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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2014	.	
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The Committee on Regulated Industries (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) of section 509.013, Florida
Statutes, is amended to read:

509.013 Definitions.—As used in this chapter, the term:

(4) (a) "Public lodging establishment" includes a transient
public lodging establishment as defined in subparagraph 1. and a
nontransient public lodging establishment as defined in



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11 subparagraph 2.

12 1. "Transient public lodging establishment" means any unit,
13 group of units, dwelling, building, or group of buildings within
14 a single complex of buildings which is rented to guests more
15 than three times in a calendar year for periods of less than 30
16 days or 1 calendar month, whichever is less, or which is
17 advertised or held out to the public as a place regularly rented
18 to guests.

19 2. "Nontransient public lodging establishment" means any
20 unit, group of units, dwelling, building, or group of buildings
21 within a single complex of buildings which is rented to guests
22 for periods of at least 30 days or 1 calendar month, whichever
23 is less, or which is advertised or held out to the public as a
24 place regularly rented to guests for periods of at least 30 days
25 or 1 calendar month.

26
27 License classifications of public lodging establishments, and
28 the definitions therefor, are set out in s. 509.242. For the
29 purpose of licensure, the term does not include condominium
30 common elements as defined in s. 718.103.

31 (b) The following are excluded from the definitions in
32 paragraph (a):

33 1. Any dormitory or other living or sleeping facility
34 maintained by a public or private school, college, or university
35 for the use of students, faculty, or visitors.

36 2. Any facility certified or licensed and regulated by the
37 Agency for Health Care Administration or the Department of
38 Children and Family Services or other similar place regulated
39 under s. 381.0072.



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40 3. Any place renting four rental units or less, unless the
41 rental units are advertised or held out to the public to be
42 places that are regularly rented to transients.

43 4. Any unit or group of units in a condominium,
44 cooperative, or timeshare project plan and any individually or
45 collectively owned one-family, two-family, three-family, or
46 four-family dwelling house or dwelling unit that is rented for
47 periods of at least 30 days or 1 calendar month, whichever is
48 less, and that is not advertised or held out to the public as a
49 place regularly rented for periods of less than 1 calendar
50 month, provided that no more than four rental units within a
51 single complex of buildings are available for rent.

52 5. Any migrant labor camp or residential migrant housing
53 permitted by the Department of Health under ss. 381.008-
54 381.00895.

55 6. Any establishment inspected by the Department of Health
56 and regulated by chapter 513.

57 7. Any nonprofit organization that operates a facility
58 providing housing only to patients, patients' families, and
59 patients' caregivers and not to the general public.

60 8. Any apartment building inspected by the United States
61 Department of Housing and Urban Development or other entity
62 acting on the department's behalf that is designated primarily
63 as housing for persons at least 62 years of age. The division
64 may require the operator of the apartment building to attest in
65 writing that such building meets the criteria provided in this
66 subparagraph. The division may adopt rules to implement this
67 requirement.

68 9. Any roominghouse, boardinghouse, or other living or



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69 sleeping facility that may not be classified as a hotel, motel,
70 timeshare project, vacation rental, nontransient apartment, bed
71 and breakfast inn, or transient apartment under s. 509.242.

72 Section 2. Paragraph (a) of subsection (2) of section
73 509.032, Florida Statutes, is amended to read:

74 509.032 Duties.—

75 (2) INSPECTION OF PREMISES.—

76 (a) The division has responsibility and jurisdiction for
77 all inspections required by this chapter. The division has
78 responsibility for quality assurance. Each licensed
79 establishment shall be inspected at least biannually, except for
80 transient and nontransient apartments, which shall be inspected
81 at least annually, and shall be inspected at such other times as
82 the division determines is necessary to ensure the public's
83 health, safety, and welfare. The division shall establish a
84 system to determine inspection frequency. Public lodging units
85 classified as vacation rentals or as timeshare projects are not
86 subject to this requirement but shall be made available to the
87 division upon request. If, during the inspection of a public
88 lodging establishment classified for renting to transient or
89 nontransient tenants, an inspector identifies vulnerable adults
90 who appear to be victims of neglect, as defined in s. 415.102,
91 or, in the case of a building that is not equipped with
92 automatic sprinkler systems, tenants or clients who may be
93 unable to self-preserve in an emergency, the division shall
94 convene meetings with the following agencies as appropriate to
95 the individual situation: the Department of Health, the
96 Department of Elderly Affairs, the area agency on aging, the
97 local fire marshal, the landlord and affected tenants and



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98 clients, and other relevant organizations, to develop a plan
99 which improves the prospects for safety of affected residents
100 and, if necessary, identifies alternative living arrangements
101 such as facilities licensed under part II of chapter 400 or
102 under chapter 429.

103 Section 3. Subsection (9) of section 509.221, Florida
104 Statutes, is amended to read:

105 509.221 Sanitary regulations.—

106 (9) Subsections (2), (5), and (6) do not apply to any
107 facility or unit classified as a vacation rental, ~~or~~
108 nontransient apartment, or timeshare project as described in s.
109 509.242(1)(c) -(e) ~~and (d)~~.

110 Section 4. Subsection (2) of section 509.241, Florida
111 Statutes, is amended to read:

112 509.241 Licenses required; exceptions.—

113 (2) APPLICATION FOR LICENSE.—Each person who plans to open
114 a public lodging establishment or a public food service
115 establishment shall apply for and receive a license from the
116 division prior to the commencement of operation. A condominium
117 association, as defined in s. 718.103, which does not own any
118 units classified as timeshare projects or vacation rentals under
119 s. 509.242(1)(c) and (d) is not required to apply for or receive
120 a public lodging establishment license.

121 Section 5. Subsection (1) of section 509.242, Florida
122 Statutes, is amended to read:

123 509.242 Public lodging establishments; classifications.—

124 (1) A public lodging establishment shall be classified as a
125 hotel, motel, nontransient apartment, transient apartment, bed
126 and breakfast inn, timeshare project, or vacation rental if the



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127 establishment satisfies the following criteria:

128 (a) *Hotel*.—A hotel is any public lodging establishment
129 containing sleeping room accommodations for 25 or more guests
130 and providing the services generally provided by a hotel and
131 recognized as a hotel in the community in which it is situated
132 or by the industry.

133 (b) *Motel*.—A motel is any public lodging establishment
134 which offers rental units with an exit to the outside of each
135 rental unit, daily or weekly rates, offstreet parking for each
136 unit, a central office on the property with specified hours of
137 operation, a bathroom or connecting bathroom for each rental
138 unit, and at least six rental units, and which is recognized as
139 a motel in the community in which it is situated or by the
140 industry.

141 (c) *Timeshare project*.—A timeshare project is any timeshare
142 property as defined in chapter 721 which is located in this
143 state and which is also a transient public lodging
144 establishment.

145 (d) ~~(e)~~ *Vacation rental*.—A vacation rental is any unit or
146 group of units in a condominium, or cooperative, ~~or timeshare~~
147 ~~plan~~ or any individually or collectively owned single-family,
148 two-family, three-family, or four-family house or dwelling unit
149 that is also a transient public lodging establishment and that
150 is not a timeshare project.

151 (e) ~~(d)~~ *Nontransient apartment*.—A nontransient apartment is
152 a building or complex of buildings in which 75 percent or more
153 of the units are available for rent to nontransient tenants.

154 (f) ~~(e)~~ *Transient apartment*.—A transient apartment is a
155 building or complex of buildings in which more than 25 percent



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156 of the units are advertised or held out to the public as
157 available for transient occupancy.

158 (g)~~(f)~~ *Bed and breakfast inn.*—A bed and breakfast inn is a
159 family home structure, with no more than 15 sleeping rooms,
160 which has been modified to serve as a transient public lodging
161 establishment, which provides the accommodation and meal
162 services generally offered by a bed and breakfast inn, and which
163 is recognized as a bed and breakfast inn in the community in
164 which it is situated or by the hospitality industry.

