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# **Civil Justice & Claims Subcommittee**

**March 28, 2017**

**3:30 PM**

**404 HOB**

**Action Packet**

**Richard Corcoran  
Speaker**

**Heather Fitzhagen  
Chair**

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED**

**Summary:**

**Civil Justice & Claims Subcommittee**

*Tuesday March 28, 2017 03:30 pm*

HB 645	Favorable		Yeas: 14	Nays: 0
CS/HB 653	Favorable With Committee Substitute		Yeas: 10	Nays: 4
	Amendment 745115	Adopted Without Objection		
CS/HB 775	Favorable		Yeas: 14	Nays: 0
HB 829	Favorable With Committee Substitute		Yeas: 15	Nays: 0
	Amendment 110159	Adopted Without Objection		
HB 1159	Favorable With Committee Substitute		Yeas: 13	Nays: 0
	Amendment 228117	Adopted Without Objection		
	Amendment 720183	Adopted Without Objection		
	Amendment 653609	Adopted Without Objection		
HB 1271	Favorable With Committee Substitute		Yeas: 14	Nays: 0
	Amendment 734445	Adopted Without Objection		
HB 1337	Favorable With Committee Substitute		Yeas: 11	Nays: 3
	Amendment 536483	Adopted Without Objection		
HB 6517	Unfavorable		Yeas: 6	Nays: 9
	Amendment 779941	Adopted Without Objection		
HB 6527	Favorable With Committee Substitute		Yeas: 10	Nays: 4
	Amendment 233007	Adopted Without Objection		
HB 6543	Unfavorable		Yeas: 7	Nays: 8
	Amendment 139653	Withdrawn		
	Amendment 579205	Adopted Without Objection		
HB 6551	Temporarily Postponed			
	Amendment 556301	Failed to Adopt		
	Amendment 258647	Adopted	Yeas: 9	Nays: 6
HB 6555	Not Considered		Yeas: 5	Nays: 10
	Amendment 818907	Adopted Without Objection		

**Committee meeting was reported out: Wednesday, March 29, 2017 10:59AM**

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED**

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Heather Fitzenhagen (Chair)	X		
Daniel Burgess, Jr.	X		
Colleen Burton	X		
Cord Byrd	X		
John Cortes	X		
Ben Diamond	X		
Jay Fant	X		
Erin Grall	X		
Shawn Harrison	X		
George Moraitis, Jr.	X		
Sean Shaw	X		
Cynthia Stafford	X		
Jackie Toledo	X		
Barbara Watson	X		
Frank White	X		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, March 29, 2017 10:59AM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 645 : Involuntary Examinations Under the Baker Act**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Erin Grall			X		
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**CS/HB 653 : Community Associations**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd	X				
John Cortes		X			
Ben Diamond			X		
Jay Fant	X				
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw		X			
Cynthia Stafford		X			
Jackie Toledo	X				
Barbara Watson		X			
Frank White	X				
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 4</b>			

**CS/HB 653 Amendments**

**Amendment 745115**

*Adopted Without Objection*

**Appearances:**

Steve Peavey - Opponent  
 International Fire Marshals Assoc  
 Past-President  
 1121 Piedmont Lakes Blvd  
 Apopka FL 32703  
 Phone: 407-832-7801

Rick Butcher - Opponent  
 Florida Fire Marshals/Fire Chiefs  
 Fire Chief  
 444 Huey Avenue  
 Tarpon Springs FL 34689  
 Phone: 727-534-0031

Stander, William (Lobbyist) - Opponent  
 American Fire Sprinkler Association-Florida Chapter  
 113 S Monroe St  
 Tallahassee FL 32301  
 Phone: (850) 212-3250

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**CS/HB 653 : Community Associations (continued)**

**Appearances: (continued)**

Moore, Travis (Lobbyist) - Proponent  
Community Associations Institute  
Po Box 2020  
St Petersburg FL 33731-2020  
Phone: (727) 421-6902

Dewar, Buddy (Lobbyist) - Opponent  
Florida Fire Sprinkler Association  
5501 Touraine Dr  
Tallahassee FL 32308  
Phone: (850) 566-8733

Bostick, Melanie (Lobbyist) - Waive In Support  
Florida Institute of Certified Public Accountants  
PO Box 390 Suite 300  
Tallahassee FL 32302-0390  
Phone: (850) 841-1726

**Bill and Amendment**

Hebrank, Kari (Lobbyist) - Waive In Support  
Florida Home Builders Association  
113 E College Ave Ste 200  
Tallahassee FL 32301  
Phone: (850) 514-5183

**Bill and Amendment**

Pinsky, Richard (Lobbyist) - Waive In Support  
Cyber Citizens for Justice, Inc.  
106 E College Ave  
Tallahassee FL 32301  
Phone: (850) 224-9634

**Amendment - Proponet**

Watler, Doug (Lobbyist) - Information Only  
Florida Professional Firefighters  
Distr Vice President  
345 West Madison Street  
Tallahassee FL 32301  
Phone: 850-224-7333

**Jim Millican - Waive In Opposition**

Lealman Fire District  
District Chief  
4360 55 Avenue N  
St Pete FL 33714  
Phone: 727-526-5650

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER		

*Adopted*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee

3 Representative Moraitis offered the following:

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

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

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

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



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16 conducting fire control and other emergency operations of the  
17 lack of a sprinkler system in the common areas.

18 (2) The State Fire Marshal shall adopt rules necessary to  
19 implement the provisions of this section, including, but not  
20 limited to:

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

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

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

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

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

34 718.111 The association.—

35 (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

194 4. Medical records of unit owners.

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

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

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

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

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

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





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

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

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

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

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

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

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

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



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

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

295 2.3. A report of cash receipts and disbursements must  
296 disclose the amount of receipts by accounts and receipt  
297 classifications and the amount of expenses by accounts and  
298 expense classifications, including, but not limited to, the  
299 following, as applicable: costs for security, professional and  
300 management fees and expenses, taxes, costs for recreation  
301 facilities, expenses for refuse collection and utility services,  
302 expenses for lawn care, costs for building maintenance and  
303 repair, insurance costs, administration and salary expenses, and  
304 reserves accumulated and expended for capital expenditures,  
305 deferred maintenance, and any other category for which the  
306 association maintains reserves.

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

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



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312           2. Reviewed or audited financial statements, if the  
313 association is required to prepare compiled financial  
314 statements; or

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

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

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

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

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

328

329 Such meeting and approval must occur before the end of the  
330 fiscal year and is effective only for the fiscal year in which  
331 the vote is taken, except that the approval may also be  
332 effective for the following fiscal year. If the developer has  
333 not turned over control of the association, all unit owners,  
334 including the developer, may vote on issues related to the  
335 preparation of the association's financial reports, from the  
336 date of incorporation of the association through the end of the

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

350 Section 3. Paragraphs (c) and (1) of subsection (2) of  
351 section 718.112, Florida Statutes, are amended to read:

352 718.112 Bylaws.—

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

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

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

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

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

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

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

433         3. Notwithstanding any other law, the requirement that  
434 board meetings and committee meetings be open to the unit owners  
435 does not apply to:





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

440 b. Board meetings held for the purpose of discussing  
441 personnel matters.

442 (1) Certificate of compliance.—A provision that a  
443 certificate of compliance from a licensed electrical contractor  
444 or electrician may be accepted by the association's board as  
445 evidence of compliance ~~of the condominium units~~ with the  
446 applicable fire and life safety code must be included.  
447 Notwithstanding chapter 633, s. 509.215, s. 553.895(1), or ~~of~~  
448 any other code, statute, ordinance, administrative rule, or  
449 regulation, or any interpretation of the foregoing, an  
450 association, ~~residential condominium,~~ or unit owner is not  
451 obligated to retrofit the common elements, association property,  
452 or units of a residential condominium with a fire sprinkler  
453 system or other engineered lifesafety system in a building that  
454 is 75 feet or less in height. There is no obligation to retrofit  
455 for a building greater than 75 feet in height, calculated from  
456 the lowest level of fire department vehicle access to the floor  
457 of the highest occupiable story ~~has been certified for occupaney~~  
458 ~~by the applicable governmental entity~~ if the unit owners have  
459 voted to forego such retrofitting by the affirmative vote of a  
460 majority of all voting interests in the affected condominium.

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

476 1. A vote to forego required retrofitting may be obtained  
477 by limited proxy or by a ballot personally cast at a duly called  
478 membership meeting, or by execution of a written consent by the  
479 member, or by electronic voting, and is effective upon recording  
480 a certificate executed by an officer or agent of the association  
481 attesting to such vote in the public records of the county where  
482 the condominium is located. When an opt-out vote is to be  
483 conducted at a meeting, the association shall mail or ~~hand~~  
484 deliver to each unit owner written notice at least 14 days  
485 before the membership meeting in which the vote to forego

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

499 2. If there has been a previous vote to forego  
500 retrofitting, a vote to require retrofitting may be obtained at  
501 a special meeting of the unit owners called by a petition of at  
502 least 10 percent of the voting interests or by a majority of the  
503 board of directors. ~~Such a vote may only be called once every 3~~  
504 ~~years.~~ Notice shall be provided as required for any regularly  
505 called meeting of the unit owners, and must state the purpose of  
506 the meeting. ~~Electronic transmission may not be used to provide~~  
507 ~~notice of a meeting called in whole or in part for this purpose.~~

508 3. As part of the information collected annually from  
509 condominiums, the division shall require condominium  
510 associations to report the membership vote and recording of a

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511 certificate under this subsection and, if retrofitting has been  
512 undertaken, the per-unit cost of such work. The division shall  
513 annually report to the Division of State Fire Marshal of the  
514 Department of Financial Services the number of condominiums that  
515 have elected to forego retrofitting. Compliance with this  
516 administrative reporting requirement does not affect the  
517 validity of an opt-out vote.

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

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

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

528 718.113 Maintenance; limitation upon improvement; display  
529 of flag; hurricane shutters and protection; display of religious  
530 decorations.—

531 (2) (a) Except as otherwise provided in this section, there  
532 shall be no material alteration or substantial additions to the  
533 common elements or to real property which is association  
534 property, except in a manner provided in the declaration as  
535 originally recorded or as amended under the procedures provided

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536 therein. If the declaration as originally recorded or as amended  
537 under the procedures provided therein does not specify the  
538 procedure for approval of material alterations or substantial  
539 additions, 75 percent of the total voting interests of the  
540 association must approve the alterations or additions before the  
541 material alterations or substantial additions are commenced.

542 This paragraph is intended to clarify existing law and applies  
543 to associations existing on the effective date of this act  
544 October 1, 2008.

545 (b) There shall not be any material alteration of, or  
546 substantial addition to, the common elements of any condominium  
547 operated by a multicondominium association unless approved in  
548 the manner provided in the declaration of the affected  
549 condominium or condominiums as originally recorded or as amended  
550 under the procedures provided therein. If a declaration as  
551 originally recorded or as amended under the procedures provided  
552 therein does not specify a procedure for approving such an  
553 alteration or addition, the approval of 75 percent of the total  
554 voting interests of each affected condominium is required before  
555 the material alterations or substantial additions are commenced.

556 This subsection does not prohibit a provision in any  
557 declaration, articles of incorporation, or bylaws as originally  
558 recorded or as amended under the procedures provided therein  
559 requiring the approval of unit owners in any condominium  
560 operated by the same association or requiring board approval

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561 before a material alteration or substantial addition to the  
562 common elements is permitted. This paragraph is intended to  
563 clarify existing law and applies to associations existing on the  
564 effective date of this act.

565 (c) There shall not be any material alteration or  
566 substantial addition made to association real property operated  
567 by a multicondominium association, except as provided in the  
568 declaration, articles of incorporation, or bylaws as originally  
569 recorded or as amended under the procedures provided therein. If  
570 the declaration, articles of incorporation, or bylaws as  
571 originally recorded or as amended under the procedures provided  
572 therein do not specify the procedure for approving an alteration  
573 or addition to association real property, the approval of 75  
574 percent of the total voting interests of the association is  
575 required before the material alterations or substantial  
576 additions are commenced. This paragraph is intended to clarify  
577 existing law and applies to associations existing on the  
578 effective date of this act.

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

582 718.117 Termination of condominium.—

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



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

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

597        (c) The Legislature further finds that It is contrary to  
598 the public policy of this state to require the continued  
599 operation of a condominium when to do so constitutes economic  
600 waste or when the ability to do so is made impossible by law or  
601 regulation.

