Representative Moraitis offered the following:

Amendment (with title amendment)

Remove lines 84-569 and insert:

Section 1. Section 633.2225, Florida Statutes, is created to read:

633.2225  Condominium and cooperative buildings without sprinkler systems; notice requirements; enforcement.—

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

(2) The State Fire Marshal shall:

(a) Ensure that the dimensions and placement of the sign
or symbol do not diminish the aesthetic value of the building;

and

(b) Adopt rules necessary to implement the provisions of
this section, including, but not limited to:

1. The dimensions and color of such sign or symbol.

2. The time within which the condominium or cooperative
buildings without sprinkler systems shall be marked as required
by this section.

3. The location on each condominium or cooperative
building without a sprinkler system where such sign or symbol
must be posted.

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

Section 2. Paragraphs (a) and (d) of subsection (1) and
subsections (3), (9), (12), and (13) of section 718.111, Florida
Statutes, are amended, and subsection (15) is added to that
section, to read:

718.111 The association.––

(1) CORPORATE ENTITY.––
(a) The operation of the condominium shall be by the association, which must be a Florida corporation for profit or a Florida corporation not for profit. However, any association which was in existence on January 1, 1977, need not be incorporated. The owners of units shall be shareholders or members of the association. The officers and directors of the association have a fiduciary relationship to the unit owners. It is the intent of the Legislature that nothing in this paragraph shall be construed as providing for or removing a requirement of a fiduciary relationship between any manager employed by the association and the unit owners. An officer, director, or manager may not solicit, offer to accept, or accept any thing or service of value or kickback for which consideration has not been provided for his or her own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association. Any such officer, director, or manager who knowingly so solicits, offers to accept, or accepts any thing or service of value or kickback is subject to a civil penalty pursuant to s. 718.501(1)(d) and, if applicable, a criminal penalty as provided in paragraph (d). However, this paragraph does not prohibit an officer, director, or manager from accepting services or items received in connection with trade fairs or education programs. An association may operate more than one condominium.
(d) As required by s. 617.0830, an officer, director, or agent shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the interests of the association. An officer, director, or agent shall be liable for monetary damages as provided in s. 617.0834 if such officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Forgery of a ballot envelope or voting certificate used in a condominium association election is punishable as provided in s. 831.01, the theft or embezzlement of funds of a condominium association is punishable as provided in s. 812.014, and the destruction of or the refusal to allow inspection or copying of an official record of a condominium association that is accessible to unit owners within the time periods required by general law in furtherance of any crime is punishable as tampering with physical evidence as provided in s. 918.13 or as obstruction of justice as provided in chapter 843. An officer or...
director charged by information or indictment with a crime referenced in this paragraph must be removed from office, and the vacancy shall be filled as provided in s. 718.112(2)(d)2. until the end of the officer's or director's period of suspension or the end of his or her term of office, whichever occurs first. If a criminal charge is pending against the officer or director, he or she may not be appointed or elected to a position as an officer or a director of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the officer or director must be reinstated for the remainder of his or her term of office, if any.

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(a) The association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers. For these purposes, the powers of the association include, but are not limited to, the maintenance, management, and operation of the condominium property. After control of the association is obtained by unit owners other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all unit owners concerning matters of common interest to most or all unit owners, including, but not limited to, the common elements; the roof and
structural components of a building or other improvements; mechanical, electrical, and plumbing elements serving an improvement or a building; representations of the developer pertaining to any existing or proposed commonly used facilities; and protesting ad valorem taxes on commonly used facilities and on units; and may defend actions in eminent domain or bring inverse condemnation actions. If the association has the authority to maintain a class action, the association may be joined in an action as representative of that class with reference to litigation and disputes involving the matters for which the association could bring a class action. Nothing herein limits any statutory or common-law right of any individual unit owner or class of unit owners to bring any action without participation by the association which may otherwise be available.

(b) An association may not hire an attorney who represents the management company of the association.

(9) PURCHASE OF UNITS.—The association has the power, unless prohibited by the declaration, articles of incorporation, or bylaws of the association, to purchase units in the condominium and to acquire and hold, lease, mortgage, and convey them. There shall be no limitation on the association's right to purchase a unit at a foreclosure sale resulting from the association's foreclosure of its lien for unpaid assessments, or to take title by deed in lieu of foreclosure. However, except
for a timeshare condominium, a board member, manager, or
management company may not purchase a unit at a foreclosure sale
resulting from the association's foreclosure of its lien for
unpaid assessments or take title by deed in lieu of foreclosure.

