. For  
142 purposes of this paragraph, the term "candidate" means an  
143 eligible person who has timely submitted the written notice, as  
144 described in sub-subparagraph 4.a., of his or her intention to  
145 become a candidate. Except in a timeshare or nonresidential

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146 condominium, or if the staggered term of a board member does not  
147 expire until a later annual meeting, or if all members' terms  
148 would otherwise expire but there are no candidates, the terms of  
149 all board members expire at the annual meeting, and such members  
150 may stand for reelection unless prohibited by the bylaws. If the  
151 bylaws or articles of incorporation permit terms of no more than  
152 2 years, the association board members may serve 2-year terms.  
153 If the number of board members whose terms expire at the annual  
154 meeting equals or exceeds the number of candidates, the  
155 candidates become members of the board effective upon the  
156 adjournment of the annual meeting. Unless the bylaws provide  
157 otherwise, any remaining vacancies shall be filled by the  
158 affirmative vote of the majority of the directors making up the  
159 newly constituted board even if the directors constitute less  
160 than a quorum or there is only one director. In a residential  
161 condominium association of more than 10 units or in a  
162 residential condominium association that does not include  
163 timeshare units or timeshare interests, coowners of a unit may  
164 not serve as members of the board of directors at the same time  
165 unless they own more than one unit or unless there are not  
166 enough eligible candidates to fill the vacancies on the board at  
167 the time of the vacancy. A ~~Any~~ unit owner in a residential  
168 condominium desiring to be a candidate for board membership must  
169 comply with sub-subparagraph 4.a. and must be eligible to be a  
170 candidate to serve on the board of directors at the time of the  
171 deadline for submitting a notice of intent to run in order to  
172 have his or her name listed as a proper candidate on the ballot  
173 or to serve on the board. A person who has been suspended or  
174 removed by the division under this chapter, or who is delinquent

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175 in the payment of any monetary obligation due to the  
176 association, is not eligible to be a candidate for board  
177 membership and may not be listed on the ballot. A person who has  
178 been convicted of any felony in this state or in a United States  
179 District or Territorial Court, or who has been convicted of any  
180 offense in another jurisdiction which would be considered a  
181 felony if committed in this state, is not eligible for board  
182 membership unless such felon's civil rights have been restored  
183 for at least 5 years as of the date such person seeks election  
184 to the board. The validity of an action by the board is not  
185 affected if it is later determined that a board member is  
186 ineligible for board membership due to having been convicted of  
187 a felony. This subparagraph does not limit the term of a member  
188 of the board of a nonresidential condominium.

189 3. The bylaws must provide the method of calling meetings  
190 of unit owners, including annual meetings. Written notice must  
191 include an agenda, must be mailed, hand delivered, or  
192 electronically transmitted to each unit owner at least 14 days  
193 before the annual meeting, and must be posted in a conspicuous  
194 place on the condominium property at least 14 continuous days  
195 before the annual meeting. Upon notice to the unit owners, the  
196 board shall, by duly adopted rule, designate a specific location  
197 on the condominium property or association property where all  
198 notices of unit owner meetings shall be posted. This requirement  
199 does not apply if there is no condominium property or  
200 association property for posting notices. In lieu of, or in  
201 addition to, the physical posting of meeting notices, the  
202 association may, by reasonable rule, adopt a procedure for  
203 conspicuously posting and repeatedly broadcasting the notice and

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204 the agenda on a closed-circuit cable television system serving  
205 the condominium association. However, if broadcast notice is  
206 used in lieu of a notice posted physically on the condominium  
207 property, the notice and agenda must be broadcast at least four  
208 times every broadcast hour of each day that a posted notice is  
209 otherwise required under this section. If broadcast notice is  
210 provided, the notice and agenda must be broadcast in a manner  
211 and for a sufficient continuous length of time so as to allow an  
212 average reader to observe the notice and read and comprehend the  
213 entire content of the notice and the agenda. Unless a unit owner  
214 waives in writing the right to receive notice of the annual  
215 meeting, such notice must be hand delivered, mailed, or  
216 electronically transmitted to each unit owner. Notice for  
217 meetings and notice for all other purposes must be mailed to  
218 each unit owner at the address last furnished to the association  
219 by the unit owner, or hand delivered to each unit owner.  
220 However, if a unit is owned by more than one person, the  
221 association must provide notice to the address that the  
222 developer identifies for that purpose and thereafter as one or  
223 more of the owners of the unit advise the association in  
224 writing, or if no address is given or the owners of the unit do  
225 not agree, to the address provided on the deed of record. An  
226 officer of the association, or the manager or other person  
227 providing notice of the association meeting, must provide an  
228 affidavit or United States Postal Service certificate of  
229 mailing, to be included in the official records of the  
230 association affirming that the notice was mailed or hand  
231 delivered in accordance with this provision.

