

## **CS/HB 1237 – Condominiums (Similar SB 1682)**

This bill amends s. 781.111, F.S., creating an **unranked, 3<sup>rd</sup> degree felony** for “any person who willfully and knowingly refuses to release or otherwise produce association records with the intent of facilitating the commission of a crime or avoiding or escaping detection, arrest, trial, or punishment for a crime.” It also creates s. 719.129, F.S., adding multiple felonies for fraudulent voting activities relating to association elections, including an **unranked, 3<sup>rd</sup> degree felony** for anyone “who willfully, knowingly, and falsely swears or affirms to an oath or affirmation, or procures another person to willfully, knowingly, and falsely swear or affirm to an oath or affirmation, in connection with or arising out of voting or casting a ballot in an association election.” Also, “a person who willfully and knowingly perpetrates or attempts to perpetrate, or willfully and knowingly aids another person in perpetrating or attempting to perpetrate, fraud in connection with or arising out of a vote or ballot cast, to be cast, or attempted to be cast by an elector in an association election commits” an **unranked, 3<sup>rd</sup> degree felony**. Additionally “a person who willfully, knowingly, and fraudulently changes or attempts to change a vote or ballot cast, to be cast, or attempted to be cast by an elector in an association election to prevent such elector from voting or casting a ballot as he or she intended in such election commits” an **unranked, 3<sup>rd</sup> degree felony**. Finally, “a person who willfully and knowingly aids or advises another person in committing a violation,” “willfully and knowingly agrees, conspires, combines, or confederates with another person in committing a violation,” or “willfully and knowingly aids or advises a person who has committed a violation... in avoiding or escaping detection, arrest, trial, or punishment” will be punished as if he or she had committed the violation.

Per DBPR, in FY 15-16, there were 2,111 condominium complaints received statewide, with 351 of these allegations recommended for arbitration, 817 with the association brought into compliance, and 27 recommended for administrative action. In FY 15-16, the incarceration rate for an unranked, 3<sup>rd</sup> degree felony was 9.9%.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: House**