



972338

CHAMBER ACTION

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| <u>Senate</u> | . | <u>House</u> |
| Comm: RCS | . | |
| 4/15/2008 | . | |
| | . | |
| | . | |

1 The Committee on Regulated Industries (Fasano) recommended the
 2 following **amendment**:

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Section 514.011, Florida Statutes, is amended to
8 read:

9 514.011 Definitions.--As used in this chapter, the term:

10 (1) "Department" means the Department of Health.

11 (2) "Homeowners' association" has the same meaning as in s.

12 720.301.

13 (3)~~(5)~~ "Portable pool" means a pool or spa, and related
14 equipment systems of any kind, which is designed or intended to
15 be movable from location to location.

16 (4)~~(3)~~ "Private pool" means a facility used only by an
17 individual, family, or living unit members and their guests which

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18 does not serve any type of cooperative housing or joint tenancy
19 of five or more living units.

20 (5)~~(4)~~ "Public bathing place" means a body of water,
21 natural or modified by humans, for swimming, diving, and
22 recreational bathing, together with adjacent shoreline or land
23 area, buildings, equipment, and appurtenances pertaining thereto,
24 used by consent of the owner or owners and held out to the public
25 by any person or public body, irrespective of whether a fee is
26 charged for the use thereof. The bathing water areas of public
27 bathing places include, but are not limited to, lakes, ponds,
28 rivers, streams, artificial impoundments, and waters along the
29 coastal and intracoastal beaches and shores of the state.

30 (6)~~(2)~~ "Public swimming pool" or "public pool" means a
31 watertight structure of concrete, masonry, or other approved
32 materials, ~~which is~~ located ~~either~~ indoors or outdoors, used for
33 bathing or swimming by humans, and filled with a filtered and
34 disinfected water supply, together with buildings, appurtenances,
35 and equipment used in connection therewith. A public swimming
36 pool or public pool shall mean a conventional pool, spa-type
37 pool, wading pool, special purpose pool, or water recreation
38 attraction, to which admission may be gained with or without
39 payment of a fee and includes, but is not limited to, pools
40 operated by or serving camps, churches, cities, counties, day
41 care centers, group home facilities for eight or more clients,
42 health spas, institutions, parks, state agencies, schools,
43 subdivisions, or the cooperative living-type projects of five or
44 more living units, such as apartments, boardinghouses, hotels,
45 mobile home parks, motels, recreational vehicle parks, and
46 townhouses.

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47 Section 2. Subsection (2) of section 514.0115, Florida
48 Statutes, is amended to read:

49 514.0115 Exemptions from supervision or regulation;
50 variances.--

51 (2) (a) Pools serving no more than 32 condominium or
52 cooperative units or 32 parcels governed by a homeowners'
53 association which are not operated as a public lodging
54 establishment are ~~shall be~~ exempt from supervision under this
55 chapter, except for water quality.

56 (b) Pools serving condominium or cooperative associations
57 of more than 32 units or a homeowners' association of more than
58 32 parcels and whose recorded documents prohibit the rental or
59 sublease of the units for ~~periods of~~ less than 60 days are exempt
60 from supervision under this chapter, except that the condominium
61 or cooperative owner or association or homeowners' association
62 must file an application ~~applications~~ with the department and
63 obtain construction plan ~~plans~~ approval and receive an initial
64 operating permit. The department shall inspect the swimming pools
65 ~~at such places~~ annually, at the fee set forth in s. 514.033(3),
66 or upon request by a unit owner, to determine compliance with
67 department rules relating to water quality and lifesaving
68 equipment. The department may not require compliance with rules
69 relating to swimming pool lifeguard standards.

70 Section 3. Subsection (9) of section 515.25, Florida
71 Statutes, is amended to read:

72 515.25 Definitions.--As used in this chapter, the term:

73 (9) "Public swimming pool" means a swimming pool, as
74 defined in s. 515.011 ~~514.011(2)~~, which is operated, with or
75 without charge, for the use of the general public; however, the



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76 term does not include a swimming pool located on the grounds of a
77 private residence.

78 Section 4. Effective January 1, 2009, section 515.295,
79 Florida Statutes, is created to read:

80 515.295 Residential swimming pool and spa drain-cover
81 safety.--

82 (1) For purposes of this section, the term:

83 (a) "ASME/ANSI" as applied to a safety standard means a
84 standard that is accredited by the American National Standards
85 Institute and published by the American Society of Mechanical
86 Engineers.