232 4. The members of the board of a residential condominium



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233 shall be elected by written ballot or voting machine. Proxies  
234 may not be used in electing the board in general elections or  
235 elections to fill vacancies caused by recall, resignation, or  
236 otherwise, unless otherwise provided in this chapter. This  
237 subparagraph does not apply to an association governing a  
238 timeshare condominium.

239       a. At least 60 days before a scheduled election, the  
240 association shall mail, deliver, or electronically transmit, by  
241 separate association mailing or included in another association  
242 mailing, delivery, or transmission, including regularly  
243 published newsletters, to each unit owner entitled to a vote, a  
244 first notice of the date of the election. A ~~Any~~ unit owner or  
245 other eligible person desiring to be a candidate for the board  
246 must give written notice of his or her intent to be a candidate  
247 to the association at least 40 days before a scheduled election.  
248 Together with the written notice and agenda as set forth in  
249 subparagraph 3., the association shall mail, deliver, or  
250 electronically transmit a second notice of the election to all  
251 unit owners entitled to vote, together with a ballot that lists  
252 all candidates. Upon request of a candidate, an information  
253 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
254 furnished by the candidate at least 35 days before the election,  
255 must be included with the mailing, delivery, or transmission of  
256 the ballot, with the costs of mailing, delivery, or electronic  
257 transmission and copying to be borne by the association. The  
258 association is not liable for the contents of the information  
259 sheets prepared by the candidates. In order to reduce costs, the  
260 association may print or duplicate the information sheets on  
261 both sides of the paper. The division shall by rule establish

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262 voting procedures consistent with this sub-subparagraph,  
263 including rules establishing procedures for giving notice by  
264 electronic transmission and rules providing for the secrecy of  
265 ballots. Elections shall be decided by a plurality of ballots  
266 cast. There is no quorum requirement; however, at least 20  
267 percent of the eligible voters must cast a ballot in order to  
268 have a valid election. A unit owner may not permit any other  
269 person to vote his or her ballot, and any ballots improperly  
270 cast are invalid. A unit owner who violates this provision may  
271 be fined by the association in accordance with s. 718.303. A  
272 unit owner who needs assistance in casting the ballot for the  
273 reasons stated in s. 101.051 may obtain such assistance. The  
274 regular election must occur on the date of the annual meeting.  
275 Notwithstanding this sub-subparagraph, an election is not  
276 required unless more candidates file notices of intent to run or  
277 are nominated than board vacancies exist.

278       b. Within 90 days after being elected or appointed to the  
279 board of an association of a residential condominium, each newly  
280 elected or appointed director shall certify in writing to the  
281 secretary of the association that he or she has read the  
282 association's declaration of condominium, articles of  
283 incorporation, bylaws, and current written policies; that he or  
284 she will work to uphold such documents and policies to the best  
285 of his or her ability; and that he or she will faithfully  
286 discharge his or her fiduciary responsibility to the  
287 association's members. In lieu of this written certification,  
288 within 90 days after being elected or appointed to the board,  
289 the newly elected or appointed director may submit a certificate  
290 of having satisfactorily completed the educational curriculum

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291 administered by a division-approved condominium education  
292 provider within 1 year before or 90 days after the date of  
293 election or appointment. The written certification or  
294 educational certificate is valid and does not have to be  
295 resubmitted as long as the director serves on the board without  
296 interruption. A director of an association of a residential  
297 condominium who fails to timely file the written certification  
298 or educational certificate is suspended from service on the  
299 board until he or she complies with this sub-subparagraph. The  
300 board may temporarily fill the vacancy during the period of  
301 suspension. The secretary shall cause the association to retain  
302 a director's written certification or educational certificate  
303 for inspection by the members for 5 years after a director's  
304 election or the duration of the director's uninterrupted tenure,  
305 whichever is longer. Failure to have such written certification  
306 or educational certificate on file does not affect the validity  
307 of any board action.