165 Section 6. Subsection (1) of section 509.251, Florida
166 Statutes, is amended to read:

167 509.251 License fees.—

168 (1) The division shall adopt, by rule, a schedule of fees
169 to be paid by each public lodging establishment as a
170 prerequisite to issuance or renewal of a license. Such fees
171 shall be based on the number of rental units in the
172 establishment. The aggregate fee per establishment charged any
173 public lodging establishment shall not exceed \$1,000; however,
174 the fees described in paragraphs (a) and (b) may not be included
175 as part of the aggregate fee subject to this cap. Vacation
176 rental units or timeshare projects within separate buildings or
177 at separate locations but managed by one licensed agent may be
178 combined in a single license application, and the division shall
179 charge a license fee as if all units in the application are in a
180 single licensed establishment. The fee schedule shall require an
181 establishment which applies for an initial license to pay the
182 full license fee if application is made during the annual
183 renewal period or more than 6 months prior to the next such
184 renewal period and one-half of the fee if application is made 6



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185 months or less prior to such period. The fee schedule shall
186 include fees collected for the purpose of funding the
187 Hospitality Education Program, pursuant to s. 509.302, which are
188 payable in full for each application regardless of when the
189 application is submitted.

190 (a) Upon making initial application or an application for
191 change of ownership, the applicant shall pay to the division a
192 fee as prescribed by rule, not to exceed \$50, in addition to any
193 other fees required by law, which shall cover all costs
194 associated with initiating regulation of the establishment.

195 (b) A license renewal filed with the division within 30
196 days after the expiration date shall be accompanied by a
197 delinquent fee as prescribed by rule, not to exceed \$50, in
198 addition to the renewal fee and any other fees required by law.
199 A license renewal filed with the division more than 30 but not
200 more than 60 days after the expiration date shall be accompanied
201 by a delinquent fee as prescribed by rule, not to exceed \$100,
202 in addition to the renewal fee and any other fees required by
203 law.

204 Section 7. Subsection (1) of section 712.05, Florida
205 Statutes, is amended to read:

206 712.05 Effect of filing notice.—

207 (1) A ~~Any~~ person claiming an interest in land or a
208 homeowners' association desiring to preserve a a ~~any~~ covenant or
209 restriction may preserve and protect the same from
210 extinguishment by the operation of this act by filing for
211 record, during the 30-year period immediately following the
212 effective date of the root of title, a written notice, ~~in~~
213 ~~writing~~, in accordance with this chapter. ~~Such the provisions~~



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214 ~~hereof, which notice preserves shall have the effect of so~~
215 ~~preserving~~ such claim of right or such covenant or restriction
216 or portion of such covenant or restriction for up to a period of
217 ~~not longer than~~ 30 years after filing the notice same unless the
218 notice is filed again filed as required in this chapter herein.

219 A person's ~~No~~ disability or lack of knowledge of any kind may
220 not on the part of anyone shall delay the commencement of or
221 suspend the running of the said 30-year period. Such notice may
222 be filed for record by the claimant or by any other person
223 acting on behalf of a any claimant who is:

224 (a) Under a disability;;

225 (b) Unable to assert a claim on his or her behalf;; or

226 (c) One of a class, but whose identity cannot be
227 established or is uncertain at the time of filing such notice of
228 claim for record.

229
230 Such notice may be filed by a homeowners' association only if
231 the preservation of such covenant or restriction or portion of
232 such covenant or restriction is approved by at least two-thirds
233 of the members of the board of directors of an incorporated
234 homeowners' association at a meeting for which a notice, stating
235 the meeting's time and place and containing the statement of
236 marketable title action described in s. 712.06(1)(b), was mailed
237 or hand delivered to members of the homeowners' association at
238 least not less than 7 days before prior to such meeting. The
239 homeowners' association or clerk of the circuit court is not
240 required to provide notice other than as provided under s.
241 712.06(3). The preceding sentence is intended to clarify
242 existing law.



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243 Section 8. Subsection (13) of section 718.110, Florida
244 Statutes, is amended to read:

245 718.110 Amendment of declaration; correction of error or
246 omission in declaration by circuit court.—

247 (13) An amendment that prohibits ~~prohibiting~~ unit owners
248 from renting their units or altering the duration of the rental
249 term or that specifies or limits ~~specifying or limiting~~ the
250 number of times unit owners are entitled to rent their units
251 during a specified period does not apply ~~applies only~~ to unit
252 owners who voted against ~~consent to~~ the amendment. However, such
253 amendment applies to unit owners who consented to the amendment,
254 who failed to cast a vote, or and unit owners who acquired
255 acquire title to their units after the effective date of the
256 ~~that~~ amendment.

257 Section 9. Subsection (5), paragraph (j) of subsection
258 (11), and paragraph (c) of subsection (12) of section 718.111,
259 Florida Statutes, are amended, and paragraph (f) is added to
260 subsection (12) of that section, to read:

261 718.111 The association.—

262 (5) RIGHT OF ACCESS TO UNITS.—

263 (a) The association has the irrevocable right of access to
264 each unit during reasonable hours, when necessary for the
265 maintenance, repair, or replacement of any common elements or of
266 any portion of a unit to be maintained by the association
267 pursuant to the declaration or as necessary to prevent damage to
268 the common elements or to a unit ~~or units~~.

269 (b)1. In addition to the association's right of access in
270 paragraph (a) and regardless of whether authority is provided in
271 the declaration or other recorded condominium documents, an



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272 association, at the sole discretion of the board, may enter an
273 abandoned unit to inspect the unit and adjoining common
274 elements; make repairs to the unit or to the common elements
275 servicing the unit, as needed; repair the unit if mold or
276 deterioration is present; turn on the utilities for the unit; or
277 otherwise maintain, preserve, or protect the unit and adjoining
278 common elements. For purposes of this paragraph, a unit is
279 presumed to be abandoned if:

280 a. The unit is the subject of a foreclosure action and no
281 tenant appears to have resided in the unit for at least 4
282 continuous weeks without prior written notice to the
283 association; or

284 b. No tenant appears to have resided in the unit for 2
285 consecutive months without prior written notice to the
286 association, and the association is unable to contact the owner
287 or determine the whereabouts of the owner after reasonable
288 inquiry.

289 2. Except in the case of an emergency, an association may
290 not enter an abandoned unit until 2 days after notice of the
291 association's intent to enter the unit has been mailed or hand
292 delivered to the owner at the address of the owner as reflected
293 in the records of the association. The notice may be given by
294 electronic transmission to a unit owner who has consented to
295 receive notice by electronic transmission.

296 3. Any expense incurred by an association pursuant to this
297 paragraph is chargeable to the unit owner and enforceable as an
298 assessment pursuant to s. 718.116, and the association may use
299 its lien authority provided by s. 718.116 to enforce collection
300 of the expense.



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301 4. The association may petition a court of competent
302 jurisdiction to appoint a receiver and may lease out an
303 abandoned unit for the benefit of the association to offset
304 against the rental income the association's costs and expenses
305 of maintaining, preserving, and protecting the unit and the
306 adjoining common elements, including the costs of the
307 receivership and all unpaid assessments, interest,
308 administrative late fees, costs, and reasonable attorney fees.

309 (11) INSURANCE.—In order to protect the safety, health, and
310 welfare of the people of the State of Florida and to ensure
311 consistency in the provision of insurance coverage to
312 condominiums and their unit owners, this subsection applies to
313 every residential condominium in the state, regardless of the
314 date of its declaration of condominium. It is the intent of the
315 Legislature to encourage lower or stable insurance premiums for
316 associations described in this subsection.

317 (j) Any portion of the condominium property that must be
318 insured by the association against property loss pursuant to
319 paragraph (f) which is damaged by an insurable event shall be
320 reconstructed, repaired, or replaced as necessary by the
321 association as a common expense. In the absence of an insurable
322 event, responsibility for reconstruction, repair, or replacement
323 shall be by the association or by the unit owners, as determined
324 by the provisions of the declaration or bylaws. All property
325 insurance deductibles, uninsured losses, and other damages in
326 excess of property insurance coverage under the property
327 insurance policies maintained by the association are a common
328 expense of the condominium, except that:

329 1. A unit owner is responsible for the costs of repair or



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330 replacement of any portion of the condominium property not paid
331 by insurance proceeds if such damage is caused by intentional
332 conduct, negligence, or failure to comply with the terms of the
333 declaration or the rules of the association by a unit owner, the
334 members of his or her family, unit occupants, tenants, guests,
335 or invitees, without compromise of the subrogation rights of the
336 insurer.