87 (b) "Main drain" means a submerged suction outlet typically
88 located at the bottom of a swimming pool or spa to conduct water
89 to a recirculating pump.

90 (c) "Safety vacuum release system" means a vacuum release
91 system capable of providing vacuum release at a suction outlet
92 caused by a high vacuum occurrence due to a suction outlet flow
93 blockage.

94 (d) "Unblockable drain" means a drain of any size and shape
95 which a human body cannot sufficiently block to create a suction-
96 entrapment hazard.

97 (2) All residential swimming pools and spas constructed on
98 or after January 1, 2009, must have more than one drain, one or
99 more unblockable drains, or no main drain.

100 (3) All residential swimming pools and spas constructed on
101 or after January 1, 2009, must be equipped with one or more of
102 the following devices and systems designed to prevent entrapment
103 by the pool or spa drain:

104 (a) A safety vacuum release system that ceases operation of
105 the pump, reverses the circulation flow, or otherwise provides a



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106 vacuum release at a suction outlet when a blockage is detected.
107 Such system must have been tested by an independent third party
108 and found to conform to ASME/ANSI standard A112.19.17 or ASTM
109 standard F2387.

110 (b) A suction-limiting vent system that has a tamper-
111 resistant atmospheric opening.

112 (c) A gravity drainage system that uses a collector tank.

113 (d) An automatic pump shut-off system.

114 (e) A device or system that disables the drain.

115 (f) Any other system determined by the department to be
116 equally effective, or better than, the systems described in this
117 subsection at preventing or eliminating the risk of injury or
118 death associated with swimming pool and spa drainage systems.

119 (4) Any device or system described in subsection (3) must
120 meet the requirements of any ASME/ANSI or ASTM performance
121 standard, if there is such a standard for such a device or
122 system, or any applicable consumer product safety standard.

123 Section 5. Paragraph (b) of subsection (2), paragraphs (a)
124 and (c) of subsection (5), paragraphs (b), (c), (d), (f), and (g)
125 of subsection (6) of section 720.303, Florida Statutes, are
126 amended, and subsection (12) is added to that section, to read:

127 720.303 Association powers and duties; meetings of board;
128 official records; budgets; financial reporting; association
129 funds; recalls.--

130 (2) BOARD MEETINGS.--

131 (b) Members have the right to attend all meetings of the
132 board and to speak on any matter placed on the agenda by petition
133 of the voting interests for at least 3 minutes. The association
134 may adopt written reasonable rules expanding the right of members
135 to speak and governing the frequency, duration, and other manner



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136 of member statements, which rules must be consistent with this
137 paragraph and may include a sign-up sheet for members wishing to
138 speak. Notwithstanding any other law, ~~the requirement that board~~
139 ~~meetings and committee meetings be open to the members is~~
140 ~~inapplicable to~~ meetings between the board or a committee to
141 discuss proposed or pending litigation with ~~and~~ the association's
142 attorney, or ~~with respect to~~ meetings of the board held for the
143 purpose of discussing personnel matters are not required to be
144 open to the members.

145 (5) INSPECTION AND COPYING OF RECORDS.--The official
146 records shall be maintained within the state and must be open to
147 inspection and available for photocopying by members or their
148 authorized agents at reasonable times and places within 10
149 business days after receipt of a written request for access. This
150 subsection may be complied with by having a copy of the official
151 records available for inspection or copying in the community. If
152 the association has a photocopy machine available where the
153 records are maintained, it must provide parcel owners with copies
154 on request during the inspection if the entire request is limited
155 to no more than 25 pages.

156 (a) The failure of an association to provide access to the
157 records within 10 business days after receipt of a written
158 request submitted by certified mail, return receipt requested,
159 creates a rebuttable presumption that the association willfully
160 failed to comply with this subsection.

