

Amendment No. 1

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| WITHDRAWN             | 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> |       |

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1 Committee/Subcommittee hearing bill: Commerce Committee  
2 Representative Moraitis offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
6 Section 1. Section 633.2225, Florida Statutes, is created  
7 to read:

8 633.2225 Condominium and cooperative buildings without  
9 sprinkler systems; notice requirements; enforcement.-

10 (1) The board of a condominium or cooperative association  
11 that operates a building of three stories or more that has not  
12 installed a sprinkler system in the common areas of the building  
13 shall mark the building with a sign or symbol approved by the  
14 State Fire Marshal in a manner sufficient to warn persons  
15 conducting fire control and other emergency operations of the  
16 lack of a sprinkler system in the common areas.

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Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

17 (2) The State Fire Marshal shall ensure that the  
18 dimensions and placement of the sign or symbol do not diminish  
19 the aesthetic value of building and shall adopt rules necessary  
20 to implement the provisions of this section, including, but not  
21 limited to:

22 (a) The dimensions and color of such sign or symbol.

23 (b) The time within which the condominium or cooperative  
24 buildings without sprinkler systems shall be marked as required  
25 by this section.

26 (c) The location on each condominium or cooperative  
27 building without a sprinkler system where such sign or symbol  
28 must be posted.

29 (3) The State Fire Marshal, and local fire officials in  
30 accordance with s. 633.118, shall enforce this section. An  
31 association that fails to comply with the requirements of this  
32 section is subject to penalties as provided in s. 633.228.

33 Section 2. Subsections (12) and (13) of section 718.111,  
34 Florida Statutes, are amended to read:

35 718.111 The association.—

36 (12) OFFICIAL RECORDS.—

37 (a) From the inception of the association, the association  
38 shall maintain each of the following items, if applicable, which  
39 constitutes the official records of the association:

40 1. A copy of the plans, permits, warranties, and other  
41 items provided by the developer pursuant to s. 718.301(4).

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Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

42           2. A photocopy of the recorded declaration of condominium  
43 of each condominium operated by the association and each  
44 amendment to each declaration.

45           3. A photocopy of the recorded bylaws of the association  
46 and each amendment to the bylaws.

47           4. A certified copy of the articles of incorporation of  
48 the association, or other documents creating the association,  
49 and each amendment thereto.

50           5. A copy of the current rules of the association.

51           6. A book or books that contain the minutes of all  
52 meetings of the association, the board of administration, and  
53 the unit owners, which minutes must be retained for at least 7  
54 years.

55           7. A current roster of all unit owners and their mailing  
56 addresses, unit identifications, and voting certifications, and,  
57 if known, telephone numbers. The association shall also maintain  
58 the electronic mailing addresses and facsimile numbers of unit  
59 owners consenting to receive notice by electronic transmission.  
60 The electronic mailing addresses and facsimile numbers are not  
61 accessible to unit owners if consent to receive notice by  
62 electronic transmission is not provided in accordance with  
63 subparagraph (c)5. However, the association is not liable for an  
64 inadvertent disclosure of the electronic mail address or  
65 facsimile number for receiving electronic transmission of  
66 notices.

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

67 8. All current insurance policies of the association and  
68 condominiums operated by the association.

69 9. A current copy of any management agreement, lease, or  
70 other contract to which the association is a party or under  
71 which the association or the unit owners have an obligation or  
72 responsibility.

73 10. Bills of sale or transfer for all property owned by  
74 the association.

75 11. Accounting records for the association and separate  
76 accounting records for each condominium that the association  
77 operates. All accounting records must be maintained for at least  
78 7 years. Any person who knowingly or intentionally defaces or  
79 destroys such records, or who knowingly or intentionally fails  
80 to create or maintain such records, with the intent of causing  
81 harm to the association or one or more of its members, is  
82 personally subject to a civil penalty pursuant to s.  
83 718.501(1)(d). The accounting records must include, but are not  
84 limited to:

85 a. Accurate, itemized, and detailed records of all  
86 receipts and expenditures.

87 b. A current account and a monthly, bimonthly, or  
88 quarterly statement of the account for each unit designating the  
89 name of the unit owner, the due date and amount of each  
90 assessment, the amount paid on the account, and the balance due.

Amendment No. 1

91 c. All audits, reviews, accounting statements, and  
92 financial reports of the association or condominium.

93 d. All contracts for work to be performed. Bids for work  
94 to be performed are also considered official records and must be  
95 maintained by the association for 1 year.

96 12. Ballots, sign-in sheets, voting proxies, and all other  
97 papers and electronic records relating to voting by unit owners,  
98 which must be maintained for 1 year from the date of the  
99 election, vote, or meeting to which the document relates,  
100 notwithstanding paragraph (b).

101 13. All rental records if the association is acting as  
102 agent for the rental of condominium units.

103 14. A copy of the current question and answer sheet as  
104 described in s. 718.504.

105 15. All other written records of the association not  
106 specifically included in the foregoing which are related to the  
107 operation of the association.

108 16. A copy of the inspection report as described in s.  
109 718.301(4)(p).

110 (b) The official records of the association must be  
111 maintained within the state for at least 7 years. The records of  
112 the association shall be made available to a unit owner within  
113 45 miles of the condominium property or within the county in  
114 which the condominium property is located within 10 ~~5~~ working  
115 days after receipt of a written request by the board or its

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

## Amendment No. 1

116 designee. However, such distance requirement does not apply to  
117 an association governing a timeshare condominium. This paragraph  
118 may be complied with by having a copy of the official records of  
119 the association available for inspection or copying on the  
120 condominium property or association property, or the association  
121 may offer the option of making the records available to a unit  
122 owner electronically via the Internet or by allowing the records  
123 to be viewed in electronic format on a computer screen and  
124 printed upon request. The association is not responsible for the  
125 use or misuse of the information provided to an association  
126 member or his or her authorized representative pursuant to the  
127 compliance requirements of this chapter unless the association  
128 has an affirmative duty not to disclose such information  
129 pursuant to this chapter.

130 (c) The official records of the association are open to  
131 inspection by any association member or the authorized  
132 representative of such member at all reasonable times. The right  
133 to inspect the records includes the right to make or obtain  
134 copies, at the reasonable expense, if any, of the member. The  
135 association may adopt reasonable rules regarding the frequency,  
136 time, location, notice, and manner of record inspections and  
137 copying. The failure of an association to provide the records  
138 within 10 working days after receipt of a written request  
139 creates a rebuttable presumption that the association willfully  
140 failed to comply with this paragraph. A unit owner who is denied

Amendment No. 1

141 access to official records is entitled to the actual damages or  
142 minimum damages for the association's willful failure to comply.  
143 Minimum damages are \$50 per calendar day for up to 10 days,  
144 beginning on the 11th working day after receipt of the written  
145 request. The failure to permit inspection entitles any person  
146 prevailing in an enforcement action to recover reasonable  
147 attorney fees from the person in control of the records who,  
148 directly or indirectly, knowingly denied access to the records.  
149 Any person who knowingly or intentionally defaces or destroys  
150 accounting records that are required by this chapter to be  
151 maintained during the period for which such records are required  
152 to be maintained, or who knowingly or intentionally fails to  
153 create or maintain accounting records that are required to be  
154 created or maintained, with the intent of causing harm to the  
155 association or one or more of its members, is personally subject  
156 to a civil penalty pursuant to s. 718.501(1)(d). The association  
157 shall maintain an adequate number of copies of the declaration,  
158 articles of incorporation, bylaws, and rules, and all amendments  
159 to each of the foregoing, as well as the question and answer  
160 sheet as described in s. 718.504 and year-end financial  
161 information required under this section, on the condominium  
162 property to ensure their availability to unit owners and  
163 prospective purchasers, and may charge its actual costs for  
164 preparing and furnishing these documents to those requesting the  
165 documents. An association shall allow a member or his or her

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Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

166 authorized representative to use a portable device, including a  
167 smartphone, tablet, portable scanner, or any other technology  
168 capable of scanning or taking photographs, to make an electronic  
169 copy of the official records in lieu of the association's  
170 providing the member or his or her authorized representative  
171 with a copy of such records. The association may not charge a  
172 member or his or her authorized representative for the use of a  
173 portable device. Notwithstanding this paragraph, the following  
174 records are not accessible to unit owners:

175 1. Any record protected by the lawyer-client privilege as  
176 described in s. 90.502 and any record protected by the work-  
177 product privilege, including a record prepared by an association  
178 attorney or prepared at the attorney's express direction, which  
179 reflects a mental impression, conclusion, litigation strategy,  
180 or legal theory of the attorney or the association, and which  
181 was prepared exclusively for civil or criminal litigation or for  
182 adversarial administrative proceedings, or which was prepared in  
183 anticipation of such litigation or proceedings until the  
184 conclusion of the litigation or proceedings.

185 2. Information obtained by an association in connection  
186 with the approval of the lease, sale, or other transfer of a  
187 unit.

188 3. Personnel records of association or management company  
189 employees, including, but not limited to, disciplinary, payroll,  
190 health, and insurance records. For purposes of this

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Published On: 4/23/2017 6:27:05 PM



Amendment No. 1

191 subparagraph, the term "personnel records" does not include  
192 written employment agreements with an association employee or  
193 management company, or budgetary or financial records that  
194 indicate the compensation paid to an association employee.

195 4. Medical records of unit owners.