337 2. The provisions of subparagraph 1. regarding the
338 financial responsibility of a unit owner for the costs of
339 repairing or replacing other portions of the condominium
340 property also apply to the costs of repair or replacement of
341 personal property of other unit owners or the association, as
342 well as other property, whether real or personal, which the unit
343 owners are required to insure.

344 3. To the extent the cost of repair or reconstruction for
345 which the unit owner is responsible under this paragraph is
346 reimbursed to the association by insurance proceeds, and the
347 association has collected the cost of such repair or
348 reconstruction from the unit owner, the association shall
349 reimburse the unit owner without the waiver of any rights of
350 subrogation.

351 4. The association is not obligated to pay for
352 reconstruction or repairs of property losses as a common expense
353 if the property losses were known or should have been known to a
354 unit owner and were not reported to the association until after
355 the insurance claim of the association for that property was
356 settled or resolved with finality, or denied because it was
357 untimely filed.

358 (12) OFFICIAL RECORDS.—



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359 (c) The official records of the association are open to
360 inspection by any association member or the authorized
361 representative of such member at all reasonable times. The right
362 to inspect the records includes the right to make or obtain
363 copies, at the reasonable expense, if any, of the member. The
364 association may adopt reasonable rules regarding the frequency,
365 time, location, notice, and manner of record inspections and
366 copying. The failure of an association to provide the records
367 within 10 working days after receipt of a written request
368 creates a rebuttable presumption that the association willfully
369 failed to comply with this paragraph. A unit owner who is denied
370 access to official records is entitled to the actual damages or
371 minimum damages for the association's willful failure to comply.
372 Minimum damages are \$50 per calendar day for up to 10 days,
373 beginning on the 11th working day after receipt of the written
374 request. The failure to permit inspection entitles any person
375 prevailing in an enforcement action to recover reasonable
376 attorney fees from the person in control of the records who,
377 directly or indirectly, knowingly denied access to the records.
378 Any person who knowingly or intentionally defaces or destroys
379 accounting records that are required by this chapter to be
380 maintained during the period for which such records are required
381 to be maintained, or who knowingly or intentionally fails to
382 create or maintain accounting records that are required to be
383 created or maintained, with the intent of causing harm to the
384 association or one or more of its members, is personally subject
385 to a civil penalty pursuant to s. 718.501(1)(d). The association
386 shall maintain an adequate number of copies of the declaration,
387 articles of incorporation, bylaws, and rules, and all amendments



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388 to each of the foregoing, as well as the question and answer
389 sheet as described in s. 718.504 and year-end financial
390 information required under this section, on the condominium
391 property to ensure their availability to unit owners and
392 prospective purchasers, and may charge its actual costs for
393 preparing and furnishing these documents to those requesting the
394 documents. An association shall allow a member or his or her
395 authorized representative to use a portable device, including a
396 smartphone, tablet, portable scanner, or any other technology
397 capable of scanning or taking photographs, to make an electronic
398 copy of the official records in lieu of the association's
399 providing the member or his or her authorized representative
400 with a copy of such records. The association may not charge a
401 member or his or her authorized representative for the use of a
402 portable device. Notwithstanding this paragraph, the following
403 records are not accessible to unit owners:

404 1. Any record protected by the lawyer-client privilege as
405 described in s. 90.502 and any record protected by the work-
406 product privilege, including a record prepared by an association
407 attorney or prepared at the attorney's express direction, which
408 reflects a mental impression, conclusion, litigation strategy,
409 or legal theory of the attorney or the association, and which
410 was prepared exclusively for civil or criminal litigation or for
411 adversarial administrative proceedings, or which was prepared in
412 anticipation of such litigation or proceedings until the
413 conclusion of the litigation or proceedings.

414 2. Information obtained by an association in connection
415 with the approval of the lease, sale, or other transfer of a
416 unit.



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417 3. Personnel records of association or management company
418 employees, including, but not limited to, disciplinary, payroll,
419 health, and insurance records. For purposes of this
420 subparagraph, the term "personnel records" does not include
421 written employment agreements with an association employee or
422 management company, or budgetary or financial records that
423 indicate the compensation paid to an association employee.

424 4. Medical records of unit owners.

425 5. Social security numbers, driver's license numbers,
426 credit card numbers, e-mail addresses, telephone numbers,
427 facsimile numbers, emergency contact information, addresses of a
428 unit owner other than as provided to fulfill the association's
429 notice requirements, and other personal identifying information
430 of any person, excluding the person's name, unit designation,
431 mailing address, property address, and any address, e-mail
432 address, or facsimile number provided to the association to
433 fulfill the association's notice requirements. Notwithstanding
434 the restrictions in this subparagraph, an association may print
435 and distribute to parcel owners a directory containing the name,
436 parcel address, and all telephone numbers ~~number~~ of each parcel
437 owner. However, an owner may exclude his or her telephone number
438 from the directory by so requesting in writing to the
439 association. An owner may consent in writing to the disclosure
440 of other contact information described in this subparagraph. The
441 association is not liable for the inadvertent disclosure of
442 information that is protected under this subparagraph if the
443 information is included in an official record of the association
444 and is voluntarily provided by an owner and not requested by the
445 association.



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446 6. Electronic security measures that are used by the
447 association to safeguard data, including passwords.

448 7. The software and operating system used by the
449 association which allow the manipulation of data, even if the
450 owner owns a copy of the same software used by the association.
451 The data is part of the official records of the association.

452 (f) An outgoing board or committee member must relinquish
453 all official records and property of the association in his or
454 her possession or under his or her control to the incoming board
455 within 5 days after the election. The division shall impose a
456 civil penalty as set forth in s. 718.501(1)(d)6. against an
457 outgoing board or committee member who willfully and knowingly
458 fails to relinquish such records and property.

459 Section 10. Paragraphs (b) and (c) of subsection (2) of
460 section 718.112, Florida Statutes, are amended to read:

461 718.112 Bylaws.—

462 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
463 following and, if they do not do so, shall be deemed to include
464 the following:

465 (b) *Quorum; voting requirements; proxies.*—

466 1. Unless a lower number is provided in the bylaws, the
467 percentage of voting interests required to constitute a quorum
468 at a meeting of the members is a majority of the voting
469 interests. Unless otherwise provided in this chapter or in the
470 declaration, articles of incorporation, or bylaws, and except as
471 provided in subparagraph (d)4., decisions shall be made by a
472 majority of the voting interests represented at a meeting at
473 which a quorum is present.

474 2. Except as specifically otherwise provided herein, unit



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475 owners may not vote by general proxy, but may vote by limited
476 proxies substantially conforming to a limited proxy form adopted
477 by the division. A voting interest or consent right allocated to
478 a unit owned by the association may not be exercised or
479 considered for any purpose, whether for a quorum, an election,
480 or otherwise. Limited proxies and general proxies may be used to
481 establish a quorum. Limited proxies shall be used for votes
482 taken to waive or reduce reserves in accordance with
483 subparagraph (f)2.; for votes taken to waive the financial
484 reporting requirements of s. 718.111(13); for votes taken to
485 amend the declaration pursuant to s. 718.110; for votes taken to
486 amend the articles of incorporation or bylaws pursuant to this
487 section; and for any other matter for which this chapter
488 requires or permits a vote of the unit owners. Except as
489 provided in paragraph (d), a proxy, limited or general, may not
490 be used in the election of board members. General proxies may be
491 used for other matters for which limited proxies are not
492 required, and may be used in voting for nonsubstantive changes
493 to items for which a limited proxy is required and given.
494 Notwithstanding this subparagraph, unit owners may vote in
495 person at unit owner meetings. This subparagraph does not limit
496 the use of general proxies or require the use of limited proxies
497 for any agenda item or election at any meeting of a timeshare
498 condominium association.

499 3. Any proxy given is effective only for the specific
500 meeting for which originally given and any lawfully adjourned
501 meetings thereof. A proxy is not valid longer than 90 days after
502 the date of the first meeting for which it was given and may be
503 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of



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504 the unit owner executing it.

505 4. A member of the board of administration or a committee
506 may submit in writing his or her agreement or disagreement with
507 any action taken at a meeting that the member did not attend.
508 This agreement or disagreement may not be used as a vote for or
509 against the action taken or to create a quorum.

