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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2014	.	
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The Committee on Judiciary (Ring) 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 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 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), ~~and~~ (d), and (g).

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 vacation rentals or timeshare projects under
119 s. 509.242(1)(c) or (g) 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) *Vacation rental*.—A vacation rental is any unit or group
142 of units in a condominium or, cooperative, ~~or timeshare plan~~ or
143 any individually or collectively owned single-family, two-
144 family, three-family, or four-family house or dwelling unit that
145 is also a transient public lodging establishment but that is not
146 a timeshare project.

147 (d) *Nontransient apartment*.—A nontransient apartment is a
148 building or complex of buildings in which 75 percent or more of
149 the units are available for rent to nontransient tenants.

150 (e) *Transient apartment*.—A transient apartment is a
151 building or complex of buildings in which more than 25 percent
152 of the units are advertised or held out to the public as
153 available for transient occupancy.

154 (f) *Bed and breakfast inn*.—A bed and breakfast inn is a
155 family home structure, with no more than 15 sleeping rooms,



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156 which has been modified to serve as a transient public lodging
157 establishment, which provides the accommodation and meal
158 services generally offered by a bed and breakfast inn, and which
159 is recognized as a bed and breakfast inn in the community in
160 which it is situated or by the hospitality industry.

161 (g) Timeshare project.—A timeshare project is a timeshare
162 property, as defined in chapter 721, which is located in this
163 state and which is also a transient public lodging
164 establishment.

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 additional notice pursuant to s. 712.06(3).
241 The preceding sentence is intended to clarify existing law.

242 Section 8. Subsection (5), paragraph (j) of subsection



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243 (11), and paragraph (c) of subsection (12) of section 718.111,
244 Florida Statutes, are amended, and paragraph (f) is added to
245 subsection (12) of that section, to read:

246 718.111 The association.—

247 (5) RIGHT OF ACCESS TO UNITS.—

248 (a) The association has the irrevocable right of access to
249 each unit during reasonable hours, when necessary for the
250 maintenance, repair, or replacement of any common elements or of
251 any portion of a unit to be maintained by the association
252 pursuant to the declaration or as necessary to prevent damage to
253 the common elements or to a unit ~~or units~~.

254 (b)1. In addition to the association's right of access in
255 paragraph (a) and regardless of whether authority is provided in
256 the declaration or other recorded condominium documents, an
257 association, at the sole discretion of the board, may enter an
258 abandoned unit to inspect the unit and adjoining common
259 elements; make repairs to the unit or to the common elements
260 serving the unit, as needed; repair the unit if mold or
261 deterioration is present; turn on the utilities for the unit; or
262 otherwise maintain, preserve, or protect the unit and adjoining
263 common elements. For purposes of this paragraph, a unit is
264 presumed to be abandoned if:

265 a. The unit is the subject of a foreclosure action and no
266 tenant appears to have resided in the unit for at least 4
267 continuous weeks without prior written notice to the
268 association; or

269 b. No tenant appears to have resided in the unit for 2
270 consecutive months without prior written notice to the
271 association, and the association is unable to contact the owner



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272 or determine the whereabouts of the owner after reasonable
273 inquiry.

274 2. Except in the case of an emergency, an association may
275 not enter an abandoned unit until 2 days after notice of the
276 association's intent to enter the unit has been mailed or hand-
277 delivered to the owner at the address of the owner as reflected
278 in the records of the association. The notice may be given by
279 electronic transmission to unit owners who previously consented
280 to receive notice by electronic transmission.

281 3. Any expense incurred by an association pursuant to this
282 paragraph is chargeable to the unit owner and enforceable as an
283 assessment pursuant to s. 718.116, and the association may use
284 its lien authority provided by s. 718.116 to enforce collection
285 of the expense.

286 4. The association may petition a court of competent
287 jurisdiction to appoint a receiver and may lease out an
288 abandoned unit for the benefit of the association to offset
289 against the rental income the association's costs and expenses
290 of maintaining, preserving, and protecting the unit and the
291 adjoining common elements, including the costs of the
292 receivership and all unpaid assessments, interest,
293 administrative late fees, costs, and reasonable attorney fees.

294 (11) INSURANCE.—In order to protect the safety, health, and
295 welfare of the people of the State of Florida and to ensure
296 consistency in the provision of insurance coverage to
297 condominiums and their unit owners, this subsection applies to
298 every residential condominium in the state, regardless of the
299 date of its declaration of condominium. It is the intent of the
300 Legislature to encourage lower or stable insurance premiums for



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301 associations described in this subsection.

302 (j) Any portion of the condominium property that must be
303 insured by the association against property loss pursuant to
304 paragraph (f) which is damaged by an insurable event shall be
305 reconstructed, repaired, or replaced as necessary by the
306 association as a common expense. In the absence of an insurable
307 event, the association or the unit owners shall be responsible
308 for the reconstruction, repair, or replacement, as determined by
309 the provisions of the declaration or bylaws. All property
310 insurance deductibles, uninsured losses, and other damages in
311 excess of property insurance coverage under the property
312 insurance policies maintained by the association are a common
313 expense of the condominium, except that:

314 1. A unit owner is responsible for the costs of repair or
315 replacement of any portion of the condominium property not paid
316 by insurance proceeds if such damage is caused by intentional
317 conduct, negligence, or failure to comply with the terms of the
318 declaration or the rules of the association by a unit owner, the
319 members of his or her family, unit occupants, tenants, guests,
320 or invitees, without compromise of the subrogation rights of the
321 insurer.

322 2. The provisions of subparagraph 1. regarding the
323 financial responsibility of a unit owner for the costs of
324 repairing or replacing other portions of the condominium
325 property also apply to the costs of repair or replacement of
326 personal property of other unit owners or the association, as
327 well as other property, whether real or personal, which the unit
328 owners are required to insure.

329 3. To the extent the cost of repair or reconstruction for



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330 which the unit owner is responsible under this paragraph is
331 reimbursed to the association by insurance proceeds, and the
332 association has collected the cost of such repair or
333 reconstruction from the unit owner, the association shall
334 reimburse the unit owner without the waiver of any rights of
335 subrogation.

336 4. The association is not obligated to pay for
337 reconstruction or repairs of property losses as a common expense
338 if the property losses were known or should have been known to a
339 unit owner and were not reported to the association until after
340 the insurance claim of the association for that property was
341 settled or resolved with finality, or denied because it was
342 untimely filed.