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

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



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

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

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

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

620           6. Preserve the state's long history of protecting  
621 homestead property and homestead property rights by ensuring  
622 that such protection is extended to homestead property owners in  
623 the context of a termination of the covenants of a declaration  
624 of condominium. This section applies to all condominiums in this  
625 state in existence on or after July 1, 2007.

626           (3) ~~OPTIONAL TERMINATION. Except as provided in subsection~~  
627 ~~(2) or unless the declaration provides for a lower percentage,~~  
628 The condominium form of ownership may be terminated for all or a  
629 portion of the condominium property pursuant to a plan of  
630 termination meeting the requirements of this section and  
631 approved by the division. Before a residential association  
632 submits a plan to the division, the plan must be approved by at

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633 least 80 percent of the total voting interests of the  
634 condominium. However, if 5 ~~10~~ percent or more of the total  
635 voting interests of the condominium have rejected the plan of  
636 termination by negative vote or by providing written objections,  
637 the plan of termination may not proceed.

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

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

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

649 (b) This subsection does not apply to any condominium  
650 created pursuant to part VI of this chapter until 10 ~~5~~ years  
651 after the recording of the declaration of condominium, unless  
652 there is no objection to the plan of termination.

653 (c) For purposes of this subsection, the term "bulk owner"  
654 means the single holder of such voting interests or an owner  
655 together with a related entity or entities that would be  
656 considered an insider, as defined in s. 726.102, holding such  
657 voting interests. If the condominium association is a

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658 residential association proposed for termination pursuant to  
659 this section and, at the time of recording the plan of  
660 termination, at least 80 percent of the total voting interests  
661 are owned by a bulk owner, the plan of termination is subject to  
662 the following conditions and limitations:

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

681 2. Any former unit owner whose unit was granted homestead  
682 exemption status by the applicable county property appraiser as

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683 of the date of the recording of the plan of termination shall be  
684 paid a relocation payment in an amount equal to 1 percent of the  
685 termination proceeds allocated to the owner's former unit. Any  
686 relocation payment payable under this subparagraph shall be paid  
687 by the single entity or related entities owning at least 80  
688 percent of the total voting interests. Such relocation payment  
689 shall be in addition to the termination proceeds for such  
690 owner's former unit and shall be paid no later than 10 days  
691 after the former unit owner vacates his or her former unit.

692 3. For their respective units, all unit owners other than  
693 the bulk owner must be compensated at least 100 percent of the  
694 fair market value of their units. The fair market value shall be  
695 determined as of a date that is no earlier than 90 days before  
696 the date that the plan of termination is recorded and shall be  
697 determined by an independent appraiser selected by the  
698 termination trustee. For a person ~~an original purchaser from the~~  
699 ~~developer who rejects the plan of termination and whose unit was~~  
700 granted homestead exemption status by the applicable county  
701 property appraiser, or was an owner-occupied operating business,  
702 as of the date that the plan of termination is recorded and who  
703 is current in payment of both assessments and other monetary  
704 obligations to the association ~~and any mortgage encumbering the~~  
705 ~~unit~~ as of the date the plan of termination is recorded, the  
706 fair market value for the unit owner rejecting the plan shall be  
707 at least the original purchase price paid for the unit. For

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708 purposes of this subparagraph, the term "fair market value"  
709 means the price of a unit that a seller is willing to accept and  
710 a buyer is willing to pay on the open market in an arms-length  
711 transaction based on similar units sold in other condominiums,  
712 including units sold in bulk purchases but excluding units sold  
713 at wholesale or distressed prices. The purchase price of units  
714 acquired in bulk following a bankruptcy or foreclosure shall not  
715 be considered for purposes of determining fair market value.

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

727 5. Before a plan of termination is presented to the unit  
728 owners for consideration pursuant to this paragraph, the plan  
729 must include the following written disclosures in a sworn  
730 statement:

731 a. The identity of any person or entity that owns or  
732 controls 25 ~~50~~ percent or more of the units in the condominium

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733 and, if the units are owned by an artificial entity or entities,  
734 a disclosure of the natural person or persons who, directly or  
735 indirectly, manage or control the entity or entities and the  
736 natural person or persons who, directly or indirectly, own or  
737 control 10 ~~20~~ percent or more of the artificial entity or  
738 entities that constitute the bulk owner.

739 b. The units acquired by any bulk owner, the date each  
740 unit was acquired, and the total amount of compensation paid to  
741 each prior unit owner by the bulk owner, regardless of whether  
742 attributed to the purchase price of the unit.

743 c. The relationship of any board member to the bulk owner  
744 or any person or entity affiliated with the bulk owner subject  
745 to disclosure pursuant to this subparagraph.

746 d. The factual circumstances that show that the plan  
747 complies with the requirements of this section and that the plan  
748 supports the expressed public policies of this section.

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

753 (e) Upon approval of a plan of termination by the unit  
754 owners in a residential condominium, the plan shall be filed  
755 with the division. The division shall review a plan of  
756 termination utilizing the procedures promulgated pursuant to s.  
757 718.205. If the division determines that the conditions required

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758 by this section have been met and the plan complies with the  
759 procedural requirements of this section, the division shall  
760 authorize the termination and the termination may proceed  
761 pursuant to this section.

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

764 (21) APPLICABILITY.—This section applies to all  
765 condominiums in this state in existence on or after July 1,  
766 2007.

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

771 Section 7. For the 2017-2018 fiscal year, the sums of  
772 \$85,006 in recurring funds and \$4,046 in nonrecurring funds from  
773 the Division of Florida Condominiums, Timeshares, and Mobile  
774 Homes Trust Fund are appropriated to the Department of Business  
775 and Professional Regulation and one full-time equivalent  
776 position with associated salary rate of 56,791 is authorized,  
777 for the purpose of implementing Section 5 of this act.

778 Section 8. Section 718.707, Florida Statutes, is amended  
779 to read:

780 718.707 Time limitation for classification as bulk  
781 assignee or bulk buyer.—A person acquiring condominium parcels  
782 may not be classified as a bulk assignee or bulk buyer unless

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783 the condominium parcels were acquired on or after July 1, 2010,  
784 ~~but before July 1, 2018~~. The date of such acquisition shall be  
785 determined by the date of recording a deed or other instrument  
786 of conveyance for such parcels in the public records of the  
787 county in which the condominium is located, or by the date of  
788 issuing a certificate of title in a foreclosure proceeding with  
789 respect to such condominium parcels.

790 Section 9. Paragraphs (a) and (b) of subsection (2) and  
791 paragraphs (b) and (c) of subsection (4) of section 719.104,  
792 Florida Statutes, are amended to read:

793 719.104 Cooperatives; access to units; records; financial  
794 reports; assessments; purchase of leases.—

795 (2) OFFICIAL RECORDS.—

796 (a) From the inception of the association, the association  
797 shall maintain a copy of each of the following, where  
798 applicable, which shall constitute the official records of the  
799 association:

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

802 2. A photocopy of the cooperative documents.

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

804 4. A book or books containing the minutes of all meetings  
805 of the association, of the board of directors, and of the unit  
806 owners, which minutes shall be retained for a period of not less  
807 than 7 years.

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808           5. A current roster of all unit owners and their mailing  
809 addresses, unit identifications, voting certifications, and, if  
810 known, telephone numbers. The association shall also maintain  
811 the electronic mailing addresses and the numbers designated by  
812 unit owners for receiving notice sent by electronic transmission  
813 of those unit owners consenting to receive notice by electronic  
814 transmission. The electronic mailing addresses and numbers  
815 provided by unit owners to receive notice by electronic  
816 transmission shall be removed from association records when  
817 consent to receive notice by electronic transmission is revoked.  
818 However, the association is not liable for an erroneous  
819 disclosure of the electronic mail address or the number for  
820 receiving electronic transmission of notices.

821           6. All current insurance policies of the association.

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

826           8. Bills of sale or transfer for all property owned by the  
827 association.

828           9. Accounting records for the association and separate  
829 accounting records for each unit it operates, according to good  
830 accounting practices. All accounting records shall be maintained  
831 for a period of not less than 7 years. The accounting records  
832 shall include, but not be limited to:

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- 833 a. Accurate, itemized, and detailed records of all  
834 receipts and expenditures.
- 835 b. A current account and a monthly, bimonthly, or  
836 quarterly statement of the account for each unit designating the  
837 name of the unit owner, the due date and amount of each  
838 assessment, the amount paid upon the account, and the balance  
839 due.
- 840 c. All audits, reviews, accounting statements, and  
841 financial reports of the association.
- 842 d. All contracts for work to be performed. Bids for work  
843 to be performed shall also be considered official records and  
844 shall be maintained for a period of 1 year.
- 845 10. Ballots, sign-in sheets, voting proxies, and all other  
846 papers and electronic records relating to voting by unit owners,  
847 which shall be maintained for a period of 1 year after the date  
848 of the election, vote, or meeting to which the document relates.
- 849 11. All rental records where the association is acting as  
850 agent for the rental of units.
- 851 12. A copy of the current question and answer sheet as  
852 described in s. 719.504.
- 853 13. All other written records of the association not  
854 specifically included in the foregoing which are related to the  
855 operation of the association.
- 856 (b) The official records of the association must be  
857 maintained within the state for at least 7 years. The records of

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858 the association shall be made available to a unit owner within  
859 45 miles of the cooperative property or within the county in  
860 which the cooperative property is located within 10 5 working  
861 days after receipt of written request by the board or its  
862 designee. This paragraph may be complied with by having a copy  
863 of the official records of the association available for  
864 inspection or copying on the cooperative property or the  
865 association may offer the option of making the records available  
866 to a unit owner electronically via the Internet or by allowing  
867 the records to be viewed in an electronic format on a computer  
868 screen and printed upon request. The association is not  
869 responsible for the use or misuse of the information provided to  
870 an association member or his or her authorized representative  
871 pursuant to the compliance requirements of this chapter unless  
872 the association has an affirmative duty not to disclose such  
873 information pursuant to this chapter.

874 (4) FINANCIAL REPORT.—

875 (b) Except as provided in paragraph (c), an association  
876 whose total annual revenues meet the criteria of this paragraph  
877 shall prepare or cause to be prepared a complete set of  
878 financial statements according to the generally accepted  
879 accounting principles adopted by the Board of Accountancy. The  
880 financial statements shall be as follows:



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881 1. An association with total annual revenues between  
882 \$150,000 and \$299,999 shall prepare a compiled financial  
883 statement.

884 2. An association with total annual revenues between  
885 \$300,000 and \$499,999 shall prepare a reviewed financial  
886 statement.

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

889 4. The requirement to have the financial statement  
890 compiled, reviewed, or audited does not apply to an association  
891 if a majority of the voting interests of the association present  
892 at a duly called meeting of the association have voted to waive  
893 this requirement for the fiscal year. In an association in which  
894 turnover of control by the developer has not occurred, the  
895 developer may vote to waive the audit requirement for the first  
896 2 years of operation of the association, after which time waiver  
897 of an applicable audit requirement shall be by a majority of  
898 voting interests other than the developer. The meeting shall be  
899 held prior to the end of the fiscal year, and the waiver shall  
900 be effective for only one fiscal year. ~~An association may not  
901 waive the financial reporting requirements of this section for  
902 more than 3 consecutive years.~~

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



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906           ~~2. An association in a community of fewer than 50 units,~~  
907 ~~regardless of the association's annual revenues, shall prepare a~~  
908 ~~report of cash receipts and expenditures in lieu of the~~  
909 ~~financial statements required by paragraph (b), unless the~~  
910 ~~declaration or other recorded governing documents provide~~  
911 ~~otherwise.~~

912           2.3. A report of cash receipts and expenditures must  
913 disclose the amount of receipts by accounts and receipt  
914 classifications and the amount of expenses by accounts and  
915 expense classifications, including the following, as applicable:  
916 costs for security, professional, and management fees and  
917 expenses; taxes; costs for recreation facilities; expenses for  
918 refuse collection and utility services; expenses for lawn care;  
919 costs for building maintenance and repair; insurance costs;  
920 administration and salary expenses; and reserves, if maintained  
921 by the association.

