

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 718.111 The association.--

27 (1) CORPORATE ENTITY.--

28 (12) OFFICIAL RECORDS.--

29 (e)1. The association or its authorized agent is ~~shall~~ not
30 ~~be~~ required to provide a prospective purchaser or lienholder
31 with information about the condominium or the association other
32 than information or documents required by this chapter to be
33 made available or disclosed. The association or its authorized
34 agent may ~~shall be entitled to~~ charge a reasonable fee to the
35 prospective purchaser, lienholder, or the current unit owner for
36 ~~its time in~~ providing good faith responses to requests for
37 information by or on behalf of a prospective purchaser or
38 lienholder, other than that required by law, if the provided
39 ~~that such~~ fee does ~~shall~~ not exceed \$150 plus the reasonable
40 cost of photocopying and any attorney's fees incurred by the
41 association in connection with the ~~association's~~ response.

42 2. An association and its authorized agent are not liable
43 for providing such information in good faith pursuant to a
44 written request if the person providing the information includes
45 a written statement in substantially the following form: "The
46 responses herein are made in good faith and to the best of my
47 ability as to their accuracy." In no event shall this provision
48 apply to certificates required by s. 718.116(8), providing
49 estoppel information to a unit owner purchaser or mortgagee.

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

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52 720.303 Association powers and duties; meetings of board;
53 official records; budgets; financial reporting.--
54 (2) BOARD MEETINGS.--A meeting of the board of directors
55 of an association occurs whenever a quorum of the board gathers
56 to conduct association business. All meetings of the board must
57 be open to all members except for meetings between the board and
58 its attorney with respect to proposed or pending litigation
59 where the contents of the discussion would otherwise be governed
60 by the attorney-client privilege. Notices of all board meetings
61 must be posted in a conspicuous place in the community at least
62 48 hours in advance of a meeting, except in an emergency. In
63 the alternative, if notice is not posted in a conspicuous place
64 in the community, notice of each board meeting must be mailed or
65 delivered to each member at least 7 days before the meeting,
66 except in an emergency. Notwithstanding this general notice
67 requirement, for communities with more than 100 members, the
68 bylaws may provide for a reasonable alternative to posting or
69 mailing of notice for each board meeting, including publication
70 of notice, provision of a schedule of board meetings, or the
71 conspicuous posting and repeated broadcasting of the notice on a
72 closed-circuit cable television system serving the homeowners'
73 association. However, if broadcast notice is used in lieu of a
74 notice posted physically in the community, the notice must be
75 broadcast at least four times every broadcast hour of each day
76 that a posted notice is otherwise required. When broadcast
77 notice is provided, the notice and agenda must be broadcast in a
78 manner and for a sufficient continuous length of time so as to
79 allow an average reader to observe the notice and read and

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80 comprehend the entire content of the notice and the agenda. The
81 bylaws or amended bylaws may provide for giving notice by
82 electronic transmission in a manner authorized by law for
83 meetings of the board of directors, committee meetings requiring
84 notice under this section, and annual and special meetings of
85 the members; however, a member must consent in writing to
86 receiving notice by electronic transmission. An assessment may
87 not be levied at a board meeting unless a written ~~the~~ notice of
88 the meeting is provided to all members at least 14 days before
89 the meeting, which notice includes a statement that assessments
90 will be considered at the meeting and the nature of the
91 assessments. Rules that regulate the use of parcels in the
92 community may not be adopted, amended, or revoked at a board
93 meeting unless a written meeting notice is provided to all
94 members at least 14 days before the meeting, which notice
95 includes a statement that changes to the rules regarding the use
96 of parcels will be considered at the meeting. Directors may not
97 vote by proxy or by secret ballot at board meetings, except that
98 secret ballots may be used in the election of officers. This
99 subsection also applies to the meetings of any committee or
100 other similar body, when a final decision will be made regarding
101 the expenditure of association funds, and to any body vested
102 with the power to approve or disapprove architectural decisions
103 with respect to a specific parcel of residential property owned
104 by a member of the community.

105 Section 3. Subsection (3) of section 768.1325, Florida
106 Statutes, is amended, and subsection (6) is added to said
107 section, to read:

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108 768.1325 Cardiac Arrest Survival Act; immunity from civil
109 liability.--

110 (3) Notwithstanding any other provision of law to the
111 contrary, and except as provided in subsection (4), any person
112 who uses or attempts to use an automated external defibrillator
113 device on a victim of a perceived medical emergency, without
114 objection of the victim of the perceived medical emergency, is
115 immune from civil liability for any harm resulting from the use
116 or attempted use of such device. In addition, any person who
117 acquired the device, including, but not limited to, a community
118 association organized under chapter 617, chapter 718, chapter
119 719, chapter 720, chapter 721, or chapter 723, is immune from
120 such liability, if the harm was not due to the failure of such
121 acquirer of the device to:

122 (a) Notify the local emergency medical services medical
123 director of the most recent placement of the device within a
124 reasonable period of time after the device was placed;

125 (b) Properly maintain and test the device; or

126 (c) Provide appropriate training in the use of the device
127 to an employee or agent of the acquirer when the employee or
128 agent was the person who used the device on the victim, except
129 that such requirement of training does not apply if:

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

132 2. The period of time elapsing between the engagement of
133 the person as an employee or agent and the occurrence of the
134 harm, or between the acquisition of the device and the
135 occurrence of the harm in any case in which the device was

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136 | acquired after engagement of the employee or agent, was not a
137 | reasonably sufficient period in which to provide the training.

138 | (6) An insurer may not require a community association
139 | organized under chapter 617, chapter 718, chapter 719, chapter
140 | 720, chapter 721, or chapter 723 that acquires an automated
141 | external defibrillator device to purchase medical malpractice
142 | liability coverage as a condition of issuing any other coverage
143 | carried by the association, and an insurer may not exclude
144 | damages resulting from the use of an automated external
145 | defibrillator device from coverage under a general liability
146 | policy issued to an association.

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