343 (12) OFFICIAL RECORDS.—

344 (c) The official records of the association are open to
345 inspection by any association member or the authorized
346 representative of such member at all reasonable times. The right
347 to inspect the records includes the right to make or obtain
348 copies, at the reasonable expense, if any, of the member. The
349 association may adopt reasonable rules regarding the frequency,
350 time, location, notice, and manner of record inspections and
351 copying. The failure of an association to provide the records
352 within 10 working days after receipt of a written request
353 creates a rebuttable presumption that the association willfully
354 failed to comply with this paragraph. A unit owner who is denied
355 access to official records is entitled to the actual damages or
356 minimum damages for the association's willful failure to comply.
357 Minimum damages are \$50 per calendar day for up to 10 days,
358 beginning on the 11th working day after receipt of the written



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359 request. The failure to permit inspection entitles any person
360 prevailing in an enforcement action to recover reasonable
361 attorney fees from the person in control of the records who,
362 directly or indirectly, knowingly denied access to the records.
363 Any person who knowingly or intentionally defaces or destroys
364 accounting records that are required by this chapter to be
365 maintained during the period for which such records are required
366 to be maintained, or who knowingly or intentionally fails to
367 create or maintain accounting records that are required to be
368 created or maintained, with the intent of causing harm to the
369 association or one or more of its members, is personally subject
370 to a civil penalty pursuant to s. 718.501(1)(d). The association
371 shall maintain an adequate number of copies of the declaration,
372 articles of incorporation, bylaws, and rules, and all amendments
373 to each of the foregoing, as well as the question and answer
374 sheet as described in s. 718.504 and year-end financial
375 information required under this section, on the condominium
376 property to ensure their availability to unit owners and
377 prospective purchasers, and may charge its actual costs for
378 preparing and furnishing these documents to those requesting the
379 documents. An association shall allow a member or his or her
380 authorized representative to use a portable device, including a
381 smartphone, tablet, portable scanner, or any other technology
382 capable of scanning or taking photographs, to make an electronic
383 copy of the official records in lieu of the association's
384 providing the member or his or her authorized representative
385 with a copy of such records. The association may not charge a
386 member or his or her authorized representative for the use of a
387 portable device. Notwithstanding this paragraph, the following



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388 records are not accessible to unit owners:

389 1. Any record protected by the lawyer-client privilege as
390 described in s. 90.502 and any record protected by the work-
391 product privilege, including a record prepared by an association
392 attorney or prepared at the attorney's express direction, which
393 reflects a mental impression, conclusion, litigation strategy,
394 or legal theory of the attorney or the association, and which
395 was prepared exclusively for civil or criminal litigation or for
396 adversarial administrative proceedings, or which was prepared in
397 anticipation of such litigation or proceedings until the
398 conclusion of the litigation or proceedings.

399 2. Information obtained by an association in connection
400 with the approval of the lease, sale, or other transfer of a
401 unit.

402 3. Personnel records of association or management company
403 employees, including, but not limited to, disciplinary, payroll,
404 health, and insurance records. For purposes of this
405 subparagraph, the term "personnel records" does not include
406 written employment agreements with an association employee or
407 management company, or budgetary or financial records that
408 indicate the compensation paid to an association employee.

409 4. Medical records of unit owners.

410 5. Social security numbers, driver's license numbers,
411 credit card numbers, e-mail addresses, telephone numbers,
412 facsimile numbers, emergency contact information, addresses of a
413 unit owner other than as provided to fulfill the association's
414 notice requirements, and other personal identifying information
415 of any person, excluding the person's name, unit designation,
416 mailing address, property address, and any address, e-mail



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417 address, or facsimile number provided to the association to
418 fulfill the association's notice requirements. Notwithstanding
419 the restrictions in this subparagraph, an association may print
420 and distribute to parcel owners a directory containing the name,
421 parcel address, and all telephone numbers ~~number~~ of each parcel
422 owner. However, an owner may exclude his or her telephone
423 numbers ~~number~~ from the directory by so requesting in writing to
424 the association. An owner may consent in writing to the
425 disclosure of other contact information described in this
426 subparagraph. The association is not liable for the inadvertent
427 disclosure of information that is protected under this
428 subparagraph if the information is included in an official
429 record of the association and is voluntarily provided by an
430 owner and not requested by the association.

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

433 7. The software and operating system used by the
434 association which allow the manipulation of data, even if the
435 owner owns a copy of the same software used by the association.
436 The data is part of the official records of the association.

437 (f) An outgoing board or committee member must relinquish
438 all official records and property of the association in his or
439 her possession or under his or her control to the incoming board
440 within 5 days after the election. The division shall impose a
441 civil penalty as set forth in s. 718.501(1)(d)6. against an
442 outgoing board or committee member who willfully and knowingly
443 fails to relinquish such records and property.

444 Section 9. Paragraphs (b) and (c) of subsection (2) of
445 section 718.112, Florida Statutes, are amended to read:



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446 718.112 Bylaws.—

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

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

451 1. Unless a lower number is provided in the bylaws, the
452 percentage of voting interests required to constitute a quorum
453 at a meeting of the members is a majority of the voting
454 interests. Unless otherwise provided in this chapter or in the
455 declaration, articles of incorporation, or bylaws, and except as
456 provided in subparagraph (d)4., decisions shall be made by a
457 majority of the voting interests represented at a meeting at
458 which a quorum is present.

459 2. Except as specifically otherwise provided herein, unit
460 owners may not vote by general proxy, but may vote by limited
461 proxies substantially conforming to a limited proxy form adopted
462 by the division. A voting interest or consent right allocated to
463 a unit owned by the association may not be exercised or
464 considered for any purpose, whether for a quorum, an election,
465 or otherwise. Limited proxies and general proxies may be used to
466 establish a quorum. Limited proxies shall be used for votes
467 taken to waive or reduce reserves in accordance with
468 subparagraph (f)2.; for votes taken to waive the financial
469 reporting requirements of s. 718.111(13); for votes taken to
470 amend the declaration pursuant to s. 718.110; for votes taken to
471 amend the articles of incorporation or bylaws pursuant to this
472 section; and for any other matter for which this chapter
473 requires or permits a vote of the unit owners. Except as
474 provided in paragraph (d), a proxy, limited or general, may not



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475 be used in the election of board members. General proxies may be
476 used for other matters for which limited proxies are not
477 required, and may be used in voting for nonsubstantive changes
478 to items for which a limited proxy is required and given.
479 Notwithstanding this subparagraph, unit owners may vote in
480 person at unit owner meetings. This subparagraph does not limit
481 the use of general proxies or require the use of limited proxies
482 for any agenda item or election at any meeting of a timeshare
483 condominium association.