161 (c) The association may adopt reasonable written rules
162 governing the frequency, time, location, notice, records to be
163 inspected, and manner of inspections, but may not require ~~impose~~
164 ~~a requirement that~~ a parcel owner to demonstrate any proper
165 purpose for the inspection, state any reason for the inspection,



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166 or limit a parcel owner's right to inspect records to less than
167 one 8-hour business day per month. The association may impose
168 fees to cover the costs of providing copies of the official
169 records, including, without limitation, the costs of copying. The
170 association may charge up to 50 cents per page for copies made on
171 the association's photocopier. If the association does not have a
172 photocopy machine available where the records are kept, or if the
173 records requested to be copied exceed 25 pages in length, the
174 association may have copies made by an outside vendor or
175 association management company personnel and may charge the
176 actual cost of copying, including any reasonable costs involving
177 personnel fees and charges at an hourly rate for employee time to
178 cover administrative costs to the association. The association
179 shall maintain an adequate number of copies of the recorded
180 governing documents, to ensure their availability to members and
181 prospective members. Notwithstanding the provisions of this
182 paragraph, the following records are ~~shall~~ not be accessible to
183 members or parcel owners:

184 1. Any record protected by the lawyer-client privilege as
185 described in s. 90.502 and any record protected by the work-
186 product privilege, including, but not limited to, any record
187 prepared by an association attorney or prepared at the attorney's
188 express direction which reflects a mental impression, conclusion,
189 litigation strategy, or legal theory of the attorney or the
190 association and which was prepared exclusively for civil or
191 criminal litigation or for adversarial administrative proceedings
192 or which was prepared in anticipation of imminent civil or
193 criminal litigation or imminent adversarial administrative
194 proceedings until the conclusion of the litigation or ~~adversarial~~
195 administrative proceedings.



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196 2. Information obtained by an association in connection
197 with the approval of the lease, sale, or other transfer of a
198 parcel.

199 3. Disciplinary, health, insurance, and personnel records
200 of the association's employees.

201 4. Medical records of parcel owners or community residents.

202 (6) BUDGETS.--

203 (b) In addition to annual operating expenses, the budget
204 may include reserve accounts for capital expenditures and
205 deferred maintenance for which the association is responsible. If
206 reserve accounts are not established pursuant to paragraph (d),
207 funding of such reserves shall be limited to the extent that the
208 governing documents ~~do not~~ limit increases in assessments,
209 including reserves. If the budget of the association includes
210 reserve accounts established pursuant to paragraph (d), such
211 reserves shall be determined, maintained, and waived in the
212 manner provided in this subsection. Once an association provides
213 for reserve accounts pursuant to paragraph (d) ~~in the budget,~~ the
214 association shall thereafter determine, maintain, and waive
215 reserves in compliance with this subsection. The provisions of
216 this section do not preclude the termination of a reserve account
217 established pursuant to this paragraph upon approval of a
218 majority of the voting interests of the association. Upon such
219 approval, the terminating reserve account shall be removed from
220 the budget.

221 (c)1. If the budget of the association does not provide for
222 reserve accounts pursuant to paragraph (d) ~~governed by this~~
223 ~~subsection~~ and the association is responsible for the repair and
224 maintenance of capital improvements that may result in a special
225 assessment if reserves are not provided, each financial report



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226 for the preceding fiscal year required by subsection (7) shall
227 contain the following statement in conspicuous type: THE BUDGET
228 OF THE ASSOCIATION DOES NOT PROVIDE FOR RESERVE ACCOUNTS FOR
229 CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE THAT MAY RESULT IN
230 SPECIAL ASSESSMENTS. OWNERS MAY ELECT TO PROVIDE FOR RESERVE
231 ACCOUNTS PURSUANT TO THE PROVISIONS OF SECTION 720.303(6),
232 FLORIDA STATUTES, UPON OBTAINING THE APPROVAL OF ~~NOT LESS THAN A~~
233 MAJORITY OF THE TOTAL VOTING INTERESTS OF THE ASSOCIATION BY VOTE
234 OF THE MEMBERS AT A MEETING OR BY WRITTEN CONSENT.

235 2. If the budget of the association does provide for
236 funding accounts for deferred expenditures, including, but not
237 limited to, funds for capital expenditures and deferred
238 maintenance, but such accounts are not created or established
239 pursuant to paragraph (d), each financial report for the
240 preceding fiscal year required under subsection (7) must also
241 contain the following statement in conspicuous type: THE BUDGET
242 OF THE ASSOCIATION DOES PROVIDE FOR LIMITED VOLUNTARY DEFERRED
243 EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES AND DEFERRED
244 MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED IN OUR
245 GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED TO
246 PROVIDE FOR RESERVE ACCOUNTS PURSUANT TO SECTION 720.303(6),
247 FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE RESTRICTIONS
248 ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR ARE RESERVES
249 CALCULATED IN ACCORDANCE WITH THAT STATUTE.

