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## FLORIDA CONDOMINIUM LAWS AMENDED TO ALLOW FOR BULK BROADBAND CONTRACTS

Many condominium associations and homeowner associations are increasingly interested in entering into bulk agreements for not only multichannel programming services (video), but also Internet and other broadband services. Because many associations' governing documents were created years ago, they often are silent as to whether associations may enter into contracts for Internet, and treat such costs as a common expense to be paid by all members of the association. As part of a comprehensive overhaul of laws governing condominium associations, Florida recently amended its statutes to allow condominiums to enter into bulk contracts for Internet and broadband services, notwithstanding the lack of language in their governing documents.

On July 1, 2010, an amendment to Florida Statute Section 718.115(1)(d) became effective so that condominium associations may enter into bulk contracts for broadband and Internet services and treat such expenses as common expenses chargeable to the unit owners. Before the amendment, only the costs for master antenna and franchised cable services were allowed to be charged to unit owners in a bulk contract, unless the condominium documents allowed for other types of services to be included as common expenses. With the new amendment, even if a condominium association's declaration does not provide for the cost of broadband or internet services (and other communications services as defined in Chapter 202 of the Florida Statutes) as a common expense, the association may enter into a bulk agreement for such services, and the cost of the services will be considered a common expense.

This new amendment is significant to condominium associations and broadband service providers in Florida because there have been cases where bulk broadband contracts have been challenged on the basis that the governing documents did not allow for such services to be treated as a common expense. While Florida amended the statute governing condominium associations, it did not amend the statute governing homeowner associations. Accordingly, homeowner associations may not be able to enter bulk agreements for Internet and other broadband services if not allowed under their governing documents to pass the costs of such services through as common expenses to all homeowners. In the upcoming 2011 legislative session, the Florida Legislature may consider similar amendments for laws governing homeowner associations as adopted for condominium associations.

For more information, please contact the GrayRobinson [Communications, Cable & Broadband Practice](#) group.

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