484 3. Any proxy given is effective only for the specific
485 meeting for which originally given and any lawfully adjourned
486 meetings thereof. A proxy is not valid longer than 90 days after
487 the date of the first meeting for which it was given and may be
488 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of
489 the unit owner executing it.

490 4. A member of the board of administration or a committee
491 may submit in writing his or her agreement or disagreement with
492 any action taken at a meeting that the member did not attend.
493 This agreement or disagreement may not be used as a vote for or
494 against the action taken or to create a quorum.

495 5. A ~~If any of the board or committee member's~~
496 participation in a meeting via telephone, real-time
497 videoconferencing, or similar real-time electronic or video
498 communication counts toward a quorum, and such member may vote
499 as if physically present ~~members meet by telephone conference,~~
500 ~~those board or committee members may be counted toward obtaining~~
501 ~~a quorum and may vote by telephone.~~ A telephone speaker must be
502 used so that the conversation of such ~~those~~ members may be heard
503 by the board or committee members attending in person as well as



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504 by any unit owners present at a meeting.

505 (c) *Board of administration meetings.*—Meetings of the board
506 of administration at which a quorum of the members is present
507 are open to all unit owners. Members of the board of
508 administration may use e-mail as a means of communication but
509 may not cast a vote on an association matter via e-mail. A unit
510 owner may tape record or videotape the meetings. The right to
511 attend such meetings includes the right to speak at such
512 meetings with reference to all designated agenda items. The
513 division shall adopt reasonable rules governing the tape
514 recording and videotaping of the meeting. The association may
515 adopt written reasonable rules governing the frequency,
516 duration, and manner of unit owner statements.

517 1. Adequate notice of all board meetings, which must
518 specifically identify all agenda items, must be posted
519 conspicuously on the condominium property at least 48 continuous
520 hours before the meeting except in an emergency. If 20 percent
521 of the voting interests petition the board to address an item of
522 business, the board, within 60 days after receipt of the
523 petition, shall place the item on the agenda at its next regular
524 board meeting or at a special meeting called for that purpose ~~of~~
525 ~~the board, but not later than 60 days after the receipt of the~~
526 ~~petition, shall place the item on the agenda.~~ An Any item not
527 included on the notice may be taken up on an emergency basis by
528 a vote of at least a majority plus one of the board members.
529 Such emergency action must be noticed and ratified at the next
530 regular board meeting. However, written notice of a ~~any~~ meeting
531 at which a nonemergency special assessment ~~assessments,~~ or an ~~at~~
532 ~~which~~ amendment to rules regarding unit use~~7~~ will be considered



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533 must be mailed, delivered, or electronically transmitted to the
534 unit owners and posted conspicuously on the condominium property
535 at least 14 days before the meeting. Evidence of compliance with
536 this 14-day notice requirement must be made by an affidavit
537 executed by the person providing the notice and filed with the
538 official records of the association. Upon notice to the unit
539 owners, the board shall, by duly adopted rule, designate a
540 specific location on the condominium or association property
541 where all notices of board meetings must ~~are to~~ be posted. If
542 there is no condominium property or association property where
543 notices can be posted, notices shall be mailed, delivered, or
544 electronically transmitted to each unit owner at least 14 days
545 before the meeting ~~to the owner of each unit~~. In lieu of or in
546 addition to the physical posting of the notice on the
547 condominium property, the association may, by reasonable rule,
548 adopt a procedure for conspicuously posting and repeatedly
549 broadcasting the notice and the agenda on a closed-circuit cable
550 television system serving the condominium association. However,
551 if broadcast notice is used in lieu of a notice physically
552 posted on condominium property, the notice and agenda must be
553 broadcast at least four times every broadcast hour of each day
554 that a posted notice is otherwise required under this section.
555 If broadcast notice is provided, the notice and agenda must be
556 broadcast in a manner and for a sufficient continuous length of
557 time so as to allow an average reader to observe the notice and
558 read and comprehend the entire content of the notice and the
559 agenda. Notice of any meeting in which regular or special
560 assessments against unit owners are to be considered ~~for any~~
561 ~~reason~~ must specifically state that assessments will be



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562 considered and provide the nature, estimated cost, and
563 description of the purposes for such assessments.

564 2. Meetings of a committee to take final action on behalf
565 of the board or make recommendations to the board regarding the
566 association budget are subject to this paragraph. Meetings of a
567 committee that does not take final action on behalf of the board
568 or make recommendations to the board regarding the association
569 budget are subject to this section, unless those meetings are
570 exempted from this section by the bylaws of the association.

571 3. Notwithstanding any other law, the requirement that
572 board meetings and committee meetings be open to the unit owners
573 does not apply to:

574 a. Meetings between the board or a committee and the
575 association's attorney, with respect to proposed or pending
576 litigation, if the meeting is held for the purpose of seeking or
577 rendering legal advice; or

578 b. Board meetings held for the purpose of discussing
579 personnel matters.

580 Section 10. Section 718.50151, Florida Statutes, is
581 repealed.

582 Section 11. Section 718.707, Florida Statutes, is amended
583 to read:

584 718.707 Time limitation for classification as bulk assignee
585 or bulk buyer.—A person acquiring condominium parcels may not be
586 classified as a bulk assignee or bulk buyer unless the
587 condominium parcels were acquired on or after July 1, 2010, but
588 before July 1, 2016 ~~2015~~. The date of such acquisition shall be
589 determined by the date of recording a deed or other instrument
590 of conveyance for such parcels in the public records of the



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591 county in which the condominium is located, or by the date of
592 issuing a certificate of title in a foreclosure proceeding with
593 respect to such condominium parcels.