196 5. Social security numbers, driver license numbers, credit  
197 card numbers, e-mail addresses, telephone numbers, facsimile  
198 numbers, emergency contact information, addresses of a unit  
199 owner other than as provided to fulfill the association's notice  
200 requirements, and other personal identifying information of any  
201 person, excluding the person's name, unit designation, mailing  
202 address, property address, and any address, e-mail address, or  
203 facsimile number provided to the association to fulfill the  
204 association's notice requirements. Notwithstanding the  
205 restrictions in this subparagraph, an association may print and  
206 distribute to parcel owners a directory containing the name,  
207 parcel address, and all telephone numbers of each parcel owner.  
208 However, an owner may exclude his or her telephone numbers from  
209 the directory by so requesting in writing to the association. An  
210 owner may consent in writing to the disclosure of other contact  
211 information described in this subparagraph. The association is  
212 not liable for the inadvertent disclosure of information that is  
213 protected under this subparagraph if the information is included  
214 in an official record of the association and is voluntarily  
215 provided by an owner and not requested by the association.

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

216           6. Electronic security measures that are used by the  
217 association to safeguard data, including passwords.

218           7. The software and operating system used by the  
219 association which allow the manipulation of data, even if the  
220 owner owns a copy of the same software used by the association.  
221 The data is part of the official records of the association.

222           (d) The association shall prepare a question and answer  
223 sheet as described in s. 718.504, and shall update it annually.

224           (e)1. The association or its authorized agent is not  
225 required to provide a prospective purchaser or lienholder with  
226 information about the condominium or the association other than  
227 information or documents required by this chapter to be made  
228 available or disclosed. The association or its authorized agent  
229 may charge a reasonable fee to the prospective purchaser,  
230 lienholder, or the current unit owner for providing good faith  
231 responses to requests for information by or on behalf of a  
232 prospective purchaser or lienholder, other than that required by  
233 law, if the fee does not exceed \$150 plus the reasonable cost of  
234 photocopying and any attorney's fees incurred by the association  
235 in connection with the response.

236           2. An association and its authorized agent are not liable  
237 for providing such information in good faith pursuant to a  
238 written request if the person providing the information includes  
239 a written statement in substantially the following form: "The

Amendment No. 1

240 responses herein are made in good faith and to the best of my  
241 ability as to their accuracy."

242 (f) An outgoing board or committee member must relinquish  
243 all official records and property of the association in his or  
244 her possession or under his or her control to the incoming board  
245 within 5 days after the election. The division shall impose a  
246 civil penalty as set forth in s. 718.501(1)(d)6. against an  
247 outgoing board or committee member who willfully and knowingly  
248 fails to relinquish such records and property.

249 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
250 the fiscal year, or annually on a date provided in the bylaws,  
251 the association shall prepare and complete, or contract for the  
252 preparation and completion of, a financial report for the  
253 preceding fiscal year. Within 21 days after the final financial  
254 report is completed by the association or received from the  
255 third party, but not later than 120 days after the end of the  
256 fiscal year or other date as provided in the bylaws, the  
257 association shall mail to each unit owner at the address last  
258 furnished to the association by the unit owner, or hand deliver  
259 to each unit owner, a copy of the financial report or a notice  
260 that a copy of the financial report will be mailed or hand  
261 delivered to the unit owner, without charge, upon receipt of a  
262 written request from the unit owner. The division shall adopt  
263 rules setting forth uniform accounting principles and standards  
264 to be used by all associations and addressing the financial

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

## Amendment No. 1

265 reporting requirements for multicondominium associations. The  
266 rules must include, but not be limited to, standards for  
267 presenting a summary of association reserves, including a good  
268 faith estimate disclosing the annual amount of reserve funds  
269 that would be necessary for the association to fully fund  
270 reserves for each reserve item based on the straight-line  
271 accounting method. This disclosure is not applicable to reserves  
272 funded via the pooling method. In adopting such rules, the  
273 division shall consider the number of members and annual  
274 revenues of an association. Financial reports shall be prepared  
275 as follows:

276 (a) An association that meets the criteria of this  
277 paragraph shall prepare a complete set of financial statements  
278 in accordance with generally accepted accounting principles. The  
279 financial statements must be based upon the association's total  
280 annual revenues, as follows:

281 1. An association with total annual revenues of \$150,000  
282 or more, but less than \$300,000, shall prepare compiled  
283 financial statements.

284 2. An association with total annual revenues of at least  
285 \$300,000, but less than \$500,000, shall prepare reviewed  
286 financial statements.

287 3. An association with total annual revenues of \$500,000  
288 or more shall prepare audited financial statements.

Amendment No. 1

289 (b)1. An association with total annual revenues of less  
290 than \$150,000 shall prepare a report of cash receipts and  
291 expenditures.

292 ~~2. An association that operates fewer than 50 units,~~  
293 ~~regardless of the association's annual revenues, shall prepare a~~  
294 ~~report of cash receipts and expenditures in lieu of financial~~  
295 ~~statements required by paragraph (a).~~

296 2.3. A report of cash receipts and disbursements must  
297 disclose the amount of receipts by accounts and receipt  
298 classifications and the amount of expenses by accounts and  
299 expense classifications, including, but not limited to, the  
300 following, as applicable: costs for security, professional and  
301 management fees and expenses, taxes, costs for recreation  
302 facilities, expenses for refuse collection and utility services,  
303 expenses for lawn care, costs for building maintenance and  
304 repair, insurance costs, administration and salary expenses, and  
305 reserves accumulated and expended for capital expenditures,  
306 deferred maintenance, and any other category for which the  
307 association maintains reserves.

308 (c) An association may prepare, without a meeting of or  
309 approval by the unit owners:

310 1. Compiled, reviewed, or audited financial statements, if  
311 the association is required to prepare a report of cash receipts  
312 and expenditures;

Amendment No. 1

- 313           2. Reviewed or audited financial statements, if the  
314 association is required to prepare compiled financial  
315 statements; or
- 316           3. Audited financial statements if the association is  
317 required to prepare reviewed financial statements.
- 318           (d) If approved by a majority of the voting interests  
319 present at a properly called meeting of the association, an  
320 association may prepare:
- 321           1. A report of cash receipts and expenditures in lieu of a  
322 compiled, reviewed, or audited financial statement;
- 323           2. A report of cash receipts and expenditures or a  
324 compiled financial statement in lieu of a reviewed or audited  
325 financial statement; or
- 326           3. A report of cash receipts and expenditures, a compiled  
327 financial statement, or a reviewed financial statement in lieu  
328 of an audited financial statement.
- 329
- 330 Such meeting and approval must occur before the end of the  
331 fiscal year and is effective only for the fiscal year in which  
332 the vote is taken, except that the approval may also be  
333 effective for the following fiscal year. If the developer has  
334 not turned over control of the association, all unit owners,  
335 including the developer, may vote on issues related to the  
336 preparation of the association's financial reports, from the  
337 date of incorporation of the association through the end of the

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

338 second fiscal year after the fiscal year in which the  
339 certificate of a surveyor and mapper is recorded pursuant to s.  
340 718.104(4) (e) or an instrument that transfers title to a unit in  
341 the condominium which is not accompanied by a recorded  
342 assignment of developer rights in favor of the grantee of such  
343 unit is recorded, whichever occurs first. Thereafter, all unit  
344 owners except the developer may vote on such issues until  
345 control is turned over to the association by the developer. Any  
346 audit or review prepared under this section shall be paid for by  
347 the developer if done before turnover of control of the  
348 association. ~~An association may not waive the financial~~  
349 ~~reporting requirements of this section for more than 3~~  
350 ~~consecutive years.~~

351 Section 3. Paragraphs (c) and (l) of subsection (2) of  
352 section 718.112, Florida Statutes, are amended to read:

353 718.112 Bylaws.—

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

357 (c) Board of administration meetings.—Meetings of the  
358 board of administration at which a quorum of the members is  
359 present are open to all unit owners. Members of the board of  
360 administration may use e-mail as a means of communication but  
361 may not cast a vote on an association matter via e-mail. A unit  
362 owner may tape record or videotape the meetings. The right to

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

363 attend such meetings includes the right to speak at such  
364 meetings with reference to all designated agenda items. The  
365 division shall adopt reasonable rules governing the tape  
366 recording and videotaping of the meeting. The association may  
367 adopt written reasonable rules governing the frequency,  
368 duration, and manner of unit owner statements.