(12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

   7. A current roster of all unit owners and their mailing
      addresses, unit identifications, and voting certifications, and,
if known, telephone numbers. The association shall also maintain
the electronic mailing addresses and facsimile numbers of unit
owners consenting to receive notice by electronic transmission.
The electronic mailing addresses and facsimile numbers are not
accessible to unit owners if consent to receive notice by
electronic transmission is not provided in accordance with sub-
subparagraph (c)3.e. subparagraph (c)5. However, the association
is not liable for an inadvertent disclosure of the electronic
mail address or facsimile number for receiving electronic
transmission of notices.

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

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

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

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

- a. Accurate, itemized, and detailed records of all receipts and expenditures.
- b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.
- c. All audits, reviews, accounting statements, and financial reports of the association or condominium.
- d. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association.

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

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

14. A copy of the current question and answer sheet as described in s. 718.504.
15. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

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

17. Bids for materials, equipment, or services.

(b) The official records of the association must be maintained within the state for at least 7 years. The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. However, such distance requirement does not apply to an association governing a timeshare condominium. This paragraph may be complied with by having a copy of the official records of the association available for inspection or copying on the condominium property or association property, or the association may offer the option of making the records available to a unit owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. The association is not responsible for the use or misuse of the information provided to an association member or his or her authorized representative pursuant to the compliance requirements of this chapter unless the association
(c)1. The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. A renter of a unit has a right to inspect and copy the association's bylaws and rules. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.
2. Any person who knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(d).

3. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and year-end financial information required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for
the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

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

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

    c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

    d. Medical records of unit owners.
HOUSE AMENDMENT

Bill No. CS/CS/HB 1237 (2017)

Amendment No.

1. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

2. Electronic security measures that are used by the association to safeguard data, including passwords.
331 | The software and operating system used by the
332 | association which allow the manipulation of data, even if the
333 | owner owns a copy of the same software used by the association.
334 | The data is part of the official records of the association.
335 | (d) The association shall prepare a question and answer
336 | sheet as described in s. 718.504, and shall update it annually.
337 | (e)1. The association or its authorized agent is not
338 | required to provide a prospective purchaser or lienholder with
339 | information about the condominium or the association other than
340 | information or documents required by this chapter to be made
341 | available or disclosed. The association or its authorized agent
342 | may charge a reasonable fee to the prospective purchaser,
343 | lienholder, or the current unit owner for providing good faith
344 | responses to requests for information by or on behalf of a
345 | prospective purchaser or lienholder, other than that required by
346 | law, if the fee does not exceed $150 plus the reasonable cost of
347 | photocopying and any attorney's fees incurred by the association
348 | in connection with the response.
349 | 2. An association and its authorized agent are not liable
350 | for providing such information in good faith pursuant to a
351 | written request if the person providing the information includes
352 | a written statement in substantially the following form: "The
353 | responses herein are made in good faith and to the best of my
354 | ability as to their accuracy."
(f) An outgoing board or committee member must relinquish all official records and property of the association in his or her possession or under his or her control to the incoming board within 5 days after the election. The division shall impose a civil penalty as set forth in s. 718.501(1)(d)6. against an outgoing board or committee member who willfully and knowingly fails to relinquish such records and property.

(g)1. By July 1, 2018, an association with 150 or more units which does not manage timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website.

a. The association's website must be:

(I) An independent website or web portal wholly owned and operated by the association; or

(II) A website or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, or collection of subpages or web portals dedicated to the association's activities and on which required notices, records, and documents may be posted by the association.

b. The association's website must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.
c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website that contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website:
   a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.
   b. The recorded bylaws of the association and each amendment to the bylaws.
   c. The articles of incorporation of the association, or other documents creating the association, and each amendment thereto. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.
   d. The rules of the association.
   e. Any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.
   f. The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.
g. The financial report required by subsection (13) and any proposed financial report to be considered at a meeting.

h. The certification of each director required by s. 718.112(2)(d)4.b.

i. All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

j. Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.436(2) and 718.3026(3).

k. The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website, or on a separate subpage of the website labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

l. Notice of any board meeting, the agenda, and any other document required for the meeting as required by s.
718.112(2)(c), which must be posted no later than the date required for notice pursuant to s. 718.112(2)(c).

