

By Senator Latvala

20-00229-13

2013120\_\_

1                                   A bill to be entitled  
2       An act relating to condominiums; amending s. 718.104,  
3       F.S.; allowing condominium units to come into  
4       existence regardless of requirements or restrictions  
5       in a declaration; amending s. 718.105, F.S.; extending  
6       the amount of time that a clerk may hold a sum of  
7       money before notifying the registered agent of an  
8       association that the sum is still available and the  
9       purpose for which it was deposited; amending s.  
10      718.110, F.S.; changing the requirements relating to  
11      the circumstances under which a declaration of  
12      condominium or other documents are effective to create  
13      a condominium; making technical changes; amending s.  
14      718.111, F.S.; revising the conditions under which  
15      unit owners may vote on issues related to the  
16      preparation of financial reports; making technical  
17      changes; amending s. 718.112, F.S.; revising the  
18      conditions under which a developer may vote to waive  
19      or reduce the funding of reserves; making technical  
20      changes; amending s. 718.114, F.S.; revising the  
21      conditions under which a developer may acquire  
22      leaseholds, memberships, or other possessory or use  
23      interests; making technical changes; amending s.  
24      718.301, F.S.; revising the conditions under which  
25      unit owners other than the developer are entitled to  
26      elect at least a majority of the members of a board of  
27      administration; revising requirements related to the  
28      documents that the developer must deliver to the  
29      association; making technical changes; amending s.

20-00229-13

2013120\_\_

30 718.403, F.S.; revising the conditions under which a  
31 developer may amend a declaration of condominium  
32 governing a phase condominium; providing for an  
33 extension of the 7-year period for the completion of a  
34 phase; providing requirements for the adoption of an  
35 amendment; providing that an amendment adopted  
36 pursuant to this section is exempt from other  
37 requirements of law; providing an effective date.

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Subsection (2) of section 718.104, Florida  
42 Statutes, is amended to read:

43 718.104 Creation of condominiums; contents of declaration.-  
44 Every condominium created in this state shall be created  
45 pursuant to this chapter.

46 (2) A condominium is created by recording a declaration in  
47 the public records of the county where the land is located,  
48 executed and acknowledged with the requirements for a deed. All  
49 persons who have record title to the interest in the land being  
50 submitted to condominium ownership, or their lawfully authorized  
51 agents, must join in the execution of the declaration. Upon the  
52 recording of the declaration, or an amendment adding a phase to  
53 the condominium under s. 718.403(6), all units described in the  
54 declaration or phase amendment as being located in or on the  
55 land then being submitted to condominium ownership shall come  
56 into existence, regardless of the state of completion of planned  
57 improvements in which the units may be located or any other  
58 requirement or description that a declaration may provide. Upon

20-00229-13

2013120\_\_

59 recording the declaration of condominium pursuant to this  
60 section, the developer shall file the recording information with  
61 the division within 120 calendar days on a form prescribed by  
62 the division.

63 Section 2. Paragraph (c) of subsection (4) of section  
64 718.105, Florida Statutes, is amended to read:

65 718.105 Recording of declaration.—  
66 (4)

67 (c) If the sum of money held by the clerk has not been paid  
68 to the developer or association as provided in paragraph (b)  
69 within 5 ~~3~~ years after the date the declaration was originally  
70 recorded, the clerk may notify, in writing, the registered agent  
71 of the association that the sum is still available and the  
72 purpose for which it was deposited. If the association does not  
73 record the certificate within 90 days after the clerk has given  
74 the notice, the clerk may disburse the money to the developer.  
75 If the developer cannot be located, the clerk shall disburse the  
76 money to the Division of Florida Condominiums, Timeshares, and  
77 Mobile Homes for deposit in the Division of Florida  
78 Condominiums, Timeshares, and Mobile Homes Trust Fund.