369 1. Adequate notice of all board meetings, which must  
370 specifically identify all agenda items, must be posted  
371 conspicuously on the condominium property at least 48 continuous  
372 hours before the meeting except in an emergency. If 20 percent  
373 of the voting interests petition the board to address an item of  
374 business, the board, within 60 days after receipt of the  
375 petition, shall place the item on the agenda at its next regular  
376 board meeting or at a special meeting called for that purpose.  
377 An item not included on the notice may be taken up on an  
378 emergency basis by a vote of at least a majority plus one of the  
379 board members. Such emergency action must be noticed and  
380 ratified at the next regular board meeting. Notice of any  
381 meeting in which a regular or special assessment against unit  
382 owners is to be considered must specifically state that  
383 assessments will be considered and provide the estimated amount  
384 and a description of the purposes for such assessments. However,  
385 Written notice of a meeting at which a nonemergency special  
386 assessment or an amendment to rules regarding unit use will be  
387 considered must be mailed, delivered, or electronically

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM



Amendment No. 1

388 transmitted to the unit owners and posted conspicuously on the  
389 condominium property at least 14 days before the meeting.  
390 Evidence of compliance with this 14-day notice requirement must  
391 be made by an affidavit executed by the person providing the  
392 notice and filed with the official records of the association.  
393 Upon notice to the unit owners, the board shall, by duly adopted  
394 rule, designate a specific location on the condominium or  
395 association property where all notices of board meetings must be  
396 posted. If there is no condominium property or association  
397 property where notices can be posted, notices shall be mailed,  
398 delivered, or electronically transmitted to each unit owner at  
399 least 14 days before the meeting. In lieu of or in addition to  
400 the physical posting of the notice on the condominium property,  
401 the association may, by reasonable rule, adopt a procedure for  
402 conspicuously posting and repeatedly broadcasting the notice and  
403 the agenda on a closed-circuit cable television system serving  
404 the condominium association. However, if broadcast notice is  
405 used in lieu of a notice physically posted on condominium  
406 property, the notice and agenda must be broadcast at least four  
407 times every broadcast hour of each day that a posted notice is  
408 otherwise required under this section. If broadcast notice is  
409 provided, the notice and agenda must be broadcast in a manner  
410 and for a sufficient continuous length of time so as to allow an  
411 average reader to observe the notice and read and comprehend the  
412 entire content of the notice and the agenda. In addition to any

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

413 of the authorized means of providing notice of a meeting of the  
414 board, the association may, by rule, adopt a procedure for  
415 conspicuously posting the meeting notice and the agenda on a  
416 website serving the condominium association for at least the  
417 minimum period of time for which a notice of a meeting is also  
418 required to be physically posted on the condominium property.  
419 Any rule adopted shall, in addition to other matters, include a  
420 requirement that the association send an electronic notice in  
421 the same manner as notice for a meeting of the members, which  
422 must include a hypertext link to the website where the notice is  
423 posted, to unit owners whose e-mail addresses are part of the  
424 association's official records. ~~Notice of any meeting in which~~  
425 ~~regular or special assessments against unit owners are to be~~  
426 ~~considered must specifically state that assessments will be~~  
427 ~~considered and provide the nature, estimated cost, and~~  
428 ~~description of the purposes for such assessments.~~

429 2. Meetings of a committee to take final action on behalf  
430 of the board or make recommendations to the board regarding the  
431 association budget are subject to this paragraph. Meetings of a  
432 committee that does not take final action on behalf of the board  
433 or make recommendations to the board regarding the association  
434 budget are subject to this section, unless those meetings are  
435 exempted from this section by the bylaws of the association.

## Amendment No. 1

436 3. Notwithstanding any other law, the requirement that  
437 board meetings and committee meetings be open to the unit owners  
438 does not apply to:

439 a. Meetings between the board or a committee and the  
440 association's attorney, with respect to proposed or pending  
441 litigation, if the meeting is held for the purpose of seeking or  
442 rendering legal advice; or

443 b. Board meetings held for the purpose of discussing  
444 personnel matters.

445 (1) Certificate of compliance.—A provision that a  
446 certificate of compliance from a licensed electrical contractor,  
447 ~~or electrician, or professional engineer~~ may be accepted by the  
448 association's board as evidence of compliance ~~of the condominium~~  
449 ~~units~~ with the applicable fire and life safety code must be  
450 included. Notwithstanding chapter 633 or ~~of~~ any other code,  
451 statute, ordinance, administrative rule, or regulation, or any  
452 interpretation of the foregoing, an association, ~~residential~~  
453 ~~condominium,~~ or unit owner is not obligated to retrofit the  
454 common elements, association property, or units of a residential  
455 condominium with a fire sprinkler system or other engineered  
456 lifesafety system in a building that is 75 feet or less in  
457 height. There is no obligation to retrofit for a building  
458 greater than 75 feet in height, calculated from the lowest level  
459 of fire department vehicle access to the floor of the highest  
460 occupiable story has been certified for occupancy by the

## Amendment No. 1

461 ~~applicable governmental entity~~ if the unit owners have voted to  
462 forego such retrofitting by the affirmative vote of two-thirds a  
463 ~~majority~~ of all voting interests in the affected condominium.  
464 There is no requirement that owners in condominiums of 75 feet  
465 or less conduct an opt-out vote and such condominiums are exempt  
466 from fire sprinkler or other engineered lifesafety retrofitting.  
467 The preceding sentence is intended to clarify existing law. The  
468 local authority having jurisdiction may not require completion  
469 of retrofitting with a fire sprinkler system or other engineered  
470 lifesafety system before January 1, 2022 ~~2020~~. By December 31,  
471 2018 ~~2016~~, an a residential condominium association that  
472 operates a residential condominium that is not in compliance  
473 with the requirements for a fire sprinkler system or other  
474 engineered lifesafety system and has not voted to forego  
475 retrofitting of such a system must initiate an application for a  
476 building permit for the required installation with the local  
477 government having jurisdiction demonstrating that the  
478 association will become compliant by December 31, 2021 ~~2019~~.

479 1. A vote to forego required retrofitting may be obtained  
480 by limited proxy or by a ballot personally cast at a duly called  
481 membership meeting, or by execution of a written consent by the  
482 member, or by electronic voting, and is effective upon recording  
483 a certificate executed by an officer or agent of the association  
484 attesting to such vote in the public records of the county where  
485 the condominium is located. When an opt-out vote is to be

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

486 conducted at a meeting, the association shall mail or ~~hand~~  
487 deliver to each unit owner written notice at least 14 days  
488 before the membership meeting in which the vote to forego  
489 retrofitting of the required fire sprinkler system or other  
490 engineered lifesafety system is to take place. Within 30 days  
491 after the association's opt-out vote, notice of the results of  
492 the opt-out vote must be mailed or ~~hand~~ delivered to all unit  
493 owners. Evidence of compliance with this notice requirement must  
494 be made by affidavit executed by the person providing the notice  
495 and filed among the official records of the association. Failure  
496 to provide timely notice to unit owners does not invalidate an  
497 otherwise valid opt-out vote if notice of the results is  
498 provided to the owners. After notice is provided to each owner,  
499 a copy must be provided by the current owner to a new owner  
500 before closing and by a unit owner to a renter before signing a  
501 lease.

502 2. If there has been a previous vote to forego  
503 retrofitting, a vote to require retrofitting may be obtained at  
504 a special meeting of the unit owners called by a petition of at  
505 least 10 percent of the voting interests or by a majority of the  
506 board of directors. The vote to require retrofitting requires a  
507 two-thirds vote of all voting interests in the affected  
508 condominium. ~~Such a vote may only be called once every 3 years.~~  
509 Notice shall be provided as required for any regularly called  
510 meeting of the unit owners, and must state the purpose of the

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

511 meeting. ~~Electronic transmission may not be used to provide~~  
512 ~~notice of a meeting called in whole or in part for this purpose.~~

513 3. As part of the information collected annually from  
514 condominiums, the division shall require condominium  
515 associations to report the membership vote and recording of a  
516 certificate under this subsection and, if retrofitting has been  
517 undertaken, the per-unit cost of such work. The division shall  
518 annually report to the Division of State Fire Marshal of the  
519 Department of Financial Services the number of condominiums that  
520 have elected to forego retrofitting. Compliance with this  
521 administrative reporting requirement does not affect the  
522 validity of an opt-out vote.

523 4. Notwithstanding s. 553.509, a residential association  
524 may not be obligated to, and may forego the retrofitting of, any  
525 improvements required by s. 553.509(2) upon an affirmative vote  
526 of a majority of the voting interests in the affected  
527 condominium.

528 5. The provisions of this paragraph do not apply to  
529 timeshare condominium associations, which shall be governed by  
530 s. 721.24.

531

532 Section 4. Subsection (2) of section 718.113, Florida  
533 Statutes, is amended to read:

Amendment No. 1

534 718.113 Maintenance; limitation upon improvement; display  
535 of flag; hurricane shutters and protection; display of religious  
536 decorations.-

537 (2) (a) Except as otherwise provided in this section, there  
538 shall be no material alteration or substantial additions to the  
539 common elements or to real property which is association  
540 property, except in a manner provided in the declaration as  
541 originally recorded or as amended under the procedures provided  
542 therein. If the declaration as originally recorded or as amended  
543 under the procedures provided therein does not specify the  
544 procedure for approval of material alterations or substantial  
545 additions, 75 percent of the total voting interests of the  
546 association must approve the alterations or additions before the  
547 material alterations or substantial additions are commenced.

548 This paragraph is intended to clarify existing law and applies  
549 to associations existing on the effective date of this act  
550 October 1, 2008.

551 (b) There shall not be any material alteration of, or  
552 substantial addition to, the common elements of any condominium  
553 operated by a multicondominium association unless approved in  
554 the manner provided in the declaration of the affected  
555 condominium or condominiums as originally recorded or as amended  
556 under the procedures provided therein. If a declaration as  
557 originally recorded or as amended under the procedures provided  
558 therein does not specify a procedure for approving such an

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

559 alteration or addition, the approval of 75 percent of the total  
560 voting interests of each affected condominium is required before  
561 the material alterations or substantial additions are commenced.

562 This subsection does not prohibit a provision in any  
563 declaration, articles of incorporation, or bylaws as originally  
564 recorded or as amended under the procedures provided therein  
565 requiring the approval of unit owners in any condominium  
566 operated by the same association or requiring board approval  
567 before a material alteration or substantial addition to the  
568 common elements is permitted. This paragraph is intended to  
569 clarify existing law and applies to associations existing on the  
570 effective date of this act.