308 c. Any challenge to the election process must be commenced  
309 within 60 days after the election results are announced.

310 5. Any approval by unit owners called for by this chapter  
311 or the applicable declaration or bylaws, including, but not  
312 limited to, the approval requirement in s. 718.111(8), must be  
313 made at a duly noticed meeting of unit owners and is subject to  
314 all requirements of this chapter or the applicable condominium  
315 documents relating to unit owner decisionmaking, except that  
316 unit owners may take action by written agreement, without  
317 meetings, on matters for which action by written agreement  
318 without meetings is expressly allowed by the applicable bylaws  
319 or declaration or any law that provides for such action.

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320           6. Unit owners may waive notice of specific meetings if  
321 allowed by the applicable bylaws or declaration or any law. If  
322 authorized by the bylaws, notice of meetings of the board of  
323 administration, unit owner meetings, except unit owner meetings  
324 called to recall board members under paragraph (j), and  
325 committee meetings may be given by electronic transmission to  
326 unit owners who consent to receive notice by electronic  
327 transmission.

328           7. Unit owners have the right to participate in meetings of  
329 unit owners with reference to all designated agenda items.  
330 However, the association may adopt reasonable rules governing  
331 the frequency, duration, and manner of unit owner participation.

332           8. A unit owner may tape record or videotape a meeting of  
333 the unit owners subject to reasonable rules adopted by the  
334 division.

335           9. Unless otherwise provided in the bylaws, any vacancy  
336 occurring on the board before the expiration of a term may be  
337 filled by the affirmative vote of the majority of the remaining  
338 directors, even if the remaining directors constitute less than  
339 a quorum, or by the sole remaining director. In the alternative,  
340 a board may hold an election to fill the vacancy, in which case  
341 the election procedures must conform to sub-subparagraph 4.a.  
342 unless the association governs 10 units or fewer and has opted  
343 out of the statutory election process, in which case the bylaws  
344 of the association control. Unless otherwise provided in the  
345 bylaws, a board member appointed or elected under this section  
346 shall fill the vacancy for the unexpired term of the seat being  
347 filled. Filling vacancies created by recall is governed by  
348 paragraph (j) and rules adopted by the division.

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349           10. This chapter does not limit the use of general or  
350 limited proxies, require the use of general or limited proxies,  
351 or require the use of a written ballot or voting machine for any  
352 agenda item or election at any meeting of a timeshare  
353 condominium association or nonresidential condominium  
354 association.

355  
356 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
357 association of 10 or fewer units may, by affirmative vote of a  
358 majority of the total voting interests, provide for different  
359 voting and election procedures in its bylaws, which may be by a  
360 proxy specifically delineating the different voting and election  
361 procedures. The different voting and election procedures may  
362 provide for elections to be conducted by limited or general  
363 proxy.

364           (k) *Arbitration*.—There shall be a provision for mandatory  
365 nonbinding arbitration as provided for in s. 718.1255 for any  
366 residential condominium.

367           (l) *Certificate of compliance*.—A provision that a  
368 certificate of compliance from a licensed electrical contractor  
369 or electrician may be accepted by the association's board as  
370 evidence of compliance of the condominium units with the  
371 applicable fire and life safety code must be included.  
372 Notwithstanding chapter 633 or of any other code, statute,  
373 ordinance, administrative rule, or regulation, or any  
374 interpretation of the foregoing, an association, residential  
375 condominium, or unit owner is not obligated to retrofit the  
376 common elements, association property, or units of a residential  
377 condominium with a fire sprinkler system in a building that has

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378 been certified for occupancy by the applicable governmental  
379 entity if the unit owners have voted to forego such retrofitting  
380 by the affirmative vote of a majority of all voting interests in  
381 the affected condominium. The local authority having  
382 jurisdiction may not require completion of retrofitting with a  
383 fire sprinkler system before January 1, 2020 ~~the end of 2019~~. By  
384 December 31, 2016, a residential condominium ~~an~~ association that  
385 is not in compliance with the requirements for a fire sprinkler  
386 system and has not voted to forego retrofitting of such a system  
387 must initiate an application for a building permit for the  
388 required installation with the local government having  
389 jurisdiction demonstrating that the association will become  
390 compliant by December 31, 2019.

