



subleases, licenses, or other agreements for the use or occupancy of any unit or common element.

- c) Unless otherwise provided in the plan, at any time before the sale of the property, a plan may be withdrawn or modified by the affirmative vote or written agreement of at least the same percentage of voting interests in the condominium as was required for the initial approval.
- d) Upon discovery of a scrivener's error in the plan, the trustee may record an amended plan or an amendment to the plan and it must be executed in the same manner as required for the execution of a deed.

(12) Allocation of proceeds of sale of condominium

- a) Unless the declaration expressly provides for the allocation of the proceeds, the plan may require separate valuations for the common elements. In the absence of such provision, it is presumed that the common elements have no independent value but rather that their value is incorporated into the valuation of the units.
- b) ~~Stricken language~~ – The apportionment is deemed fair and reasonable if it is ~~so determined by the unit owners, who may approve the plan of termination~~
- c) The holder of a lien that encumbers a unit at the time of recording a plan must, within 30 days after the written request from the termination trustee, deliver a statement to the termination trustee confirming the outstanding amount of any obligations to the unit owner secured by the lien.
- d) Provides a list of permitted setoffs against each share of the proceeds, including attorney fees and costs.

(16) A unit owner is entitled to contest a plan of termination by initiating a petition for mandatory nonbinding arbitration within 90 days of the plan being recorded. However, there are limitations as to what a unit owner may contest. If the arbitrator determines the plan was not properly approved, he may void the plan or grant other relief it deems just and proper. If any of the disclosures required were omitted then it is automatically void. Any challenge to the plan, other than a challenge that the required vote was not obtained, does not affect title but is only a claim against the proceeds of the claim.

Florida Statute 718.1255 – Alternative dispute resolution; voluntary mediation; mandatory nonbinding arbitration; legislative findings

(1)(c) – Adds a plan of termination pursuant to s. 718.117 to the definition of dispute.

Florida Statute 718.128 – Electronic voting

New statute that allows the association to conduct elections through an internet-based online voting system as long as the unit owner consents in writing and certain requirements are met.

(1) The association has to prove each unit owner with:



- a) A method to authenticate the unit owner's identity.
 - b) For elections of the board, a method to transmit the electronic ballot that ensures the secrecy and integrity of each ballot.
 - c) A method to confirm, at least 14 days before the voting deadline that the unit owner's electronic device can successfully communicate with the online voting system.
- (2) The association uses a voting system that is:
- a) Able to communicate the unit owner's identity.
 - b) Able to authenticate the validity of each electronic vote to ensure it is not altered in transit
 - c) Able to transmit a receipt to each unit owner who votes.
 - d) For elections of the board, able to permanently separate any authentication or identifying information from the electronic election ballot so it is impossible to tie an election ballot to a specific unit owner.
 - e) Able to restore and keep electronic votes accessible for recount, inspection, and review purposes.
- (3) A member voting electronically is counted toward the determination of a quorum. The association may not take a substantive vote on any other issue than the issues specifically identified in the electronic vote, when a quorum is established based on unit owners voting electronically pursuant to the section.
- (4) The section applies to an association that provides and authorizes an online voting system by a board resolution. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, establish procedures and deadlines for unit owners to consent, in writing and for unit owners to opt out of online voting after giving consent. Statute also provides how written notice must be made to the unit owners.
- (5) Provides a unit owners consent is valid until the unit owner opts out of online voting.
- (6) The section applies to matters that require a vote of the unit owners who are not members of a timeshare condominium association.

Florida 718.203 Warranties

- (3) Revises the definition of "completion of a building or improvement" to conform with s. 558.02.

Added/Stricken language – "Completion of a building or improvement" means issuance of a certificate of occupancy, whether temporary or otherwise, that allows for occupancy or use of ~~for~~ the entire building or improvement, or an ~~the~~ equivalent authorization ~~to occupy or use the improvement,~~ issued by the



occupancy or the equivalent authorization is issued, the term it means substantial completion of construction, finishing, and equipping of the building or improvement according to the plans and specifications.

Florida Statute 718.303 – Obligations of owners and occupants; remedies

(3) – Clarifies that a fine may be levied by the board under certain conditions.

Added language– A fine may be levied by the board on the basis of each day of a continuing violation, with a single notice and opportunity for hearing before a committee as provided in paragraph (b).

(b) – Revises requirements for levying fine or suspension.

Added/Stricken language – A fine or suspension levied by the board of administration may not be imposed unless the board association first provides at least 14 days' written notice and an opportunity for a hearing to the unit owner and, if applicable, its occupant, licensee or invitee. [. . .] The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

(4) – Adds fee or fine to obligations a unit owner may be delinquent on

Added language – If a unit owner is more than 90 days delinquent in paying a fee, fine, or other monetary obligation due to the association, the association may suspend the right of the owner or the unit's occupant, licensee, or invitee to use common elements, common facilities, or any other association property until the fee, fine, or other monetary obligation is paid in full.

(5) – Provides the method for determining the voting interests allocated to a unit who has been suspended.

Added/Stricken language – An association may suspend the voting rights of a unit or member due to nonpayment of any fee, fine, or other monetary obligation due to the association which is more than 90 days delinquent. A voting interest or consent right allocated to a unit or member which has been suspended by the association shall be subtracted from ~~may not be counted towards~~ the total number of voting interests in the association, which shall be reduced by the number of suspended voting interests when calculating the total percentage of number of all voting interests available to take or approve any action, and suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action under this chapter or pursuant to the declaration, articles of incorporation, or bylaws.



(7) – Adds who the suspensions apply to.

Added language - The suspensions permitted by paragraph (3)(a) and subsections (4) and (5) apply to a member and, when appropriate, that member's tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of the multiple units owned by a member.

Florida Statute 718.707 – Time limitation for classification as bulk assignee or bulk buyer

Extends the period for classification as bulk assignee or bulk buyer until 2018.

Added/Stricken language – A person acquiring condominium parcels may not be classified as a bulk assignee or bulk buyer unless the condominium parcels were acquired on or after July 1, 2010, but before July 1, 2018 2016.