510 5. A ~~If any of the board or committee member's~~
511 participation in a meeting via telephone, real-time
512 videoconferencing, or similar real-time electronic or video
513 communication counts toward a quorum, and such member may vote
514 as if physically present ~~members meet by telephone conference,~~
515 ~~those board or committee members may be counted toward obtaining~~
516 ~~a quorum and may vote by telephone.~~ A telephone speaker must be
517 used so that the conversation of such ~~those~~ members may be heard
518 by the board or committee members attending in person as well as
519 by any unit owners present at a meeting.

520 (c) *Board of administration meetings.*—Meetings of the board
521 of administration at which a quorum of the members is present
522 are open to all unit owners. Members of the board of
523 administration may use e-mail as a means of communication but
524 may not cast a vote on an association matter via e-mail. A unit
525 owner may tape record or videotape the meetings. The right to
526 attend such meetings includes the right to speak at such
527 meetings with reference to all designated agenda items. The
528 division shall adopt reasonable rules governing the tape
529 recording and videotaping of the meeting. The association may
530 adopt written reasonable rules governing the frequency,
531 duration, and manner of unit owner statements.

532 1. Adequate notice of all board meetings, which must



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533 specifically identify all agenda items, must be posted
534 conspicuously on the condominium property at least 48 continuous
535 hours before the meeting except in an emergency. If 20 percent
536 of the voting interests petition the board to address an item of
537 business, the board, within 60 days after receipt of the
538 petition, shall place the item on the agenda at its next regular
539 board meeting or at a special meeting called for that purpose of
540 ~~the board, but not later than 60 days after the receipt of the~~
541 ~~petition, shall place the item on the agenda.~~ Any item not
542 included on the notice may be taken up on an emergency basis by
543 a vote of at least a majority plus one of the board members.
544 Such emergency action must be noticed and ratified at the next
545 regular board meeting. However, written notice of a any meeting
546 at which a nonemergency special assessment assessments, or an at
547 ~~which~~ amendment to rules regarding unit use, will be considered
548 must be mailed, delivered, or electronically transmitted to the
549 unit owners and posted conspicuously on the condominium property
550 at least 14 days before the meeting. Evidence of compliance with
551 this 14-day notice requirement must be made by an affidavit
552 executed by the person providing the notice and filed with the
553 official records of the association. Upon notice to the unit
554 owners, the board shall, by duly adopted rule, designate a
555 specific location on the condominium or association property
556 where all notices of board meetings must are to be posted. If
557 there is no condominium property or association property where
558 notices can be posted, notices shall be mailed, delivered, or
559 electronically transmitted to each unit owner at least 14 days
560 before the meeting ~~to the owner of each unit~~. In lieu of or in
561 addition to the physical posting of the notice on the



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562 condominium property, the association may, by reasonable rule,
563 adopt a procedure for conspicuously posting and repeatedly
564 broadcasting the notice and the agenda on a closed-circuit cable
565 television system serving the condominium association. However,
566 if broadcast notice is used in lieu of a notice physically
567 posted on condominium property, the notice and agenda must be
568 broadcast at least four times every broadcast hour of each day
569 that a posted notice is otherwise required under this section.
570 If broadcast notice is provided, the notice and agenda must be
571 broadcast in a manner and for a sufficient continuous length of
572 time so as to allow an average reader to observe the notice and
573 read and comprehend the entire content of the notice and the
574 agenda. Notice of any meeting in which regular or special
575 assessments against unit owners are to be considered ~~for any~~
576 ~~reason~~ must specifically state that assessments will be
577 considered and provide the nature, estimated cost, and
578 description of the purposes for such assessments.

579 2. Meetings of a committee to take final action on behalf
580 of the board or make recommendations to the board regarding the
581 association budget are subject to this paragraph. Meetings of a
582 committee that does not take final action on behalf of the board
583 or make recommendations to the board regarding the association
584 budget are subject to this section, unless those meetings are
585 exempted from this section by the bylaws of the association.

586 3. Notwithstanding any other law, the requirement that
587 board meetings and committee meetings be open to the unit owners
588 does not apply to:

589 a. Meetings between the board or a committee and the
590 association's attorney, with respect to proposed or pending



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591 litigation, if the meeting is held for the purpose of seeking or
592 rendering legal advice; or

593 b. Board meetings held for the purpose of discussing
594 personnel matters.

595 Section 11. Paragraph (a) of subsection (1) of section
596 718.116, Florida Statutes, is amended to read:

597 718.116 Assessments; liability; lien and priority;
598 interest; collection.-

599 (1)(a) A unit owner, regardless of how his or her title has
600 been acquired, including by purchase at a foreclosure sale or by
601 deed in lieu of foreclosure, is liable for all assessments which
602 come due while he or she is the unit owner. Additionally, a unit
603 owner is jointly and severally liable with the previous owner
604 for all unpaid assessments that came due up to the time of
605 transfer of title, as well as interest, late charges, and
606 reasonable costs and attorney fees incurred by the association
607 incident to the collection process. This liability is without
608 prejudice to any right the owner may have to recover from the
609 previous owner the amounts paid by the owner. For the purposes
610 of this paragraph, the term "previous owner" does not include an
611 association that acquires title to a delinquent property through
612 foreclosure or by deed in lieu of foreclosure. The present
613 parcel owner's liability for unpaid assessments, interest, late
614 charges, and reasonable costs and attorney fees incurred by the
615 association incident to the collection process is limited to
616 those amounts that accrued before the association acquired title
617 to the delinquent property through foreclosure or by deed in
618 lieu of foreclosure.

619 Section 12. Section 718.707, Florida Statutes, is amended



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620 to read:

621 718.707 Time limitation for classification as bulk assignee
622 or bulk buyer.—A person acquiring condominium parcels may not be
623 classified as a bulk assignee or bulk buyer unless the
624 condominium parcels were acquired on or after July 1, 2010, but
625 before July 1, 2016 ~~2015~~. The date of such acquisition shall be
626 determined by the date of recording a deed or other instrument
627 of conveyance for such parcels in the public records of the
628 county in which the condominium is located, or by the date of
629 issuing a certificate of title in a foreclosure proceeding with
630 respect to such condominium parcels.

631 Section 13. Paragraph (c) of subsection (2) and subsection
632 (4) of section 719.104, Florida Statutes, are amended, and
633 paragraph (e) is added to subsection (4) of that section, to
634 read:

635 719.104 Cooperatives; access to units; records; financial
636 reports; assessments; purchase of leases.—

637 (2) OFFICIAL RECORDS.—

638 (c) The official records of the association are open to
639 inspection by any association member or the authorized
640 representative of such member at all reasonable times. The right
641 to inspect the records includes the right to make or obtain
642 copies, at the reasonable expense, if any, of the association
643 member. The association may adopt reasonable rules regarding the
644 frequency, time, location, notice, and manner of record
645 inspections and copying. The failure of an association to
646 provide the records within 10 working days after receipt of a
647 written request creates a rebuttable presumption that the
648 association willfully failed to comply with this paragraph. A



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649 unit owner who is denied access to official records is entitled
650 to the actual damages or minimum damages for the association's
651 willful failure to comply. The minimum damages are \$50 per
652 calendar day for up to 10 days, beginning on the 11th working
653 day after receipt of the written request. The failure to permit
654 inspection entitles any person prevailing in an enforcement
655 action to recover reasonable attorney fees from the person in
656 control of the records who, directly or indirectly, knowingly
657 denied access to the records. Any person who knowingly or
658 intentionally defaces or destroys accounting records that are
659 required by this chapter to be maintained during the period for
660 which such records are required to be maintained, or who
661 knowingly or intentionally fails to create or maintain
662 accounting records that are required to be created or
663 maintained, with the intent of causing harm to the association
664 or one or more of its members, is personally subject to a civil
665 penalty pursuant to s. 719.501(1)(d). The association shall
666 maintain an adequate number of copies of the declaration,
667 articles of incorporation, bylaws, and rules, and all amendments
668 to each of the foregoing, as well as the question and answer
669 sheet as described in s. 719.504 and year-end financial
670 information required by the department, on the cooperative
671 property to ensure their availability to unit owners and
672 prospective purchasers, and may charge its actual costs for
673 preparing and furnishing these documents to those requesting the
674 same. An association shall allow a member or his or her
675 authorized representative to use a portable device, including a
676 smartphone, tablet, portable scanner, or any other technology
677 capable of scanning or taking photographs, to make an electronic



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678 copy of the official records in lieu of the association
679 providing the member or his or her authorized representative
680 with a copy of such records. The association may not charge a
681 member or his or her authorized representative for the use of a
682 portable device. Notwithstanding this paragraph, the following
683 records shall not be accessible to unit owners:

684 1. Any record protected by the lawyer-client privilege as
685 described in s. 90.502 and any record protected by the work-
686 product privilege, including any record prepared by an
687 association attorney or prepared at the attorney's express
688 direction which reflects a mental impression, conclusion,
689 litigation strategy, or legal theory of the attorney or the
690 association, and which was prepared exclusively for civil or
691 criminal litigation or for adversarial administrative
692 proceedings, or which was prepared in anticipation of such
693 litigation or proceedings until the conclusion of the litigation
694 or proceedings.