79 Section 3. Subsection (10) of section 718.110, Florida  
80 Statutes, is amended to read:

81 718.110 Amendment of declaration; correction of error or  
82 omission in declaration by circuit court.—

83 (10) If there is an omission or error in a declaration of  
84 condominium, or any other document required to establish the  
85 condominium, and the ~~which~~ omission or error would affect the  
86 valid existence of the condominium, the circuit court may ~~has~~  
87 ~~jurisdiction to~~ entertain a petition of one or more of the unit

20-00229-13

2013120\_\_

88 owners in the condominium, or of the association, to correct the  
89 error or omission, and the action may be a class action. The  
90 court may require that one or more methods of correcting the  
91 error or omission be submitted to the unit owners to determine  
92 the most acceptable correction. All unit owners, the  
93 association, and the mortgagees of a first mortgage of record  
94 must be joined as parties to the action. Service of process on  
95 unit owners may be by publication, but the plaintiff must  
96 furnish every unit owner not personally served with process with  
97 a copy of the petition and final decree of the court by  
98 certified mail, return receipt requested, at the unit owner's  
99 last known residence address. If an action to determine whether  
100 the declaration or another condominium document complies with  
101 the mandatory requirements for the formation of a condominium is  
102 not brought within 3 years of the recording of the certificate  
103 of a surveyor and mapper pursuant to s. 718.104(4)(e) or the  
104 recording of an instrument that transfers title to a unit in the  
105 condominium which is not accompanied by a recorded assignment of  
106 developer rights in favor of the grantee of such unit, whichever  
107 occurs first, ~~recording of the declaration,~~ the declaration and  
108 other documents will effectively ~~shall be effective under this~~  
109 chapter to create a condominium, as of the date the declaration  
110 was recorded, regardless of whether ~~whether or not~~ the documents  
111 substantially comply with the mandatory requirements of law.  
112 However, both before and after the expiration of this 3-year  
113 period, the circuit court has jurisdiction to entertain a  
114 petition permitted under this subsection for the correction of  
115 the documentation, and other methods of amendment may be  
116 utilized to correct the errors or omissions at any time.

20-00229-13

2013120

117 Section 4. Paragraph (d) of subsection (13) of section  
118 718.111, Florida Statutes, is amended to read:

119 718.111 The association.—

120 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
121 the fiscal year, or annually on a date provided in the bylaws,  
122 the association shall prepare and complete, or contract for the  
123 preparation and completion of, a financial report for the  
124 preceding fiscal year. Within 21 days after the final financial  
125 report is completed by the association or received from the  
126 third party, but not later than 120 days after the end of the  
127 fiscal year or other date as provided in the bylaws, the  
128 association shall mail to each unit owner at the address last  
129 furnished to the association by the unit owner, or hand deliver  
130 to each unit owner, a copy of the financial report or a notice  
131 that a copy of the financial report will be mailed or hand  
132 delivered to the unit owner, without charge, upon receipt of a  
133 written request from the unit owner. The division shall adopt  
134 rules setting forth uniform accounting principles and standards  
135 to be used by all associations and addressing the financial  
136 reporting requirements for multicondominium associations. The  
137 rules must include, but not be limited to, standards for  
138 presenting a summary of association reserves, including a good  
139 faith estimate disclosing the annual amount of reserve funds  
140 that would be necessary for the association to fully fund  
141 reserves for each reserve item based on the straight-line  
142 accounting method. This disclosure is not applicable to reserves  
143 funded via the pooling method. In adopting such rules, the  
144 division shall consider the number of members and annual  
145 revenues of an association. Financial reports shall be prepared

20-00229-13

2013120\_\_

146 as follows:

147 (d) If approved by a majority of the voting interests  
148 present at a properly called meeting of the association, an  
149 association may prepare:

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

152 2. A report of cash receipts and expenditures or a compiled  
153 financial statement in lieu of a reviewed or audited financial  
154 statement; or

155 3. A report of cash receipts and expenditures, a compiled  
156 financial statement, or a reviewed financial statement in lieu  
157 of an audited financial statement.

