

By the Council for Smarter Government and Representatives
Mealor and Attkisson

1 A bill to be entitled
2 An act relating to timeshares; amending s.
3 721.111, F.S.; increasing the number of
4 allowable promotional prizes that may be made
5 available annually with respect to the offering
6 or sale of timeshare interests; amending s.
7 721.13, F.S.; authorizing the managing entity
8 of a timeshare to allocate net rental proceeds
9 in any reasonable manner with respect to a
10 specific timeshare under certain circumstances;
11 authorizing the managing entity to rent certain
12 units at a bulk rate; amending s. 721.15, F.S.;
13 revising language with respect to assessments
14 for common expenses; providing an effective
15 date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsection (2) of section 721.111, Florida
20 Statutes, is amended to read:

21 721.111 Prize and gift promotional offers.--

22 (2) A game promotion, such as a contest of chance,
23 gift enterprise, or sweepstakes, in which the elements of
24 chance and prize are present may not be used in connection
25 with the offering or sale of timeshare interests, except for
26 drawings, as that term is defined in s. 849.0935(1)(a), in
27 which no more than 26 ~~10~~ prizes are promoted and in which all
28 promoted prizes are actually awarded. All such drawings must
29 meet all requirements of this chapter and of ss. 849.092 and
30 849.094(1), (2), and (7).

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1 Section 2. Paragraph (f) of subsection (6) of section
2 721.13, Florida Statutes, is amended to read:

3 721.13 Management.--

4 (6)

5 (f)1. Provided that the managing entity has properly
6 and timely given notice to a delinquent purchaser pursuant to
7 paragraph (b) and to any affiliated exchange program pursuant
8 to paragraph (c), the managing entity may give further notice
9 to the delinquent purchaser that it may rent the delinquent
10 purchaser's timeshare period, or any use rights appurtenant
11 thereto, and will apply the proceeds of such rental, net of
12 any rental commissions, cleaning charges, travel agent
13 commissions, or any other commercially reasonable charges
14 reasonably and usually incurred by the managing entity in
15 securing rentals, to the delinquent purchaser's account. Such
16 further notice of intent to rent must be given at least 30
17 days prior to the first day of the purchaser's use period, and
18 must be delivered to the purchaser in the manner required for
19 notices under paragraph (b). A managing entity may make a
20 reasonable determination regarding the priority of rentals of
21 timeshare periods to be rented pursuant to this paragraph and,
22 in the event that the delinquent purchaser of a timeshare
23 period rented pursuant to this paragraph cannot be
24 specifically determined due to the structure of the timeshare
25 plan, allocate such net rental proceeds by the managing entity
26 in any reasonable manner.

27 2. The notice of intent to rent, which may be included
28 in the notice required by paragraph (b), must state in
29 conspicuous type that:

1 a. The managing entity's efforts to secure a rental
2 will not commence on a date earlier than 10 days after the
3 date of the notice of intent to rent.

4 b. Unless the purchaser satisfies the delinquency in
5 full, or unless the purchaser produces satisfactory evidence
6 that the delinquency does not exist pursuant to paragraph (b),
7 the purchaser will be bound by the terms of any rental
8 contract entered into by the managing entity with respect to
9 the purchaser's timeshare period or appurtenant use rights.

10 c. The purchaser will remain liable for any difference
11 between the amount of the delinquency and the net amount
12 produced by the rental contract and applied against the
13 delinquency pursuant to this paragraph, and the managing
14 entity shall not be required to provide any further notice to
15 the purchaser regarding any residual delinquency pursuant to
16 this paragraph.

17 3. In securing a rental pursuant to this paragraph,
18 the managing entity shall not be required to obtain the
19 highest nightly rental rate available, nor any particular
20 rental rate, and the managing entity shall not be required to
21 rent the entire timeshare period; however, the managing entity
22 must use reasonable efforts to secure a rental that is
23 commensurate with other rentals of similar timeshare periods
24 or use rights generally secured at that time. Alternatively,
25 the managing entity may rent such units at a bulk rate that is
26 below the rate described above but not less than \$200 per
27 week, which amount may be prorated for daily rentals.

28 Section 3. Subsection (3) of section 721.15, Florida
29 Statutes, is amended to read:

30 721.15 Assessments for common expenses.--
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1 (3) Delinquent assessments may bear interest at the
2 highest rate permitted by law or at some lesser rate
3 established by the managing entity. In addition to such
4 interest, the managing entity may charge an administrative
5 late fee in an amount not to exceed \$25 for each delinquent
6 assessment. ~~Provided that a purchaser has been advised in~~
7 ~~writing at least 60 days prior to turning the matter over to a~~
8 ~~collection agency that the purchaser may be liable for the~~
9 ~~fees of the collection agency and a lien may result therefrom,~~
10 Any costs of collection, including reasonable collection
11 agency fees and reasonable attorney's fees, incurred in the
12 collection of a delinquent assessment shall be paid by the
13 purchaser and shall be secured by a lien in favor of the
14 managing entity upon the timeshare interest with respect to
15 which the delinquent assessment has been incurred; provided,
16 however, in the event a managing entity turns the matter over
17 to a collection agency, the managing entity must advise the
18 purchaser at least 60 days prior to turning the matter over to
19 a collection agency that the purchaser may be liable for the
20 fees of the collection agency and a lien may result therefrom.

21 Section 4. This act shall take effect upon becoming a
22 law.

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