695 2. Information obtained by an association in connection
696 with the approval of the lease, sale, or other transfer of a
697 unit.

698 3. Personnel records of association or management company
699 employees, including, but not limited to, disciplinary, payroll,
700 health, and insurance records. For purposes of this
701 subparagraph, the term "personnel records" does not include
702 written employment agreements with an association employee or
703 management company, or budgetary or financial records that
704 indicate the compensation paid to an association employee.

705 4. Medical records of unit owners.

706 5. Social security numbers, driver license numbers, credit



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707 card numbers, e-mail addresses, telephone numbers, facsimile
708 numbers, emergency contact information, addresses of a unit
709 owner other than as provided to fulfill the association's notice
710 requirements, and other personal identifying information of any
711 person, excluding the person's name, unit designation, mailing
712 address, property address, and any address, e-mail address, or
713 facsimile number provided to the association to fulfill the
714 association's notice requirements. Notwithstanding the
715 restrictions in this subparagraph, an association may print and
716 distribute to parcel owners a directory containing the name,
717 parcel address, and all telephone numbers ~~number~~ of each parcel
718 owner. However, an owner may exclude his or her telephone number
719 from the directory by so requesting in writing to the
720 association. An owner may consent in writing to the disclosure
721 of other contact information described in this subparagraph. The
722 association is not liable for the inadvertent disclosure of
723 information that is protected under this subparagraph if the
724 information is included in an official record of the association
725 and is voluntarily provided by an owner and not requested by the
726 association.

727 6. Electronic security measures that are used by the
728 association to safeguard data, including passwords.

729 7. The software and operating system used by the
730 association which allow the manipulation of data, even if the
731 owner owns a copy of the same software used by the association.
732 The data is part of the official records of the association.

733 (e) An outgoing board or committee member must relinquish
734 all official records and property of the association in his or
735 her possession or under his or her control to the incoming board



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736 within 5 days after the election. The division shall impose a
737 civil penalty as set forth in s. 719.501(1)(d) against an
738 outgoing board or committee member who willfully and knowingly
739 fails to relinquish such records and property.

740 (4) FINANCIAL REPORT.—

741 (a) Within 90 ~~60~~ days following the end of the fiscal or
742 calendar year or annually on such date as ~~is otherwise~~ provided
743 in the bylaws of the association, the board of administration ~~of~~
744 ~~the association~~ shall prepare and complete, or contract with a
745 third party to prepare and complete, a financial report covering
746 the preceding fiscal or calendar year. Within 21 days after the
747 financial report is completed by the association or received
748 from the third party, but no later than 120 days after the end
749 of the fiscal year, calendar year, or other date provided in the
750 bylaws, the association shall provide each member with a copy of
751 the annual financial report or a written notice that a copy of
752 the financial report is available upon request at no charge to
753 the member. The division shall adopt rules setting forth uniform
754 accounting principles, standards, and reporting requirements
755 ~~mail or furnish by personal delivery to each unit owner a~~
756 ~~complete financial report of actual receipts and expenditures~~
757 ~~for the previous 12 months, or a complete set of financial~~
758 ~~statements for the preceding fiscal year prepared in accordance~~
759 ~~with generally accepted accounting procedures. The report shall~~
760 ~~show the amounts of receipts by accounts and receipt~~
761 ~~classifications and shall show the amounts of expenses by~~
762 ~~accounts and expense classifications including, if applicable,~~
763 ~~but not limited to, the following:~~

764 ~~1. Costs for security;~~



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765 ~~2. Professional and management fees and expenses;~~
766 ~~3. Taxes;~~
767 ~~4. Costs for recreation facilities;~~
768 ~~5. Expenses for refuse collection and utility services;~~
769 ~~6. Expenses for lawn care;~~
770 ~~7. Costs for building maintenance and repair;~~
771 ~~8. Insurance costs;~~
772 ~~9. Administrative and salary expenses; and~~
773 ~~10. Reserves for capital expenditures, deferred~~
774 ~~maintenance, and any other category for which the association~~
775 ~~maintains a reserve account or accounts.~~

776 (b) Except as provided in paragraph (c), an association
777 whose total annual revenues meet the criteria of this paragraph
778 shall prepare or cause to be prepared a complete financial
779 statement according to the generally accepted accounting
780 principles adopted by the Board of Accountancy. The financial
781 statement shall be as follows:

782 1. An association with total annual revenues between
783 \$150,000 and \$299,999 shall prepare a compiled financial
784 statement.

785 2. An association with total annual revenues between
786 \$300,000 and \$499,999 shall prepare a reviewed financial
787 statement.

788 3. An association with total annual revenues of \$500,000 or
789 more shall prepare an audited financial statement ~~The division~~
790 ~~shall adopt rules that may require that the association deliver~~
791 ~~to the unit owners, in lieu of the financial report required by~~
792 ~~this section, a complete set of financial statements for the~~
793 ~~preceding fiscal year. The financial statements shall be~~



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794 ~~delivered within 90 days following the end of the previous~~
795 ~~fiscal year or annually on such other date as provided in the~~
796 ~~bylaws. The rules of the division may require that the financial~~
797 ~~statements be compiled, reviewed, or audited, and the rules~~
798 ~~shall take into consideration the criteria set forth in s.~~
799 ~~719.501(1)(j).~~

800
801 The requirement to have the financial statement ~~statements~~
802 compiled, reviewed, or audited does not apply to an association
803 ~~associations~~ if a majority of the voting interests of the
804 association present at a duly called meeting of the association
805 have voted ~~determined for a fiscal year~~ to waive this
806 requirement for the fiscal year. In an association in which
807 turnover of control by the developer has not occurred, the
808 developer may vote to waive the audit requirement for the first
809 2 years of ~~the~~ operation of the association, after which time
810 waiver of an applicable audit requirement shall be by a majority
811 of voting interests other than the developer. The meeting shall
812 be held prior to the end of the fiscal year, and the waiver
813 shall be effective for only one fiscal year. An association may
814 not waive the financial reporting requirements of this section
815 for more than 3 consecutive years ~~This subsection does not apply~~
816 ~~to a cooperative that consists of 50 or fewer units.~~

817 (c)1. An association with total annual revenues of less
818 than \$150,000 shall prepare a report of cash receipts and
819 expenditures.

820 2. An association in a community of fewer than 50 units,
821 regardless of the association's annual revenues, shall prepare a
822 report of cash receipts and expenditures in lieu of the



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823 financial statement required by paragraph (b), unless the
824 declaration or other recorded governing documents provide
825 otherwise.

826 3. A report of cash receipts and expenditures must disclose
827 the amount of receipts by accounts and receipt classifications
828 and the amount of expenses by accounts and expense
829 classifications, including the following, as applicable: costs
830 for security; professional and management fees and expenses;
831 taxes; costs for recreation facilities; expenses for refuse
832 collection and utility services; expenses for lawn care; costs
833 for building maintenance and repair; insurance costs;
834 administration and salary expenses; and reserves, if maintained
835 by the association.