250 (d) An association shall be deemed to have provided for
251 reserve accounts if ~~when~~ reserve accounts have been initially
252 established by the developer or if ~~when~~ the membership of the
253 association affirmatively elects to provide for reserves. If
254 reserve accounts are not initially provided for by the developer,
255 the membership of the association may elect to do so upon the



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256 affirmative approval of ~~not less than~~ a majority of the total
257 voting interests of the association. Such approval may be
258 obtained ~~attained~~ by vote of the members at a duly called meeting
259 of the membership or by the ~~upon a~~ written consent of ~~executed by~~
260 ~~not less than~~ a majority of the total voting interests in the
261 community. The approval action of the membership shall state that
262 reserve accounts shall be provided for in the budget and shall
263 designate the components for which the reserve accounts are to be
264 established. Upon approval by the membership, the board of
265 directors shall include ~~provide for~~ the required reserve accounts
266 ~~for inclusion~~ in the budget in the next fiscal year following the
267 approval and ~~in~~ each year thereafter. Once established as
268 provided in this subsection, the reserve accounts shall be funded
269 or maintained or shall have their funding waived in the manner
270 provided in paragraph (f).

271 (f) After one or more ~~Once a reserve account or~~ reserve
272 accounts are established, the membership of the association, upon
273 a majority vote at a meeting at which a quorum is present, may
274 provide for no reserves or less reserves than required by this
275 section. If a meeting of the unit owners has been called to
276 determine whether to waive or reduce the funding of reserves and
277 no such result is achieved or a quorum is not present, the
278 reserves as included in the budget shall go into effect. After
279 the turnover, the developer may vote its voting interest to waive
280 or reduce the funding of reserves. Any vote taken pursuant to
281 this subsection to waive or reduce reserves is ~~shall be~~
282 applicable only to one budget year.

283 (g) Funding formulas for reserves authorized by this
284 section shall be based on either a separate analysis of each of



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285 the required assets or a pooled analysis of two or more of the
286 required assets.

287 1. If the association maintains separate reserve accounts
288 for each of the required assets, the amount of the contribution
289 to each reserve account is ~~shall be~~ the sum of the following two
290 calculations:

291 a. The total amount necessary, if any, to bring a negative
292 component balance to zero.

293 b. The total estimated deferred maintenance expense or
294 estimated replacement cost of the reserve component less the
295 estimated balance of the reserve component as of the beginning of
296 the period ~~for which~~ the budget will be in effect. The remainder,
297 if greater than zero, shall be divided by the estimated remaining
298 useful life of the component.

299

300 The formula may be adjusted each year for changes in estimates
301 and deferred maintenance performed during the year and may
302 include factors such as inflation and earnings on invested funds.

303 2. If the association maintains a pooled account of two or
304 more of the required reserve assets, the amount of the
305 contribution to the pooled reserve account as disclosed on the
306 proposed budget may ~~shall~~ not be less than that required to
307 ensure that the balance on hand at the beginning of the period
308 ~~for which~~ the budget will go into effect plus the projected
309 annual cash inflows over the remaining estimated useful life of
310 all of the assets that make up the reserve pool are equal to or
311 greater than the projected annual cash outflows over the
312 remaining estimated useful lives of all ~~of~~ the assets that make
313 up the reserve pool, based on the current reserve analysis. The
314 projected annual cash inflows may include estimated earnings from

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315 investment of principal and accounts receivable minus the
316 allowance for doubtful accounts. The reserve funding formula may
317 ~~shall~~ not include any type of balloon payments.

318 (12) COMPENSATION PROHIBITED.--A director, officer, or
319 committee member of the association may not receive directly or
320 indirectly any salary or compensation from the association for
321 the performance of duties as a director, officer, or committee
322 member and may not in any other way benefit financially from
323 service to the association. This subsection does not preclude:

324 (a) Participation by such person in a financial benefit
325 accruing to all or a significant number of members as a result of
326 actions lawfully taken by the board or a committee of which he or
327 she is a member, including, but not limited to, routine
328 maintenance, repair, or replacement of community assets.