594 Section 12. Paragraph (c) of subsection (2) and subsection
595 (4) of section 719.104, Florida Statutes, are amended, and
596 paragraph (e) is added to subsection (2) of that section, to
597 read:

598 719.104 Cooperatives; access to units; records; financial
599 reports; assessments; purchase of leases.—

600 (2) OFFICIAL RECORDS.—

601 (c) The official records of the association are open to
602 inspection by any association member or the authorized
603 representative of such member at all reasonable times. The right
604 to inspect the records includes the right to make or obtain
605 copies, at the reasonable expense, if any, of the association
606 member. The association may adopt reasonable rules regarding the
607 frequency, time, location, notice, and manner of record
608 inspections and copying. The failure of an association to
609 provide the records within 10 working days after receipt of a
610 written request creates a rebuttable presumption that the
611 association willfully failed to comply with this paragraph. A
612 unit owner who is denied access to official records is entitled
613 to the actual damages or minimum damages for the association's
614 willful failure to comply. The minimum damages are \$50 per
615 calendar day for up to 10 days, beginning on the 11th working
616 day after receipt of the written request. The failure to permit
617 inspection entitles any person prevailing in an enforcement
618 action to recover reasonable attorney fees from the person in
619 control of the records who, directly or indirectly, knowingly



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620 denied access to the records. Any person who knowingly or
621 intentionally defaces or destroys accounting records that are
622 required by this chapter to be maintained during the period for
623 which such records are required to be maintained, or who
624 knowingly or intentionally fails to create or maintain
625 accounting records that are required to be created or
626 maintained, with the intent of causing harm to the association
627 or one or more of its members, is personally subject to a civil
628 penalty pursuant to s. 719.501(1)(d). The association shall
629 maintain an adequate number of copies of the declaration,
630 articles of incorporation, bylaws, and rules, and all amendments
631 to each of the foregoing, as well as the question and answer
632 sheet as described in s. 719.504 and year-end financial
633 information required by the department, on the cooperative
634 property to ensure their availability to unit owners and
635 prospective purchasers, and may charge its actual costs for
636 preparing and furnishing these documents to those requesting the
637 same. An association shall allow a member or his or her
638 authorized representative to use a portable device, including a
639 smartphone, tablet, portable scanner, or any other technology
640 capable of scanning or taking photographs, to make an electronic
641 copy of the official records in lieu of the association
642 providing the member or his or her authorized representative
643 with a copy of such records. The association may not charge a
644 member or his or her authorized representative for the use of a
645 portable device. Notwithstanding this paragraph, the following
646 records shall not be accessible to unit owners:

- 647 1. Any record protected by the lawyer-client privilege as
648 described in s. 90.502 and any record protected by the work-



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649 product privilege, including any record prepared by an
650 association attorney or prepared at the attorney's express
651 direction which reflects a mental impression, conclusion,
652 litigation strategy, or legal theory of the attorney or the
653 association, and which was prepared exclusively for civil or
654 criminal litigation or for adversarial administrative
655 proceedings, or which was prepared in anticipation of such
656 litigation or proceedings until the conclusion of the litigation
657 or proceedings.

658 2. Information obtained by an association in connection
659 with the approval of the lease, sale, or other transfer of a
660 unit.

661 3. Personnel records of association or management company
662 employees, including, but not limited to, disciplinary, payroll,
663 health, and insurance records. For purposes of this
664 subparagraph, the term "personnel records" does not include
665 written employment agreements with an association employee or
666 management company, or budgetary or financial records that
667 indicate the compensation paid to an association employee.

668 4. Medical records of unit owners.

669 5. Social security numbers, driver license numbers, credit
670 card numbers, e-mail addresses, telephone numbers, facsimile
671 numbers, emergency contact information, addresses of a unit
672 owner other than as provided to fulfill the association's notice
673 requirements, and other personal identifying information of any
674 person, excluding the person's name, unit designation, mailing
675 address, property address, and any address, e-mail address, or
676 facsimile number provided to the association to fulfill the
677 association's notice requirements. Notwithstanding the



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678 restrictions in this subparagraph, an association may print and
679 distribute to parcel owners a directory containing the name,
680 parcel address, and all telephone numbers ~~number~~ of each parcel
681 owner. However, an owner may exclude his or her telephone
682 numbers ~~number~~ from the directory by so requesting in writing to
683 the association. An owner may consent in writing to the
684 disclosure of other contact information described in this
685 subparagraph. The association is not liable for the inadvertent
686 disclosure of information that is protected under this
687 subparagraph if the information is included in an official
688 record of the association and is voluntarily provided by an
689 owner and not requested by the association.

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

692 7. The software and operating system used by the
693 association which allow the manipulation of data, even if the
694 owner owns a copy of the same software used by the association.
695 The data is part of the official records of the association.

696 (e) An outgoing board or committee member must relinquish
697 all official records and property of the association in his or
698 her possession or under his or her control to the incoming board
699 within 5 days after the election. The division shall impose a
700 civil penalty as set forth in s. 719.501(1)(d) against an
701 outgoing board or committee member who willfully and knowingly
702 fails to relinquish such records and property.

703 (4) FINANCIAL REPORT.—

704 (a) Within 90 ~~60~~ days following the end of the fiscal or
705 calendar year or annually on such date as ~~is otherwise~~ provided
706 in the bylaws of the association, the board of administration ~~of~~



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707 ~~the association shall prepare and complete, or contract with a~~
708 ~~third party to prepare and complete, a financial report covering~~
709 ~~the preceding fiscal or calendar year. Within 21 days after the~~
710 ~~financial report is completed by the association or received~~
711 ~~from the third party, but no later than 120 days after the end~~
712 ~~of the fiscal year, calendar year, or other date provided in the~~
713 ~~bylaws, the association shall provide each member with a copy of~~
714 ~~the annual financial report or a written notice that a copy of~~
715 ~~the financial report is available upon request at no charge to~~
716 ~~the member. The division shall adopt rules setting forth uniform~~
717 ~~accounting principles, standards, and reporting requirements~~
718 ~~mail or furnish by personal delivery to each unit owner a~~
719 ~~complete financial report of actual receipts and expenditures~~
720 ~~for the previous 12 months, or a complete set of financial~~
721 ~~statements for the preceding fiscal year prepared in accordance~~
722 ~~with generally accepted accounting procedures. The report shall~~
723 ~~show the amounts of receipts by accounts and receipt~~
724 ~~classifications and shall show the amounts of expenses by~~
725 ~~accounts and expense classifications including, if applicable,~~
726 ~~but not limited to, the following:~~

- 727 ~~1. Costs for security;~~
- 728 ~~2. Professional and management fees and expenses;~~
- 729 ~~3. Taxes;~~
- 730 ~~4. Costs for recreation facilities;~~
- 731 ~~5. Expenses for refuse collection and utility services;~~
- 732 ~~6. Expenses for lawn care;~~
- 733 ~~7. Costs for building maintenance and repair;~~
- 734 ~~8. Insurance costs;~~
- 735 ~~9. Administrative and salary expenses; and~~



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736 ~~10. Reserves for capital expenditures, deferred~~
737 ~~maintenance, and any other category for which the association~~
738 ~~maintains a reserve account or accounts.~~

739 (b) Except as provided in paragraph (c), an association
740 whose total annual revenues meet the criteria of this paragraph
741 shall prepare or cause to be prepared a complete set of
742 financial statements according to the generally accepted
743 accounting principles adopted by the Board of Accountancy. The
744 financial statements shall be as follows:

745 1. An association with total annual revenues between
746 \$150,000 and \$299,999 shall prepare a compiled financial
747 statement.