391 1. A vote to forego retrofitting may be obtained by limited  
392 proxy or by a ballot personally cast at a duly called membership  
393 meeting, or by execution of a written consent by the member, and  
394 is effective upon recording a certificate attesting to such vote  
395 in the public records of the county where the condominium is  
396 located. The association shall mail or hand deliver to each unit  
397 owner written notice at least 14 days before the membership  
398 meeting in which the vote to forego retrofitting of the required  
399 fire sprinkler system is to take place. Within 30 days after the  
400 association's opt-out vote, notice of the results of the opt-out  
401 vote must be mailed or hand delivered to all unit owners.  
402 Evidence of compliance with this notice requirement must be made  
403 by affidavit executed by the person providing the notice and  
404 filed among the official records of the association. After  
405 notice is provided to each owner, a copy must be provided by the  
406 current owner to a new owner before closing and by a unit owner

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407 to a renter before signing a lease.

408         2. If there has been a previous vote to forego  
409 retrofitting, a vote to require retrofitting may be obtained at  
410 a special meeting of the unit owners called by a petition of at  
411 least 10 percent of the voting interests. Such a vote may only  
412 be called once every 3 years. Notice shall be provided as  
413 required for any regularly called meeting of the unit owners,  
414 and must state the purpose of the meeting. Electronic  
415 transmission may not be used to provide notice of a meeting  
416 called in whole or in part for this purpose.

417         3. As part of the information collected annually from  
418 condominiums, the division shall require condominium  
419 associations to report the membership vote and recording of a  
420 certificate under this subsection and, if retrofitting has been  
421 undertaken, the per-unit cost of such work. The division shall  
422 annually report to the Division of State Fire Marshal of the  
423 Department of Financial Services the number of condominiums that  
424 have elected to forego retrofitting.

425         4. Notwithstanding s. 553.509, a residential ~~an~~ association  
426 may not be obligated to, and may forego the retrofitting of, any  
427 improvements required by s. 553.509(2) upon an affirmative vote  
428 of a majority of the voting interests in the affected  
429 condominium.

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

432         718.113 Maintenance; limitation upon improvement; display  
433 of flag; hurricane shutters and protection; display of religious  
434 decorations.—

435         (5) Each board of administration of a residential

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436 condominium shall adopt hurricane shutter specifications for  
437 each building within each condominium operated by the  
438 association which shall include color, style, and other factors  
439 deemed relevant by the board. All specifications adopted by the  
440 board must comply with the applicable building code.

441 (a) The board may, subject to s. 718.3026 and the approval  
442 of a majority of voting interests of the residential  
443 condominium, install hurricane shutters, impact glass, code-  
444 compliant windows or doors, or other types of code-compliant  
445 hurricane protection that comply with or exceed the applicable  
446 building code. However, a vote of the owners is not required if  
447 the maintenance, repair, and replacement of hurricane shutters,  
448 impact glass, code-compliant windows or doors, or other types of  
449 code-compliant hurricane protection are the responsibility of  
450 the association pursuant to the declaration of condominium. If  
451 hurricane protection or laminated glass or window film  
452 architecturally designed to function as hurricane protection  
453 that complies with or exceeds the current applicable building  
454 code has been previously installed, the board may not install  
455 hurricane shutters, impact glass, code-compliant windows or  
456 doors, or other types of code-compliant hurricane protection  
457 except upon approval by a majority vote of the voting interests.

458 (b) The association is responsible for the maintenance,  
459 repair, and replacement of the hurricane shutters, impact glass,  
460 code-compliant windows or doors, or other types of code-  
461 compliant hurricane protection authorized by this subsection if  
462 such property is the responsibility of the association pursuant  
463 to the declaration of condominium. If the hurricane shutters,  
464 impact glass, code-compliant windows or doors, or other types of



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465 code-compliant hurricane protection are the responsibility of  
466 the unit owners pursuant to the declaration of condominium, the  
467 maintenance, repair, and replacement of such items are the  
468 responsibility of the unit owner.

469 (c) The board may operate shutters, impact glass, code-  
470 compliant windows or doors, or other types of code-compliant  
471 hurricane protection installed pursuant to this subsection  
472 without permission of the unit owners only if such operation is  
473 necessary to preserve and protect the condominium property and  
474 association property. The installation, replacement, operation,  
475 repair, and maintenance of such shutters, impact glass, code-  
476 compliant windows or doors, or other types of code-compliant  
477 hurricane protection in accordance with the procedures set forth  
478 in this paragraph are not a material alteration to the common  
479 elements or association property within the meaning of this  
480 section.