571 (c) There shall not be any material alteration or  
572 substantial addition made to association real property operated  
573 by a multicondominium association, except as provided in the  
574 declaration, articles of incorporation, or bylaws as originally  
575 recorded or as amended under the procedures provided therein. If  
576 the declaration, articles of incorporation, or bylaws as  
577 originally recorded or as amended under the procedures provided  
578 therein do not specify the procedure for approving an alteration  
579 or addition to association real property, the approval of 75  
580 percent of the total voting interests of the association is  
581 required before the material alterations or substantial  
582 additions are commenced. This paragraph is intended to clarify



Amendment No. 1

583 existing law and applies to associations existing on the  
584 effective date of this act.

585 Section 5. Subsections (1) and (3) of section 718.117,  
586 Florida Statutes, are amended, and subsection (21) is added to  
587 that section, to read:

588 718.117 Termination of condominium.—

589 (1) LEGISLATIVE FINDINGS.—The Legislature finds that:

590 (a) Condominiums are created as authorized by statute and  
591 are subject to covenants that encumber the land and restrict the  
592 use of real property.

593 (b) In some circumstances, the continued enforcement of  
594 those covenants that may create economic waste, areas of  
595 disrepair that threaten the safety and welfare of the public, or  
596 cause obsolescence of the a condominium property for its  
597 intended use and thereby lower property tax values, and the  
598 ~~Legislature further finds that~~ it is the public policy of this  
599 state to provide by statute a method to preserve the value of  
600 the property interests and the rights of alienation thereof that  
601 owners have in the condominium property before and after  
602 termination.

603 (c) The Legislature further finds that It is contrary to  
604 the public policy of this state to require the continued  
605 operation of a condominium when to do so constitutes economic  
606 waste or when the ability to do so is made impossible by law or  
607 regulation.

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

608 (d) It is in the best interest of the state to provide for  
609 termination of the covenants of a declaration of condominium in  
610 certain circumstances, in order to:

611 1. Ensure the continued maintenance, management, and  
612 repair of stormwater management systems, conservation areas, and  
613 conservation easements.

614 2. Avoid transferring the expense of maintaining  
615 infrastructure serving the condominium property, including, but  
616 not limited to, stormwater systems and conservation areas, to  
617 the general tax bases of the state and local governments.

618 3. Prevent covenants from impairing the continued  
619 productive use of the property.

620 4. Protect state residents from health and safety hazards  
621 created by derelict, damaged, obsolete, or abandoned condominium  
622 properties.

623 5. Provide for fair treatment and just compensation for  
624 individuals, preserve property values, and preserve the local  
625 property tax base.

626 6. Preserve the state's long history of protecting  
627 homestead property and homestead property rights by ensuring  
628 that such protection is extended to homestead property owners in  
629 the context of a termination of the covenants of a declaration  
630 of condominium. ~~This section applies to all condominiums in this~~  
631 state in existence on or after July 1, 2007.

Amendment No. 1

632 (3) OPTIONAL TERMINATION. ~~Except as provided in subsection~~  
633 ~~(2) or unless the declaration provides for a lower percentage,~~  
634 The condominium form of ownership may be terminated for all or a  
635 portion of the condominium property pursuant to a plan of  
636 termination meeting the requirements of this section and  
637 approved by the division. Before a residential association  
638 submits a plan to the division, the plan must be approved by at  
639 least 80 percent of the total voting interests of the  
640 condominium. However, if 5 ~~10~~ percent or more of the total  
641 voting interests of the condominium have rejected the plan of  
642 termination by negative vote or by providing written objections,  
643 the plan of termination may not proceed.

644 (a) The termination of the condominium form of ownership  
645 is subject to the following conditions:

646 1. The total voting interests of the condominium must  
647 include all voting interests for the purpose of considering a  
648 plan of termination. A voting interest of the condominium may  
649 not be suspended for any reason when voting on termination  
650 pursuant to this subsection.

651 2. If 5 ~~10~~ percent or more of the total voting interests  
652 of the condominium reject a plan of termination, a subsequent  
653 plan of termination pursuant to this subsection may not be  
654 considered for 24 ~~18~~ months after the date of the rejection.

655 (b) This subsection does not apply to any condominium  
656 created pursuant to part VI of this chapter until 10 ~~5~~ years

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

657 after the recording of the declaration of condominium, unless  
658 there is no objection to the plan of termination.

659 (c) For purposes of this subsection, the term "bulk owner"  
660 means the single holder of such voting interests or an owner  
661 together with a related entity or entities that would be  
662 considered an insider, as defined in s. 726.102, holding such  
663 voting interests. If the condominium association is a  
664 residential association proposed for termination pursuant to  
665 this section and, at the time of recording the plan of  
666 termination, at least 80 percent of the total voting interests  
667 are owned by a bulk owner, the plan of termination is subject to  
668 the following conditions and limitations:

669 1. If the former condominium units are offered for lease  
670 to the public after the termination, each unit owner in  
671 occupancy immediately before the date of recording of the plan  
672 of termination may lease his or her former unit and remain in  
673 possession of the unit for 12 months after the effective date of  
674 the termination on the same terms as similar unit types within  
675 the property are being offered to the public. In order to obtain  
676 a lease and exercise the right to retain exclusive possession of  
677 the unit owner's former unit, the unit owner must make a written  
678 request to the termination trustee to rent the former unit  
679 within 90 days after the date the plan of termination is  
680 recorded. Any unit owner who fails to timely make such written  
681 request and sign a lease within 15 days after being presented

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

## Amendment No. 1

682 with a lease is deemed to have waived his or her right to retain  
683 possession of his or her former unit and shall be required to  
684 vacate the former unit upon the effective date of the  
685 termination, unless otherwise provided in the plan of  
686 termination.

687 2. Any former unit owner whose unit was granted homestead  
688 exemption status by the applicable county property appraiser as  
689 of the date of the recording of the plan of termination shall be  
690 paid a relocation payment in an amount equal to 1 percent of the  
691 termination proceeds allocated to the owner's former unit. Any  
692 relocation payment payable under this subparagraph shall be paid  
693 by the single entity or related entities owning at least 80  
694 percent of the total voting interests. Such relocation payment  
695 shall be in addition to the termination proceeds for such  
696 owner's former unit and shall be paid no later than 10 days  
697 after the former unit owner vacates his or her former unit.

698 3. For their respective units, all unit owners other than  
699 the bulk owner must be compensated at least 100 percent of the  
700 fair market value of their units. The fair market value shall be  
701 determined as of a date that is no earlier than 90 days before  
702 the date that the plan of termination is recorded and shall be  
703 determined by an independent appraiser selected by the  
704 termination trustee. For a person ~~an original purchaser from the~~  
705 ~~developer who rejects the plan of termination and~~ whose unit was  
706 granted homestead exemption status by the applicable county

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

707 property appraiser, or was an owner-occupied operating business,  
708 as of the date that the plan of termination is recorded and who  
709 is current in payment of both assessments and other monetary  
710 obligations to the association ~~and any mortgage encumbering the~~  
711 ~~unit~~ as of the date the plan of termination is recorded, the  
712 fair market value for the unit owner rejecting the plan shall be  
713 at least the original purchase price paid for the unit. For  
714 purposes of this subparagraph, the term "fair market value"  
715 means the price of a unit that a seller is willing to accept and  
716 a buyer is willing to pay on the open market in an arms-length  
717 transaction based on similar units sold in other condominiums,  
718 including units sold in bulk purchases but excluding units sold  
719 at wholesale or distressed prices. The purchase price of units  
720 acquired in bulk following a bankruptcy or foreclosure shall not  
721 be considered for purposes of determining fair market value.

722 4. The plan of termination must provide for payment of a  
723 first mortgage encumbering a unit to the extent necessary to  
724 satisfy the lien, but the payment may not exceed the unit's  
725 share of the proceeds of termination under the plan. If the unit  
726 owner is current in payment of both assessments and other  
727 monetary obligations to the association and any mortgage  
728 encumbering the unit as of the date the plan of termination is  
729 recorded, the receipt by the holder of the unit's share of the  
730 proceeds of termination under the plan or the outstanding

Amendment No. 1

731 balance of the mortgage, whichever is less, shall be deemed to  
732 have satisfied the first mortgage in full.

733 5. Before a plan of termination is presented to the unit  
734 owners for consideration pursuant to this paragraph, the plan  
735 must include the following written disclosures in a sworn  
736 statement:

737 a. The identity of any person or entity that owns or  
738 controls 25 ~~50~~ percent or more of the units in the condominium  
739 and, if the units are owned by an artificial entity or entities,  
740 a disclosure of the natural person or persons who, directly or  
741 indirectly, manage or control the entity or entities and the  
742 natural person or persons who, directly or indirectly, own or  
743 control 10 ~~20~~ percent or more of the artificial entity or  
744 entities that constitute the bulk owner.

745 b. The units acquired by any bulk owner, the date each  
746 unit was acquired, and the total amount of compensation paid to  
747 each prior unit owner by the bulk owner, regardless of whether  
748 attributed to the purchase price of the unit.

749 c. The relationship of any board member to the bulk owner  
750 or any person or entity affiliated with the bulk owner subject  
751 to disclosure pursuant to this subparagraph.