158

159 Such meeting and approval must occur before the end of the  
160 fiscal year and is effective only for the fiscal year in which  
161 the vote is taken, except that the approval may also be  
162 effective for the following fiscal year. ~~If With respect to an~~  
163 ~~association to which~~ the developer has not turned over control  
164 of the association, all unit owners, including the developer,  
165 may vote on issues related to the preparation of the  
166 association's financial reports for the first 2 fiscal years of  
167 the association's operation, from beginning with the date of  
168 incorporation of the association through the end of the second  
169 fiscal year after the fiscal year in which the certificate of a  
170 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or  
171 an instrument that transfers title to a unit in the condominium  
172 which is not accompanied by a recorded assignment of developer  
173 rights in favor of the grantee of such unit is recorded,  
174 whichever occurs first ~~declaration is recorded~~. Thereafter, all

20-00229-13

2013120\_\_

175 unit owners except the developer may vote on such issues until  
176 control is turned over to the association by the developer. Any  
177 audit or review prepared under this section shall be paid for by  
178 the developer if done before turnover of control of the  
179 association. An association may not waive the financial  
180 reporting requirements of this section for more than 3  
181 consecutive years.

182 Section 5. Paragraph (f) of subsection (2) of section  
183 718.112, Florida Statutes, is amended to read:

184 718.112 Bylaws.—

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

188 (f) *Annual budget.*—

189 1. The proposed annual budget of estimated revenues and  
190 expenses must ~~shall~~ be detailed and must ~~shall~~ show the amounts  
191 budgeted by accounts and expense classifications, including, if  
192 applicable, but not limited to, those expenses listed in s.  
193 718.504(21). A multicondominium association shall adopt a  
194 separate budget of common expenses for each condominium the  
195 association operates and shall adopt a separate budget of common  
196 expenses for the association. In addition, if the association  
197 maintains limited common elements with the cost to be shared  
198 only by those entitled to use the limited common elements as  
199 provided for in s. 718.113(1), the budget or a schedule attached  
200 to it must ~~a schedule attached thereto shall~~ show the amount  
201 budgeted for this maintenance amounts budgeted therefor. If,  
202 after turnover of control of the association to the unit owners,  
203 any of the expenses listed in s. 718.504(21) are not applicable,

20-00229-13

2013120\_\_

204 they need not be listed.

205       2. In addition to annual operating expenses, the budget  
206 must ~~shall~~ include reserve accounts for capital expenditures and  
207 deferred maintenance. These accounts must ~~shall~~ include, but are  
208 not limited to, roof replacement, building painting, and  
209 pavement resurfacing, regardless of the amount of deferred  
210 maintenance expense or replacement cost, and for any other item  
211 that has a for which the deferred maintenance expense or  
212 replacement cost that exceeds \$10,000. The amount to be reserved  
213 must ~~shall~~ be computed using ~~by means of~~ a formula ~~which is~~  
214 based upon estimated remaining useful life and estimated  
215 replacement cost or deferred maintenance expense of each reserve  
216 item. The association may adjust replacement reserve assessments  
217 annually to take into account any changes in estimates or  
218 extension of the useful life of a reserve item caused by  
219 deferred maintenance. This subsection does not apply to an  
220 adopted budget in which the members of an association have voted  
221 ~~determined, by a majority vote at a duly called meeting of the~~  
222 ~~association,~~ to provide no reserves or less reserves than  
223 required by this subsection. However, prior to turnover of  
224 control of an association by a developer to unit owners other  
225 than a developer pursuant to s. 718.301, the developer may vote  
226 to waive the reserves or reduce the funding of reserves through  
227 the period expiring at the end of the second fiscal year after  
228 the fiscal year in which the certificate of a surveyor and  
229 mapper is recorded pursuant to s. 718.104(4)(e) or an instrument  
230 that transfers title to a unit in the condominium which is not  
231 accompanied by a recorded assignment of developer rights in  
232 favor of the grantee of such unit is recorded, whichever occurs