922           Section 10. Subsection (5) of section 719.1055, Florida  
923 Statutes, is amended to read:

924           719.1055 Amendment of cooperative documents; alteration  
925 and acquisition of property.—

926           (5) The bylaws must include a provision whereby a  
927 certificate of compliance from a licensed electrical contractor  
928 or electrician may be accepted by the association's board as  
929 evidence of compliance ~~of the cooperative units~~ with the  
930 applicable fire and life safety code.

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931 (a)1. Notwithstanding chapter 633, s. 509.215, s.  
932 553.895(1), or any other code, statute, ordinance,  
933 administrative rule, or regulation, or any interpretation of the  
934 foregoing, an association a cooperative or unit owner is not  
935 obligated to retrofit the common elements or units of a  
936 residential cooperative with a fire sprinkler system or other  
937 engineered lifesafety system in a building that is 75 feet or  
938 less in height. There is no obligation to retrofit for a  
939 building greater than 75 feet in height, calculated from the  
940 lowest level of fire department vehicle access to the floor of  
941 the highest occupiable story has been certified for occupancy by  
942 the applicable governmental entity if the unit owners have voted  
943 to forego such retrofitting by the affirmative vote of a  
944 majority of all voting interests in the affected cooperative.  
945 There is no requirement that owners in cooperatives of 75 feet  
946 or less conduct an opt-out vote and such cooperatives are exempt  
947 from fire sprinkler or other engineered life safety  
948 retrofitting. The preceding sentence is intended to clarify  
949 existing law. The local authority having jurisdiction may not  
950 require completion of retrofitting with a fire sprinkler system  
951 or other engineered life safety system before January 1, 2022  
952 the end of 2019. By December 31, 2018 2016, a cooperative that  
953 is not in compliance with the requirements for a fire sprinkler  
954 system or other engineered lifesafety system and has not voted  
955 to forego retrofitting of such a system must initiate an

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956 application for a building permit for the required installation  
957 with the local government having jurisdiction demonstrating that  
958 the cooperative will become compliant by December 31, 2021 ~~2019~~.

959 2. A vote to forego required retrofitting may be obtained  
960 by limited proxy or by a ballot personally cast at a duly called  
961 membership meeting, or by execution of a written consent by the  
962 member, or by electronic voting, and is effective upon recording  
963 a certificate executed by an officer or agent of the association  
964 attesting to such vote in the public records of the county where  
965 the cooperative is located. When the opt-out vote is to be  
966 conducted at a meeting, the cooperative shall mail or ~~hand~~  
967 deliver to each unit owner written notice at least 14 days  
968 before the membership meeting in which the vote to forego  
969 retrofitting of the required fire sprinkler system or other  
970 engineered lifesafety system is to take place. Within 30 days  
971 after the cooperative's opt-out vote, notice of the results of  
972 the opt-out vote must be mailed or ~~hand~~ delivered to all unit  
973 owners. Evidence of compliance with this notice requirement must  
974 be made by affidavit executed by the person providing the notice  
975 and filed among the official records of the cooperative. Failure  
976 to provide timely notice to unit owners does not invalidate an  
977 otherwise valid opt-out vote if notice of the results is  
978 provided to the owners. After notice is provided to each owner,  
979 a copy must be provided by the current owner to a new owner

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980 before closing and by a unit owner to a renter before signing a  
981 lease.

982 (b) If there has been a previous vote to forego  
983 retrofitting, a vote to require retrofitting may be obtained at  
984 a special meeting of the unit owners called by a petition of  
985 least 10 percent of the voting interests or by a majority of the  
986 board of directors. ~~Such vote may only be called once every 3~~  
987 ~~years.~~ Notice must be provided as required for any regularly  
988 called meeting of the unit owners, and the notice must state the  
989 purpose of the meeting. ~~Electronic transmission may not be used~~  
990 ~~to provide notice of a meeting called in whole or in part for~~  
991 ~~this purpose.~~

992 (c) As part of the information collected annually from  
993 cooperatives, the division shall require associations to report  
994 the membership vote and recording of a certificate under this  
995 subsection and, if retrofitting has been undertaken, the per-  
996 unit cost of such work. The division shall annually report to  
997 the Division of State Fire Marshal of the Department of  
998 Financial Services the number of cooperatives that have elected  
999 to forego retrofitting. Compliance with this administrative  
1000 reporting requirement does not affect the validity of an opt-out  
1001 vote.

1002 Section 11. Paragraphs (a) and (c) of subsection (1) of  
1003 section 719.106, Florida Statutes, are amended, and paragraph  
1004 (m) is added to that subsection, to read:

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1005 719.106 Bylaws; cooperative ownership.—

1006 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1007 documents shall provide for the following, and if they do not,  
1008 they shall be deemed to include the following:

1009 (a) Administration.—

1010 1. The form of administration of the association shall be  
1011 described, indicating the titles of the officers and board of  
1012 administration and specifying the powers, duties, manner of  
1013 selection and removal, and compensation, if any, of officers and  
1014 board members. In the absence of such a provision, the board of  
1015 administration shall be composed of five members, except in the  
1016 case of cooperatives having five or fewer units, in which case  
1017 in not-for-profit corporations, the board shall consist of not  
1018 fewer than three members. In a residential cooperative  
1019 association of more than 10 units, co-owners of a unit may not  
1020 serve as members of the board of directors at the same time  
1021 unless the co-owners own more than one unit or unless there are  
1022 not enough eligible candidates to fill the vacancies on the  
1023 board at the time of the vacancy. In the absence of provisions  
1024 to the contrary, the board of administration shall have a  
1025 president, a secretary, and a treasurer, who shall perform the  
1026 duties of those offices customarily performed by officers of  
1027 corporations. Unless prohibited in the bylaws, the board of  
1028 administration may appoint other officers and grant them those  
1029 duties it deems appropriate. Unless otherwise provided in the

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1030 bylaws, the officers shall serve without compensation and at the  
1031 pleasure of the board. Unless otherwise provided in the bylaws,  
1032 the members of the board shall serve without compensation.

1033         2. A person who has been suspended or removed by the  
1034 division under this chapter, or who is delinquent in the payment  
1035 of any monetary obligation due to the association, is not  
1036 eligible to be a candidate for board membership and may not be  
1037 listed on the ballot. A director or officer charged by  
1038 information or indictment with a felony theft or embezzlement  
1039 offense involving the association's funds or property is  
1040 suspended from office. The board shall fill the vacancy  
1041 according to general law until the end of the period of the  
1042 suspension or the end of the director's term of office,  
1043 whichever occurs first. However, if the charges are resolved  
1044 without a finding of guilt or without acceptance of a plea of  
1045 guilty or nolo contendere, the director or officer shall be  
1046 reinstated for any remainder of his or her term of office. A  
1047 member who has such criminal charges pending may not be  
1048 appointed or elected to a position as a director or officer. A  
1049 person who has been convicted of any felony in this state or in  
1050 any United States District Court, or who has been convicted of  
1051 any offense in another jurisdiction which would be considered a  
1052 felony if committed in this state, is not eligible for board  
1053 membership unless such felon's civil rights have been restored  
1054 for at least 5 years as of the date such person seeks election

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1055 to the board. The validity of an action by the board is not  
1056 affected if it is later determined that a board member is  
1057 ineligible for board membership due to having been convicted of  
1058 a felony.

1059 3. When a unit owner files a written inquiry by certified  
1060 mail with the board of administration, the board shall respond  
1061 in writing to the unit owner within 30 days of receipt of the  
1062 inquiry. The board's response shall either give a substantive  
1063 response to the inquirer, notify the inquirer that a legal  
1064 opinion has been requested, or notify the inquirer that advice  
1065 has been requested from the division. If the board requests  
1066 advice from the division, the board shall, within 10 days of its  
1067 receipt of the advice, provide in writing a substantive response  
1068 to the inquirer. If a legal opinion is requested, the board  
1069 shall, within 60 days after the receipt of the inquiry, provide  
1070 in writing a substantive response to the inquirer. The failure  
1071 to provide a substantive response to the inquirer as provided  
1072 herein precludes the board from recovering attorney's fees and  
1073 costs in any subsequent litigation, administrative proceeding,  
1074 or arbitration arising out of the inquiry. The association may,  
1075 through its board of administration, adopt reasonable rules and  
1076 regulations regarding the frequency and manner of responding to  
1077 the unit owners' inquiries, one of which may be that the  
1078 association is obligated to respond to only one written inquiry  
1079 per unit in any given 30-day period. In such case, any

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1080 additional inquiry or inquiries must be responded to in the  
1081 subsequent 30-day period, or periods, as applicable.

1082 (c) Board of administration meetings. Members of the board  
1083 of administration may use e-mail as a means of communication but  
1084 may not cast a vote on an association matter via e-mail.

1085 Meetings of the board of administration at which a quorum of the  
1086 members is present shall be open to all unit owners. Any unit  
1087 owner may tape record or videotape meetings of the board of  
1088 administration. The right to attend such meetings includes the  
1089 right to speak at such meetings with reference to all designated  
1090 agenda items. The division shall adopt reasonable rules  
1091 governing the tape recording and videotaping of the meeting. The  
1092 association may adopt reasonable written rules governing the  
1093 frequency, duration, and manner of unit owner statements.

1094 Adequate notice of all meetings shall be posted in a conspicuous  
1095 place upon the cooperative property at least 48 continuous hours  
1096 preceding the meeting, except in an emergency. Any item not  
1097 included on the notice may be taken up on an emergency basis by  
1098 at least a majority plus one of the members of the board. Such  
1099 emergency action shall be noticed and ratified at the next  
1100 regular meeting of the board. Notice of any meeting in which  
1101 regular or special assessments against unit owners are to be  
1102 considered must specifically state that assessments will be  
1103 considered and provide the estimated amount and description of  
1104 the purposes for such assessments. ~~However,~~ Written notice of

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1105 any meeting at which nonemergency special assessments, or at  
1106 which amendment to rules regarding unit use, will be considered  
1107 shall be mailed, delivered, or electronically transmitted to the  
1108 unit owners and posted conspicuously on the cooperative property  
1109 not less than 14 days before the meeting. Evidence of compliance  
1110 with this 14-day notice shall be made by an affidavit executed  
1111 by the person providing the notice and filed among the official  
1112 records of the association. Upon notice to the unit owners, the  
1113 board shall by duly adopted rule designate a specific location  
1114 on the cooperative property upon which all notices of board  
1115 meetings shall be posted. In lieu of or in addition to the  
1116 physical posting of notice of any meeting of the board of  
1117 administration on the cooperative property, the association may,  
1118 by reasonable rule, adopt a procedure for conspicuously posting  
1119 and repeatedly broadcasting the notice and the agenda on a  
1120 closed-circuit cable television system serving the cooperative  
1121 association. However, if broadcast notice is used in lieu of a  
1122 notice posted physically on the cooperative property, the notice  
1123 and agenda must be broadcast at least four times every broadcast  
1124 hour of each day that a posted notice is otherwise required  
1125 under this section. When broadcast notice is provided, the  
1126 notice and agenda must be broadcast in a manner and for a  
1127 sufficient continuous length of time so as to allow an average  
1128 reader to observe the notice and read and comprehend the entire  
1129 content of the notice and the agenda. In addition to any of the

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1130 authorized means of providing notice of a meeting of the board,  
1131 the association may, by rule, adopt a procedure for  
1132 conspicuously posting the meeting notice and the agenda on a  
1133 website serving the cooperative association for at least the  
1134 minimum period of time for which a notice of a meeting is also  
1135 required to be physically posted on the cooperative property.  
1136 Any rule adopted shall, in addition to other matters, include a  
1137 requirement that the association send an electronic notice  
1138 providing a hypertext link to the website where the notice is  
1139 posted. ~~Notice of any meeting in which regular assessments~~  
1140 ~~against unit owners are to be considered for any reason shall~~  
1141 ~~specifically contain a statement that assessments will be~~  
1142 ~~considered and the nature of any such assessments.~~ Meetings of a  
1143 committee to take final action on behalf of the board or to make  
1144 recommendations to the board regarding the association budget  
1145 are subject to the provisions of this paragraph. Meetings of a  
1146 committee that does not take final action on behalf of the board  
1147 or make recommendations to the board regarding the association  
1148 budget are subject to the provisions of this section, unless  
1149 those meetings are exempted from this section by the bylaws of  
1150 the association. Notwithstanding any other law to the contrary,  
1151 the requirement that board meetings and committee meetings be  
1152 open to the unit owners does not apply to board or committee  
1153 meetings held for the purpose of discussing personnel matters or  
1154 meetings between the board or a committee and the association's

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1155 attorney, with respect to proposed or pending litigation, if the  
1156 meeting is held for the purpose of seeking or rendering legal  
1157 advice.