752 d. The factual circumstances that show that the plan  
753 complies with the requirements of this section and that the plan  
754 supports the expressed public policies of this section.

Amendment No. 1

755 (d) If the members of the board of administration are  
756 elected by the bulk owner, unit owners other than the bulk owner  
757 may elect at least one-third of the members of the board of  
758 administration before the approval of any plan of termination.

759 (e) The provisions of subsection (2) do not apply to  
760 optional termination pursuant to this subsection.

761 (21) APPLICABILITY.—This section applies to all  
762 condominiums in this state in existence on or after July 1,  
763 2007.

764  
765 Section 6. The amendments made by Section 5 of this act  
766 are intended to clarify existing law, are remedial in nature and  
767 intended to address the rights and liabilities of the affected  
768 parties, and apply to all condominiums created under the  
769 Condominium Act.

770 Section 7. Section 718.707, Florida Statutes, is amended  
771 to read:

772 718.707 Time limitation for classification as bulk  
773 assignee or bulk buyer.—A person acquiring condominium parcels  
774 may not be classified as a bulk assignee or bulk buyer unless  
775 the condominium parcels were acquired on or after July 1, 2010,  
776 ~~but before July 1, 2018.~~ The date of such acquisition shall be  
777 determined by the date of recording a deed or other instrument  
778 of conveyance for such parcels in the public records of the  
779 county in which the condominium is located, or by the date of

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM



Amendment No. 1

780 issuing a certificate of title in a foreclosure proceeding with  
781 respect to such condominium parcels.

782 Section 8. Paragraphs (a) and (b) of subsection (2) and  
783 paragraphs (b) and (c) of subsection (4) of section 719.104,  
784 Florida Statutes, are amended to read:

785 719.104 Cooperatives; access to units; records; financial  
786 reports; assessments; purchase of leases.—

787 (2) OFFICIAL RECORDS.—

788 (a) From the inception of the association, the association  
789 shall maintain a copy of each of the following, where  
790 applicable, which shall constitute the official records of the  
791 association:

792 1. The plans, permits, warranties, and other items  
793 provided by the developer pursuant to s. 719.301(4).

794 2. A photocopy of the cooperative documents.

795 3. A copy of the current rules of the association.

796 4. A book or books containing the minutes of all meetings  
797 of the association, of the board of directors, and of the unit  
798 owners, which minutes shall be retained for a period of not less  
799 than 7 years.

800 5. A current roster of all unit owners and their mailing  
801 addresses, unit identifications, voting certifications, and, if  
802 known, telephone numbers. The association shall also maintain  
803 the electronic mailing addresses and the numbers designated by  
804 unit owners for receiving notice sent by electronic transmission

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

## Amendment No. 1

805 of those unit owners consenting to receive notice by electronic  
806 transmission. The electronic mailing addresses and numbers  
807 provided by unit owners to receive notice by electronic  
808 transmission shall be removed from association records when  
809 consent to receive notice by electronic transmission is revoked.  
810 However, the association is not liable for an erroneous  
811 disclosure of the electronic mail address or the number for  
812 receiving electronic transmission of notices.

813 6. All current insurance policies of the association.

814 7. A current copy of any management agreement, lease, or  
815 other contract to which the association is a party or under  
816 which the association or the unit owners have an obligation or  
817 responsibility.

818 8. Bills of sale or transfer for all property owned by the  
819 association.

820 9. Accounting records for the association and separate  
821 accounting records for each unit it operates, according to good  
822 accounting practices. All accounting records shall be maintained  
823 for a period of not less than 7 years. The accounting records  
824 shall include, but not be limited to:

825 a. Accurate, itemized, and detailed records of all  
826 receipts and expenditures.

827 b. A current account and a monthly, bimonthly, or  
828 quarterly statement of the account for each unit designating the  
829 name of the unit owner, the due date and amount of each

Amendment No. 1

830 assessment, the amount paid upon the account, and the balance  
831 due.

832 c. All audits, reviews, accounting statements, and  
833 financial reports of the association.

834 d. All contracts for work to be performed. Bids for work  
835 to be performed shall also be considered official records and  
836 shall be maintained for a period of 1 year.

837 10. Ballots, sign-in sheets, voting proxies, and all other  
838 papers and electronic records relating to voting by unit owners,  
839 which shall be maintained for a period of 1 year after the date  
840 of the election, vote, or meeting to which the document relates.

841 11. All rental records where the association is acting as  
842 agent for the rental of units.

843 12. A copy of the current question and answer sheet as  
844 described in s. 719.504.

845 13. All other written records of the association not  
846 specifically included in the foregoing which are related to the  
847 operation of the association.

848 (b) The official records of the association must be  
849 maintained within the state for at least 7 years. The records of  
850 the association shall be made available to a unit owner within  
851 45 miles of the cooperative property or within the county in  
852 which the cooperative property is located within 10 ~~5~~ working  
853 days after receipt of written request by the board or its  
854 designee. This paragraph may be complied with by having a copy

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

855 of the official records of the association available for  
856 inspection or copying on the cooperative property or the  
857 association may offer the option of making the records available  
858 to a unit owner electronically via the Internet or by allowing  
859 the records to be viewed in an electronic format on a computer  
860 screen and printed upon request. The association is not  
861 responsible for the use or misuse of the information provided to  
862 an association member or his or her authorized representative  
863 pursuant to the compliance requirements of this chapter unless  
864 the association has an affirmative duty not to disclose such  
865 information pursuant to this chapter.

866 (4) FINANCIAL REPORT.—

867 (b) Except as provided in paragraph (c), an association  
868 whose total annual revenues meet the criteria of this paragraph  
869 shall prepare or cause to be prepared a complete set of  
870 financial statements according to the generally accepted  
871 accounting principles adopted by the Board of Accountancy. The  
872 financial statements shall be as follows:

873 1. An association with total annual revenues between  
874 \$150,000 and \$299,999 shall prepare a compiled financial  
875 statement.

876 2. An association with total annual revenues between  
877 \$300,000 and \$499,999 shall prepare a reviewed financial  
878 statement.

## Amendment No. 1

879 3. An association with total annual revenues of \$500,000  
880 or more shall prepare an audited financial statement.

881 4. The requirement to have the financial statement  
882 compiled, reviewed, or audited does not apply to an association  
883 if a majority of the voting interests of the association present  
884 at a duly called meeting of the association have voted to waive  
885 this requirement for the fiscal year. In an association in which  
886 turnover of control by the developer has not occurred, the  
887 developer may vote to waive the audit requirement for the first  
888 2 years of operation of the association, after which time waiver  
889 of an applicable audit requirement shall be by a majority of  
890 voting interests other than the developer. The meeting shall be  
891 held prior to the end of the fiscal year, and the waiver shall  
892 be effective for only one fiscal year. ~~An association may not  
893 waive the financial reporting requirements of this section for  
894 more than 3 consecutive years.~~

895 (c)1. An association with total annual revenues of less  
896 than \$150,000 shall prepare a report of cash receipts and  
897 expenditures.

898 ~~2. An association in a community of fewer than 50 units,  
899 regardless of the association's annual revenues, shall prepare a  
900 report of cash receipts and expenditures in lieu of the  
901 financial statements required by paragraph (b), unless the  
902 declaration or other recorded governing documents provide  
903 otherwise.~~

Amendment No. 1

904 ~~2.3.~~ A report of cash receipts and expenditures must  
905 disclose the amount of receipts by accounts and receipt  
906 classifications and the amount of expenses by accounts and  
907 expense classifications, including the following, as applicable:  
908 costs for security, professional, and management fees and  
909 expenses; taxes; costs for recreation facilities; expenses for  
910 refuse collection and utility services; expenses for lawn care;  
911 costs for building maintenance and repair; insurance costs;  
912 administration and salary expenses; and reserves, if maintained  
913 by the association.

914 Section 9. Subsection (5) of section 719.1055, Florida  
915 Statutes, is amended to read:

916 719.1055 Amendment of cooperative documents; alteration  
917 and acquisition of property.—

918 (5) The bylaws must include a provision whereby a  
919 certificate of compliance from a licensed electrical contractor,  
920 ~~or~~ electrician, or professional engineer may be accepted by the  
921 association's board as evidence of compliance ~~of the cooperative~~  
922 ~~units~~ with the applicable fire and life safety code.

923 (a)1. Notwithstanding chapter 633 or any other code,  
924 statute, ordinance, administrative rule, or regulation, or any  
925 interpretation of the foregoing, an association ~~a cooperative~~ or  
926 unit owner is not obligated to retrofit the common elements or  
927 units of a residential cooperative with a fire sprinkler system  
928 or other engineered lifesafety system in a building that is 75

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

929 feet or less in height. There is no obligation to retrofit for a  
930 building greater than 75 feet in height, calculated from the  
931 lowest level of fire department vehicle access to the floor of  
932 the highest occupiable story ~~has been certified for occupancy by~~  
933 ~~the applicable governmental entity~~ if the unit owners have voted  
934 to forego such retrofitting by the affirmative vote of two-  
935 thirds ~~a majority~~ of all voting interests in the affected  
936 cooperative. There is no requirement that owners in cooperatives  
937 of 75 feet or less conduct an opt-out vote and such cooperatives  
938 are exempt from fire sprinkler or other engineered life safety  
939 retrofitting. The preceding sentence is intended to clarify  
940 existing law. The local authority having jurisdiction may not  
941 require completion of retrofitting with a fire sprinkler system  
942 or other engineered life safety system before January 1, 2022  
943 ~~the end of 2019.~~ By December 31, 2018 ~~2016~~, a cooperative that  
944 is not in compliance with the requirements for a fire sprinkler  
945 system or other engineered lifesafety system and has not voted  
946 to forego retrofitting of such a system must initiate an  
947 application for a building permit for the required installation  
948 with the local government having jurisdiction demonstrating that  
949 the cooperative will become compliant by December 31, 2021 ~~2019~~.