20-00229-13

2013120\_\_

233 ~~first, for the first 2 fiscal years of the association's~~  
234 ~~operation, beginning with the fiscal year in which the initial~~  
235 ~~declaration is recorded,~~ after which time reserves may be waived  
236 or reduced only upon the vote of a majority of all nondeveloper  
237 voting interests voting in person or by limited proxy at a duly  
238 called meeting of the association. If a meeting of the unit  
239 owners has been called to determine whether to waive or reduce  
240 the funding of reserves, and no such result is achieved or a  
241 quorum is not attained, the reserves ~~as~~ included in the budget  
242 shall go into effect. After the turnover, the developer may vote  
243 its voting interest to waive or reduce the funding of reserves.

244 3. Reserve funds and any interest accruing thereon shall  
245 remain in the reserve account or accounts, and may ~~shall~~ be used  
246 only for authorized reserve expenditures unless their use for  
247 other purposes is approved in advance by a majority vote at a  
248 duly called meeting of the association. Prior to turnover of  
249 control of an association by a developer to unit owners other  
250 than the developer pursuant to s. 718.301, the developer-  
251 controlled association shall not vote to use reserves for  
252 purposes other than that for which they were intended without  
253 the approval of a majority of all nondeveloper voting interests,  
254 voting in person or by limited proxy at a duly called meeting of  
255 the association.

256 4. The only voting interests that ~~which~~ are eligible to  
257 vote on questions that involve waiving or reducing the funding  
258 of reserves, or using existing reserve funds for purposes other  
259 than purposes for which the reserves were intended, are the  
260 voting interests of the units subject to assessment to fund the  
261 reserves in question. Proxy questions relating to waiving or

20-00229-13

2013120\_\_

262 reducing the funding of reserves or using existing reserve funds  
263 for purposes other than purposes for which the reserves were  
264 intended shall contain the following statement in capitalized,  
265 bold letters in a font size larger than any other used on the  
266 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
267 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
268 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
269 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

270 Section 6. Section 718.114, Florida Statutes, is amended to  
271 read:

272 718.114 Association powers.—An association may enter into  
273 agreements to acquire leaseholds, memberships, and other  
274 possessory or use interests in lands or facilities such as  
275 country clubs, golf courses, marinas, and other recreational  
276 facilities, regardless of whether ~~or not~~ the lands or facilities  
277 are contiguous to the lands of the condominium, if such lands  
278 and facilities are intended to provide enjoyment, recreation, or  
279 other use or benefit to the unit owners. All of these  
280 leaseholds, memberships, and other possessory or use interests  
281 existing or created at the time of recording the declaration  
282 must be stated and fully described in the declaration.

283 Subsequent to the recording of the declaration, agreements  
284 acquiring these leaseholds, memberships, or other possessory or  
285 use interests which are not entered into within 12 months of the  
286 date of the recording of the certificate of a surveyor and  
287 mapper pursuant to s. 718.104(4) (e) or the recording of an  
288 instrument that transfers title to a unit in the condominium  
289 which is not accompanied by a recorded assignment of developer  
290 rights in favor of the grantee of such unit, whichever occurs

20-00229-13

2013120\_\_

291 first, are following the recording of the declaration are a  
292 material alteration or substantial addition to the real property  
293 that is association property, and the association may not  
294 acquire or enter into such agreements except upon a vote of, or  
295 written consent by, a majority of the total voting interests or  
296 as authorized by the declaration as provided in s. 718.113. The  
297 declaration may provide that the rental, membership fees,  
298 operations, replacements, and other expenses are common expenses  
299 and may impose covenants and restrictions concerning their use  
300 and may contain other provisions not inconsistent with this  
301 chapter. A condominium association may conduct bingo games as  
302 provided in s. 849.0931.