329 (b) Reimbursement for out-of-pocket expenses incurred by
330 such person on behalf of the association, subject to approval in
331 accordance with procedures established by the association's
332 governing documents or, in the absence of such procedures, in
333 accordance with an approval process established by the board.

334 (c) Any recovery of insurance proceeds derived from a
335 policy of insurance maintained by the association for the benefit
336 of its members.

337 (d) Any fee or compensation authorized in the governing
338 documents.

339 (e) Any fee or compensation authorized in advance by a vote
340 of a majority of the voting interests voting in person or by
341 proxy at a meeting of the members.

342 Section 6. Subsection (2) of section 720.305, Florida
343 Statutes, are amended to read:



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344 720.305 Obligations of members; remedies at law or in
345 equity; levy of fines and suspension of use rights; failure to
346 fill sufficient number of vacancies on board of directors to
347 constitute a quorum; appointment of receiver upon petition of any
348 member.--

349 (2) If the governing documents so provide, an association
350 may suspend, for a reasonable period of time, the rights of a
351 member or a member's tenants, guests, or invitees, or both, to
352 use common areas and facilities and may levy reasonable fines of
353 up to, ~~not to exceed~~ \$100 per violation, against any member or
354 any tenant, guest, or invitee. A fine may be levied on the basis
355 of each day of a continuing violation, with a single notice and
356 opportunity for hearing, except that no ~~such~~ fine may shall
357 exceed \$1,000 in the aggregate unless otherwise provided in the
358 governing documents. A fine of less than \$1,000 may shall not
359 become a lien against a parcel. In any action to recover a fine,
360 the prevailing party is entitled to collect its reasonable
361 attorney's fees and costs from the nonprevailing party as
362 determined by the court.

363 (a) A fine or suspension may not be imposed without ~~notice~~
364 ~~of~~ at least 14 days notice to the person sought to be fined or
365 suspended and an opportunity for a hearing before a committee of
366 at least three members appointed by the board who are not
367 officers, directors, or employees of the association, or the
368 spouse, parent, child, brother, or sister of an officer,
369 director, or employee. If the committee, by majority vote, does
370 not approve a proposed fine or suspension, it may not be imposed.

371 (b) The requirements of this subsection do not apply to the
372 imposition of suspensions or fines upon any member because of the



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373 failure of the member to pay assessments or other charges when
374 due if such action is authorized by the governing documents.

375 (c) Suspension of common-area-use rights do ~~shall~~ not
376 impair the right of an owner or tenant of a parcel to have
377 vehicular and pedestrian ingress to and egress from the parcel,
378 including, but not limited to, the right to park.

379 Section 7. Subsections (8) and (9) of section 720.306,
380 Florida Statutes, are amended to read:

381 720.306 Meetings of members; voting and election
382 procedures; amendments.--

383 (8) PROXY VOTING.--The members have the right, unless
384 otherwise provided in this subsection or in the governing
385 documents, to vote in person or by proxy.

386 (a) To be valid, a proxy must be dated, must state the
387 date, time, and place of the meeting for which it was given, and
388 must be signed by the authorized person who executed the proxy. A
389 proxy is effective only for the specific meeting for which it was
390 originally given, as the meeting may lawfully be adjourned and
391 reconvened from time to time, and automatically expires 90 days
392 after the date of the meeting for which it was originally given.
393 A proxy is revocable at any time at the pleasure of the person
394 who executes it. If the proxy form expressly so provides, any
395 proxy holder may appoint, in writing, a substitute to act in his
396 or her place.

397 (b) If the governing documents permit voting by secret
398 ballot by members who are not in attendance at a meeting of the
399 members for the election of directors, such ballots shall be
400 placed in an inner envelope with no identifying markings and
401 mailed or delivered to the association in an outer envelope
402 bearing identifying information reflecting the name of the

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403 member, the lot or parcel for which the vote is being cast, and
404 the signature of the lot or parcel owner casting that ballot.
405 After the eligibility of the member to vote and confirmation that
406 no other ballot has been submitted for that lot or parcel, the
407 inner envelope shall be removed from the outer envelope bearing
408 the identification information, placed with the ballots which
409 were personally cast, and opened when the ballots are counted. If
410 more than one ballot is submitted for a lot or parcel, the
411 ballots for that lot or parcel shall be disqualified. Any vote by
412 ballot received after the closing of the balloting may not be
413 considered.