748 2. An association with total annual revenues between
749 \$300,000 and \$499,999 shall prepare a reviewed financial
750 statement.

751 3. An association with total annual revenues of \$500,000 or
752 more shall prepare an audited financial statement ~~The division~~
753 ~~shall adopt rules that may require that the association deliver~~
754 ~~to the unit owners, in lieu of the financial report required by~~
755 ~~this section, a complete set of financial statements for the~~
756 ~~preceding fiscal year. The financial statements shall be~~
757 ~~delivered within 90 days following the end of the previous~~
758 ~~fiscal year or annually on such other date as provided in the~~
759 ~~bylaws. The rules of the division may require that the financial~~
760 ~~statements be compiled, reviewed, or audited, and the rules~~
761 ~~shall take into consideration the criteria set forth in s.~~
762 ~~719.501(1)(j).~~

763 4. The requirement to have the financial statements
764 compiled, reviewed, or audited does not apply to an association



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765 ~~associations~~ if a majority of the voting interests of the
766 association present at a duly called meeting of the association
767 have voted ~~determined for a fiscal year~~ to waive this
768 requirement for the fiscal year. In an association in which
769 turnover of control by the developer has not occurred, the
770 developer may vote to waive the audit requirement for the first
771 2 years of ~~the~~ operation of the association, after which time
772 waiver of an applicable audit requirement shall be by a majority
773 of voting interests other than the developer. The meeting shall
774 be held prior to the end of the fiscal year, and the waiver
775 shall be effective for only one fiscal year. An association may
776 not waive the financial reporting requirements of this section
777 for more than 3 consecutive years ~~This subsection does not apply~~
778 ~~to a cooperative that consists of 50 or fewer units.~~

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

782 2. An association in a community of fewer than 50 units,
783 regardless of the association's annual revenues, shall prepare a
784 report of cash receipts and expenditures in lieu of the
785 financial statements required by paragraph (b), unless the
786 declaration or other recorded governing documents provide
787 otherwise.

788 3. A report of cash receipts and expenditures must disclose
789 the amount of receipts by accounts and receipt classifications
790 and the amount of expenses by accounts and expense
791 classifications, including the following, as applicable: costs
792 for security, professional, and management fees and expenses;
793 taxes; costs for recreation facilities; expenses for refuse



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794 collection and utility services; expenses for lawn care; costs
795 for building maintenance and repair; insurance costs;
796 administration and salary expenses; and reserves, if maintained
797 by the association.

798 (d) If at least 20 percent of the unit owners petition the
799 board for a greater level of financial reporting than that
800 required by this section, the association shall duly notice and
801 hold a membership meeting within 30 days after receipt of the
802 petition to vote on raising the level of reporting for that
803 fiscal year. Upon approval by a majority of the voting interests
804 represented at a meeting at which a quorum of unit owners is
805 present, the association shall prepare an amended budget or
806 shall adopt a special assessment to pay for the financial report
807 regardless of any provision to the contrary in the declaration
808 or other recorded governing documents. In addition, the
809 association shall provide within 90 days after the meeting or
810 the end of the fiscal year, whichever occurs later:

811 1. Compiled, reviewed, or audited financial statements, if
812 the association is otherwise required to prepare a report of
813 cash receipts and expenditures;

814 2. Reviewed or audited financial statements, if the
815 association is otherwise required to prepare compiled financial
816 statements; or

817 3. Audited financial statements, if the association is
818 otherwise required to prepare reviewed financial statements.

819 (e) If approved by a majority of the voting interests
820 present at a properly called meeting of the association, an
821 association may prepare or cause to be prepared:

822 1. A report of cash receipts and expenditures in lieu of a



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823 compiled, reviewed, or audited financial statement;

824 2. A report of cash receipts and expenditures or a compiled
825 financial statement in lieu of a reviewed or audited financial
826 statement; or

827 3. A report of cash receipts and expenditures, a compiled
828 financial statement, or a reviewed financial statement in lieu
829 of an audited financial statement.

830 Section 13. Paragraph (a) of subsection (1) of section
831 719.106, Florida Statutes, is amended to read:

832 719.106 Bylaws; cooperative ownership.-

833 (1) MANDATORY PROVISIONS.-The bylaws or other cooperative
834 documents shall provide for the following, and if they do not,
835 they shall be deemed to include the following:

836 (a) *Administration*.-

837 1. The form of administration of the association shall be
838 described, indicating the titles of the officers and board of
839 administration and specifying the powers, duties, manner of
840 selection and removal, and compensation, if any, of officers and
841 board members. In the absence of such a provision, the board of
842 administration shall be composed of five members, except in the
843 case of cooperatives having five or fewer units, in which case
844 in not-for-profit corporations, the board shall consist of not
845 fewer than three members. In the absence of provisions to the
846 contrary, the board of administration shall have a president, a
847 secretary, and a treasurer, who shall perform the duties of
848 those offices customarily performed by officers of corporations.
849 Unless prohibited in the bylaws, the board of administration may
850 appoint other officers and grant them those duties it deems
851 appropriate. Unless otherwise provided in the bylaws, the



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852 officers shall serve without compensation and at the pleasure of
853 the board. Unless otherwise provided in the bylaws, the members
854 of the board shall serve without compensation.