950 2. A vote to forego required retrofitting may be obtained  
951 by limited proxy or by a ballot personally cast at a duly called  
952 membership meeting, or by execution of a written consent by the  
953 member, or by electronic voting, and is effective upon recording

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

954 a certificate executed by an officer or agent of the association  
955 attesting to such vote in the public records of the county where  
956 the cooperative is located. When the opt-out vote is to be  
957 conducted at a meeting, the cooperative shall mail or ~~hand~~  
958 deliver to each unit owner written notice at least 14 days  
959 before the membership meeting in which the vote to forego  
960 retrofitting of the required fire sprinkler system or other  
961 engineered lifesafety system is to take place. Within 30 days  
962 after the cooperative's opt-out vote, notice of the results of  
963 the opt-out vote must be mailed or ~~hand~~ delivered to all unit  
964 owners. Evidence of compliance with this notice requirement must  
965 be made by affidavit executed by the person providing the notice  
966 and filed among the official records of the cooperative. Failure  
967 to provide timely notice to unit owners does not invalidate an  
968 otherwise valid opt-out vote if notice of the results is  
969 provided to the owners. After notice is provided to each owner,  
970 a copy must be provided by the current owner to a new owner  
971 before closing and by a unit owner to a renter before signing a  
972 lease.

973 (b) If there has been a previous vote to forego  
974 retrofitting, a vote to require retrofitting may be obtained at  
975 a special meeting of the unit owners called by a petition of  
976 least 10 percent of the voting interests or by a majority of the  
977 board of directors. The vote to require retrofitting requires a  
978 two-thirds vote of all voting interests in the affected

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM



Amendment No. 1

979 ~~cooperative. Such vote may only be called once every 3 years.~~  
980 Notice must be provided as required for any regularly called  
981 meeting of the unit owners, and the notice must state the  
982 purpose of the meeting. ~~Electronic transmission may not be used~~  
983 ~~to provide notice of a meeting called in whole or in part for~~  
984 ~~this purpose.~~

985 (c) As part of the information collected annually from  
986 cooperatives, the division shall require associations to report  
987 the membership vote and recording of a certificate under this  
988 subsection and, if retrofitting has been undertaken, the per-  
989 unit cost of such work. The division shall annually report to  
990 the Division of State Fire Marshal of the Department of  
991 Financial Services the number of cooperatives that have elected  
992 to forego retrofitting. Compliance with this administrative  
993 reporting requirement does not affect the validity of an opt-out  
994 vote.

995 Section 10. Paragraphs (a) and (c) of subsection (1) of  
996 section 719.106, Florida Statutes, are amended, and paragraph  
997 (m) is added to that subsection, to read:

998 719.106 Bylaws; cooperative ownership.—

999 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1000 documents shall provide for the following, and if they do not,  
1001 they shall be deemed to include the following:

1002 (a) Administration.—

## Amendment No. 1

1003           1. The form of administration of the association shall be  
1004 described, indicating the titles of the officers and board of  
1005 administration and specifying the powers, duties, manner of  
1006 selection and removal, and compensation, if any, of officers and  
1007 board members. In the absence of such a provision, the board of  
1008 administration shall be composed of five members, except in the  
1009 case of cooperatives having five or fewer units, in which case  
1010 in not-for-profit corporations, the board shall consist of not  
1011 fewer than three members. In a residential cooperative  
1012 association of more than 10 units, co-owners of a unit may not  
1013 serve as members of the board of directors at the same time  
1014 unless the co-owners own more than one unit or unless there are  
1015 not enough eligible candidates to fill the vacancies on the  
1016 board at the time of the vacancy. In the absence of provisions  
1017 to the contrary, the board of administration shall have a  
1018 president, a secretary, and a treasurer, who shall perform the  
1019 duties of those offices customarily performed by officers of  
1020 corporations. Unless prohibited in the bylaws, the board of  
1021 administration may appoint other officers and grant them those  
1022 duties it deems appropriate. Unless otherwise provided in the  
1023 bylaws, the officers shall serve without compensation and at the  
1024 pleasure of the board. Unless otherwise provided in the bylaws,  
1025 the members of the board shall serve without compensation.

1026           2. A person who has been suspended or removed by the  
1027 division under this chapter, or who is delinquent in the payment

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 653 (2017)

Amendment No. 1

1028 | of any monetary obligation due to the association, is not  
1029 | eligible to be a candidate for board membership and may not be  
1030 | listed on the ballot. A director or officer charged by  
1031 | information or indictment with a felony theft or embezzlement  
1032 | offense involving the association's funds or property is  
1033 | suspended from office. The board shall fill the vacancy  
1034 | according to general law until the end of the period of the  
1035 | suspension or the end of the director's term of office,  
1036 | whichever occurs first. However, if the charges are resolved  
1037 | without a finding of guilt or without acceptance of a plea of  
1038 | guilty or nolo contendere, the director or officer shall be  
1039 | reinstated for any remainder of his or her term of office. A  
1040 | member who has such criminal charges pending may not be  
1041 | appointed or elected to a position as a director or officer. A  
1042 | person who has been convicted of any felony in this state or in  
1043 | any United States District Court, or who has been convicted of  
1044 | any offense in another jurisdiction which would be considered a  
1045 | felony if committed in this state, is not eligible for board  
1046 | membership unless such felon's civil rights have been restored  
1047 | for at least 5 years as of the date such person seeks election  
1048 | to the board. The validity of an action by the board is not  
1049 | affected if it is later determined that a board member is  
1050 | ineligible for board membership due to having been convicted of  
1051 | a felony.

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Amendment No. 1

1052           3. When a unit owner files a written inquiry by certified  
1053 mail with the board of administration, the board shall respond  
1054 in writing to the unit owner within 30 days of receipt of the  
1055 inquiry. The board's response shall either give a substantive  
1056 response to the inquirer, notify the inquirer that a legal  
1057 opinion has been requested, or notify the inquirer that advice  
1058 has been requested from the division. If the board requests  
1059 advice from the division, the board shall, within 10 days of its  
1060 receipt of the advice, provide in writing a substantive response  
1061 to the inquirer. If a legal opinion is requested, the board  
1062 shall, within 60 days after the receipt of the inquiry, provide  
1063 in writing a substantive response to the inquirer. The failure  
1064 to provide a substantive response to the inquirer as provided  
1065 herein precludes the board from recovering attorney's fees and  
1066 costs in any subsequent litigation, administrative proceeding,  
1067 or arbitration arising out of the inquiry. The association may,  
1068 through its board of administration, adopt reasonable rules and  
1069 regulations regarding the frequency and manner of responding to  
1070 the unit owners' inquiries, one of which may be that the  
1071 association is obligated to respond to only one written inquiry  
1072 per unit in any given 30-day period. In such case, any  
1073 additional inquiry or inquiries must be responded to in the  
1074 subsequent 30-day period, or periods, as applicable.

1075           (c) Board of administration meetings. Members of the board  
1076 of administration may use e-mail as a means of communication but

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Published On: 4/23/2017 6:27:05 PM

Page 44 of 60

Amendment No. 1

1077 may not cast a vote on an association matter via e-mail.  
1078 Meetings of the board of administration at which a quorum of the  
1079 members is present shall be open to all unit owners. Any unit  
1080 owner may tape record or videotape meetings of the board of  
1081 administration. The right to attend such meetings includes the  
1082 right to speak at such meetings with reference to all designated  
1083 agenda items. The division shall adopt reasonable rules  
1084 governing the tape recording and videotaping of the meeting. The  
1085 association may adopt reasonable written rules governing the  
1086 frequency, duration, and manner of unit owner statements.  
1087 Adequate notice of all meetings shall be posted in a conspicuous  
1088 place upon the cooperative property at least 48 continuous hours  
1089 preceding the meeting, except in an emergency. Any item not  
1090 included on the notice may be taken up on an emergency basis by  
1091 at least a majority plus one of the members of the board. Such  
1092 emergency action shall be noticed and ratified at the next  
1093 regular meeting of the board. Notice of any meeting in which  
1094 regular or special assessments against unit owners are to be  
1095 considered must specifically state that assessments will be  
1096 considered and provide the estimated amount and description of  
1097 the purposes for such assessments. ~~However,~~ Written notice of  
1098 any meeting at which nonemergency special assessments, or at  
1099 which amendment to rules regarding unit use, will be considered  
1100 shall be mailed, delivered, or electronically transmitted to the  
1101 unit owners and posted conspicuously on the cooperative property

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Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