414 (9) ELECTIONS; BOARD MEMBER CERTIFICATION.--

415 (a) Elections of directors must be conducted in accordance
416 with the procedures set forth in the governing documents of the
417 association. All members of the association are ~~shall be~~ eligible
418 to serve on the board of directors, and a member may nominate
419 himself or herself as a candidate for the board at a meeting
420 where the election is to be held or, if the election process
421 allows voting by absentee ballot, in advance of the balloting.
422 Except as otherwise provided in the governing documents, boards
423 of directors must be elected by a plurality of the votes cast by
424 eligible voters. Any election dispute between a member and an
425 association must be submitted to mandatory binding arbitration
426 with the division. Such proceedings shall be conducted in the
427 manner provided by s. 718.1255 and the procedural rules adopted
428 by the division.

429 (b) Within 30 days after being elected to the board of
430 directors, a new director shall certify in writing to the
431 secretary of the association that he or she has read the
432 association's declarations of covenants and restrictions,



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433 articles of incorporation, bylaws, and current written policies
434 and that he or she will work to uphold each to the best of his or
435 her ability and will faithfully discharge his or her fiduciary
436 responsibility to the association's members. Failure to timely
437 file such statement shall automatically disqualify the director
438 from service on the association's board of directors. The
439 secretary shall cause the association to retain a director's
440 certification for inspection by the members for 5 years after a
441 director's election. Failure to have such certification on file
442 does not affect the validity of any appropriate action.

443 Section 8. Paragraph (a) of subsection (1) of section
444 720.401, Florida Statutes, is amended to read:

445 720.401 Prospective purchasers subject to association
446 membership requirement; disclosure required; covenants;
447 assessments; contract cancellation.--

448 (1) (a) A prospective parcel owner in a community must be
449 presented a disclosure summary before executing the contract for
450 sale. The disclosure summary must be in a form substantially
451 similar to the following form:

452
453 DISCLOSURE SUMMARY

454 FOR

455 (NAME OF COMMUNITY)
456

457 1. AS A PURCHASER OF PROPERTY IN THIS COMMUNITY, YOU WILL
458 BE OBLIGATED TO BE A MEMBER OF A HOMEOWNERS' ASSOCIATION.

459 2. THERE HAVE BEEN OR WILL BE RECORDED RESTRICTIVE
460 COVENANTS GOVERNING THE USE AND OCCUPANCY OF PROPERTIES IN THIS
461 COMMUNITY.

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462 3. YOU WILL BE OBLIGATED TO PAY ASSESSMENTS TO THE
463 ASSOCIATION. ASSESSMENTS MAY BE SUBJECT TO PERIODIC CHANGE. IF
464 APPLICABLE, THE CURRENT AMOUNT IS \$ _____ PER _____. YOU WILL ALSO
465 BE OBLIGATED TO PAY ANY SPECIAL ASSESSMENTS IMPOSED BY THE
466 ASSOCIATION. SUCH SPECIAL ASSESSMENTS MAY BE SUBJECT TO CHANGE.
467 IF APPLICABLE, THE CURRENT AMOUNT IS \$ _____ PER _____.

468 4. YOU MAY BE OBLIGATED TO PAY SPECIAL ASSESSMENTS TO THE
469 RESPECTIVE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT. ALL
470 ASSESSMENTS ARE SUBJECT TO PERIODIC CHANGE.

471 5. YOUR FAILURE TO PAY SPECIAL ASSESSMENTS OR ASSESSMENTS
472 LEVIED BY A MANDATORY HOMEOWNERS' ASSOCIATION MAY ~~COULD~~ RESULT IN
473 A LIEN ON YOUR PROPERTY.

474 6. THERE MAY BE AN OBLIGATION TO PAY RENT OR LAND USE FEES
475 FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES AS AN
476 OBLIGATION OF MEMBERSHIP IN THE HOMEOWNERS' ASSOCIATION. IF
477 APPLICABLE, THE CURRENT AMOUNT IS \$ _____ PER _____.