303 Section 7. Subsections (1) and (4) of section 718.301,  
304 Florida Statutes, are amended to read:

305 718.301 Transfer of association control; claims of defect  
306 by association.—

307 (1) If unit owners other than the developer own 15 percent  
308 or more of the units in a condominium that will be operated  
309 ultimately by an association, the unit owners other than the  
310 developer are entitled to elect at least one-third of the  
311 members of the board of administration of the association. Unit  
312 owners other than the developer are entitled to elect at least a  
313 majority of the members of the board of administration of an  
314 association, upon the first to occur of any of the following  
315 events:

316 (a) Three years after 50 percent of the units that will be  
317 operated ultimately by the association have been conveyed to  
318 purchasers;

319 (b) Three months after 90 percent of the units that will be

20-00229-13

2013120\_\_

320 operated ultimately by the association have been conveyed to  
321 purchasers;

322 (c) When all the units that will be operated ultimately by  
323 the association have been completed, some of them have been  
324 conveyed to purchasers, and none of the others are being offered  
325 for sale by the developer in the ordinary course of business;

326 (d) When some of the units have been conveyed to purchasers  
327 and none of the others are being constructed or offered for sale  
328 by the developer in the ordinary course of business;

329 (e) When the developer files a petition seeking protection  
330 in bankruptcy;

331 (f) When a receiver for the developer is appointed by a  
332 circuit court and is not discharged within 30 days after such  
333 appointment, unless the court determines within 30 days after  
334 appointment of the receiver that transfer of control would be  
335 detrimental to the association or its members; or

336 (g) Seven years after the date of the recording of the  
337 certificate of a surveyor and mapper pursuant to s.  
338 718.104(4) (e) or the recording of an instrument that transfers  
339 title to a unit in the condominium which is not accompanied by a  
340 recorded assignment of developer rights in favor of the grantee  
341 of such unit, whichever occurs first; ~~recording of the~~  
342 ~~declaration of condominium;~~ or, in the case of an association  
343 that may ultimately operate more than one condominium, 7 years  
344 after the date of the recording of the certificate of a surveyor  
345 and mapper pursuant to s. 718.104(4) (e) or the recording of an  
346 instrument that transfers title to a unit which is not  
347 accompanied by a recorded assignment of developer rights in  
348 favor of the grantee of such unit, whichever occurs first,

20-00229-13

2013120\_\_

349 ~~recordation of the declaration~~ for the first condominium it  
350 operates; or, in the case of an association operating a phase  
351 condominium created pursuant to s. 718.403, 7 years after the  
352 date of the recording of the certificate of a surveyor and  
353 mapper pursuant to s. 718.104(4) (e) or the recording of an  
354 instrument that transfers title to a unit which is not  
355 accompanied by a recorded assignment of developer rights in  
356 favor of the grantee of such unit, whichever occurs first  
357 ~~recordation of the declaration creating the initial phase,~~  
358 ~~whichever occurs first.~~ The developer is entitled to elect at  
359 least one member of the board of administration of an  
360 association as long as the developer holds for sale in the  
361 ordinary course of business at least 5 percent, in condominiums  
362 with fewer than 500 units, and 2 percent, in condominiums with  
363 more than 500 units, of the units in a condominium operated by  
364 the association. After the developer relinquishes control of the  
365 association, the developer may exercise the right to vote any  
366 developer-owned units in the same manner as any other unit owner  
367 except for purposes of reacquiring control of the association or  
368 selecting the majority members of the board of administration.