836 (d) If at least 20 percent of the unit owners petition the
837 board for a greater level of financial reporting than that
838 required by this section, the association shall duly notice and
839 hold a meeting of members within 30 days after receipt of the
840 petition to vote on raising the level of reporting for that
841 fiscal year. Upon approval by a majority of the voting interests
842 represented at a meeting at which a quorum of unit owners is
843 present, the association shall prepare an amended budget or
844 shall adopt a special assessment to pay for the financial report
845 regardless of any provision to the contrary in the declaration
846 or other recorded governing documents. In addition, the
847 association shall provide within 90 days after the meeting or
848 the end of the fiscal year, whichever occurs later:

849 1. A compiled, reviewed, or audited financial statement, if
850 the association is otherwise required to prepare a report of
851 cash receipts and expenditures;



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852 2. A reviewed or audited financial statement, if the
853 association is otherwise required to prepare a compiled
854 financial statement; or
855 3. An audited financial statement, if the association is
856 otherwise required to prepare a reviewed financial statement.
857 (e) If approved by a majority of the voting interests
858 present at a properly called meeting of the association, an
859 association may prepare or cause to be prepared:
860 1. A report of cash receipts and expenditures in lieu of a
861 compiled, reviewed, or audited financial statement;
862 2. A report of cash receipts and expenditures or a compiled
863 financial statement in lieu of a reviewed or audited financial
864 statement; or
865 3. A report of cash receipts and expenditures, a compiled
866 financial statement, or a reviewed financial statement in lieu
867 of an audited financial statement.
868 Section 14. Paragraph (a) of subsection (1) of section
869 719.106, Florida Statutes, is amended to read:
870 719.106 Bylaws; cooperative ownership.—
871 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
872 documents shall provide for the following, and if they do not,
873 they shall be deemed to include the following:
874 (a) *Administration.*—
875 1. The form of administration of the association shall be
876 described, indicating the titles of the officers and board of
877 administration and specifying the powers, duties, manner of
878 selection and removal, and compensation, if any, of officers and
879 board members. In the absence of such a provision, the board of
880 administration shall be composed of five members, except in the



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881 case of cooperatives having five or fewer units, in which case
882 in not-for-profit corporations, the board shall consist of not
883 fewer than three members. In the absence of provisions to the
884 contrary, the board of administration shall have a president, a
885 secretary, and a treasurer, who shall perform the duties of
886 those offices customarily performed by officers of corporations.
887 Unless prohibited in the bylaws, the board of administration may
888 appoint other officers and grant them those duties it deems
889 appropriate. Unless otherwise provided in the bylaws, the
890 officers shall serve without compensation and at the pleasure of
891 the board. Unless otherwise provided in the bylaws, the members
892 of the board shall serve without compensation.

893 2. A person who has been suspended or removed by the
894 division under this chapter, or who is delinquent in the payment
895 of any monetary obligation due to the association, is not
896 eligible to be a candidate for board membership and may not be
897 listed on the ballot. A director or officer charged by
898 information or indictment with a felony theft or embezzlement
899 offense involving the association's funds or property is
900 suspended from office. The board shall fill the vacancy
901 according to general law until the end of the period of the
902 suspension or the end of the director's term of office,
903 whichever occurs first. However, if the charges are resolved
904 without a finding of guilt or without acceptance of a plea of
905 guilty or nolo contendere, the director or officer shall be
906 reinstated for any remainder of his or her term of office. A
907 member who has such criminal charges pending may not be
908 appointed or elected to a position as a director or officer. A
909 person who has been convicted of any felony in this state or in



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910 any United States District Court, or who has been convicted of
911 any offense in another jurisdiction which would be considered a
912 felony if committed in this state, is not eligible for board
913 membership unless such felon's civil rights have been restored
914 for at least 5 years as of the date such person seeks election
915 to the board. The validity of an action by the board is not
916 affected if it is later determined that a board member is
917 ineligible for board membership due to having been convicted of
918 a felony.

919 3.2. When a unit owner files a written inquiry by certified
920 mail with the board of administration, the board shall respond
921 in writing to the unit owner within 30 days of receipt of the
922 inquiry. The board's response shall either give a substantive
923 response to the inquirer, notify the inquirer that a legal
924 opinion has been requested, or notify the inquirer that advice
925 has been requested from the division. If the board requests
926 advice from the division, the board shall, within 10 days of its
927 receipt of the advice, provide in writing a substantive response
928 to the inquirer. If a legal opinion is requested, the board
929 shall, within 60 days after the receipt of the inquiry, provide
930 in writing a substantive response to the inquirer. The failure
931 to provide a substantive response to the inquirer as provided
932 herein precludes the board from recovering attorney ~~attorney's~~
933 fees and costs in any subsequent litigation, administrative
934 proceeding, or arbitration arising out of the inquiry. The
935 association may, through its board of administration, adopt
936 reasonable rules and regulations regarding the frequency and
937 manner of responding to the unit owners' inquiries, one of which
938 may be that the association is obligated to respond to only one



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939 written inquiry per unit in any given 30-day period. In such
940 case, any additional inquiry or inquiries must be responded to
941 in the subsequent 30-day period, or periods, as applicable.

942 Section 15. Subsection (1) of section 719.108, Florida
943 Statutes, is amended to read:

944 719.108 Rents and assessments; liability; lien and
945 priority; interest; collection; cooperative ownership.-

946 (1) A unit owner, regardless of how title is acquired,
947 including, without limitation, a purchaser at a judicial sale,
948 shall be liable for all rents and assessments coming due while
949 the unit owner is in exclusive possession of a unit. In a
950 voluntary transfer, the unit owner in exclusive possession shall
951 be jointly and severally liable with the previous unit owner for
952 all unpaid rents and assessments against the previous unit owner
953 for his or her share of the common expenses up to the time of
954 the transfer, as well as interest, late charges, and reasonable
955 costs and attorney fees incurred by the association incident to
956 the collection process without prejudice to the rights of the
957 unit owner in exclusive possession to recover from the previous
958 unit owner the amounts paid by the unit owner in exclusive
959 possession therefor. For the purposes of this paragraph, the
960 term "previous owner" does not include an association that
961 acquires title to a delinquent property through foreclosure or
962 by deed in lieu of foreclosure. The present parcel owner's
963 liability for unpaid rents and assessments, interest, late
964 charges, and reasonable costs and attorney fees incurred by the
965 association incident to the collection process is limited to
966 those amounts that accrued before the association acquired title
967 to the delinquent property through foreclosure or by deed in



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968 lieu of foreclosure.

969 Section 16. Section 719.128, Florida Statutes, is created
970 to read:

971 719.128 Association emergency powers.-

972 (1) To the extent allowed by law, unless specifically
973 prohibited by the cooperative documents, and consistent with s.
974 617.0830, the board of administration, in response to damage
975 caused by an event for which a state of emergency is declared
976 pursuant to s. 252.36 in the area encompassed by the
977 cooperative, may exercise the following powers:

978 (a) Conduct board or membership meetings after notice of
979 the meetings and board decisions is provided in as practicable a
980 manner as possible, including via publication, radio, United
981 States mail, the Internet, public service announcements,
982 conspicuous posting on the cooperative property, or any other
983 means the board deems appropriate under the circumstances.

984 (b) Cancel and reschedule an association meeting.

985 (c) Designate assistant officers who are not directors. If
986 the executive officer is incapacitated or unavailable, the
987 assistant officer has the same authority during the state of
988 emergency as the executive officer he or she assists.

989 (d) Relocate the association's principal office or
990 designate an alternative principal office.

991 (e) Enter into agreements with counties and municipalities
992 to assist counties and municipalities with debris removal.

993 (f) Implement a disaster plan before or immediately
994 following the event for which a state of emergency is declared,
995 which may include turning on or shutting off elevators;
996 electricity; water, sewer, or security systems; or air



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997 conditioners for association buildings.

998 (g) Based upon the advice of emergency management officials
999 or upon the advice of licensed professionals retained by the
1000 board of administration, determine any portion of the
1001 cooperative property unavailable for entry or occupancy by unit
1002 owners or their family members, tenants, guests, agents, or
1003 invitees to protect their health, safety, or welfare.

1004 (h) Based upon the advice of emergency management officials
1005 or upon the advice of licensed professionals retained by the
1006 board of administration, determine whether the cooperative
1007 property can be safely inhabited or occupied. However, such
1008 determination is not conclusive as to any determination of
1009 habitability pursuant to the declaration.

1010 (i) Require the evacuation of the cooperative property in
1011 the event of a mandatory evacuation order in the area where the
1012 cooperative is located. If a unit owner or other occupant of a
1013 cooperative fails to evacuate the cooperative property for which
1014 the board has required evacuation, the association is immune
1015 from liability for injury to persons or property arising from
1016 such failure.