1158 (m) Director or officer delinquencies.—A director or  
1159 officer more than 90 days delinquent in the payment of any  
1160 monetary obligation due the association shall be deemed to have  
1161 abandoned the office, creating a vacancy in the office to be  
1162 filled according to law.

1163 Section 12. Paragraph (b) of subsection (1) of section  
1164 719.107, Florida Statutes, is amended to read:

1165 719.107 Common expenses; assessment.—

1166 (1)

1167 (b) If so provided in the bylaws, the cost of  
1168 communications services as defined in chapter 202, information  
1169 services, or Internet services~~a master antenna television system~~  
1170 ~~or duly franchised cable television service~~ obtained pursuant to  
1171 a bulk contract shall be deemed a common expense, and if not  
1172 obtained pursuant to a bulk contract, such cost shall be  
1173 considered common expense if it is designated as such in a  
1174 written contract between the board of administration and the  
1175 company providing the communications services as defined in  
1176 chapter 202, information services, or Internet services~~master~~  
1177 ~~television antenna system or the cable television service.~~ The  
1178 contract shall be for a term of not less than 2 years.



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1179 1. Any contract made by the board after April 2, 1992, for  
1180 a community antenna system or duly franchised cable television  
1181 service, communications services as defined in chapter 202,  
1182 information services, or Internet services may be canceled by a  
1183 majority of the voting interests present at the next regular or  
1184 special meeting of the association. Any member may make a motion  
1185 to cancel the contract, but if no motion is made or if such  
1186 motion fails to obtain the required majority at the next regular  
1187 or special meeting, whichever is sooner, following the making of  
1188 the contract, then such contract shall be deemed ratified for  
1189 the term therein expressed.

1190 2. Any such contract shall provide, and shall be deemed to  
1191 provide if not expressly set forth, that any hearing impaired or  
1192 legally blind unit owner who does not occupy the unit with a  
1193 nonhearing impaired or sighted person may discontinue the  
1194 service without incurring disconnect fees, penalties, or  
1195 subsequent service charges, and as to such units, the owners  
1196 shall not be required to pay any common expenses charge related  
1197 to such service. If less than all members of an association  
1198 share the expenses of cable television, the expense shall be  
1199 shared equally by all participating unit owners. The association  
1200 may use the provisions of s. 719.108 to enforce payment of the  
1201 shares of such costs by the unit owners receiving cable  
1202 television.

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1203 Section 13. Paragraphs (a) and (c) of subsection (2) and  
1204 subsections (6) and (7) of section 720.303, Florida Statutes,  
1205 are amended to read:

1206 720.303 Association powers and duties; meetings of board;  
1207 official records; budgets; budget meetings; financial reporting;  
1208 association funds; recalls.—

1209 (2) BOARD MEETINGS.—

1210 (a) Members of the board of administration may use e-mail  
1211 as a means of communication, but may not cast a vote on an  
1212 association matter via e-mail. A meeting of the board of  
1213 directors of an association occurs whenever a quorum of the  
1214 board gathers to conduct association business. Meetings of the  
1215 board must be open to all members, except for meetings between  
1216 the board and its attorney with respect to proposed or pending  
1217 litigation where the contents of the discussion would otherwise  
1218 be governed by the attorney-client privilege. A meeting of the  
1219 board must be held at a location that is accessible to a  
1220 physically handicapped person if requested by a physically  
1221 handicapped person who has a right to attend the meeting. The  
1222 provisions of this subsection shall also apply to the meetings  
1223 of any committee or other similar body when a final decision  
1224 will be made regarding the expenditure of association funds and  
1225 to meetings of any body vested with the power to approve or  
1226 disapprove architectural decisions with respect to a specific

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1227 parcel of residential property owned by a member of the  
1228 community.

1229 (c) The bylaws shall provide the following for giving  
1230 notice to parcel owners and members of all board meetings and,  
1231 if they do not do so, shall be deemed to include ~~provide~~ the  
1232 following:

1233 1. Notices of all board meetings must be posted in a  
1234 conspicuous place in the community at least 48 hours in advance  
1235 of a meeting, except in an emergency. In the alternative, if  
1236 notice is not posted in a conspicuous place in the community,  
1237 notice of each board meeting must be mailed or delivered to each  
1238 member at least 7 days before the meeting, except in an  
1239 emergency. Notwithstanding this general notice requirement, for  
1240 communities with more than 100 members, the association bylaws  
1241 may provide for a reasonable alternative to posting or mailing  
1242 of notice for each board meeting, including publication of  
1243 notice, provision of a schedule of board meetings, or the  
1244 conspicuous posting and repeated broadcasting of the notice on a  
1245 closed-circuit cable television system serving the homeowners'  
1246 association. However, if broadcast notice is used in lieu of a  
1247 notice posted physically in the community, the notice must be  
1248 broadcast at least four times every broadcast hour of each day  
1249 that a posted notice is otherwise required. When broadcast  
1250 notice is provided, the notice and agenda must be broadcast in a  
1251 manner and for a sufficient continuous length of time so as to

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1252 allow an average reader to observe the notice and read and  
1253 comprehend the entire content of the notice and the agenda. The  
1254 association may provide notice by electronic transmission in a  
1255 manner authorized by law for meetings of the board of directors,  
1256 committee meetings requiring notice under this section, and  
1257 annual and special meetings of the members to any member who has  
1258 provided a facsimile number or e-mail address to the association  
1259 to be used for such purposes; however, a member must consent in  
1260 writing to receiving notice by electronic transmission.

1261 2. An assessment may not be levied at a board meeting  
1262 unless the notice of the meeting includes a statement that  
1263 assessments will be considered and the nature of the  
1264 assessments. Written notice of any meeting at which special  
1265 assessments will be considered or at which amendments to rules  
1266 regarding parcel use will be considered must be mailed,  
1267 delivered, or electronically transmitted to the members and  
1268 parcel owners and posted conspicuously on the property or  
1269 broadcast on closed-circuit cable television not less than 14  
1270 days before the meeting.

1271 3. Directors may not vote by proxy or by secret ballot at  
1272 board meetings, except that secret ballots may be used in the  
1273 election of officers. This subsection also applies to the  
1274 meetings of any committee or other similar body, when a final  
1275 decision will be made regarding the expenditure of association  
1276 funds, and to any body vested with the power to approve or

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1277 disapprove architectural decisions with respect to a specific  
1278 parcel of residential property owned by a member of the  
1279 community.

1280 (6) BUDGETS; BUDGET MEETINGS.—

1281 (a) The association shall prepare an annual budget that  
1282 sets out the annual operating expenses. The budget must reflect  
1283 the estimated revenues and expenses for that year and the  
1284 estimated surplus or deficit as of the end of the current year.  
1285 The budget must set out separately all fees or charges paid for  
1286 by the association for recreational amenities, whether owned by  
1287 the association, the developer, or another person. The  
1288 association shall provide each member with a copy of the annual  
1289 budget or a written notice that a copy of the budget is  
1290 available upon request at no charge to the member. The copy must  
1291 be provided to the member within the time limits set forth in  
1292 subsection (5).

1293 (b) In addition to annual operating expenses, for all  
1294 associations incorporated after July 1, 2017, and any  
1295 association incorporated prior to that date which, by a majority  
1296 vote of the members of the association present, in person or by  
1297 proxy, at a meeting of the association at which a quorum is  
1298 present, affirmatively votes to be bound by the provisions of  
1299 this subsection as amended effective July 1, 2017, the budget  
1300 must may include a disclosure of reserves ~~reserve accounts~~ for  
1301 capital expenditures and deferred maintenance ~~for~~ which are

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1302 obligations of the association under is responsible. If reserve  
1303 accounts are not established pursuant to paragraph (d), funding  
1304 of such reserves is limited to the extent that the governing  
1305 documents for any item that has a deferred maintenance expense  
1306 that exceeds \$100,000. The amount to be reserved must be  
1307 computed using a formula based upon the estimated deferred  
1308 maintenance expense of each reserve item divided by the  
1309 estimated remaining useful life of that item. However, and  
1310 notwithstanding the amount disclosed as being the total required  
1311 reserve amount, each parcel which is obligated to pay reserves  
1312 to the association each year shall be assessed for reserves only  
1313 the amount determined by dividing the total annual reserve  
1314 amount disclosed in the budget by the total number of parcels  
1315 that will ultimately be operated by the association. Therefore,  
1316 the assessments actually collected will be less than the full  
1317 amount of required reserves as disclosed in the proposed annual  
1318 budget until all parcels are obligated to pay assessments for  
1319 reserves. The association may adjust the deferred maintenance  
1320 reserve limit increases in assessments annually to take into  
1321 account any changes in estimates or extension of the useful life  
1322 of a reserve item, the anticipated cost of the deferred  
1323 maintenance and any changes in the number of parcels that will  
1324 ultimately be operated by the association. This subsection does  
1325 not apply to an adopted budget for which members of an  
1326 association have determined, by a majority vote of the members

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1327 of the association present, in person or by proxy, and voting at  
1328 a meeting, including reserves. If the budget of the association,  
1329 at which a quorum is present, to provide no reserves or less  
1330 reserves than required by this subsection includes reserve  
1331 accounts established pursuant to paragraph (d), such reserves  
1332 shall be determined, maintained, and waived in the manner  
1333 provided in this subsection. Once an association provides for  
1334 reserve accounts pursuant to paragraph (d), the association  
1335 shall thereafter determine, maintain, and waive reserves in  
1336 compliance with this subsection. This section does not preclude  
1337 an association from ceasing to add amounts to the termination of  
1338 a reserve account established pursuant to this paragraph upon  
1339 approval of a majority of the total voting interests present in  
1340 person or by proxy and voting at a meeting of the association at  
1341 which a quorum is present of the association. Upon such approval,  
1342 no reserves shall be included in the terminating reserve account  
1343 shall be removed from the budget for that year. Amounts in the  
1344 reserve account may be used only for deferred maintenance and  
1345 for no other purpose. Only parcels with completed improvements  
1346 as evidenced by certificates of occupancy for such improvements  
1347 are obligated to pay assessments for reserves. A developer that  
1348 subsidizes the association's budget pursuant to s. 720.308(1) is  
1349 not obligated to include reserve contributions in any such  
1350 subsidy payments. If a developer establishes a guarantee under  
1351 s. 720.308(2) or otherwise subsidizes the association budget,

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1352 the developer is not obligated to include reserve contributions  
1353 in any such guarantee or subsidy payments.