855 2. A person who has been suspended or removed by the
856 division under this chapter, or who is delinquent in the payment
857 of any monetary obligation due to the association, is not
858 eligible to be a candidate for board membership and may not be
859 listed on the ballot. A director or officer charged by
860 information or indictment with a felony theft or embezzlement
861 offense involving the association's funds or property is
862 suspended from office. The board shall fill the vacancy
863 according to general law until the end of the period of the
864 suspension or the end of the director's term of office,
865 whichever occurs first. However, if the charges are resolved
866 without a finding of guilt or without acceptance of a plea of
867 guilty or nolo contendere, the director or officer shall be
868 reinstated for any remainder of his or her term of office. A
869 member who has such criminal charges pending may not be
870 appointed or elected to a position as a director or officer. A
871 person who has been convicted of any felony in this state or in
872 any United States District Court, or who has been convicted of
873 any offense in another jurisdiction which would be considered a
874 felony if committed in this state, is not eligible for board
875 membership unless such felon's civil rights have been restored
876 for at least 5 years as of the date such person seeks election
877 to the board. The validity of an action by the board is not
878 affected if it is later determined that a board member is
879 ineligible for board membership due to having been convicted of
880 a felony.



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881 ~~3.2.~~ When a unit owner files a written inquiry by certified
882 mail with the board of administration, the board shall respond
883 in writing to the unit owner within 30 days of receipt of the
884 inquiry. The board's response shall either give a substantive
885 response to the inquirer, notify the inquirer that a legal
886 opinion has been requested, or notify the inquirer that advice
887 has been requested from the division. If the board requests
888 advice from the division, the board shall, within 10 days of its
889 receipt of the advice, provide in writing a substantive response
890 to the inquirer. If a legal opinion is requested, the board
891 shall, within 60 days after the receipt of the inquiry, provide
892 in writing a substantive response to the inquirer. The failure
893 to provide a substantive response to the inquirer as provided
894 herein precludes the board from recovering attorney's fees and
895 costs in any subsequent litigation, administrative proceeding,
896 or arbitration arising out of the inquiry. The association may,
897 through its board of administration, adopt reasonable rules and
898 regulations regarding the frequency and manner of responding to
899 the unit owners' inquiries, one of which may be that the
900 association is obligated to respond to only one written inquiry
901 per unit in any given 30-day period. In such case, any
902 additional inquiry or inquiries must be responded to in the
903 subsequent 30-day period, or periods, as applicable.

904 Section 14. Section 719.128, Florida Statutes, is created
905 to read:

906 719.128 Association emergency powers.—

907 (1) To the extent allowed by law, unless specifically
908 prohibited by the cooperative documents, and consistent with s.
909 617.0830, the board of administration, in response to damage



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910 caused by an event for which a state of emergency is declared
911 pursuant to s. 252.36 in the area encompassed by the
912 cooperative, may exercise the following powers:

913 (a) Conduct board or membership meetings after notice of
914 the meetings and board decisions is provided in as practicable a
915 manner as possible, including via publication, radio, United
916 States mail, the Internet, public service announcements,
917 conspicuous posting on the cooperative property, or any other
918 means the board deems appropriate under the circumstances.

919 (b) Cancel and reschedule an association meeting.

920 (c) Designate assistant officers who are not directors. If
921 the executive officer is incapacitated or unavailable, the
922 assistant officer has the same authority during the state of
923 emergency as the executive officer he or she assists.

924 (d) Relocate the association's principal office or
925 designate an alternative principal office.

926 (e) Enter into agreements with counties and municipalities
927 to assist counties and municipalities with debris removal.

928 (f) Implement a disaster plan before or immediately
929 following the event for which a state of emergency is declared,
930 which may include turning on or shutting off elevators;
931 electricity; water, sewer, or security systems; or air
932 conditioners for association buildings.

933 (g) Based upon the advice of emergency management officials
934 or upon the advice of licensed professionals retained by the
935 board of administration, determine any portion of the
936 cooperative property unavailable for entry or occupancy by unit
937 owners or their family members, tenants, guests, agents, or
938 invitees to protect their health, safety, or welfare.



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939 (h) Based upon the advice of emergency management officials
940 or upon the advice of licensed professionals retained by the
941 board of administration, determine whether the cooperative
942 property can be safely inhabited or occupied. However, such
943 determination is not conclusive as to any determination of
944 habitability pursuant to the declaration.

945 (i) Require the evacuation of the cooperative property in
946 the event of a mandatory evacuation order in the area where the
947 cooperative is located. If a unit owner or other occupant of a
948 cooperative fails to evacuate the cooperative property for which
949 the board has required evacuation, the association is immune
950 from liability for injury to persons or property arising from
951 such failure.

952 (j) Mitigate further damage, including taking action to
953 contract for the removal of debris and to prevent or mitigate
954 the spread of fungus, including mold or mildew, by removing and
955 disposing of wet drywall, insulation, carpet, cabinetry, or
956 other fixtures on or within the cooperative property, regardless
957 of whether the unit owner is obligated by the declaration or law
958 to insure or replace those fixtures and to remove personal
959 property from a unit.

960 (k) Contract, on behalf of a unit owner, for items or
961 services for which the owner is otherwise individually
962 responsible, but which are necessary to prevent further damage
963 to the cooperative property. In such event, the unit owner on
964 whose behalf the board has contracted is responsible for
965 reimbursing the association for the actual costs of the items or
966 services, and the association may use its lien authority
967 provided by s. 719.108 to enforce collection of the charges.



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968 Such items or services may include the drying of the unit, the
969 boarding of broken windows or doors, and the replacement of a
970 damaged air conditioner or air handler to provide climate
971 control in the unit or other portions of the property.

972 (l) Notwithstanding a provision to the contrary, and
973 regardless of whether such authority does not specifically
974 appear in the cooperative documents, levy special assessments
975 without a vote of the owners.

976 (m) Without unit owners' approval, borrow money and pledge
977 association assets as collateral to fund emergency repairs and
978 carry out the duties of the association if operating funds are
979 insufficient. This paragraph does not limit the general
980 authority of the association to borrow money, subject to such
981 restrictions contained in the cooperative documents.