1102 not less than 14 days before the meeting. Evidence of compliance  
1103 with this 14-day notice shall be made by an affidavit executed  
1104 by the person providing the notice and filed among the official  
1105 records of the association. Upon notice to the unit owners, the  
1106 board shall by duly adopted rule designate a specific location  
1107 on the cooperative property upon which all notices of board  
1108 meetings shall be posted. In lieu of or in addition to the  
1109 physical posting of notice of any meeting of the board of  
1110 administration on the cooperative property, the association may,  
1111 by reasonable rule, adopt a procedure for conspicuously posting  
1112 and repeatedly broadcasting the notice and the agenda on a  
1113 closed-circuit cable television system serving the cooperative  
1114 association. However, if broadcast notice is used in lieu of a  
1115 notice posted physically on the cooperative property, the notice  
1116 and agenda must be broadcast at least four times every broadcast  
1117 hour of each day that a posted notice is otherwise required  
1118 under this section. When broadcast notice is provided, the  
1119 notice and agenda must be broadcast in a manner and for a  
1120 sufficient continuous length of time so as to allow an average  
1121 reader to observe the notice and read and comprehend the entire  
1122 content of the notice and the agenda. In addition to any of the  
1123 authorized means of providing notice of a meeting of the board,  
1124 the association may, by rule, adopt a procedure for  
1125 conspicuously posting the meeting notice and the agenda on a  
1126 website serving the cooperative association for at least the

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Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

1127 minimum period of time for which a notice of a meeting is also  
1128 required to be physically posted on the cooperative property.  
1129 Any rule adopted shall, in addition to other matters, include a  
1130 requirement that the association send an electronic notice in  
1131 the same manner as notice for a meeting of the members, which  
1132 must include a hypertext link to the website where the notice is  
1133 posted, to unit owners whose e-mail addresses are part of the  
1134 association's official records. Notice of any meeting in which  
1135 ~~regular assessments against unit owners are to be considered for~~  
1136 ~~any reason shall specifically contain a statement that~~  
1137 ~~assessments will be considered and the nature of any such~~  
1138 ~~assessments.~~ Meetings of a committee to take final action on  
1139 behalf of the board or to make recommendations to the board  
1140 regarding the association budget are subject to the provisions  
1141 of this paragraph. Meetings of a committee that does not take  
1142 final action on behalf of the board or make recommendations to  
1143 the board regarding the association budget are subject to the  
1144 provisions of this section, unless those meetings are exempted  
1145 from this section by the bylaws of the association.  
1146 Notwithstanding any other law to the contrary, the requirement  
1147 that board meetings and committee meetings be open to the unit  
1148 owners does not apply to board or committee meetings held for  
1149 the purpose of discussing personnel matters or meetings between  
1150 the board or a committee and the association's attorney, with

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Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

1151 respect to proposed or pending litigation, if the meeting is  
1152 held for the purpose of seeking or rendering legal advice.

1153 (m) Director or officer delinquencies.—A director or  
1154 officer more than 90 days delinquent in the payment of any  
1155 monetary obligation due the association shall be deemed to have  
1156 abandoned the office, creating a vacancy in the office to be  
1157 filled according to law.

1158 Section 11. Paragraph (b) of subsection (1) of section  
1159 719.107, Florida Statutes, is amended to read:

1160 719.107 Common expenses; assessment.—

1161 (1)

1162 (b) If so provided in the bylaws, the cost of  
1163 communications services as defined in chapter 202, information  
1164 services, or Internet services ~~a master antenna television~~  
1165 ~~system or duly franchised cable television service~~ obtained  
1166 pursuant to a bulk contract shall be deemed a common expense,  
1167 and if not obtained pursuant to a bulk contract, such cost shall  
1168 be considered common expense if it is designated as such in a  
1169 written contract between the board of administration and the  
1170 company providing the communications services as defined in  
1171 chapter 202, information services, or Internet services ~~master~~  
1172 ~~television antenna system or the cable television service~~. The  
1173 contract shall be for a term of not less than 2 years.

1174 1. Any contract made by the board after April 2, 1992, for  
1175 a community antenna system or duly franchised cable television

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Published On: 4/23/2017 6:27:05 PM



Amendment No. 1

1176 service, communications services as defined in chapter 202,  
1177 information services, or Internet services may be canceled by a  
1178 majority of the voting interests present at the next regular or  
1179 special meeting of the association. Any member may make a motion  
1180 to cancel the contract, but if no motion is made or if such  
1181 motion fails to obtain the required majority at the next regular  
1182 or special meeting, whichever is sooner, following the making of  
1183 the contract, then such contract shall be deemed ratified for  
1184 the term therein expressed.

1185 2. Any such contract shall provide, and shall be deemed to  
1186 provide if not expressly set forth, that any hearing impaired or  
1187 legally blind unit owner who does not occupy the unit with a  
1188 nonhearing impaired or sighted person may discontinue the  
1189 service without incurring disconnect fees, penalties, or  
1190 subsequent service charges, and as to such units, the owners  
1191 shall not be required to pay any common expenses charge related  
1192 to such service. If less than all members of an association  
1193 share the expenses of cable television, the expense shall be  
1194 shared equally by all participating unit owners. The association  
1195 may use the provisions of s. 719.108 to enforce payment of the  
1196 shares of such costs by the unit owners receiving cable  
1197 television.

1198 Section 12. Paragraphs (a) and (c) of subsection (2) and  
1199 subsection (7) of section 720.303, Florida Statutes, are amended  
1200 to read:

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Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

1201           720.303 Association powers and duties; meetings of board;  
1202 official records; budgets; financial reporting; association  
1203 funds; recalls.—

1204           (2) BOARD MEETINGS.—

1205           (a) Members of the board of administration may use e-mail  
1206 as a means of communication, but may not cast a vote on an  
1207 association matter via e-mail. A meeting of the board of  
1208 directors of an association occurs whenever a quorum of the  
1209 board gathers to conduct association business. Meetings of the  
1210 board must be open to all members, except for meetings between  
1211 the board and its attorney with respect to proposed or pending  
1212 litigation where the contents of the discussion would otherwise  
1213 be governed by the attorney-client privilege. A meeting of the  
1214 board must be held at a location that is accessible to a  
1215 physically handicapped person if requested by a physically  
1216 handicapped person who has a right to attend the meeting. The  
1217 provisions of this subsection shall also apply to the meetings  
1218 of any committee or other similar body when a final decision  
1219 will be made regarding the expenditure of association funds and  
1220 to meetings of any body vested with the power to approve or  
1221 disapprove architectural decisions with respect to a specific  
1222 parcel of residential property owned by a member of the  
1223 community.

1224           (c) The bylaws shall provide the following for giving  
1225 notice to parcel owners and members of all board meetings and,

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Published On: 4/23/2017 6:27:05 PM

## Amendment No. 1

1226 if they do not do so, shall be deemed to include ~~provide~~ the  
1227 following:

1228 1. Notices of all board meetings must be posted in a  
1229 conspicuous place in the community at least 48 hours in advance  
1230 of a meeting, except in an emergency. In the alternative, if  
1231 notice is not posted in a conspicuous place in the community,  
1232 notice of each board meeting must be mailed or delivered to each  
1233 member at least 7 days before the meeting, except in an  
1234 emergency. Notwithstanding this general notice requirement, for  
1235 communities with more than 100 members, the association bylaws  
1236 may provide for a reasonable alternative to posting or mailing  
1237 of notice for each board meeting, including publication of  
1238 notice, provision of a schedule of board meetings, or the  
1239 conspicuous posting and repeated broadcasting of the notice on a  
1240 closed-circuit cable television system serving the homeowners'  
1241 association. However, if broadcast notice is used in lieu of a  
1242 notice posted physically in the community, the notice must be  
1243 broadcast at least four times every broadcast hour of each day  
1244 that a posted notice is otherwise required. When broadcast  
1245 notice is provided, the notice and agenda must be broadcast in a  
1246 manner and for a sufficient continuous length of time so as to  
1247 allow an average reader to observe the notice and read and  
1248 comprehend the entire content of the notice and the agenda. The  
1249 association may provide notice by electronic transmission in a  
1250 manner authorized by law for meetings of the board of directors,

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Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

1251 committee meetings requiring notice under this section, and  
1252 annual and special meetings of the members to any member who has  
1253 provided a facsimile number or e-mail address to the association  
1254 to be used for such purposes; however, a member must consent in  
1255 writing to receiving notice by electronic transmission.

1256 2. An assessment may not be levied at a board meeting  
1257 unless the notice of the meeting includes a statement that  
1258 assessments will be considered and the nature of the  
1259 assessments. Written notice of any meeting at which special  
1260 assessments will be considered or at which amendments to rules  
1261 regarding parcel use will be considered must be mailed,  
1262 delivered, or electronically transmitted to the members and  
1263 parcel owners and posted conspicuously on the property or  
1264 broadcast on closed-circuit cable television not less than 14  
1265 days before the meeting.

1266 3. Directors may not vote by proxy or by secret ballot at  
1267 board meetings, except that secret ballots may be used in the  
1268 election of officers. This subsection also applies to the  
1269 meetings of any committee or other similar body, when a final  
1270 decision will be made regarding the expenditure of association  
1271 funds, and to any body vested with the power to approve or  
1272 disapprove architectural decisions with respect to a specific  
1273 parcel of residential property owned by a member of the  
1274 community.