1354 (c) ~~1.~~ The developer may vote the voting interests  
1355 allocated to its parcels with completed improvements, as  
1356 evidenced by certificates of occupancy for such improvements, to  
1357 waive the reserves or reduce the funding of reserves~~If the~~  
1358 ~~budget of the association does not provide for reserve accounts~~  
1359 ~~pursuant to paragraph (d) and the association is responsible for~~  
1360 ~~the repair and maintenance of capital improvements that may~~  
1361 ~~result in a special assessment if reserves are not provided,~~  
1362 ~~each financial report for the preceding fiscal year required by~~  
1363 ~~subsection (7) must contain the following statement in~~  
1364 ~~conspicuous type:~~

1365 ~~THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR RESERVE~~  
1366 ~~ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE THAT~~  
1367 ~~MAY RESULT IN SPECIAL ASSESSMENTS. OWNERS MAY ELECT TO PROVIDE~~  
1368 ~~FOR RESERVE ACCOUNTS PURSUANT TO SECTION 720.303(6), FLORIDA~~  
1369 ~~STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL~~  
1370 ~~VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A~~  
1371 ~~MEETING OR BY WRITTEN CONSENT.~~

1372 ~~2.~~ ~~If the budget of the association does provide for~~  
1373 ~~funding accounts for deferred expenditures, including, but not~~  
1374 ~~limited to, funds for capital expenditures and deferred~~  
1375 ~~maintenance, but such accounts are not created or established~~  
1376 ~~pursuant to paragraph (d), each financial report for the~~

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1377 ~~preceding fiscal year required under subsection (7) must also~~  
1378 ~~contain the following statement in conspicuous type:~~  
1379 ~~THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY~~  
1380 ~~DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES~~  
1381 ~~AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED~~  
1382 ~~IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED~~  
1383 ~~TO PROVIDE FOR RESERVE ACCOUNTS PURSUANT TO SECTION 720.303(6),~~  
1384 ~~FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE~~  
1385 ~~RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR~~  
1386 ~~ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.~~

1387 ~~(d) An association is deemed to have provided for reserve~~  
1388 ~~accounts if reserve accounts have been initially established by~~  
1389 ~~the developer or if the membership of the association~~  
1390 ~~affirmatively elects to provide for reserves. If reserve~~  
1391 ~~accounts are established by the developer, the budget must~~  
1392 ~~designate the components for which the reserve accounts may be~~  
1393 ~~used. If reserve accounts are not initially provided by the~~  
1394 ~~developer, the membership of the association may elect to do so~~  
1395 ~~upon the affirmative approval of a majority of the total voting~~  
1396 ~~interests of the association. Such approval may be obtained by~~  
1397 ~~vote of the members at a duly called meeting of the membership~~  
1398 ~~or by the written consent of a majority of the total voting~~  
1399 ~~interests of the association. The approval action of the~~  
1400 ~~membership must state that reserve accounts shall be provided~~  
1401 ~~for in the budget and must designate the components for which~~

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1402 ~~the reserve accounts are to be established. Upon approval by the~~  
1403 ~~membership, the board of directors shall include the required~~  
1404 ~~reserve accounts in the budget in the next fiscal year following~~  
1405 ~~the approval and each year thereafter. Once established as~~  
1406 ~~provided in this subsection, the reserve accounts must be funded~~  
1407 ~~or maintained or have their funding waived in the manner~~  
1408 ~~provided in paragraph (f).~~

1409 ~~(e) The amount to be reserved in any account established~~  
1410 ~~shall be computed by means of a formula that is based upon~~  
1411 ~~estimated remaining useful life and estimated replacement cost~~  
1412 ~~or deferred maintenance expense of each reserve item. The~~  
1413 ~~association may adjust replacement reserve assessments annually~~  
1414 ~~to take into account any changes in estimates of cost or useful~~  
1415 ~~life of a reserve item.~~

1416 ~~(f) After one or more reserve accounts are established,~~  
1417 ~~the membership of the association, upon a majority vote at a~~  
1418 ~~meeting at which a quorum is present, may provide for no~~  
1419 ~~reserves or less reserves than required by this section. If a~~  
1420 ~~meeting of the parcel unit owners has been called to determine~~  
1421 ~~whether to waive or reduce the funding of reserves and such~~  
1422 ~~result is not achieved or a quorum is not present, the reserves~~  
1423 ~~as included in the budget go into effect. After the turnover,~~  
1424 ~~the developer may vote its voting interest to waive or reduce~~  
1425 ~~the funding of reserves. Any vote taken pursuant to this~~





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1426 ~~subsection to waive or reduce reserves is applicable only to one~~  
1427 ~~budget year.~~

1428 (d) Reserve funds and any interest accruing thereon shall  
1429 remain in the reserve account or accounts and may be used only  
1430 for authorized reserve expenditures and may not be used for any  
1431 other purpose.

1432 (e) The only voting interests that are eligible to vote on  
1433 questions that involve waiving or reducing the funding of  
1434 reserves are the voting interests of the parcels subject to  
1435 assessment to fund the reserves in question. Any vote taken  
1436 pursuant to this subsection to waive or reduce reserves is  
1437 applicable only to one budget year. Proxy questions relating to  
1438 waiving or reducing the funding of reserves must contain the  
1439 following statement in capitalized, bold letters in a font size  
1440 larger than any other used on the face of the proxy ballot:

1441 WAIVING OF RESERVES, IN WHOLE OR IN PART, MAY RESULT IN PARCEL  
1442 OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS  
1443 REGARDING THOSE ITEMS.

1444 (f) Funding formulas for reserves required by this section  
1445 shall be based on a pooled analysis of two or more of the items  
1446 for which reserves are required to be accrued pursuant to this  
1447 subsection. The projected annual cash inflows may include  
1448 estimated earnings from investment of principal. The reserve  
1449 funding formula shall have constant funding each year. However,  
1450 each parcel which is obligated to pay reserves to the

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1451 association each year shall be assessed for reserves only the  
1452 amount determined by dividing the total annual reserve amount  
1453 disclosed in the budget by the total number of parcels that will  
1454 ultimately be operated by the association. Therefore, the  
1455 assessments actually collected will be less than the full amount  
1456 of required reserves as disclosed in the proposed annual budget  
1457 until all parcels are obligated to pay assessments for reserves.

1458 (g) As alternative to the pooled analysis method described  
1459 in paragraph (f) and, if approved by a majority vote of the  
1460 members present, in person or by proxy, at a meeting of the  
1461 members of the association at which a quorum is present, the  
1462 funding formulas for reserves required ~~authorized~~ by this  
1463 section ~~may~~ ~~must~~ be based on a separate analysis of each of the  
1464 required assets or a pooled analysis of two or more of the  
1465 required assets.

1466 ~~1.~~ If the association maintains separate reserve accounts  
1467 for each of the required assets, the amount of the contribution  
1468 to each reserve account is the sum of the following two  
1469 calculations:

1470 ~~1.a.~~ The total amount necessary, if any, to bring a  
1471 negative component balance to zero.

1472 ~~2.b.~~ The total estimated deferred maintenance expense or  
1473 estimated replacement cost of the reserve component less the  
1474 estimated balance of the reserve component as of the beginning  
1475 of the period the budget will be in effect. The remainder, if

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1476 greater than zero, shall be divided by the estimated remaining  
1477 useful life of the component.

1478

1479 The formula may be adjusted each year for changes in estimates  
1480 and deferred maintenance performed during the year and may  
1481 include factors such as inflation and earnings on invested  
1482 funds. An association may convert its funding formulas from a  
1483 component method to a pooled method, as described in paragraph  
1484 (f), at any time if approved by a majority vote of the members  
1485 present, in person or by proxy, at a meeting at which a quorum  
1486 is present.

1487 ~~2. If the association maintains a pooled account of two or~~  
1488 ~~more of the required reserve assets, the amount of the~~  
1489 ~~contribution to the pooled reserve account as disclosed on the~~  
1490 ~~proposed budget may not be less than that required to ensure~~  
1491 ~~that the balance on hand at the beginning of the period the~~  
1492 ~~budget will go into effect plus the projected annual cash~~  
1493 ~~inflows over the remaining estimated useful life of all of the~~  
1494 ~~assets that make up the reserve pool are equal to or greater~~  
1495 ~~than the projected annual cash outflows over the remaining~~  
1496 ~~estimated useful lives of all the assets that make up the~~  
1497 ~~reserve pool, based on the current reserve analysis. The~~  
1498 ~~projected annual cash inflows may include estimated earnings~~  
1499 ~~from investment of principal and accounts receivable minus the~~

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1500 ~~allowance for doubtful accounts. The reserve funding formula may~~  
1501 ~~not include any type of balloon payments.~~

1502 (h) 1. ~~Reserve funds and Any interest accruing thereon~~  
1503 ~~shall remain in the reserve account or accounts and shall be~~  
1504 ~~used only for authorized reserve expenditures unless their use~~  
1505 ~~for other purposes is approved in advance by a majority vote at~~  
1506 ~~a meeting at which a proposed annual budget of an association~~  
1507 ~~will be considered by the board or a quorum is present. Prior to~~  
1508 ~~turnover of control of an association by a developer to parcel~~  
1509 ~~owners shall be open to all parcel owners, the developer-~~  
1510 ~~controlled association shall not vote to use reserves for~~  
1511 ~~purposes other than those for which they were intended without~~  
1512 ~~the approval of a majority of all nondeveloper voting interests~~  
1513 ~~voting in person or by limited proxy at a duly called meeting of~~  
1514 ~~the association.~~

1515 2.a. ~~If a board adopts in any fiscal year an annual budget~~  
1516 ~~which requires assessments against parcel owners which exceed~~  
1517 ~~115 percent of assessments for the preceding fiscal year, the~~  
1518 ~~board shall conduct a special meeting of the parcel owners to~~  
1519 ~~consider a substitute budget if the board receives, within 21~~  
1520 ~~days after adoption of the annual budget, a written request for~~  
1521 ~~a special meeting from at least 10 percent of all voting~~  
1522 ~~interests. The special meeting shall be conducted within 60 days~~  
1523 ~~after adoption of the annual budget. At least 14 days prior to~~  
1524 ~~such special meeting, the board shall hand deliver to each~~

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1525 parcel owner, or mail to each parcel owner at the address last  
1526 furnished to the association, a notice of the meeting. An  
1527 officer or manager of the association, or other person providing  
1528 notice of such meeting shall execute an affidavit evidencing  
1529 compliance with this notice requirement, and such affidavit  
1530 shall be filed among the official records of the association.  
1531 Parcel owners may consider and adopt a substitute budget at the  
1532 special meeting. A substitute budget is adopted if approved by a  
1533 majority of all voting interests unless the governing documents  
1534 require adoption by a greater percentage of voting interests. If  
1535 there is not a quorum at the special meeting or a substitute  
1536 budget is not adopted, the annual budget previously adopted by  
1537 the board shall take effect as scheduled.

1538 b. Any determination of whether assessments exceed 115  
1539 percent of assessments for the prior fiscal year shall exclude  
1540 any provision for reasonable reserves for repair or deferred  
1541 maintenance of items which are the obligations of the  
1542 association under the governing documents, anticipated expenses  
1543 of the association which the board does not expect to be  
1544 incurred on a regular or annual basis, or assessments for  
1545 betterments to the common areas, association property, or other  
1546 items which are the obligation of the association under the  
1547 governing documents.

1548 (i) The provisions of paragraphs (b)-(h) do not apply to  
1549 mandatory reserve accounts required to be established and



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1550 maintained by an association at the direction of a county or  
1551 municipal government, water or drainage management district,  
1552 community development district, or other political subdivision  
1553 that has the authority to approve and control subdivision  
1554 infrastructure which is being entrusted to the care of an  
1555 association on the condition that the association establish and  
1556 maintain one or more mandatory reserve accounts for the deferred  
1557 maintenance of the infrastructure in accordance with the  
1558 requirements of that entrusting authority.

1559 (j) Reserve funds must be held in a separate bank account  
1560 established for such funds.

1561 (7) FINANCIAL REPORTING.—Within 90 days after the end of  
1562 the fiscal year, or annually on the date provided in the bylaws,  
1563 the association shall prepare and complete, or contract with a  
1564 third party for the preparation and completion of, a financial  
1565 report for the preceding fiscal year. Within 21 days after the  
1566 final financial report is completed by the association or  
1567 received from the third party, but not later than 120 days after  
1568 the end of the fiscal year or other date as provided in the  
1569 bylaws, the association shall, within the time limits set forth  
1570 in subsection (5), provide each member with a copy of the annual  
1571 financial report or a written notice that a copy of the  
1572 financial report is available upon request at no charge to the  
1573 member. Financial reports shall be prepared as follows:



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1574 (a) An association that meets the criteria of this  
1575 paragraph shall prepare or cause to be prepared a complete set  
1576 of financial statements in accordance with generally accepted  
1577 accounting principles as adopted by the Board of Accountancy.  
1578 The financial statements shall be based upon the association's  
1579 total annual revenues, as follows:

1580 1. An association with total annual revenues of \$150,000  
1581 or more, but less than \$300,000, shall prepare compiled  
1582 financial statements.

1583 2. An association with total annual revenues of at least  
1584 \$300,000, but less than \$500,000, shall prepare reviewed  
1585 financial statements.

1586 3. An association with total annual revenues of \$500,000  
1587 or more shall prepare audited financial statements.

1588 (b)1. An association with total annual revenues of less  
1589 than \$150,000 shall prepare a report of cash receipts and  
1590 expenditures.