2. The association shall ensure that the information and records described in paragraph (c), which are not permitted to be accessible to unit owners, are not posted on the association's website. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website, the association shall ensure the information is redacted before posting the documents online.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the most recent financial report or a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. The division shall adopt rules setting
forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association.

Financial reports shall be prepared as follows:

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

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

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

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.
(b) 1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

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

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

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

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

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

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

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

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

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

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken, except that the approval may also be effective for the following fiscal year. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the
second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association. An association may not waive the financial reporting requirements of this section for more than 3 consecutive years.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the
division's request may not waive the financial reporting
requirement provided in paragraph (d). A financial report
received by the division pursuant to this paragraph shall be
maintained, and the division shall provide a copy of such report
to an association member upon his or her request.

(15) DEBIT CARDS.—
(a) An association and its officers, directors, employees,
and agents may not use a debit card issued in the name of the
association, or billed directly to the association, for the
payment of any association expense.
(b) Use of a debit card issued in the name of the
association, or billed directly to the association, for any
expense that is not a lawful obligation of the association may
be prosecuted as credit card fraud pursuant to s. 817.61.

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

718.112 Bylaws.—
(2) REQUIRED PROVISIONS.—The bylaws shall provide for the
following and, if they do not do so, shall be deemed to include
the following:
(c) Board of administration meetings.—Meetings of the
board of administration at which a quorum of the members is
present are open to all unit owners. Members of the board of
administration may use e-mail as a means of communication but
may not cast a vote on an association matter via e-mail. A unit
owner may tape record or videotape the meetings. The right to
attend such meetings includes the right to speak at such
meetings with reference to all designated agenda items. The
division shall adopt reasonable rules governing the tape
recording and videotaping of the meeting. The association may
adopt written reasonable rules governing the frequency,
duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must
specifically identify all agenda items, must be posted
conspicuously on the condominium property at least 48 continuous
hours before the meeting except in an emergency. If 20 percent
of the voting interests petition the board to address an item of
business, the board, within 60 days after receipt of the
petition, shall place the item on the agenda at its next regular
board meeting or at a special meeting called for that purpose.
An item not included on the notice may be taken up on an
emergency basis by a vote of at least a majority plus one of the
board members. Such emergency action must be noticed and
ratified at the next regular board meeting. Notice of any
meeting in which a regular or special assessment against unit
owners is to be considered must specifically state that
assessments will be considered and provide the estimated amount
and a description of the purposes for such assessments. However,
Written notice of a meeting at which a nonemergency special
assessment or an amendment to rules regarding unit use will be
considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium or association property where all notices of board meetings must be posted. If there is no condominium property or association property where notices can be posted, notices shall be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the meeting. In lieu of or in addition to the physical posting of the notice on the condominium property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the
entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as required for a notice for a meeting of the members, which must include a hypertext link to the website where the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the nature, estimated cost, and description of the purposes for such assessments.

2. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.
3. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:
   a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or
   b. Board meetings held for the purpose of discussing personnel matters.

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

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

1. A vote to forego required retrofitting may be obtained
by limited proxy or by a ballot personally cast at a duly called
membership meeting, or by execution of a written consent by the
member, or by electronic voting, and is effective upon recording
a certificate executed by an officer or agent of the association
attesting to such vote in the public records of the county where
the condominium is located. When an opt-out vote is to be
conducted at a meeting, the association shall mail or hand deliver to each unit owner written notice at least 14 days before the membership meeting in which the vote to forego retrofitting of the required fire sprinkler system or other engineered lifesafety system is to take place. Within 30 days after the association's opt-out vote, notice of the results of the opt-out vote must be mailed or hand delivered to all unit owners. Evidence of compliance with this notice requirement must be made by affidavit executed by the person providing the notice and filed among the official records of the association. Failure to provide timely notice to unit owners does not invalidate an otherwise valid opt-out vote if notice of the results is provided to the owners. After notice is provided to each owner, a copy must be provided by the current owner to a new owner before closing and by a unit owner to a renter before signing a lease.

2. If there has been a previous vote to forego retrofitting, a vote to require retrofitting may be obtained at a special meeting of the unit owners called by a petition of at least 10 percent of the voting interests or by a majority of the board of directors. The approval of two-thirds of all voting interests in the affected condominium is required to require retrofitting. Such a vote may only be called once every 3 years. Notice shall be provided as required for any regularly called meeting of the unit owners, and must state the purpose of the
meeting. Electronic transmission may not be used to provide
notice of a meeting called in whole or in part for this purpose.