1017 (j) Mitigate further damage, including taking action to
1018 contract for the removal of debris and to prevent or mitigate
1019 the spread of fungus, including mold or mildew, by removing and
1020 disposing of wet drywall, insulation, carpet, cabinetry, or
1021 other fixtures on or within the cooperative property, regardless
1022 of whether the unit owner is obligated by the declaration or law
1023 to insure or replace those fixtures and to remove personal
1024 property from a unit.

1025 (k) Contract, on behalf of a unit owner, for items or



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1026 services for which the owner is otherwise individually
1027 responsible, but which are necessary to prevent further damage
1028 to the cooperative property. In such event, the unit owner on
1029 whose behalf the board has contracted is responsible for
1030 reimbursing the association for the actual costs of the items or
1031 services, and the association may use its lien authority
1032 provided by s. 719.108 to enforce collection of the charges.
1033 Such items or services may include the drying of the unit, the
1034 boarding of broken windows or doors, and the replacement of a
1035 damaged air conditioner or air handler to provide climate
1036 control in the unit or other portions of the property.

1037 (l) Notwithstanding a provision to the contrary, and
1038 regardless of whether such authority does not specifically
1039 appear in the cooperative documents, levy special assessments
1040 without a vote of the owners.

1041 (m) Without unit owners' approval, borrow money and pledge
1042 association assets as collateral to fund emergency repairs and
1043 carry out the duties of the association if operating funds are
1044 insufficient. This paragraph does not limit the general
1045 authority of the association to borrow money, subject to such
1046 restrictions contained in the cooperative documents.

1047 (2) The authority granted under subsection (1) is limited
1048 to that time reasonably necessary to protect the health, safety,
1049 and welfare of the association and the unit owners and their
1050 family members, tenants, guests, agents, or invitees, and to
1051 mitigate further damage and make emergency repairs.

1052 Section 17. Paragraph (c) of subsection (5) of section
1053 720.303, Florida Statutes, is amended to read:

1054 720.303 Association powers and duties; meetings of board;



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1055 official records; budgets; financial reporting; association
1056 funds; recalls.—

1057 (5) INSPECTION AND COPYING OF RECORDS.—The official records
1058 shall be maintained within the state for at least 7 years and
1059 shall be made available to a parcel owner for inspection or
1060 photocopying within 45 miles of the community or within the
1061 county in which the association is located within 10 business
1062 days after receipt by the board or its designee of a written
1063 request. This subsection may be complied with by having a copy
1064 of the official records available for inspection or copying in
1065 the community or, at the option of the association, by making
1066 the records available to a parcel owner electronically via the
1067 Internet or by allowing the records to be viewed in electronic
1068 format on a computer screen and printed upon request. If the
1069 association has a photocopy machine available where the records
1070 are maintained, it must provide parcel owners with copies on
1071 request during the inspection if the entire request is limited
1072 to no more than 25 pages. An association shall allow a member or
1073 his or her authorized representative to use a portable device,
1074 including a smartphone, tablet, portable scanner, or any other
1075 technology capable of scanning or taking photographs, to make an
1076 electronic copy of the official records in lieu of the
1077 association's providing the member or his or her authorized
1078 representative with a copy of such records. The association may
1079 not charge a fee to a member or his or her authorized
1080 representative for the use of a portable device.

1081 (c) The association may adopt reasonable written rules
1082 governing the frequency, time, location, notice, records to be
1083 inspected, and manner of inspections, but may not require a



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1084 parcel owner to demonstrate any proper purpose for the
1085 inspection, state any reason for the inspection, or limit a
1086 parcel owner's right to inspect records to less than one 8-hour
1087 business day per month. The association may impose fees to cover
1088 the costs of providing copies of the official records, including
1089 the costs of copying and the costs required for personnel to
1090 retrieve and copy the records if the time spent retrieving and
1091 copying the records exceeds one-half hour and if the personnel
1092 costs do not exceed \$20 per hour. Personnel costs may not be
1093 charged for records requests that result in the copying of 25 or
1094 fewer pages. The association may charge up to 25 cents per page
1095 for copies made on the association's photocopier. If the
1096 association does not have a photocopy machine available where
1097 the records are kept, or if the records requested to be copied
1098 exceed 25 pages in length, the association may have copies made
1099 by an outside duplicating service and may charge the actual cost
1100 of copying, as supported by the vendor invoice. The association
1101 shall maintain an adequate number of copies of the recorded
1102 governing documents, to ensure their availability to members and
1103 prospective members. Notwithstanding this paragraph, the
1104 following records are not accessible to members or parcel
1105 owners:

1106 1. Any record protected by the lawyer-client privilege as
1107 described in s. 90.502 and any record protected by the work-
1108 product privilege, including, but not limited to, a record
1109 prepared by an association attorney or prepared at the
1110 attorney's express direction which reflects a mental impression,
1111 conclusion, litigation strategy, or legal theory of the attorney
1112 or the association and which was prepared exclusively for civil



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1113 or criminal litigation or for adversarial administrative
1114 proceedings or which was prepared in anticipation of such
1115 litigation or proceedings until the conclusion of the litigation
1116 or proceedings.

1117 2. Information obtained by an association in connection
1118 with the approval of the lease, sale, or other transfer of a
1119 parcel.

1120 3. Personnel records of association or management company
1121 employees, including, but not limited to, disciplinary, payroll,
1122 health, and insurance records. For purposes of this
1123 subparagraph, the term "personnel records" does not include
1124 written employment agreements with an association or management
1125 company employee or budgetary or financial records that indicate
1126 the compensation paid to an association or management company
1127 employee.

1128 4. Medical records of parcel owners or community residents.

1129 5. Social security numbers, driver license numbers, credit
1130 card numbers, electronic mailing addresses, telephone numbers,
1131 facsimile numbers, emergency contact information, any addresses
1132 for a parcel owner other than as provided for association notice
1133 requirements, and other personal identifying information of any
1134 person, excluding the person's name, parcel designation, mailing
1135 address, and property address. Notwithstanding the restrictions
1136 in this subparagraph, an association may print and distribute to
1137 parcel owners a directory containing the name, parcel address,
1138 and all telephone numbers ~~number~~ of each parcel owner. However,
1139 an owner may exclude his or her telephone number from the
1140 directory by so requesting in writing to the association. An
1141 owner may consent in writing to the disclosure of other contact



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1142 information described in this subparagraph. The association is
1143 not liable for the disclosure of information that is protected
1144 under this subparagraph if the information is included in an
1145 official record of the association and is voluntarily provided
1146 by an owner and not requested by the association.

1147 6. Any electronic security measure that is used by the
1148 association to safeguard data, including passwords.

1149 7. The software and operating system used by the
1150 association which allows the manipulation of data, even if the
1151 owner owns a copy of the same software used by the association.
1152 The data is part of the official records of the association.

1153 Section 18. Paragraph (b) of subsection (1) of section
1154 720.306, Florida Statutes, is amended to read:

1155 720.306 Meetings of members; voting and election
1156 procedures; amendments.—

1157 (1) QUORUM; AMENDMENTS.—

1158 (b) Unless otherwise provided in the governing documents or
1159 required by law, and other than those matters set forth in
1160 paragraph (c), any governing document of an association may be
1161 amended by the affirmative vote of two-thirds of the voting
1162 interests of the association. Within 30 days after recording an
1163 amendment to the governing documents, the association shall
1164 provide copies of the amendment to the members. Further, if a
1165 copy of the proposed amendment had been previously provided to
1166 the members before the vote of the members on the amendment and
1167 the proposed amendment was not changed before the vote of the
1168 members, the association may, in lieu of providing a copy of the
1169 amendment, provide notice that the amendment was adopted,
1170 provide in the notice the official book and page number or



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1171 instrument number of the recorded amendment, and provide notice
1172 that a copy of the amendment is available at no charge to the
1173 member upon written request to the association. The copies and
1174 notice described herein may be provided electronically to those
1175 owners who have consented to receive notice electronically.