1591 ~~2. An association in a community of fewer than 50 parcels,~~  
1592 ~~regardless of the association's annual revenues, may prepare a~~  
1593 ~~report of cash receipts and expenditures in lieu of financial~~  
1594 ~~statements required by paragraph (a) unless the governing~~  
1595 ~~documents provide otherwise.~~

1596 2.3. A report of cash receipts and disbursement must  
1597 disclose the amount of receipts by accounts and receipt  
1598 classifications and the amount of expenses by accounts and

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1599 expense classifications, including, but not limited to, the  
1600 following, as applicable: costs for security, professional, and  
1601 management fees and expenses; taxes; costs for recreation  
1602 facilities; expenses for refuse collection and utility services;  
1603 expenses for lawn care; costs for building maintenance and  
1604 repair; insurance costs; administration and salary expenses; and  
1605 reserves if maintained by the association.

1606 (c) If 20 percent of the parcel owners petition the board  
1607 for a level of financial reporting higher than that required by  
1608 this section, the association shall duly notice and hold a  
1609 meeting of members within 30 days of receipt of the petition for  
1610 the purpose of voting on raising the level of reporting for that  
1611 fiscal year. Upon approval of a majority of the total voting  
1612 interests of the parcel owners, the association shall prepare or  
1613 cause to be prepared, shall amend the budget or adopt a special  
1614 assessment to pay for the financial report regardless of any  
1615 provision to the contrary in the governing documents, and shall  
1616 provide within 90 days of the meeting or the end of the fiscal  
1617 year, whichever occurs later:

1618 1. Compiled, reviewed, or audited financial statements, if  
1619 the association is otherwise required to prepare a report of  
1620 cash receipts and expenditures;

1621 2. Reviewed or audited financial statements, if the  
1622 association is otherwise required to prepare compiled financial  
1623 statements; or

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1624 3. Audited financial statements if the association is  
1625 otherwise required to prepare reviewed financial statements.

1626 (d) If approved by a majority of the voting interests  
1627 present at a properly called meeting of the association, an  
1628 association may prepare or cause to be prepared:

1629 1. A report of cash receipts and expenditures in lieu of a  
1630 compiled, reviewed, or audited financial statement;

1631 2. A report of cash receipts and expenditures or a  
1632 compiled financial statement in lieu of a reviewed or audited  
1633 financial statement; or

1634 3. A report of cash receipts and expenditures, a compiled  
1635 financial statement, or a reviewed financial statement in lieu  
1636 of an audited financial statement.

1637 Section 14. Paragraph (a) of subsection (9) of section  
1638 720.306, Florida Statutes, is amended to read:

1639 720.306 Meetings of members; voting and election  
1640 procedures; amendments.—

1641 (9) ELECTIONS AND BOARD VACANCIES.—

1642 (a) Elections of directors must be conducted in accordance  
1643 with the procedures set forth in the governing documents of the  
1644 association. Except as provided in paragraph (b), all members of  
1645 the association are eligible to serve on the board of directors,  
1646 and a member may nominate himself or herself as a candidate for  
1647 the board at a meeting where the election is to be held;  
1648 provided, however, that if the election process allows

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1649 candidates to be nominated in advance of the meeting, the  
1650 association is not required to allow nominations at the meeting.  
1651 An election is not required unless more candidates are nominated  
1652 than vacancies exist. If an election is not required because  
1653 there are either an equal number or fewer qualified candidates  
1654 than vacancies exist, and if nominations from the floor are not  
1655 required pursuant to this section or the bylaws, write-in  
1656 nominations are not permitted and such candidates shall commence  
1657 service on the board of directors, regardless of whether a  
1658 quorum is attained at the annual meeting. Except as otherwise  
1659 provided in the governing documents, boards of directors must be  
1660 elected by a plurality of the votes cast by eligible voters. Any  
1661 challenge to the election process must be commenced within 60  
1662 days after the election results are announced.

1663 Section 15. Paragraph (b) of subsection (3) of section  
1664 720.3085, Florida Statutes, is amended to read:

1665 720.3085 Payment for assessments; lien claims.—

1666 (3) Assessments and installments on assessments that are  
1667 not paid when due bear interest from the due date until paid at  
1668 the rate provided in the declaration of covenants or the bylaws  
1669 of the association, which rate may not exceed the rate allowed  
1670 by law. If no rate is provided in the declaration or bylaws,  
1671 interest accrues at the rate of 18 percent per year.

1672 (b) Any payment received by an association and accepted  
1673 shall be applied first to any interest accrued, then to any

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1674 administrative late fee, then to any costs and reasonable  
1675 attorney fees incurred in collection, and then to the delinquent  
1676 assessment. This paragraph applies notwithstanding any  
1677 restrictive endorsement, designation, or instruction placed on  
1678 or accompanying a payment. A late fee is not subject to the  
1679 provisions of chapter 687 and is not a fine. The foregoing is  
1680 applicable notwithstanding s. 673.3111, any purported accord and  
1681 satisfaction, or any restrictive endorsement, designation, or  
1682 instruction placed on or accompanying a payment. The preceding  
1683 sentence is intended to clarify existing law.

1684 Section 16. Paragraph (a) of subsection (1) of section  
1685 720.401, Florida Statutes, is amended to read:

1686 720.401 Prospective purchasers subject to association  
1687 membership requirement; disclosure required; covenants;  
1688 assessments; contract cancellation.-

1689 (1) (a) A prospective parcel owner in a community must be  
1690 presented a disclosure summary before executing the contract for  
1691 sale. The disclosure summary must be in a form substantially  
1692 similar to the following form:

1693 DISCLOSURE SUMMARY

1694 FOR

1695 (NAME OF COMMUNITY)

1696 1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU WILL  
1697 BE OBLIGATED TO BE A MEMBER OF A HOMEOWNERS' ASSOCIATION.



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1698           2.   THERE HAVE BEEN OR WILL BE RECORDED RESTRICTIVE  
1699 COVENANTS GOVERNING THE USE AND OCCUPANCY OF PROPERTIES IN THIS  
1700 COMMUNITY.

1701           3.   YOU WILL BE OBLIGATED TO PAY ASSESSMENTS TO THE  
1702 ASSOCIATION. ASSESSMENTS MAY BE SUBJECT TO PERIODIC CHANGE. IF  
1703 APPLICABLE, THE CURRENT AMOUNT IS \$.... PER ..... YOU WILL ALSO  
1704 BE OBLIGATED TO PAY ANY SPECIAL ASSESSMENTS IMPOSED BY THE  
1705 ASSOCIATION. SUCH SPECIAL ASSESSMENTS MAY BE SUBJECT TO CHANGE.  
1706 IF APPLICABLE, THE CURRENT AMOUNT IS \$.... PER .....

1707           4.   YOU MAY BE OBLIGATED TO PAY SPECIAL ASSESSMENTS TO THE  
1708 RESPECTIVE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT. ALL  
1709 ASSESSMENTS ARE SUBJECT TO PERIODIC CHANGE.

1710           5.   YOUR FAILURE TO PAY SPECIAL ASSESSMENTS OR ASSESSMENTS  
1711 LEVIED BY A MANDATORY HOMEOWNERS' ASSOCIATION COULD RESULT IN A  
1712 LIEN ON YOUR PROPERTY.

1713           6.   THERE MAY BE AN OBLIGATION TO PAY RENT OR LAND USE FEES  
1714 FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES AS AN  
1715 OBLIGATION OF MEMBERSHIP IN THE HOMEOWNERS' ASSOCIATION. IF  
1716 APPLICABLE, THE CURRENT AMOUNT IS \$.... PER .....

1717           7.   THE BUDGET OF THE ASSOCIATION MAY NOT INCLUDE RESERVE  
1718 FUNDS FOR DEFERRED MAINTENANCE SUFFICIENT TO COVER THE FULL COST  
1719 OF DEFERRED MAINTENANCE OF COMMON AREAS. YOU SHOULD REVIEW THE  
1720 BUDGET TO DETERMINE THE LEVEL OF RESERVE FUNDING, IF ANY.



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1721 87. THE DEVELOPER MAY HAVE THE RIGHT TO AMEND THE  
1722 RESTRICTIVE COVENANTS WITHOUT THE APPROVAL OF THE ASSOCIATION  
1723 MEMBERSHIP OR THE APPROVAL OF THE PARCEL OWNERS.

1724 98. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE  
1725 ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU  
1726 SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING  
1727 DOCUMENTS BEFORE PURCHASING PROPERTY.

1728 109. THESE DOCUMENTS ARE EITHER MATTERS OF PUBLIC RECORD  
1729 AND CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE  
1730 THE PROPERTY IS LOCATED, OR ARE NOT RECORDED AND CAN BE OBTAINED  
1731 FROM THE DEVELOPER.

1732 DATE: PURCHASER:  
1733 PURCHASER:

1734 The disclosure must be supplied by the developer, or by the  
1735 parcel owner if the sale is by an owner that is not the  
1736 developer. Any contract or agreement for sale shall refer to and  
1737 incorporate the disclosure summary and shall include, in  
1738 prominent language, a statement that the potential buyer should  
1739 not execute the contract or agreement until they have received  
1740 and read the disclosure summary required by this section.

1741 Section 17. This act shall take effect July 1, 2017.

1742 -----  
1743

1744 T I T L E A M E N D M E N T

1745 Remove everything before the enacting clause and insert:



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1746 An act relating to community associations; creating s. 633.2225,  
1747 F.S.; requiring certain condominium or cooperative associations  
1748 to post certain signs or symbols on buildings; requiring the  
1749 State Fire Marshal to adopt rules governing such signs or  
1750 symbols; providing for enforcement; providing penalties;  
1751 amending s. 718.111, F.S.; revising reporting requirements;  
1752 amending s. 718.112, F.S.; authorizing an association to adopt  
1753 rules for posting certain notices on a website; revising  
1754 provisions relating to required condominium and cooperative  
1755 association bylaws; revising provisions relating to evidence of  
1756 condominium and cooperative association compliance with the fire  
1757 and life safety code; revising unit and common elements required  
1758 to be retrofitted; revising provisions relating to an  
1759 association vote to forego retrofitting; providing  
1760 applicability; amending s. 718.113, F.S.; revising voting  
1761 requirements relating to alterations and additions to certain  
1762 common elements or association property; amending s. 718.117,  
1763 F.S.; providing legislative findings; revising voting  
1764 requirements for the rejection of a plan of termination;  
1765 increasing the amount of time to consider a plan of termination  
1766 under certain conditions; revising applicability; revising the  
1767 requirements to qualify for payment as a homestead owner if the  
1768 owner has rejected a plan of termination; revising and providing  
1769 notice requirements; requiring the Department of Business and  
1770 Professional Regulation to review and approve a plan of

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1771 termination; providing applicability; providing an appropriation  
1772 and authorizing a position; amending s. 718.707, F.S.; revising  
1773 the time period for classification as bulk assignee or bulk  
1774 buyer; amending s. 719.104, F.S.; revising recordkeeping and  
1775 reporting requirements; amending s. 719.1055, F.S.; revising  
1776 provisions relating to required condominium and cooperative  
1777 association bylaws; revising provisions relating to evidence of  
1778 condominium and cooperative association compliance with the fire  
1779 and life safety code; revising unit and common elements required  
1780 to be retrofitted; revising provisions relating to an  
1781 association vote to forego retrofitting; providing  
1782 applicability; amending s. 719.106, F.S.; revising requirements  
1783 to serve as a board member; prohibiting a board member from  
1784 voting via e-mail; requiring that directors who are delinquent  
1785 in certain payments owed in excess of certain periods of time be  
1786 deemed to have abandoned their offices; authorizing an  
1787 association to adopt rules for posting certain notices on a  
1788 website; amending s. 719.107, F.S.; specifying certain services  
1789 which are obtained pursuant to a bulk contract to be deemed a  
1790 common expense; amending s. 720.303, F.S.; prohibiting a board  
1791 member from voting via e-mail; revising certain notice  
1792 requirements relating to board meetings; revising and providing  
1793 budget requirements; providing an exemption to certain  
1794 requirements; revising financial reporting requirements;  
1795 authorizing an association to adopt rules for posting certain

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Published On: 3/27/2017 6:32:33 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 653 (2017)

Amendment No. 1

1796 notices on a website; amending s. 720.306, F.S.; revising  
1797 elections requirements; amending s. 720.3085, F.S.; providing  
1798 applicability; amending s. 720.401, F.S.; revising the  
1799 disclosure summary form; providing an effective date.