369 (4) At the time that unit owners other than the developer  
370 elect a majority of the members of the board of administration  
371 of an association, the developer shall relinquish control of the  
372 association, and the unit owners shall accept control.  
373 Simultaneously, or for the purposes of paragraph (c) not more  
374 than 90 days thereafter, the developer shall deliver to the  
375 association, at the developer's expense, all property of the  
376 unit owners and of the association which is held or controlled  
377 by the developer, including, but not limited to, the following

20-00229-13

2013120\_\_

378 items, if applicable, as to each condominium operated by the  
379 association:

380 (a)1. The original or a photocopy of the recorded  
381 declaration of condominium and all amendments thereto. If a  
382 photocopy is provided, it must ~~shall~~ be certified by affidavit  
383 of the developer or an officer or agent of the developer as  
384 being a complete copy of the actual recorded declaration.

385 2. A certified copy of the articles of incorporation of the  
386 association or, if the association was created prior to the  
387 effective date of this act and it is not incorporated, copies of  
388 the documents creating the association.

389 3. A copy of the bylaws.

390 4. The minute books, including all minutes, and other books  
391 and records of the association, if any.

392 5. Any house rules and regulations that ~~which~~ have been  
393 promulgated.

394 (b) Resignations of officers and members of the board of  
395 administration who are required to resign because the developer  
396 is required to relinquish control of the association.

397 (c) The financial records, including financial statements  
398 of the association, and source documents from the incorporation  
399 of the association through the date of turnover. The records  
400 must ~~shall~~ be audited for the period from the incorporation of  
401 the association or from the period covered by the last audit, if  
402 an audit has been performed for each fiscal year since  
403 incorporation, by an independent certified public accountant.  
404 All financial statements must ~~shall~~ be prepared in accordance  
405 with generally accepted accounting principles and must ~~shall~~ be  
406 audited in accordance with generally accepted auditing

20-00229-13

2013120\_\_

407 standards, as prescribed by the Florida Board of Accountancy,  
408 pursuant to chapter 473. The accountant performing the audit  
409 shall examine to the extent necessary supporting documents and  
410 records, including the cash disbursements and related paid  
411 invoices to determine if expenditures were for association  
412 purposes and the billings, cash receipts, and related records to  
413 determine that the developer was charged and paid the proper  
414 amounts of assessments.

415 (d) Association funds or control thereof.

416 (e) All tangible personal property that is property of the  
417 association, which is represented by the developer to be part of  
418 the common elements or which is ostensibly part of the common  
419 elements, and an inventory of that property.

420 (f) A copy of the plans and specifications utilized in the  
421 construction or remodeling of improvements and the supplying of  
422 equipment to the condominium and in the construction and  
423 installation of all mechanical components serving the  
424 improvements and the site with a certificate in affidavit form  
425 of the developer or the developer's agent or an architect or  
426 engineer authorized to practice in this state that such plans  
427 and specifications represent, to the best of his or her  
428 knowledge and belief, the actual plans and specifications  
429 utilized in the construction and improvement of the condominium  
430 property and for the construction and installation of the  
431 mechanical components serving the improvements. If the  
432 condominium property has been declared a condominium more than 3  
433 years after the completion of construction or remodeling of the  
434 improvements, the requirements of this paragraph do not apply.

435 (g) A list of the names and addresses, ~~of which the~~

20-00229-13

2013120\_\_

436 ~~developer had knowledge at any time in the development of the~~  
437 ~~condominium,~~ of all contractors, subcontractors, and suppliers  
438 utilized in the construction or remodeling of the improvements  
439 and in the landscaping of the condominium or association  
440 property which the developer had knowledge of at any time in the  
441 development of the condominium.

442 (h) Insurance policies.

443 (i) Copies of any certificates of occupancy that ~~which~~ may  
444 have been issued for the condominium property.

445 (j) Any other permits applicable to the condominium  
446 property which have been issued by governmental bodies and are  
447 in force or were issued within 1 year prior to the date the unit  
448 owners other than the developer took ~~take~~ control of the  
449 association.

450 (k) All written warranties of the contractor,  
451 subcontractors, suppliers, and manufacturers, if any, that are  
452 still effective.