1176 Section 19. Paragraph (b) of subsection (2) of section
1177 720.3085, Florida Statutes, is amended to read:

1178 720.3085 Payment for assessments; lien claims.—

1179 (2)(b) A parcel owner is jointly and severally liable with
1180 the previous parcel owner for all unpaid assessments that came
1181 due up to the time of transfer of title, as well as interest,
1182 late charges, and reasonable costs and attorney fees incurred by
1183 the association incident to the collection process. This
1184 liability is without prejudice to any right the present parcel
1185 owner may have to recover any amounts paid by the present owner
1186 from the previous owner. For the purposes of this paragraph, the
1187 term "previous owner" shall not include an association that
1188 acquires title to a delinquent property through foreclosure or
1189 by deed in lieu of foreclosure. The present parcel owner's
1190 liability for unpaid assessments, interest, late charges, and
1191 reasonable costs and attorney fees incurred by the association
1192 incident to the collection process is limited to those amounts
1193 ~~any unpaid assessments~~ that accrued before the association
1194 acquired title to the delinquent property through foreclosure or
1195 by deed in lieu of foreclosure.

1196 Section 20. Section 720.316, Florida Statutes, is created
1197 to read:

1198 720.316 Association emergency powers.—

1199 (1) To the extent allowed by law, unless specifically



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1200 prohibited by the declaration or other recorded governing
1201 documents, and consistent with s. 617.0830, the board of
1202 directors, in response to damage caused by an event for which a
1203 state of emergency is declared pursuant to s. 252.36 in the area
1204 encompassed by the association, may exercise the following
1205 powers:

1206 (a) Conduct board or membership meetings after notice of
1207 the meetings and board decisions is provided in as practicable a
1208 manner as possible, including via publication, radio, United
1209 States mail, the Internet, public service announcements,
1210 conspicuous posting on the association property, or any other
1211 means the board deems appropriate under the circumstances.

1212 (b) Cancel and reschedule an association meeting.

1213 (c) Designate assistant officers who are not directors. If
1214 the executive officer is incapacitated or unavailable, the
1215 assistant officer has the same authority during the state of
1216 emergency as the executive officer he or she assists.

1217 (d) Relocate the association's principal office or
1218 designate an alternative principal office.

1219 (e) Enter into agreements with counties and municipalities
1220 to assist counties and municipalities with debris removal.

1221 (f) Implement a disaster plan before or immediately
1222 following the event for which a state of emergency is declared,
1223 which may include, but is not limited to, turning on or shutting
1224 off elevators; electricity; water, sewer, or security systems;
1225 or air conditioners for association buildings.

1226 (g) Based upon the advice of emergency management officials
1227 or upon the advice of licensed professionals retained by the
1228 board, determine any portion of the association property



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1229 unavailable for entry or occupancy by owners or their family
1230 members, tenants, guests, agents, or invitees to protect their
1231 health, safety, or welfare.

1232 (h) Based upon the advice of emergency management officials
1233 or upon the advice of licensed professionals retained by the
1234 board, determine whether the association property can be safely
1235 inhabited or occupied. However, such determination is not
1236 conclusive as to any determination of habitability pursuant to
1237 the declaration.

1238 (i) Mitigate further damage, including taking action to
1239 contract for the removal of debris and to prevent or mitigate
1240 the spread of fungus, including, mold or mildew, by removing and
1241 disposing of wet drywall, insulation, carpet, cabinetry, or
1242 other fixtures on or within the association property.

1243 (j) Notwithstanding a provision to the contrary, and
1244 regardless of whether such authority does not specifically
1245 appear in the declaration or other recorded governing documents,
1246 levy special assessments without a vote of the owners.

1247 (k) Without owners' approval, borrow money and pledge
1248 association assets as collateral to fund emergency repairs and
1249 carry out the duties of the association if operating funds are
1250 insufficient. This paragraph does not limit the general
1251 authority of the association to borrow money, subject to such
1252 restrictions contained in the declaration or other recorded
1253 governing documents.

1254 (2) The authority granted under subsection (1) is limited
1255 to that time reasonably necessary to protect the health, safety,
1256 and welfare of the association and the parcel owners and their
1257 family members, tenants, guests, agents, or invitees, and to



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1258 mitigate further damage and make emergency repairs.

1259 Section 21. This act shall take effect July 1, 2014.

1260

1261 ===== T I T L E A M E N D M E N T =====

1262 And the title is amended as follows:

1263 Delete everything before the enacting clause

1264 and insert:

1265 A bill to be entitled

1266 An act relating to residential properties; amending s.

1267 509.013, F.S.; replacing reference to timeshare plan

1268 with timeshare project; amending s. 509.032, F.S.;

1269 providing that timeshare projects are not subject to

1270 annual inspection requirements; amending s. 509.221,

1271 F.S.; providing that certain public lodging

1272 establishment requirements do not apply to timeshare

1273 projects; amending s. 509.241, F.S.; providing a

1274 condominium association that does not include any

1275 units classified as a timeshare project is not

1276 required to apply for or receive a public lodging

1277 establishment license; amending s. 509.242, F.S.;

1278 providing a definition of the term "timeshare

1279 project"; deleting the reference to timeshare plans in

1280 the definition of the term "vacation rental"; amending

1281 s. 509.251, F.S.; providing that timeshare projects

1282 within separate buildings or at separate locations but

1283 managed by one licensed agent may be combined in a

1284 single license application; amending s. 712.05, F.S.;

1285 clarifying existing law relating to marketable record

1286 title; amending s. 718.110, F.S.; providing that an



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1287 amendment to a declaration relating to rental
1288 condominium units does not apply to unit owners who
1289 vote against the amendment; amending s. 718.111, F.S.;
1290 providing authority to an association to inspect and
1291 repair abandoned condominium units; providing
1292 conditions to determine if a unit is abandoned;
1293 providing a mechanism for an association to recover
1294 costs associated with maintaining an abandoned unit;
1295 providing that in the absence of an insurable event,
1296 the association or unit owners are responsible for
1297 repairs; providing that an owner may consent in
1298 writing to the disclosure of certain contact
1299 information; requiring an outgoing condominium
1300 association board or committee member to relinquish
1301 all official records and property of the association
1302 within a specified time; providing a civil penalty for
1303 failing to relinquish such records and property;
1304 amending s. 718.112, F.S.; providing that a board or
1305 committee member's participation in a meeting via
1306 real-time videoconferencing, Internet-enabled
1307 videoconferencing, or similar electronic or video
1308 communication counts toward a quorum and that such
1309 member may vote as if physically present; prohibiting
1310 the board from voting via e-mail; amending s. 718.116
1311 F.S.; revising the liabilities of the unit owner and
1312 the previous owner; excluding specified association
1313 from certain liability; limiting the present owner's
1314 liability; amending s. 718.707, F.S.; extending the
1315 date by which a condominium parcel must be acquired in



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1316 order for a person to be classified as a bulk assignee
1317 or bulk buyer; amending s. 719.104, F.S.; providing
1318 that an owner may consent in writing to the disclosure
1319 of certain contact information; requiring an outgoing
1320 cooperative association board or committee member to
1321 relinquish all official records and property of the
1322 association within a specified time; providing a civil
1323 penalty for failing to relinquish such records and
1324 property; providing dates by which financial reports
1325 for an association must be completed; specifying that
1326 members must receive copies of financial reports;
1327 requiring specific types of financial statements for
1328 associations of varying sizes; providing exceptions;
1329 providing a mechanism for waiving or increasing
1330 financial reporting requirements; amending s. 719.106,
1331 F.S.; providing for suspension from office of a
1332 director or officer who is charged with one or more of
1333 certain felony offenses; providing procedures for
1334 filling such vacancy or reinstating such member under
1335 specific circumstances; providing a mechanism for a
1336 person who is convicted of a felony to be eligible for
1337 board membership; amending s. 719.108, F.S.; revising
1338 the liabilities of the unit owner and the previous
1339 unit owner; excluding specified association from
1340 certain liability; limiting the liability of the
1341 present owner; creating s. 719.128, F.S.; providing
1342 emergency powers of a cooperative association;
1343 amending s. 720.303, F.S.; providing that an owner may
1344 consent in writing to the disclosure of certain



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1345 contact information; amending s. 720.306, F.S.;

1346 providing an exception to the need for the association

1347 to provide copies of an amendment to members; amending

1348 s. 720.3085, F.S.; revising the liabilities of the

1349 parcel owner and the previous parcel owner; limiting

1350 the liability of the present parcel owner; creating s.

1351 720.316, F.S.; providing emergency powers of a

1352 homeowners' association; providing an effective date.