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

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

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

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

718.113 Maintenance; limitation upon improvement; display
of flag; hurricane shutters and protection; display of religious
decorations.—
(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration as originally recorded or as amended under the procedures provided therein. If the declaration as originally recorded or as amended under the procedures provided therein does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions before the material alterations or substantial additions are commenced. This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act October 1, 2008.

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums as originally recorded or as amended under the procedures provided therein. If a declaration as originally recorded or as amended under the procedures provided therein does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required before the material alterations or substantial additions are commenced.
This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws as originally recorded or as amended under the procedures provided therein requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws as originally recorded or as amended under the procedures provided therein. If the declaration, articles of incorporation, or bylaws as originally recorded or as amended under the procedures provided therein do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required before the material alterations or substantial additions are commenced. This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.
Section 5. Subsections (1) and (3) of section 718.117, Florida Statutes, are amended, and subsection (21) is added to that section, to read:

718.117 Termination of condominium.—

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

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

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

(c) The Legislature further finds that it is contrary to the public policy of this state to require the continued operation of a condominium when to do so constitutes economic waste or when the ability to do so is made impossible by law or regulation.
(d) It is in the best interest of the state to provide for termination of the covenants of a declaration of condominium in certain circumstances, in order to:

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

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

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

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

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

6. Preserve the state's long history of protecting homestead property and homestead property rights by ensuring that such protection is extended to homestead property owners in the context of a termination of the covenants of a declaration of condominium. This section applies to all condominiums in this state in existence on or after July 1, 2007.
(3) OPTIONAL TERMINATION. Except as provided in subsection (2) or unless the declaration provides for a lower percentage, the condominium form of ownership may be terminated for all or a portion of the condominium property pursuant to a plan of termination meeting the requirements of this section and approved by the division. Before a residential association submits a plan to the division, the plan must be approved by at least 80 percent of the total voting interests of the condominium. However, if 5 to 10 percent or more of the total voting interests of the condominium have rejected the plan of termination by negative vote or by providing written objections, the plan of termination may not proceed.

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

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

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

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

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

1. If the former condominium units are offered for lease to the public after the termination, each unit owner in occupancy immediately before the date of recording of the plan of termination may lease his or her former unit and remain in possession of the unit for 12 months after the effective date of the termination on the same terms as similar unit types within the property are being offered to the public. In order to obtain a lease and exercise the right to retain exclusive possession of the unit owner's former unit, the unit owner must make a written request to the termination trustee to rent the former unit within 90 days after the date the plan of termination is recorded. Any unit owner who fails to timely make such written request and sign a lease within 15 days after being presented...
with a lease is deemed to have waived his or her right to retain possession of his or her former unit and shall be required to vacate the former unit upon the effective date of the termination, unless otherwise provided in the plan of termination.

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

3. For their respective units, all unit owners other than the bulk owner must be compensated at least 100 percent of the fair market value of their units. The fair market value shall be determined as of a date that is no earlier than 90 days before the date that the plan of termination is recorded and shall be determined by an independent appraiser selected by the termination trustee. For a person an original purchaser from the developer who rejects the plan of termination and whose unit was granted homestead exemption status by the applicable county.
property appraiser, or was an owner-occupied operating business, as of the date that the plan of termination is recorded and who is current in payment of both assessments and other monetary obligations to the association and any mortgage encumbering the unit as of the date the plan of termination is recorded, the fair market value for the unit owner rejecting the plan shall be at least the original purchase price paid for the unit. For purposes of this subparagraph, the term "fair market value" means the price of a unit that a seller is willing to accept and a buyer is willing to pay on the open market in an arms-length transaction based on similar units sold in other condominiums, including units sold in bulk purchases but excluding units sold at wholesale or distressed prices. The purchase price of units acquired in bulk following a bankruptcy or foreclosure shall not be considered for purposes of determining fair market value.

4. The plan of termination must provide for payment of a first mortgage encumbering a unit to the extent necessary to satisfy the lien, but the payment may not exceed the unit's share of the proceeds of termination under the plan. If the unit owner is current in payment of both assessments and other monetary obligations to the association and any mortgage encumbering the unit as of the date the plan of termination is recorded, the receipt by the holder of the unit's share of the proceeds of termination under the plan or the outstanding
balance of the mortgage, whichever is less, shall be deemed to have satisfied the first mortgage in full.

