

By the Committees on Health, Aging, and Long-Term Care;
Comprehensive Planning; and Senator Campbell

317-2063-04

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; prohibiting insurers from
18 excluding from coverage under a general
19 liability policy damages resulting from the use
20 of an automated external defibrillator device;
21 providing an effective date.

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

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25 Section 1. Paragraph (e) of subsection (12) of section
26 718.111, Florida Statutes, is amended to read:

27 718.111 The association.--

28 (12) OFFICIAL RECORDS.--

29 (e)1. The association or its authorized agent is shall
30 not ~~be~~ required to provide a prospective purchaser or
31 lienholder with information about the condominium or the

1 association other than information or documents required by
2 this chapter to be made available or disclosed. The
3 association or its authorized agent may ~~shall be entitled to~~
4 charge a reasonable fee to the prospective purchaser,
5 lienholder, or the current unit owner for ~~its time in~~
6 providing good faith responses to requests for information by
7 or on behalf of a prospective purchaser or lienholder, other
8 than that required by law, if the ~~provided that~~ such fee does
9 ~~shall~~ not exceed \$150 plus the reasonable cost of photocopying
10 and any attorney's fees incurred by the association in
11 connection with the ~~association's~~ response.

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

18 Section 2. Subsection (2) of section 720.303, Florida
19 Statutes, is amended to read:

20 720.303 Association powers and duties; meetings of
21 board; official records; budgets; financial reporting.--

22 (2) BOARD MEETINGS.--A meeting of the board of
23 directors of an association occurs whenever a quorum of the
24 board gathers to conduct association business. All meetings
25 of the board must be open to all members except for meetings
26 between the board and its attorney with respect to proposed or
27 pending litigation where the contents of the discussion would
28 otherwise be governed by the attorney-client privilege.
29 Notices of all board meetings must be posted in a conspicuous
30 place in the community at least 48 hours in advance of a
31 meeting, except in an emergency. In the alternative, if

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

1 a written meeting notice is provided to all members at least
2 14 days before the meeting, which notice includes a statement
3 that changes to the rules regarding the use of parcels will be
4 considered at the meeting. Directors may not vote by proxy or
5 by secret ballot at board meetings, except that secret ballots
6 may be used in the election of officers. This subsection also
7 applies to the meetings of any committee or other similar
8 body, when a final decision will be made regarding the
9 expenditure of association funds, and to any body vested with
10 the power to approve or disapprove architectural decisions
11 with respect to a specific parcel of residential property
12 owned by a member of the community.

13 Section 3. Subsection (3) of section 768.1325, Florida
14 Statutes, is amended, and subsection (6) is added to that
15 section, to read:

16 768.1325 Cardiac Arrest Survival Act; immunity from
17 civil liability.--

18 (3) Notwithstanding any other provision of law to the
19 contrary, and except as provided in subsection (4), any person
20 who uses or attempts to use an automated external
21 defibrillator device on a victim of a perceived medical
22 emergency, without objection of the victim of the perceived
23 medical emergency, is immune from civil liability for any harm
24 resulting from the use or attempted use of such device. In
25 addition, any person who acquired the device, including, but
26 not limited to, a community association organized under
27 chapter 617, chapter 718, chapter 719, chapter 720, chapter
28 721, or chapter 723, is immune from such liability, if the
29 harm was not due to the failure of such acquirer of the device
30 to:

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1 (a) Notify the local emergency medical services
2 medical director of the most recent placement of the device
3 within a reasonable period of time after the device was
4 placed;

5 (b) Properly maintain and test the device; or
6 (c) Provide appropriate training in the use of the
7 device to an employee or agent of the acquirer when the
8 employee or agent was the person who used the device on the
9 victim, except that such requirement of training does not
10 apply if:

11 1. The employee or agent was not an employee or agent
12 who would have been reasonably expected to use the device; or

13 2. The period of time elapsing between the engagement
14 of the person as an employee or agent and the occurrence of
15 the harm, or between the acquisition of the device and the
16 occurrence of the harm in any case in which the device was
17 acquired after engagement of the employee or agent, was not a
18 reasonably sufficient period in which to provide the training.

19 (6) An insurer may not require an acquirer of an
20 automated external defibrillator device which is a community
21 association organized under chapter 617, chapter 718, chapter
22 719, chapter 720, chapter 721, or chapter 723 to purchase
23 medical malpractice liability coverage as a condition of
24 issuing any other coverage carried by the association, and an
25 insurer may not exclude damages resulting from the use of an
26 automated external defibrillator device from coverage under a
27 general liability policy issued to an association.

28 Section 4. This act shall take effect July 1, 2004.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 1184

The committee substitute makes the following changes to CS/SB 1184:

Provides that a community association is immune from civil liability if it acquires an automated external defibrillator as long as any harm caused by using the device is not due to the failure of the community association to notify the local EMS medical director of the most recent placement of the device within a reasonable period of time after the device was placed; to properly maintain and test the device; and to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the agent.