Amendment No. 1

1275 (7) FINANCIAL REPORTING.—Within 90 days after the end of  
1276 the fiscal year, or annually on the date provided in the bylaws,  
1277 the association shall prepare and complete, or contract with a  
1278 third party for the preparation and completion of, a financial  
1279 report for the preceding fiscal year. Within 21 days after the  
1280 final financial report is completed by the association or  
1281 received from the third party, but not later than 120 days after  
1282 the end of the fiscal year or other date as provided in the  
1283 bylaws, the association shall, within the time limits set forth  
1284 in subsection (5), provide each member with a copy of the annual  
1285 financial report or a written notice that a copy of the  
1286 financial report is available upon request at no charge to the  
1287 member. Financial reports shall be prepared as follows:

1288 (a) An association that meets the criteria of this  
1289 paragraph shall prepare or cause to be prepared a complete set  
1290 of financial statements in accordance with generally accepted  
1291 accounting principles as adopted by the Board of Accountancy.  
1292 The financial statements shall be based upon the association's  
1293 total annual revenues, as follows:

1294 1. An association with total annual revenues of \$150,000  
1295 or more, but less than \$300,000, shall prepare compiled  
1296 financial statements.

1297 2. An association with total annual revenues of at least  
1298 \$300,000, but less than \$500,000, shall prepare reviewed  
1299 financial statements.

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

1300 3. An association with total annual revenues of \$500,000  
1301 or more shall prepare audited financial statements.

1302 (b)1. An association with total annual revenues of less  
1303 than \$150,000 shall prepare a report of cash receipts and  
1304 expenditures.

1305 ~~2. An association in a community of fewer than 50 parcels,~~  
1306 ~~regardless of the association's annual revenues, may prepare a~~  
1307 ~~report of cash receipts and expenditures in lieu of financial~~  
1308 ~~statements required by paragraph (a) unless the governing~~  
1309 ~~documents provide otherwise.~~

1310 2.3. A report of cash receipts and disbursement must  
1311 disclose the amount of receipts by accounts and receipt  
1312 classifications and the amount of expenses by accounts and  
1313 expense classifications, including, but not limited to, the  
1314 following, as applicable: costs for security, professional, and  
1315 management fees and expenses; taxes; costs for recreation  
1316 facilities; expenses for refuse collection and utility services;  
1317 expenses for lawn care; costs for building maintenance and  
1318 repair; insurance costs; administration and salary expenses; and  
1319 reserves if maintained by the association.

1320 (c) If 20 percent of the parcel owners petition the board  
1321 for a level of financial reporting higher than that required by  
1322 this section, the association shall duly notice and hold a  
1323 meeting of members within 30 days of receipt of the petition for  
1324 the purpose of voting on raising the level of reporting for that

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

## Amendment No. 1

1325 fiscal year. Upon approval of a majority of the total voting  
1326 interests of the parcel owners, the association shall prepare or  
1327 cause to be prepared, shall amend the budget or adopt a special  
1328 assessment to pay for the financial report regardless of any  
1329 provision to the contrary in the governing documents, and shall  
1330 provide within 90 days of the meeting or the end of the fiscal  
1331 year, whichever occurs later:

1332 1. Compiled, reviewed, or audited financial statements, if  
1333 the association is otherwise required to prepare a report of  
1334 cash receipts and expenditures;

1335 2. Reviewed or audited financial statements, if the  
1336 association is otherwise required to prepare compiled financial  
1337 statements; or

1338 3. Audited financial statements if the association is  
1339 otherwise required to prepare reviewed financial statements.

1340 (d) If approved by a majority of the voting interests  
1341 present at a properly called meeting of the association, an  
1342 association may prepare or cause to be prepared:

1343 1. A report of cash receipts and expenditures in lieu of a  
1344 compiled, reviewed, or audited financial statement;

1345 2. A report of cash receipts and expenditures or a  
1346 compiled financial statement in lieu of a reviewed or audited  
1347 financial statement; or

Amendment No. 1

1348 3. A report of cash receipts and expenditures, a compiled  
1349 financial statement, or a reviewed financial statement in lieu  
1350 of an audited financial statement.

1351 Section 13. Paragraph (a) of subsection (9) of section  
1352 720.306, Florida Statutes, is amended to read:

1353 720.306 Meetings of members; voting and election  
1354 procedures; amendments.—

1355 (9) ELECTIONS AND BOARD VACANCIES.—

1356 (a) Elections of directors must be conducted in accordance  
1357 with the procedures set forth in the governing documents of the  
1358 association. Except as provided in paragraph (b), all members of  
1359 the association are eligible to serve on the board of directors,  
1360 and a member may nominate himself or herself as a candidate for  
1361 the board at a meeting where the election is to be held;  
1362 provided, however, that if the election process allows  
1363 candidates to be nominated in advance of the meeting, the  
1364 association is not required to allow nominations at the meeting.  
1365 An election is not required unless more candidates are nominated  
1366 than vacancies exist. If an election is not required because  
1367 there are either an equal number or fewer qualified candidates  
1368 than vacancies exist, and if nominations from the floor are not  
1369 required pursuant to this section or the bylaws, write-in  
1370 nominations are not permitted and such candidates shall commence  
1371 service on the board of directors, regardless of whether a  
1372 quorum is attained at the annual meeting. Except as otherwise

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM



Amendment No. 1

1373 provided in the governing documents, boards of directors must be  
1374 elected by a plurality of the votes cast by eligible voters. Any  
1375 challenge to the election process must be commenced within 60  
1376 days after the election results are announced.

1377 Section 14. Paragraph (b) of subsection (3) of section  
1378 720.3085, Florida Statutes, is amended to read:

1379 720.3085 Payment for assessments; lien claims.—

1380 (3) Assessments and installments on assessments that are  
1381 not paid when due bear interest from the due date until paid at  
1382 the rate provided in the declaration of covenants or the bylaws  
1383 of the association, which rate may not exceed the rate allowed  
1384 by law. If no rate is provided in the declaration or bylaws,  
1385 interest accrues at the rate of 18 percent per year.

1386 (b) Any payment received by an association and accepted  
1387 shall be applied first to any interest accrued, then to any  
1388 administrative late fee, then to any costs and reasonable  
1389 attorney fees incurred in collection, and then to the delinquent  
1390 assessment. This paragraph applies notwithstanding any  
1391 restrictive endorsement, designation, or instruction placed on  
1392 or accompanying a payment. A late fee is not subject to the  
1393 provisions of chapter 687 and is not a fine. The foregoing is  
1394 applicable notwithstanding s. 673.3111, any purported accord and  
1395 satisfaction, or any restrictive endorsement, designation, or  
1396 instruction placed on or accompanying a payment. The preceding  
1397 sentence is intended to clarify existing law.

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

Amendment No. 1

1398 Section 15. This act shall take effect July 1, 2017.

1399  
1400 -----

1401 **T I T L E A M E N D M E N T**

1402 Remove everything before the enacting clause and insert:

1403 An act relating to community associations; creating s.

1404 633.2225, F.S.; requiring certain condominium or

1405 cooperative associations to post certain signs or symbols

1406 on buildings; requiring the State Fire Marshal to adopt

1407 rules governing such signs or symbols; providing for

1408 enforcement; providing penalties; amending s. 718.111,

1409 F.S.; revising reporting requirements; amending s. 718.112,

1410 F.S.; authorizing an association to adopt rules for posting

1411 certain notices on a website; revising provisions relating

1412 to required condominium and cooperative association bylaws;

1413 revising provisions relating to evidence of condominium and

1414 cooperative association compliance with the fire and life

1415 safety code; revising unit and common elements required to

1416 be retrofitted; revising provisions relating to an

1417 association vote to forego retrofitting; providing

1418 applicability; amending s. 718.113, F.S.; revising voting

1419 requirements relating to alterations and additions to

1420 certain common elements or association property; amending

1421 s. 718.117, F.S.; providing legislative findings; revising

1422 voting requirements for the rejection of a plan of

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 653 (2017)

Amendment No. 1

1423 termination; increasing the amount of time to consider a  
1424 plan of termination under certain conditions; revising  
1425 applicability; revising the requirements to qualify for  
1426 payment as a homestead owner if the owner has rejected a  
1427 plan of termination; revising and providing notice  
1428 requirements; amending s. 718.707, F.S.; revising the time  
1429 period for classification as bulk assignee or bulk buyer;  
1430 amending s. 719.104, F.S.; revising recordkeeping and  
1431 reporting requirements; amending s. 719.1055, F.S.;  
1432 revising provisions relating to required condominium and  
1433 cooperative association bylaws; revising provisions  
1434 relating to evidence of condominium and cooperative  
1435 association compliance with the fire and life safety code;  
1436 revising unit and common elements required to be  
1437 retrofitted; revising provisions relating to an association  
1438 vote to forego retrofitting; providing applicability;  
1439 amending s. 719.106, F.S.; revising requirements to serve  
1440 as a board member; prohibiting a board member from voting  
1441 via e-mail; requiring that directors who are delinquent in  
1442 certain payments owed in excess of certain periods of time  
1443 be deemed to have abandoned their offices; authorizing an  
1444 association to adopt rules for posting certain notices on a  
1445 website; amending s. 719.107, F.S.; specifying certain  
1446 services which are obtained pursuant to a bulk contract to  
1447 be deemed a common expense; amending s. 720.303, F.S.;

164967 - h0653-strike.docx

Published On: 4/23/2017 6:27:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 653 (2017)

Amendment No. 1

1448 | prohibiting a board member from voting via e-mail; revising  
1449 | certain notice requirements relating to board meetings;  
1450 | revising financial reporting requirements; authorizing an  
1451 | association to adopt rules for posting certain notices on a  
1452 | website; amending s. 720.306, F.S.; revising elections  
1453 | requirements; amending s. 720.3085, F.S.; providing  
1454 | applicability; providing an effective date.