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

987 Section 15. Paragraph (c) of subsection (5) of section
988 720.303, Florida Statutes, is amended to read:

989 720.303 Association powers and duties; meetings of board;
990 official records; budgets; financial reporting; association
991 funds; recalls.—

992 (5) INSPECTION AND COPYING OF RECORDS.—The official records
993 shall be maintained within the state for at least 7 years and
994 shall be made available to a parcel owner for inspection or
995 photocopying within 45 miles of the community or within the
996 county in which the association is located within 10 business



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997 days after receipt by the board or its designee of a written
998 request. This subsection may be complied with by having a copy
999 of the official records available for inspection or copying in
1000 the community or, at the option of the association, by making
1001 the records available to a parcel owner electronically via the
1002 Internet or by allowing the records to be viewed in electronic
1003 format on a computer screen and printed upon request. If the
1004 association has a photocopy machine available where the records
1005 are maintained, it must provide parcel owners with copies on
1006 request during the inspection if the entire request is limited
1007 to no more than 25 pages. An association shall allow a member or
1008 his or her authorized representative to use a portable device,
1009 including a smartphone, tablet, portable scanner, or any other
1010 technology capable of scanning or taking photographs, to make an
1011 electronic copy of the official records in lieu of the
1012 association's providing the member or his or her authorized
1013 representative with a copy of such records. The association may
1014 not charge a fee to a member or his or her authorized
1015 representative for the use of a portable device.

1016 (c) The association may adopt reasonable written rules
1017 governing the frequency, time, location, notice, records to be
1018 inspected, and manner of inspections, but may not require a
1019 parcel owner to demonstrate any proper purpose for the
1020 inspection, state any reason for the inspection, or limit a
1021 parcel owner's right to inspect records to less than one 8-hour
1022 business day per month. The association may impose fees to cover
1023 the costs of providing copies of the official records, including
1024 the costs of copying and the costs required for personnel to
1025 retrieve and copy the records if the time spent retrieving and



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1026 copying the records exceeds one-half hour and if the personnel
1027 costs do not exceed \$20 per hour. Personnel costs may not be
1028 charged for records requests that result in the copying of 25 or
1029 fewer pages. The association may charge up to 25 cents per page
1030 for copies made on the association's photocopier. If the
1031 association does not have a photocopy machine available where
1032 the records are kept, or if the records requested to be copied
1033 exceed 25 pages in length, the association may have copies made
1034 by an outside duplicating service and may charge the actual cost
1035 of copying, as supported by the vendor invoice. The association
1036 shall maintain an adequate number of copies of the recorded
1037 governing documents, to ensure their availability to members and
1038 prospective members. Notwithstanding this paragraph, the
1039 following records are not accessible to members or parcel
1040 owners:

1041 1. Any record protected by the lawyer-client privilege as
1042 described in s. 90.502 and any record protected by the work-
1043 product privilege, including, but not limited to, a record
1044 prepared by an association attorney or prepared at the
1045 attorney's express direction which reflects a mental impression,
1046 conclusion, litigation strategy, or legal theory of the attorney
1047 or the association and which was prepared exclusively for civil
1048 or criminal litigation or for adversarial administrative
1049 proceedings or which was prepared in anticipation of such
1050 litigation or proceedings until the conclusion of the litigation
1051 or proceedings.

1052 2. Information obtained by an association in connection
1053 with the approval of the lease, sale, or other transfer of a
1054 parcel.



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1055 3. Personnel records of association or management company
1056 employees, including, but not limited to, disciplinary, payroll,
1057 health, and insurance records. For purposes of this
1058 subparagraph, the term "personnel records" does not include
1059 written employment agreements with an association or management
1060 company employee or budgetary or financial records that indicate
1061 the compensation paid to an association or management company
1062 employee.

1063 4. Medical records of parcel owners or community residents.

1064 5. Social security numbers, driver license numbers, credit
1065 card numbers, electronic mailing addresses, telephone numbers,
1066 facsimile numbers, emergency contact information, any addresses
1067 for a parcel owner other than as provided for association notice
1068 requirements, and other personal identifying information of any
1069 person, excluding the person's name, parcel designation, mailing
1070 address, and property address. Notwithstanding the restrictions
1071 in this subparagraph, an association may print and distribute to
1072 parcel owners a directory containing the name, parcel address,
1073 and all telephone numbers ~~number~~ of each parcel owner. However,
1074 an owner may exclude his or her telephone numbers ~~number~~ from
1075 the directory by so requesting in writing to the association. An
1076 owner may consent in writing to the disclosure of other contact
1077 information described in this subparagraph. The association is
1078 not liable for the disclosure of information that is protected
1079 under this subparagraph if the information is included in an
1080 official record of the association and is voluntarily provided
1081 by an owner and not requested by the association.

1082 6. Any electronic security measure that is used by the
1083 association to safeguard data, including passwords.



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1084 7. The software and operating system used by the
1085 association which allows the manipulation of data, even if the
1086 owner owns a copy of the same software used by the association.
1087 The data is part of the official records of the association.

1088 Section 16. Paragraph (b) of subsection (1) of section
1089 720.306, Florida Statutes, is amended to read:

1090 720.306 Meetings of members; voting and election
1091 procedures; amendments.—

1092 (1) QUORUM; AMENDMENTS.—

1093 (b) Unless otherwise provided in the governing documents or
1094 required by law, and other than those matters set forth in
1095 paragraph (c), any governing document of an association may be
1096 amended by the affirmative vote of two-thirds of the voting
1097 interests of the association. Within 30 days after recording an
1098 amendment to the governing documents, the association shall
1099 provide copies of the amendment to the members. However, if a
1100 copy of the proposed amendment is provided to the members before
1101 they vote on the amendment and the proposed amendment is not
1102 changed before the vote, the association, in lieu of providing a
1103 copy of the amendment, may provide notice to the members that
1104 the amendment was adopted, identifying the official book and
1105 page number or instrument number of the recorded amendment and
1106 that a copy of the amendment is available at no charge to the
1107 member upon written request to the association. The copies and
1108 notice described in this paragraph may be provided
1109 electronically to those owners who previously consented to
1110 receive notice electronically.

