

By the Committee on Comprehensive Planning; and Senator Campbell

316-1964-04

1 A bill to be entitled
2 An act relating to community associations;
3 amending s. 718.111, F.S.; providing immunity
4 from liability for certain information provided
5 by associations to prospective purchasers or
6 lienholders under certain circumstances;
7 amending s. 720.303, F.S.; requiring specific
8 notice to be given to association members
9 before certain assessments or rule changes may
10 be considered at a meeting; amending s.
11 768.1325, F.S.; providing immunity from civil
12 liability for community associations that
13 provide automated defibrillator devices under
14 certain circumstances; prohibiting insurers
15 from requiring associations to purchase medical
16 malpractice coverage as a condition of issuing
17 other coverage; providing an effective date.

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

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21 Section 1. Paragraph (e) of subsection (12) of section
22 718.111, Florida Statutes, is amended to read:

23 718.111 The association.--

24 (12) OFFICIAL RECORDS.--

25 (e)1. The association or its authorized agent is ~~shall~~
26 not ~~be~~ required to provide a prospective purchaser or
27 lienholder with information about the condominium or the
28 association other than information or documents required by
29 this chapter to be made available or disclosed. The
30 association or its authorized agent may ~~shall be entitled to~~
31 charge a reasonable fee to the prospective purchaser,

1 | lienholder, or the current unit owner for ~~its time in~~
2 | providing good faith responses to requests for information by
3 | or on behalf of a prospective purchaser or lienholder, other
4 | than that required by law, if the ~~provided that such fee does~~
5 | ~~shall~~ not exceed \$150 plus the reasonable cost of photocopying
6 | and any attorney's fees incurred by the association in
7 | connection with the ~~association's~~ response.

8 | 2. An association and its authorized agent are not
9 | liable for providing such information in good faith pursuant
10 | to a written request if the person providing the information
11 | includes a written statement in substantially the following
12 | form: "The responses herein are made in good faith and to the
13 | best of my ability as to their accuracy."

14 | Section 2. Subsection (2) of section 720.303, Florida
15 | Statutes, is amended to read:

16 | 720.303 Association powers and duties; meetings of
17 | board; official records; budgets; financial reporting.--

18 | (2) BOARD MEETINGS.--A meeting of the board of
19 | directors of an association occurs whenever a quorum of the
20 | board gathers to conduct association business. All meetings
21 | of the board must be open to all members except for meetings
22 | between the board and its attorney with respect to proposed or
23 | pending litigation where the contents of the discussion would
24 | otherwise be governed by the attorney-client privilege.
25 | Notices of all board meetings must be posted in a conspicuous
26 | place in the community at least 48 hours in advance of a
27 | meeting, except in an emergency. In the alternative, if
28 | notice is not posted in a conspicuous place in the community,
29 | notice of each board meeting must be mailed or delivered to
30 | each member at least 7 days before the meeting, except in an
31 | emergency. Notwithstanding this general notice requirement,

1 for communities with more than 100 members, the bylaws may
2 provide for a reasonable alternative to posting or mailing of
3 notice for each board meeting, including publication of
4 notice, provision of a schedule of board meetings, or the
5 conspicuous posting and repeated broadcasting of the notice on
6 a closed-circuit cable television system serving the
7 homeowners' association. However, if broadcast notice is used
8 in lieu of a notice posted physically in the community, the
9 notice must be broadcast at least four times every broadcast
10 hour of each day that a posted notice is otherwise required.
11 When broadcast notice is provided, the notice and agenda must
12 be broadcast in a manner and for a sufficient continuous
13 length of time so as to allow an average reader to observe the
14 notice and read and comprehend the entire content of the
15 notice and the agenda. The bylaws or amended bylaws may
16 provide for giving notice by electronic transmission in a
17 manner authorized by law for meetings of the board of
18 directors, committee meetings requiring notice under this
19 section, and annual and special meetings of the members;
20 however, a member must consent in writing to receiving notice
21 by electronic transmission. An assessment may not be levied at
22 a board meeting unless a written ~~the~~ notice of the meeting is
23 provided to all members at least 14 days before the meeting,
24 which notice includes a statement that assessments will be
25 considered at the meeting and the nature of the assessments.
26 Rules that regulate the use of parcels in the community may
27 not be adopted, amended, or revoked at a board meeting unless
28 a written meeting notice is provided to all members at least
29 14 days before the meeting, which notice includes a statement
30 that changes to the rules regarding the use of parcels will be
31 considered at the meeting. Directors may not vote by proxy or

1 by secret ballot at board meetings, except that secret ballots
2 may be used in the election of officers. This subsection also
3 applies to the meetings of any committee or other similar
4 body, when a final decision will be made regarding the
5 expenditure of association funds, and to any body vested with
6 the power to approve or disapprove architectural decisions
7 with respect to a specific parcel of residential property
8 owned by a member of the community.

9 Section 3. Present subsection (5) of section 768.1325,
10 Florida Statutes, is redesignated as subsection (6), and a new
11 subsection (5) is added to that section to read:

12 768.1325 Cardiac Arrest Survival Act; immunity from
13 civil liability.--

14 (5)(a) A community association organized under chapter
15 617, chapter 718, chapter 719, chapter 720, chapter 721, or
16 chapter 723, Florida Statutes, which provides an automated
17 defibrillator device primarily for the use of its members,
18 guests, or invitees is immune from civil liability, pursuant
19 to this section, for any damages that result from the use of
20 such device if the association properly maintains such device
21 and offers periodic training in the use of such device. The
22 failure of any person who uses the device to take such
23 training does not constitute a basis for liability against the
24 association.

25 (b) An insurer may not require a community association
26 to purchase medical malpractice liability coverage as a
27 condition of issuing any other coverage carried by the
28 association, and an insurer may not exclude damages resulting
29 from the use of an automated defibrillator device from
30 coverage under a general liability policy issued to an
31 association.

1 Section 4. This act shall take effect July 1, 2004.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 1184

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7 The Committee Substitute (CS) requires a community
8 association, as specified in the CS, to properly maintain an
9 automated external defibrillator, in addition to offering
10 periodic training in the use of such device, to enjoy the
11 immunity provision of the CS. This CS also makes a technical
12 change.

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