**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**CS/HB 775 : Motor Vehicle Warranty Repairs and Recall Repairs**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				
Ben Diamond			X		
Jay Fant	X				
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

**Appearances:**

Smith, Ted (Lobbyist) - Proponent  
 Florida Automobile Dealers Association  
 400 N Meridian St 400 N Meridian St  
 Tallahassee FL 32301  
 Phone: (850) 224-2580

Hunter, Gary (Lobbyist) - Opponent  
 Alliance of Automobile Manufacturers  
 PO Box 6526  
 Tallahassee FL 32314-6526  
 Phone: (850) 222-7500

Matthew Erwin - Waive In Opposition  
 Mazda North America  
 Manage of State Affairs  
 1025 Conn. Avenue, NW #910  
 Washington DC  
 Phone: 202-467-5094

Mallette, Kelly (Lobbyist) - Waive In Support  
 AutoNation, Inc  
 18851 NE 29th Ave Ste 1010  
 Aventura FL 33180  
 Phone: (305) 935-1866

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**CS/HB 775 : Motor Vehicle Warranty Repairs and Recall Repairs (continued)**

**Appearances: (continued)**

McKeown, Georgia (Lobbyist) - Waive In Opposition

Global Automakers

President, GA McKeown & Assoc.

113 E College Avenue #203

Tallahassee FL 32301

Phone: (904) 303-1611

**Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM**

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 829 : Timeshare Plans**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

**HB 829 Amendments**

**Amendment 110159**

*Adopted Without Objection*

**Appearances:**

Hunter, Gary (Lobbyist) - Waive In Support  
 American Resort Development Association  
 PO Box 6526  
 Tallahassee FL 32314-6526  
 Phone: (850) 222-7500

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted Without Objection*

Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative La Rosa offered the following:

**Amendment**

Remove lines 34-155 and insert:

regime, the term, except as to any timeshare interest, timeshare unit, or other unit that is specifically subject to, or otherwise dedicated to, the multisite timeshare plan, does not include a developer; an owner of the underlying fee or owner of the underlying personal property; a mortgagee, judgment creditor, or other lienor; or any other person having an interest in or lien or encumbrance against a timeshare interest in such single-site timeshare plan, or an interest in or lien or encumbrance against a timeshare unit or other unit in such



Amendment No. 1

16 condominium or property regime. This paragraph is intended only  
17 as a clarification of existing law.

18 Section 2. Subsection (11) is added to section 721.08,  
19 Florida Statutes, to read:

20 721.08 Escrow accounts; nondisturbance instruments;  
21 alternate security arrangements; transfer of legal title.-

22 (11) A timeshare instrument, declaration of condominium,  
23 or other instrument establishing or governing a component site  
24 property regime is not an encumbrance for purposes of this  
25 chapter and does not create a requirement for a nondisturbance  
26 and notice to creditors instrument for purposes of this section  
27 or a subordination and notice to creditors instrument for  
28 purposes of s. 721.53 from the managing entity, owners'  
29 association, or any other person. This subsection is intended  
30 only as a clarification of existing law.

31 Section 3. Section 721.125, Florida Statutes, is amended  
32 to read:

33 721.125 ~~Extension or~~ Termination of timeshare plans.-

34 (1) Unless the timeshare instrument provides otherwise,  
35 the vote or written consent, or both, of 60 percent of all  
36 voting interests in a timeshare plan may ~~extend or~~ terminate the  
37 term of the timeshare plan at any time. ~~If the term of a~~  
38 ~~timeshare plan is extended pursuant to this section, all rights,~~  
39 ~~privileges, duties, and obligations created under applicable law~~  
40 ~~or the timeshare instrument continue in full force to the same~~

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Published On: 3/27/2017 6:14:37 PM



Amendment No. 1

41 ~~extent as if the extended termination date of the timeshare plan~~  
42 ~~were the original termination date of the timeshare plan.~~ If a  
43 timeshare plan is terminated pursuant to this section, the  
44 termination has immediate effect pursuant to applicable law and  
45 the timeshare instrument as if the effective date of the  
46 termination were the original date of termination.

47 (2) If a termination ~~or extension~~ vote or consent pursuant  
48 to subsection (1) is proposed for a component site of a  
49 multisite timeshare plan located in this state, the proposed  
50 termination ~~or extension~~ is effective only if the person  
51 authorized to make additions or substitutions of accommodations  
52 and facilities pursuant to the timeshare instrument also  
53 approves the termination ~~or extension~~.

54 (3)(a) If the timeshare property is managed by an owners'  
55 association that is separate from any underlying condominium,  
56 cooperative, or homeowners' association, the termination of a  
57 timeshare plan does not change the corporate status of the  
58 owners' association. The owners' association continues to exist  
59 only for the purposes of concluding its affairs, prosecuting and  
60 defending actions by or against it, collecting and discharging  
61 obligations, disposing of and conveying its property, collecting  
62 and dividing its assets, and otherwise complying with this  
63 subsection.

64 1. After termination of a timeshare plan, the board of  
65 administration of the owners' association shall serve as the



Amendment No. 1

66 termination trustee, and in such fiduciary capacity may bring an  
67 action in partition on behalf of the tenants in common in each  
68 former timeshare property or sell the former timeshare property  
69 in any manner and to any person who is approved by a majority of  
70 all such tenants in common. The termination trustee also has all  
71 other powers reasonably necessary to effect the partition or  
72 sale of the former timeshare property, including the power to  
73 maintain the property during the pendency of any partition  
74 action or sale.

75 2. All reasonable expenses incurred by the termination  
76 trustee relating to the performance of its duties pursuant to  
77 this subsection, including the reasonable fees of attorneys and  
78 other professionals, must be paid by the tenants in common of  
79 the former timeshare property subject to partition or sale,  
80 proportionate to their respective ownership interests.

81 3. The termination trustee shall adopt reasonable  
82 procedures to implement the partition or sale of the former  
83 timeshare property and comply with the requirements of this  
84 subsection.

85 (b) If a timeshare plan is terminated in a timeshare  
86 condominium or timeshare cooperative and the underlying  
87 condominium or cooperative is not simultaneously terminated, a  
88 majority of the tenants in common in each former timeshare unit  
89 present and voting in person or by proxy at a meeting of such  
90 tenants in common conducted by the termination trustee, or



Amendment No. 1

91 conducted by the board of administration of the condominium or  
92 cooperative association, if such association managed the former  
93 timeshare property, shall designate a voting representative for  
94 the unit and file a voting certificate with the condominium or  
95 cooperative association. The voting representative may vote on  
96 all matters at meetings of the condominium or cooperative  
97 association, including termination of the condominium or  
98 cooperative.

99 (4)~~(3)~~ This section applies only to a timeshare plan that  
100 has been in existence for at least 25 years as of the effective  
101 date of the termination ~~or extension~~ vote or consent required by  
102 subsection (1).

103 Section 4. Section 721.1255, Florida Statutes, is created  
104 to read:

105 721.1255 Extension of timeshare plans.-

106 (1)(a) The Legislature finds that timeshare plans are  
107 created as authorized by statute. Most of the older timeshare  
108 properties located in this state are based on a condominium  
109 structure, and many of these older timeshare properties are  
110 approaching the termination dates set forth in their timeshare  
111 instruments.

112 (b) The Legislature further finds that there are many  
113 older timeshare properties located in this state which have been  
114 well-maintained over the years and continue to be financially  
115 supported, used, and enjoyed by their owners, exchangers,





Amendment No. 1

116 guests, renters, and others. In order to preserve the continued  
117 use, enjoyment, tax values, and overall viability of these  
118 timeshare properties, the Legislature further finds that the  
119 public policy of this state requires the creation of a statutory  
120 method to enable the owners of these timeshare properties to  
121 extend the terms of their timeshare plans, notwithstanding  
122 contrary provisions in their timeshare instruments which may  
123 create uncertainty for purchasers, prospective purchasers, and  
124 lenders, and which may discourage the ongoing maintenance,  
125 refurbishment, and improvement of these timeshare properties.

126 (2) (a) Unless the timeshare instrument specifically  
127 provides a lower percentage, the vote or written consent, or  
128 both, of at least 66 percent of all eligible voting interests  
129 present in person or by proxy at a duly noticed, called, and  
130 constituted meeting of the owners'

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 1159 : Uniform Voidable Transactions Act**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.			X		
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				
Ben Diamond			X		
Jay Fant	X				
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**HB 1159 Amendments**

**Amendment 228117**

*Adopted Without Objection*

**Amendment 720183**

*Adopted Without Objection*

**Amendment 653609**

*Adopted Without Objection*

**Appearances:**

Unger, Jason (Lobbyist) - Opponent  
 The Florida Bar, Tax Section  
 GrayRobinson PA 301 S Bronough St Ste 600  
 Tallahassee FL 32301  
 Phone: (850) 577-9090

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 1159 : Uniform Voidable Transactions Act (continued)**

**Appearances: (continued)**

Hutton, John - Proponent

The Florida Business Law Section

Chair of Study Group UVTA

333 SE 2nd Ave, 41st Floor

Miami FL 33131

Phone: 305-579-0788

Amendment #2

Edenfield, Martha (Lobbyist) - Waive In Support

Real Property, Probate

Attorney

215 S Monroe St, #815

Tallahassee FL 32301

Phone: 850-999-4100

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted without objection*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee  
 3 Representative Moraitis offered the following:

**Amendment**

Remove line 232 and insert:

7 (h) The value of the consideration received by the debtor,  
 8 including value by way of asset substitution or otherwise,



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted Without Objection*

---

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee  
 3 Representative Moraitis offered the following:  
 4

**Amendment (with title amendment)**

6 Between lines 396 and 397, insert:

7 (8) If, with respect to the formation of an entity or the  
 8 conversion of any entity into another form of entity, regardless  
 9 of the local law of such entity, it is subsequently determined  
 10 that, as a result of such formation or conversion, a holder of  
 11 equity interests in such entity violated any other provisions of  
 12 this chapter, such formation or conversion shall not  
 13 presumptively be deemed to be voidable, and the creditors of  
 14 such member shall have available all other remedies and actions  
 15 under this Act. For purposes of this subsection (8), "entity"  
 16 shall be defined as provided in s. 605.0102(23) notwithstanding



Amendment No. 2

17 the fact that such entity may be organized under the laws of a  
18 foreign jurisdiction.

19

20

-----

21

**T I T L E   A M E N D M E N T**

22

Remove line 19 and insert:

23

not voidable; providing that certain actions related to the

24

formation or conversion of an entity are not voidable; imposing

25

the burden of proving certain



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted without objection*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee  
 3 Representative Moraitis offered the following:

**Amendment**

Remove line 512 and insert:

7003(b).

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 1271 : Construction Defect Claims**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Erin Grall			X		
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

**HB 1271 Amendments**

**Amendment 734445**

*Adopted Without Objection*

**Appearances:**

Snowden, Meredith (Lobbyist) - Waive In Support  
 Florida Property & Casualty Association, Inc  
 215 South Monroe Street Suite 701  
 Tallahassee FL 32301  
 Phone: (954) 492-4010

Dewar, Buddy (Lobbyist) - Waive In Support  
 Florida Fire Sprinkler Association  
 5501 Touraine Dr  
 Tallahassee FL 32308  
 Phone: (850) 566-8733

Bill and Amendment  
 Ray Puzzitiello (Lobbyist) - Waive In Support  
 Puzzitiello  
 Owner  
 2101 Vista Parkway #114  
 West Palm Beach FL 33411  
 Phone: 561-718-4176

**Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM**



**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 1271 : Construction Defect Claims (continued)**

**Appearances: (continued)**

Bill and Amendment

Hebrank, Kari (Lobbyist) - Proponent

Florida Home Builders Association

113 E College Ave Ste 200

Tallahassee FL 32301

Phone: (850) 514-5183

**Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted without objection*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee

3 Representative Trumbull offered the following:

4

5 **Amendment**

6 Remove lines 124-127 and insert:

7 making the offer shall bear the cost of mediation. Mediation  
 8 must be

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 1337 : Child Support and Parenting Time Plans**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd	X				
John Cortes		X			
Ben Diamond		X			
Jay Fant	X				
Erin Grall			X		
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford		X			
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 3</b>			

**HB 1337 Amendments**

**Amendment 536483**

*Adopted Without Objection*

**Appearances:**

Anderson, Mark (Lobbyist) - Waive In Support  
 Non Custodial Parent Employment Program  
 106 S Monroe St SUITE B  
 Tallahassee FL 32301  
 Phone: (813) 205-0658

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted Without Objection*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
2 Subcommittee

3 Representative Diaz, J. offered the following:

4

5 **Amendment**

6 Between lines 631 and 632, insert:

7 (6) The Title IV-D Standard Parenting Time Plans are not  
8 intended for use by parents and families with domestic or family  
9 violence concerns.