1111 Section 17. Section 720.316, Florida Statutes, is created
1112 to read:



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1113 720.316 Association emergency powers.-
1114 (1) To the extent allowed by law, unless specifically
1115 prohibited by the declaration or other recorded governing
1116 documents, and consistent with s. 617.0830, the board of
1117 directors, in response to damage caused by an event for which a
1118 state of emergency is declared pursuant to s. 252.36 in the area
1119 encompassed by the association, may exercise the following
1120 powers:
1121 (a) Conduct board or membership meetings after notice of
1122 the meetings and board decisions is provided in as practicable a
1123 manner as possible, including via publication, radio, United
1124 States mail, the Internet, public service announcements,
1125 conspicuous posting on the association property, or any other
1126 means the board deems appropriate under the circumstances.
1127 (b) Cancel and reschedule an association meeting.
1128 (c) Designate assistant officers who are not directors. If
1129 the executive officer is incapacitated or unavailable, the
1130 assistant officer has the same authority during the state of
1131 emergency as the executive officer he or she assists.
1132 (d) Relocate the association's principal office or
1133 designate an alternative principal office.
1134 (e) Enter into agreements with counties and municipalities
1135 to assist counties and municipalities with debris removal.
1136 (f) Implement a disaster plan before or immediately
1137 following the event for which a state of emergency is declared,
1138 which may include, but is not limited to, turning on or shutting
1139 off elevators; electricity; water, sewer, or security systems;
1140 or air conditioners for association buildings.
1141 (g) Based upon the advice of emergency management officials



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1142 or upon the advice of licensed professionals retained by the
1143 board, determine any portion of the association property
1144 unavailable for entry or occupancy by owners or their family
1145 members, tenants, guests, agents, or invitees to protect their
1146 health, safety, or welfare.

1147 (h) Based upon the advice of emergency management officials
1148 or upon the advice of licensed professionals retained by the
1149 board, determine whether the association property can be safely
1150 inhabited or occupied. However, such determination is not
1151 conclusive as to any determination of habitability pursuant to
1152 the declaration.

1153 (i) Mitigate further damage, including taking action to
1154 contract for the removal of debris and to prevent or mitigate
1155 the spread of fungus, including mold or mildew, by removing and
1156 disposing of wet drywall, insulation, carpet, cabinetry, or
1157 other fixtures on or within the association property.

1158 (j) Notwithstanding a provision to the contrary, and
1159 regardless of whether such authority does not specifically
1160 appear in the declaration or other recorded governing documents,
1161 levy special assessments without a vote of the owners.

1162 (k) Without owners' approval, borrow money and pledge
1163 association assets as collateral to fund emergency repairs and
1164 carry out the duties of the association if operating funds are
1165 insufficient. This paragraph does not limit the general
1166 authority of the association to borrow money, subject to such
1167 restrictions contained in the declaration or other recorded
1168 governing documents.

1169 (2) The authority granted under subsection (1) is limited
1170 to that time reasonably necessary to protect the health, safety,



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1171 and welfare of the association and the parcel owners and their
1172 family members, tenants, guests, agents, or invitees, and to
1173 mitigate further damage and make emergency repairs.

1174 Section 18. This act shall take effect July 1, 2014.

1175

1176 ===== T I T L E A M E N D M E N T =====

1177 And the title is amended as follows:

1178 Delete everything before the enacting clause
1179 and insert:

1180

A bill to be entitled

1181 An act relating to residential properties; amending s.
1182 509.013, F.S.; revising the definition of the term
1183 "public lodging establishment"; amending s. 509.032,
1184 F.S.; providing that timeshare projects are not
1185 subject to annual inspection requirements; amending s.
1186 509.221, F.S.; providing nonapplicability of certain
1187 public lodging establishment requirements to timeshare
1188 projects; amending s. 509.241, F.S.; providing that a
1189 condominium association that does not own any units
1190 classified as timeshare projects is not required to
1191 apply for or receive a public lodging establishment
1192 license; amending s. 509.242, F.S.; revising the
1193 definition of the term "public lodging establishment"
1194 to include a "timeshare project"; deleting reference
1195 to the term "timeshare plan" in the definition of
1196 "vacation rental"; defining the term "timeshare
1197 project"; amending s. 509.251, F.S.; providing that
1198 timeshare projects within separate buildings or at
1199 separate locations but managed by one licensed agent



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1200 may be combined in a single license application;
1201 amending s. 712.05, F.S.; clarifying existing law
1202 relating to notification for purposes of preserving
1203 marketable title; amending s. 718.111, F.S.;
1204 authorizing an association to inspect and repair
1205 abandoned condominium units; providing conditions to
1206 determine if a unit is abandoned; providing a
1207 mechanism for an association to recover costs
1208 associated with maintaining an abandoned unit;
1209 providing that in the absence of an insurable event,
1210 the association or unit owners are responsible for
1211 repairs; providing that an owner may consent in
1212 writing to the disclosure of certain contact
1213 information; requiring an outgoing condominium
1214 association board or committee member to relinquish
1215 all official records and property of the association
1216 within a specified time; providing a civil penalty for
1217 failing to relinquish such records and property;
1218 amending s. 718.112, F.S.; providing that a board or
1219 committee member's participation in a meeting via
1220 real-time videoconferencing, Internet-enabled
1221 videoconferencing, or similar electronic or video
1222 communication counts toward a quorum and that such
1223 member may vote as if physically present; prohibiting
1224 the board from voting via e-mail; repealing s.
1225 718.50151, F.S., relating to the Community Association
1226 Living Study Council and its membership functions;
1227 amending s. 718.707, F.S.; extending the date by which
1228 a condominium parcel must be acquired in order for a



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1229 person to be classified as a bulk assignee or bulk
1230 buyer; amending s. 719.104, F.S.; providing that an
1231 owner may consent in writing to the disclosure of
1232 certain contact information; requiring an outgoing
1233 cooperative association board or committee member to
1234 relinquish all official records and property of the
1235 association within a specified time; providing a civil
1236 penalty for failing to relinquish such records and
1237 property; providing dates by which financial reports
1238 for an association must be completed; specifying that
1239 members must receive copies of financial reports;
1240 requiring specific types of financial statements for
1241 associations of varying sizes; providing exceptions;
1242 providing a mechanism for waiving or increasing
1243 financial reporting requirements; amending s. 719.106,
1244 F.S.; providing for suspension from office of a
1245 director or officer who is charged with one or more of
1246 certain felony offenses; providing procedures for
1247 filling such vacancy or reinstating such member under
1248 specific circumstances; providing a mechanism for a
1249 person who is convicted of a felony to be eligible for
1250 board membership; creating s. 719.128, F.S.; providing
1251 emergency powers of a cooperative association;
1252 amending s. 720.303, F.S.; providing that an owner may
1253 consent in writing to the disclosure of certain
1254 contact information; amending s. 720.306, F.S.;

1255 providing for specified notice to members in lieu of
1256 copies of an amendment; creating s. 720.316, F.S.;

1257 providing emergency powers of a homeowners'



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association; providing an effective date.