5. Before a plan of termination is presented to the unit owners for consideration pursuant to this paragraph, the plan must include the following written disclosures in a sworn statement:
   a. The identity of any person or entity that owns or controls 25 percent or more of the units in the condominium and, if the units are owned by an artificial entity or entities, a disclosure of the natural person or persons who, directly or indirectly, manage or control the entity or entities and the natural person or persons who, directly or indirectly, own or control 10 percent or more of the artificial entity or entities that constitute the bulk owner.
   b. The units acquired by any bulk owner, the date each unit was acquired, and the total amount of compensation paid to each prior unit owner by the bulk owner, regardless of whether attributed to the purchase price of the unit.
   c. The relationship of any board member to the bulk owner or any person or entity affiliated with the bulk owner subject to disclosure pursuant to this subparagraph.
   d. The factual circumstances that show that the plan complies with the requirements of this section and that the plan supports the expressed public policies of this section.
(d) If the members of the board of administration are elected by the bulk owner, unit owners other than the bulk owner may elect at least one-third of the members of the board of administration before the approval of any plan of termination.

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

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

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

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

718.707 Time limitation for classification as bulk assignee or bulk buyer.—A person acquiring condominium parcels may not be classified as a bulk assignee or bulk buyer unless the condominium parcels were acquired on or after July 1, 2010 but before July 1, 2018. The date of such acquisition shall be determined by the date of recording a deed or other instrument of conveyance for such parcels in the public records of the county in which the condominium is located, or by the date of
issuing a certificate of title in a foreclosure proceeding with respect to such condominium parcels.

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

Remove lines 2-39 and insert:

An act relating to condominium and cooperative associations; creating s. 633.2225, F.S.; requiring certain condominium or cooperative associations to post certain signs or symbols on buildings; requiring the State Fire Marshal to adopt rules governing such signs or symbols; providing for enforcement; providing penalties; amending s. 718.111, F.S.; prohibiting an officer, director, or manager from soliciting, offering to accept, or accepting a kickback for which consideration has not been provided; providing criminal penalties; requiring that an officer or director charged with certain crimes be removed from office; providing requirements for filling the vacancy left by such removal; prohibiting such officer or director from being appointed or elected or having access to official condominium association records for a specified time; providing an exception; requiring an officer or director to be reinstated if the charges are resolved without a finding of guilt; prohibiting...
an association from hiring an attorney who represents
the management company of the association; prohibiting
a board member, manager, or management company from
purchasing a unit at a foreclosure sale under certain
circumstances; providing recordkeeping requirements;
providing that the official records of an association
are open to inspection by an association member's
authorized representative; providing that a renter of
a unit has a right to inspect and copy the
association's bylaws and rules; providing requirements
relating to the posting of specified documents on an
association's website; providing a remedy for an
association's failure to provide a unit owner with a
copy of the most recent financial report; requiring
the Division of Florida Condominiums, Timeshares, and
Mobile Homes to maintain and provide copies of
financial reports; revising reporting requirements;
prohibiting a condominium association and its
officers, directors, employees, and agents from using
a debit card issued in the name of the association, or
billed directly to the association, for the payment of
any association expense; providing that the use of
such debit card for any expense that is not a lawful
obligation of the association may be prosecuted as
credit card fraud; amending s. 718.112, F.S.;
authorizing an association to adopt rules for posting
certain notices on a website; revising provisions
relating to required condominium and cooperative
association bylaws; revising provisions relating to
evidence of condominium and cooperative association
compliance with the fire and life safety code;
revising unit and common elements required to be
retrofitted; revising provisions relating to an
association vote to forego retrofitting; providing
applicability; amending s. 718.113, F.S.; revising
voting requirements relating to alterations and
additions to certain common elements or association
property; amending s. 718.117, F.S.; revising
legislative findings; revising voting requirements for
the rejection of a plan of termination; increasing the
amount of time to consider a plan of termination under
certain conditions; revising the requirements to
qualify for payment as a homestead owner if the owner
has rejected a plan of termination; revising and
providing notice requirements; providing
applicability; amending s. 718.707, F.S.; revising the
time period for classification as bulk assignee or
bulk buyer;