481 (d) Notwithstanding any other provision in the residential  
482 condominium documents, if approval is required by the documents,  
483 a board may not refuse to approve the installation or  
484 replacement of hurricane shutters, impact glass, code-compliant  
485 windows or doors, or other types of code-compliant hurricane  
486 protection by a unit owner conforming to the specifications  
487 adopted by the board.

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

490 718.1255 Alternative dispute resolution; voluntary  
491 mediation; mandatory nonbinding arbitration; legislative  
492 findings.—

493 (6) APPLICABILITY.—This section does not apply to a

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494 nonresidential condominium unless otherwise specifically  
495 provided for in the declaration of the nonresidential  
496 condominium.

497 Section 4. Subsection (1) of section 718.403, Florida  
498 Statutes, is reenacted, paragraph (a) of subsection (2) of that  
499 section is amended, and subsection (9) is added to that section,  
500 to read:

501 718.403 Phase condominiums.—

502 (1) Notwithstanding the provisions of s. 718.110, a  
503 developer may develop a condominium in phases, if the original  
504 declaration of condominium submitting the initial phase to  
505 condominium ownership or an amendment to the declaration which  
506 has been approved by all of the unit owners and unit mortgagees  
507 provides for and describes in detail all anticipated phases; the  
508 impact, if any, which the completion of subsequent phases would  
509 have upon the initial phase; and the time period within which  
510 all phases must be added to the condominium and comply with the  
511 requirements of this section and at the end of which the right  
512 to add additional phases expires.

513 (a) All phases must be added to the condominium within 7  
514 years after the date of the recording of the certificate of a  
515 surveyor and mapper pursuant to s. 718.104(4)(e) or the  
516 recording of an instrument that transfers title to a unit in the  
517 condominium which is not accompanied by a recorded assignment of  
518 developer rights in favor of the grantee of such unit, whichever  
519 occurs first, unless the unit owners vote to approve an  
520 amendment extending the 7-year period pursuant to paragraph (b).

521 (b) An amendment to extend the 7-year period shall require  
522 the approval of the owners necessary to amend the declaration of

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523 condominium pursuant to s. 718.110(1)(a). An extension of the 7-  
524 year period may be submitted for approval only during the last 3  
525 years of the 7-year period.

526 (c) An amendment must describe the time period within which  
527 all phases must be added to the condominium, and such time  
528 period may not exceed 10 years from the date of the recording of  
529 the certificate of a surveyor and mapper pursuant to s.  
530 718.104(4)(e) or the recording of an instrument that transfers  
531 title to a unit in the condominium which is not accompanied by a  
532 recorded assignment of developer rights in favor of the grantee  
533 of such unit, whichever occurs first.

534 (d) An amendment that extends the 7-year period pursuant to  
535 this section is not subject to the requirements of s.  
536 718.110(4).

537 (2) The original declaration of condominium, or an  
538 amendment to the declaration, which amendment has been approved  
539 by all unit owners and unit mortgagees and the developer, shall  
540 describe:

541 (a) The land which may become part of the condominium and  
542 the land on which each phase is to be built. The descriptions  
543 shall include metes and bounds or other legal descriptions of  
544 the land for each phase, plot plans, and surveys. Plot plans,  
545 attached as an exhibit, must show the approximate location of  
546 all existing and proposed buildings and improvements that may  
547 ultimately be contained within the condominium. The plot plan  
548 may be modified by the developer as to unit or building types  
549 but, in a residential condominium, only to the extent that such  
550 changes are described in the declaration. If provided in the  
551 declaration, the developer may make nonmaterial changes in the

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552 legal description of a phase.

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

555 Section 5. Section 718.707, Florida Statutes, is amended to  
556 read:

557 718.707 Time limitation for classification as bulk assignee  
558 or bulk buyer.—A person acquiring condominium parcels may not be  
559 classified as a bulk assignee or bulk buyer unless the  
560 condominium parcels were acquired on or after July 1, 2010, but  
561 before July 1, 2016 ~~2015~~. The date of such acquisition shall be  
562 determined by the date of recording a deed or other instrument  
563 of conveyance for such parcels in the public records of the  
564 county in which the condominium is located, or by the date of  
565 issuing a certificate of title in a foreclosure proceeding with  
566 respect to such condominium parcels.

567 Section 6. This act shall take effect July 1, 2014.