478 7. IF THE ASSOCIATION IS STILL UNDER THE CONTROL OF THE
479 DEVELOPER, THE DEVELOPER MAY HAVE THE RIGHT TO AMEND THE
480 RESTRICTIVE COVENANTS WITHOUT THE APPROVAL OF THE ASSOCIATION
481 MEMBERSHIP OR THE APPROVAL OF THE PARCEL OWNERS.

482 8. THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE
483 ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU
484 SHOULD REFER TO THE COVENANTS AND THE ASSOCIATION GOVERNING
485 DOCUMENTS BEFORE PURCHASING PROPERTY.

486 9. THESE DOCUMENTS ARE ~~EITHER~~ MATTERS OF PUBLIC RECORD AND
487 CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE
488 PROPERTY IS LOCATED, OR, IF ARE NOT RECORDED, ~~AND~~ CAN BE OBTAINED
489 FROM THE DEVELOPER.

490 10. THERE MAY BE AN OBLIGATION TO PAY ASSESSMENTS (TAXES OR
491 FEES) TO A RESIDENTIAL COMMUNITY DEVELOPMENT DISTRICT FOR THE

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492 PURPOSE OF RETIRING BOND OBLIGATIONS USED TO CONSTRUCT
493 INFRASTRUCTURE OR OTHER IMPROVEMENTS.

494 11. YOU ARE JOINTLY AND SEVERALLY LIABLE WITH THE PREVIOUS
495 OWNER OF YOUR PROPERTY FOR ALL UNPAID ASSESSMENTS THAT CAME DUE
496 UP TO THE TIME OF TRANSFER OF TITLE.

497

498 DATE:

PURCHASER:

499

PURCHASER:

500 The disclosure must be supplied by the developer, or by the
501 parcel owner if the sale is by an owner that is not the
502 developer. Any contract or agreement for sale shall refer to and
503 incorporate the disclosure summary and shall include, in
504 prominent language, a statement that the potential buyer should
505 not execute the contract or agreement until he or she has ~~they~~
506 ~~have~~ received and read the disclosure summary required by this
507 section.

508 Section 9. The Department of Health shall apply for and
509 implement, if awarded, a federal grant for swimming pool and spa
510 safety standards education and enforcement under the State
511 Swimming Pool Safety Grant Program established in 15 U.S.C. s.
512 8004. To ensure the state's eligibility for the grant award, the
513 Department of Health, in coordination with the Department of
514 Community Affairs and the Florida Building Commission, shall
515 assess the Florida Statutes and the Florida Building Code to
516 determine if additional changes are necessary for providing
517 compliance with federal standards regarding swimming pool and spa
518 safety. The Department of Health shall provide the assessment to
519 the Legislature by January 1, 2009.

520 Section 10. Except as otherwise expressly provided in this
521 act, this act shall take effect July 1, 2008.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to residential properties; amending s.
514.011, F.S.; defining the term "homeowners' association";
amending s. 514.0115, F.S.; providing for the regulation and
exemption from regulation for homeowners' association
swimming pools; amending s. 515.25, F.S.; conforming a
cross-reference; creating s. 515.295, F.S.; providing
definitions; requiring residential pools and spas built
after a specified date to be equipped with devices and
systems designed to prevent entrapment by the spool or spa
drain; amending s. 720.303, F.S.; revising provisions
relating to homeowners' association board meetings,
inspection and copying of records, and reserve accounts of
budgets; prohibiting a salary or compensation for certain
association personnel; providing exceptions; amending s.
720.305, F.S.; authorizing fines assessed against members
which exceed a certain amount to become a lien against a
parcel; amending s. 720.306, F.S.; providing requirements
for secret ballots; requiring newly elected members of a
board of directors to make certain certifications in writing
to the association; providing for disqualification for
failure to make such certifications; requiring an
association to retain certifications for a specified time;
amending s. 720.401, F.S.; requiring that the disclosure
summary to prospective parcel owners include additional

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552 | provisions; requiring the Department of Health to apply for
553 | a federal grant for swimming pool and spa safety standards
554 | education and enforcement; requiring the Department of
555 | Health, the Department of Community Affairs, and the Florida
556 | Building Commission to determine if additional statutory
557 | changes are needed to comply with federal standards;
558 | requiring the Department of Health to present the assessment
559 | to the Legislature by a specified date; providing effective
560 | dates.