10 (7) If after the incorporation of an agreed-upon parenting  
11 time plan into an administrative support order, a parent becomes  
12 concerned about the safety of the child during the child's time  
13 with the other parent, a modification of the parenting time plan  
14 may be sought through a court of appropriate jurisdiction.

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 6517 : Relief/Reginald Jackson/City of Lakeland**

*Unfavorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.		X			
Colleen Burton		X			
Cord Byrd		X			
John Cortes	X				
Ben Diamond		X			
Jay Fant		X			
Erin Grall		X			
Shawn Harrison	X				
George Moraitis, Jr.		X			
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo		X			
Barbara Watson	X				
Frank White		X			
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 6</b>		<b>Total Nays: 9</b>			

**HB 6517 Amendments**

**Amendment 779941**

*Adopted Without Objection*

**Appearances:**

Shepp, David (Lobbyist) - Opponent  
 City of Lakeland  
 Po Box 10570  
 Tallahassee FL 32302-2570  
 Phone: (850) 671-4401

Parks, Daryl (General Public) - Proponent  
 240 N Magnolia Drive  
 Tallahassee FL 32301  
 Phone: 850-251-6400

Pittman, Sean (Lobbyist) - Waive In Support  
 Parks and Crump, LLC  
 1028 E Park Ave Wilhelmina Square  
 Tallahassee FL 32301  
 Phone: (850) 216-1002

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted without objection*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee

3 Representative Alexander offered the following:

4

5 **Amendment**

6 Remove lines 81-84 and insert:

7 in the injury to Reginald Jackson. Of the amount awarded under  
 8 this act, the total amount paid for attorney fees may not exceed  
 9 \$70,312.50, the total amount paid for lobbying fees may not  
 10 exceed \$7,812.50, and no amount of the act may be paid for costs  
 11 and other similar expenses relating to this claim.

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED**

**HB 6527 : Relief/Charles Pandrea/North Broward Hospital District**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton		X			
Cord Byrd	X				
John Cortes	X				
Ben Diamond			X		
Jay Fant		X			
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.		X			
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo	X				
Barbara Watson		X			
Frank White	X				
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 4</b>			

**HB 6527 Amendments**

**Amendment 233007**

*Adopted Without Objection*

Committee meeting was reported out: Wednesday, March 29, 2017 10:59AM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

- ADOPTED  (Y/N)
- ADOPTED AS AMENDED  (Y/N)
- ADOPTED W/O OBJECTION  (Y/N)
- FAILED TO ADOPT  (Y/N)
- WITHDRAWN  (Y/N)
- OTHER

*Adopted without objection at previous meeting*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
2 Subcommittee

3 Representative Harrison offered the following:

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

6 Remove lines 65-68 and insert:  
7 the death of Janet Pandrea. Of the amount awarded under this  
8 act, the total amount paid for attorney fees may not exceed  
9 \$115,625.41, the total amount paid for lobbyist fees may not  
10 exceed \$36,513.29, and the total amount paid for costs and other  
11 similar expenses relating to this claim may not exceed  
12 \$2,129.81.

13  
14 -----  
15 **T I T L E A M E N D M E N T**

16 Remove lines 20-38 and insert:





Amendment No. 1

17 WHEREAS, in part based upon the misdiagnosis, Janet Pandrea  
18 was subsequently treated by other doctors and underwent multiple  
19 rounds of chemotherapy to which she had adverse reactions, which  
20 led to multiple complications and her eventual demise, and

21 WHEREAS, Charles and Janet Pandrea were married on May 19,  
22 1956, and they had four children together during the course of  
23 their 46-year marriage, and

24 WHEREAS, Charles Pandrea suffers from the tragic memories  
25 of the suffering of his wife from complications of chemotherapy  
26 and her prolonged hospital stay and eventual demise, which  
27 stemmed from the initial misdiagnosis, and

28 WHEREAS, Charles Pandrea will continue to suffer mental  
29 pain and anguish for the remainder of his life, which has caused  
30 and will continue to cause serious psychological problems for  
31 him, and

32 WHEREAS, Charles Pandrea brought a civil action against the  
33 North Broward Hospital District and other treating physicians  
34 from other medical providers, and

35 WHEREAS, as a matter of law, a jury in Broward County on  
36 June 8, 2005, returned a verdict in the amount of \$8,069,803.50,  
37 in which the North Broward Hospital District was found to be 10%  
38 at fault and a final judgment was entered in the amount of  
39 \$808,554.78 on June 15, 2005, and

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 6543 : Relief/Erin Joynt/Volusia County**

*Unfavorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton		X			
Cord Byrd	X				
John Cortes	X				
Ben Diamond		X			
Jay Fant		X			
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.		X			
Sean Shaw		X			
Cynthia Stafford		X			
Jackie Toledo	X				
Barbara Watson		X			
Frank White		X			
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 7</b>		<b>Total Nays: 8</b>			

**HB 6543 Amendments**

**Amendment 139653**

*Withdrawn*

**Amendment 579205**

*Adopted Without Objection*

**Appearances:**

Unger, Jason (Lobbyist) - Opponent  
 Meadowbrook, Inc  
 GrayRobinson PA 301 S Bronough St Ste 600  
 Tallahassee FL 32301  
 Phone: (850) 577-9090

**Amendment - Information Only**

John Phillips - Proponent  
 Erin Joynt  
 4230 Ortega Blvd  
 Jacksonville FL 32210  
 Phone: 904-444-4444

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 6543 : Relief/Erin Joynt/Volusia County (continued)**

**Appearances: (continued)**

Carmody, Chris (Lobbyist) - Opponent

Attorney, Central Florida Hotel and Lodging Association

301 E. Pine St., Suite 1400

Orlando FL 32801

Phone: 407-843-8880

**Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Withdrawn*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee

3 Representative Santiago offered the following:

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

6 Remove lines 61-70 and insert:  
 7 warrant in the sum of \$727,400, payable to Erin Joynt as  
 8 compensation for injuries and damages sustained.

9 Section 3. The amount paid by Volusia County pursuant to  
 10 s. 768.28, Florida Statutes, and the amount awarded under this  
 11 act are intended to provide the sole compensation for all  
 12 present and future claims arising out of the factual situation  
 13 described in this act which resulted in injuries and damages to  
 14 Erin Joynt. Of the amount awarded under this act, the total  
 15 amount paid for attorney fees may not exceed \$152,754 the total  
 16 amount paid for lobbying fees may not exceed \$29,096, and the



Amendment No. 1

17 total amount paid for costs and other similar expenses relating  
18 to this claim may not exceed \$74,094.75.

19

20

21

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

22

Remove lines 43-52 and insert:

23

underwritten by Star Insurance Company, and

24

WHEREAS, Volusia County has already paid \$85,000 of the

25

judgment to Mrs. Joynt pursuant to the statutory limits

26

liability set forth in s. 768.28, Florida Statutes, which were

27

in effect at the time that Mrs. Joynt's claim arose, NOW,

28

THEREFORE,



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted without objection*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
2 Subcommittee

3 Representative Harrison offered the following:

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

6 Remove lines 68-70 and insert:

7 Erin Joynt. Of the amount awarded under this act, the total  
8 amount paid for attorney fees may not exceed \$399,000, the total  
9 amount paid for lobbyist fees may not exceed \$76,000, and the  
10 total amount paid for costs and other similar expenses relating  
11 to this claim may not exceed \$74,094.75.

12  
13 -----

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

15 Remove lines 43-52 and insert:  
16 underwritten by Star Insurance Company, and



Amendment No. 2

17           WHEREAS, Volusia County has already paid \$85,000 of the  
18 judgment to Mrs. Joynt pursuant to the statutory limits  
19 liability set forth in s. 768.28, Florida Statutes, which were  
20 in effect at the time that Mrs. Joynt's claim arose, NOW,  
21 THEREFORE,

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 6551 : Relief/Ramiro Companioni/City of Tampa**

*Temporarily Postponed*

**HB 6551 Amendments**

**Amendment 556301**

*Failed to Adopt*

**Amendment 258647**

*Adopted*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton		X			
Cord Byrd	X				
John Cortes	X				
Ben Diamond		X			
Jay Fant	X				
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.		X			
Sean Shaw		X			
Cynthia Stafford	X				
Jackie Toledo		X			
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)		X			
<b>Total Yeas: 9</b>		<b>Total Nays: 6</b>			

**Appearances:**

Bill and Amendment  
 Block, Lance (Lobbyist) - Information Only  
 Ramiro Companioni  
 Attorney  
 PO Box 840  
 Tallahassee FL 32302  
 Phone: 850-599-1980

Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM



**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 6551 : Relief/Ramiro Companioni/City of Tampa (continued)**

**Appearances: (continued)**

**Bill and Amendment**

Meros, George (Lobbyist) - Opponent

Allied New Technologies, Inc

301 S. Bronough Street Suite 600

Tallahassee FL 32302-3189

Phone: (850) 577-9090

Peebles, William (Lobbyist) - Opponent

City of Tampa

PO Box 10930

Tallahassee FL 32302-2930

Phone: (850) 681-7383

Steven A Gonzalez - Proponent

For Ramiro Companioni

2322 W Cypress Street

Tampa FL 33609

Phone: 813-875-2000

**Committee meeting was reported out: Tuesday, March 28, 2017 9:32PM**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input checked="" type="checkbox"/>	

*Laid on the Table*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
2 Subcommittee

3 Representative Santiago offered the following:

4  
5 **Amendment**

6 Remove lines 111-122 and insert:  
7 warrant in the sum of \$17,828,800 payable to Ramiro Companioni  
8 as compensation for injuries and damages sustained.

9 Section 3. The amount paid by the City of Tampa pursuant to  
10 s. 768.28, Florida Statutes, and the amount awarded under this  
11 act are intended to provide the sole compensation for all  
12 present and future claims arising out of the factual situation  
13 described in this act which resulted in injuries and damages to  
14 Mr. Companioni. Of the amount awarded under this act, the total  
15 amount paid for attorney fees may not exceed \$3,209,184, the  
16 total amount paid for lobbying fees may not exceed \$1,248,016,



Amendment No. 1

17 | and the total amount paid for costs and other similar expenses  
18 | relating to this claim may not exceed \$4,512.32.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

*Adopted*

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee  
 3 Representative Grall offered the following:  
 4

5 **Substitute Amendment for Amendment (556301) by**  
 6 **Representative Santiago**

7 Remove lines 111-122 and insert:  
 8 warrant in the sum of \$8,000,000 payable to Ramiro Companioni as  
 9 compensation for injuries and damages sustained.

10 Section 3. The amount paid by the City of Tampa pursuant to  
 11 s. 768.28, Florida Statutes, and the amount awarded under this  
 12 act are intended to provide the sole compensation for all  
 13 present and future claims arising out of the factual situation  
 14 described in this act which resulted in injuries and damages to  
 15 Mr. Companioni. Of the amount awarded under this act, the total  
 16 amount paid for attorney fees may not exceed \$1,440,000, the



Amendment No. 2

17 | total amount paid for lobbying fees may not exceed \$560,000, and  
18 | the total amount paid for costs and other similar expenses  
19 | relating to this claim may not exceed \$4,512.32.

**COMMITTEE MEETING REPORT**  
**Civil Justice & Claims Subcommittee**

**3/28/2017 3:30PM**

**Location:** Sumner Hall (404 HOB)

**HB 6555 : Relief/Thomas and Karen Brandi/Haines City**

*Not Considered* - This bill was retained at the last meeting. There was no motion to reconsider. The vote on this report is from the previous meeting.

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd		X			
John Cortes		X			
Ben Diamond		X			
Jay Fant		X			
Erin Grall	X				
Shawn Harrison		X			
George Moraitis, Jr.		X			
Sean Shaw		X			
Cynthia Stafford		X			
Jackie Toledo		X			
Barbara Watson	X				
Frank White		X			
Heather Fitzenhagen (Chair)	X				
<b>Total Yeas: 5</b>		<b>Total Nays: 10</b>			

**HB 6555 Amendments**

**Amendment 818907** - While this amendment passed, the bill as amended failed.

*Adopted Without Objection*