

Committee on Regulated Industries

CS/CS/CS/HB 73 — Residential Properties

by Judiciary Committee; Business and Professional Regulation Subcommittee; Civil Justice Subcommittee; and Rep. Moraitis and others (CS/CS/CS/SB 436 by Appropriations Committee; Judiciary Committee; Regulated Industries Committee; and Senators Altman and Sachs)

The bill revises several provisions relating to the governance of condominium, cooperative, and homeowners' associations.

The bill prohibits the enforcement of the Phase II Firefighter's Service requirements for existing elevators until an elevator is replaced or the elevator requires major modification. This requirement permits the operation and exclusive control of an elevator by firefighters for evacuating the physically disabled in occupied buildings and for moving firefighters and equipment during an emergency.

Regarding condominium, cooperative, and homeowners' associations, the bill:

- Gives association members the right to use their smartphone, tablet, portable scanner, or other technology capable of scanning or taking pictures in lieu of the association providing copies to the member, and without charge to the member;
- Permits associations to print and distribute a directory with the members' name, parcel address, and telephone number. However, the association must permit members to exclude their telephone number from the directory by submitting a written request;
- Requires that any challenge to the election process be commenced within 60 days after the election results are announced;
- Prohibits election recalls when there are less than 60 days before the next election; and
- Provides that the suspension of an owner's rights does not apply to limited common elements that are intended to be used only by that owner, common elements needed to access the unit or home, utility services to the unit or home, parking spaces, or elevators, and that suspended interests are not needed for establishing a quorum, conducting an election, or obtaining member approval.

Regarding condominiums, the bill:

- Decreases the number of votes required for the purchase of a lease;
- Defines the unit owner's responsibility for the cost of reconstruction of condominium property;
- Clarifies that broadcast notice by closed-circuit television may be made in lieu of a notice posted physically on the condominium property;
- Clarifies that the board must maintain a copy of a board member's post election certification for at least 5 years or the duration of the board member's tenure, whichever is longer;
- Revises the hurricane protection provisions to include impact glass, code-compliant windows and doors, and other types of code-compliant hurricane protection and clarifies

the conditions for a unit owner to receive credit for the prior installation of hurricane protection;

- Extends from 7 years to 10 years the period for completion of all phases of a phase condominium;
- Provides for the creation of a secondary condominium within a primary condominium;
- Permits officers or full-time employees of the condominium ombudsman's office to engage in another profession or any other business that is not directly or indirectly related, or conflicts with, his or her work in the ombudsman's office;
- Provides that 50, rather than 75, or fewer units shall prepare a cash report in lieu of a financial statement.

Regarding cooperative associations, the bill provides that meetings of the board held for the purpose of discussing personnel matters are not subject to the open meetings requirement. It also expands the types of official records that are not accessible to members of the association, including records containing specified personal identifying information. The bill also requires newly elected or appointed members of the cooperative board to provide a post-election certification that they have read the governing documents of the association, or alternatively, to submit a certification showing the satisfactory completion of the educational curriculum within 1 year before the election or 90 days after the election or appointment.

Regarding homeowners' associations, the bill includes the personnel records of the management company among the records that are not accessible to the association's members. It also deletes the condition that the parcel owner must submit a written request to speak prior to the meeting in order to exercise his or her right to speak at a meeting.

Regarding cooperative and homeowners' associations, the bill provides a process for amending association documents without the approval of all mortgagees.

Regarding condominium and homeowners' associations, the bill also increases the total annual revenue amounts used to determine the type of financial report that association is required to prepare.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 117-0