

HB 0411

2004

A bill to be entitled

An act relating to community associations; amending s. 718.111, F.S.; providing immunity from liability for certain information provided by associations to prospective purchasers or lienholders under certain circumstances; amending s. 720.303, F.S.; requiring specific notice to be given to association members before certain assessments or rule changes may be considered at a meeting; amending s. 768.1325, F.S.; providing immunity from civil liability for community associations that provide automated defibrillator devices under certain circumstances; prohibiting insurers from requiring associations to purchase medical malpractice coverage as a condition of issuing other coverage; providing an effective date.

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

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

718.111 The association.--

(1) CORPORATE ENTITY.--

(12) OFFICIAL RECORDS.--

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

HB 0411

2004

30 prospective purchaser, lienholder, or the current unit owner for
 31 ~~its time in~~ providing good faith responses to requests for
 32 information by or on behalf of a prospective purchaser or
 33 lienholder, other than that required by law, if the provided
 34 ~~that such~~ fee does ~~shall~~ not exceed \$150 plus the reasonable
 35 cost of photocopying and any attorney's fees incurred by the
 36 association in connection with the ~~association's~~ response.

37 2. An association and its authorized agent are not liable
 38 for providing such information in good faith pursuant to a
 39 written request if the person providing the information includes
 40 a written statement in substantially the following form: "The
 41 responses herein are made in good faith and to the best of my
 42 ability as to their accuracy."

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

45 720.303 Association powers and duties; meetings of board;
 46 official records; budgets; financial reporting.--

47 (2) BOARD MEETINGS.--A meeting of the board of directors
 48 of an association occurs whenever a quorum of the board gathers
 49 to conduct association business. All meetings of the board must
 50 be open to all members except for meetings between the board and
 51 its attorney with respect to proposed or pending litigation
 52 where the contents of the discussion would otherwise be governed
 53 by the attorney-client privilege. Notices of all board meetings
 54 must be posted in a conspicuous place in the community at least
 55 48 hours in advance of a meeting, except in an emergency. In
 56 the alternative, if notice is not posted in a conspicuous place
 57 in the community, notice of each board meeting must be mailed or
 58 delivered to each member at least 7 days before the meeting,

HB 0411

2004

59 except in an emergency. Notwithstanding this general notice
60 requirement, for communities with more than 100 members, the
61 bylaws may provide for a reasonable alternative to posting or
62 mailing of notice for each board meeting, including publication
63 of notice, provision of a schedule of board meetings, or the
64 conspicuous posting and repeated broadcasting of the notice on a
65 closed-circuit cable television system serving the homeowners'
66 association. However, if broadcast notice is used in lieu of a
67 notice posted physically in the community, the notice must be
68 broadcast at least four times every broadcast hour of each day
69 that a posted notice is otherwise required. When broadcast
70 notice is provided, the notice and agenda must be broadcast in a
71 manner and for a sufficient continuous length of time so as to
72 allow an average reader to observe the notice and read and
73 comprehend the entire content of the notice and the agenda. The
74 bylaws or amended bylaws may provide for giving notice by
75 electronic transmission in a manner authorized by law for
76 meetings of the board of directors, committee meetings requiring
77 notice under this section, and annual and special meetings of
78 the members; however, a member must consent in writing to
79 receiving notice by electronic transmission. An assessment may
80 not be levied at a board meeting unless a written ~~the~~ notice of
81 the meeting is provided to all members at least 14 days before
82 the meeting, which notice includes a statement that assessments
83 will be considered at the meeting and the nature of the
84 assessments. Rules that regulate the use of parcels in the
85 community may not be adopted, amended, or revoked at a board
86 meeting unless a written meeting notice is provided to all
87 members at least 14 days before the meeting, which notice

HB 0411

2004

88 includes a statement that changes to the rules regarding the use
 89 of parcels will be considered at the meeting. Directors may not
 90 vote by proxy or by secret ballot at board meetings, except that
 91 secret ballots may be used in the election of officers. This
 92 subsection also applies to the meetings of any committee or
 93 other similar body, when a final decision will be made regarding
 94 the expenditure of association funds, and to any body vested
 95 with the power to approve or disapprove architectural decisions
 96 with respect to a specific parcel of residential property owned
 97 by a member of the community.

98 Section 3. Present subsection (5) of section 768.1325,
 99 Florida Statutes, is renumbered as subsection (6), and a new
 100 subsection (5) is added to said section to read:

101 768.1325 Cardiac Arrest Survival Act; immunity from civil
 102 liability.--

103 (5)(a) A community association organized under chapter
 104 617, chapter 718, chapter 719, chapter 720, chapter 721, or
 105 chapter 723 which provides an automated defibrillator device
 106 primarily for the use of its members, guests, or invitees is
 107 immune from civil liability, pursuant to this section, for any
 108 damages that result from the use of such device if the
 109 association offers periodic training in the use of such device.
 110 The failure of any person who uses the device to take such
 111 training does not constitute a basis for liability against the
 112 association.

113 (b) An insurer may not require a community association to
 114 purchase medical malpractice liability coverage as a condition
 115 of issuing any other coverage carried by the association, and an
 116 insurer may not exclude damages resulting from the use of an

HB 0411

2004

117 automated defibrillator device from coverage under a general
118 liability policy issued to an association.

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