453 (l) A roster of unit owners and their addresses and  
454 telephone numbers, if known, as shown on the developer's  
455 records.

456 (m) Leases of the common elements and other leases to which  
457 the association is a party.

458 (n) Employment contracts or service contracts in which the  
459 association is one of the contracting parties or service  
460 contracts in which the association or the unit owners have an  
461 obligation or responsibility, directly or indirectly, to pay  
462 some or all of the fee or charge of the person or persons  
463 performing the service.

464 (o) All other contracts to which the association is a

20-00229-13

2013120\_\_

465 party.

466 (p) A report included in the official records, under seal  
467 of an architect or engineer authorized to practice in this  
468 state, attesting to required maintenance, useful life, and  
469 replacement costs of the following applicable common elements  
470 comprising a turnover inspection report:

- 471 1. Roof.
- 472 2. Structure.
- 473 3. Fireproofing and fire protection systems.
- 474 4. Elevators.
- 475 5. Heating and cooling systems.
- 476 6. Plumbing.
- 477 7. Electrical systems.
- 478 8. Swimming pool or spa and equipment.
- 479 9. Seawalls.
- 480 10. Pavement and parking areas.
- 481 11. Drainage systems.
- 482 12. Painting.
- 483 13. Irrigation systems.

484 (q) A copy of the certificate of a surveyor and mapper  
485 recorded pursuant to s. 718.104(4)(e) or the recorded instrument  
486 that transfers title to a unit in the condominium which is not  
487 accompanied by a recorded assignment of developer rights in  
488 favor of the grantee of such unit, whichever occurs first.

489 Section 8. Subsection (1) of section 718.403, Florida  
490 Statutes, is amended to read:

491 718.403 Phase condominiums.—

492 (1) Notwithstanding the provisions of s. 718.110, a  
493 developer may develop a condominium in phases, if the original

20-00229-13

2013120\_\_

494 declaration of condominium submitting the initial phase to  
495 condominium ownership or an amendment to the declaration which  
496 has been approved by all of the unit owners and unit mortgagees  
497 provides for and describes in detail all anticipated phases; the  
498 impact, if any, which the completion of subsequent phases would  
499 have upon the initial phase; and the time period ~~(which may not~~  
500 ~~exceed 7 years from the date of recording the declaration of~~  
501 ~~condominium)~~ within which all phases must be added to the  
502 condominium and comply with the requirements of this section and  
503 at the end of which the right to add additional phases expires.

504 (a) All phases must be added to the condominium within 7  
505 years after the date of the recording of the certificate of a  
506 surveyor and mapper pursuant to s. 718.104(4) (e) or the  
507 recording of an instrument that transfers title to a unit in the  
508 condominium which is not accompanied by a recorded assignment of  
509 developer rights in favor of the grantee of such unit, whichever  
510 occurs first, unless the unit owners vote to approve an  
511 amendment extending the 7-year period pursuant to subsection (b)  
512 of this section.

513 (b) An amendment to extend the 7-year period shall require  
514 the approval of the owners necessary to amend the declaration of  
515 condominium pursuant to s. 718.110(1) (a). An extension of the 7-  
516 year period may be submitted for approval only during the last 3  
517 years of the 7-year period.

518 (c) An amendment must describe the time period within which  
519 all phases must be added to the condominium and such time period  
520 may not exceed 10 years from the date of the recording of the  
521 certificate of a surveyor and mapper pursuant to s.  
522 718.104(4) (e) or the recording of an instrument that transfers

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523 title to a unit in the condominium which is not accompanied by a  
524 recorded assignment of developer rights in favor of the grantee  
525 of such unit, whichever occurs first.

526 (d) An amendment that extends the 7-year period pursuant to  
527 this section is not subject to the requirements of s.  
528 718.110(4).

529 Section 9. This act shall take effect upon becoming a law.