

By the Committee on Regulated Industries; and Senator Ring

580-02208-14

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1 A bill to be entitled
2 An act relating to residential properties; amending s.
3 509.013, F.S.; replacing a reference to timeshare plan
4 with timeshare project; amending s. 509.032, F.S.;
5 providing that timeshare projects are not subject to
6 annual inspection requirements; amending s. 509.221,
7 F.S.; providing that certain public lodging
8 establishment requirements do not apply to timeshare
9 projects; amending s. 509.241, F.S.; providing a
10 condominium association that does not include any
11 units classified as a timeshare project is not
12 required to apply for or receive a public lodging
13 establishment license; amending s. 509.242, F.S.;
14 providing a definition of the term "timeshare
15 project"; deleting the reference to timeshare plans in
16 the definition of the term "vacation rental"; amending
17 s. 509.251, F.S.; providing that timeshare projects
18 within separate buildings or at separate locations but
19 managed by one licensed agent may be combined in a
20 single license application; amending s. 712.05, F.S.;
21 clarifying existing law relating to marketable record
22 title; amending s. 718.110, F.S.; providing that an
23 amendment to a declaration relating to rental
24 condominium units does not apply to unit owners who
25 vote against the amendment; amending s. 718.111, F.S.;
26 providing authority to an association to inspect and
27 repair abandoned condominium units; providing
28 conditions to determine if a unit is abandoned;
29 providing a mechanism for an association to recover

580-02208-14

2014798c1

30 costs associated with maintaining an abandoned unit;
31 providing that in the absence of an insurable event,
32 the association or unit owners are responsible for
33 repairs; providing that an owner may consent in
34 writing to the disclosure of certain contact
35 information; requiring an outgoing condominium
36 association board or committee member to relinquish
37 all official records and property of the association
38 within a specified time; providing a civil penalty for
39 failing to relinquish such records and property;
40 amending s. 718.112, F.S.; providing that a board or
41 committee member's participation in a meeting via
42 real-time videoconferencing, Internet-enabled
43 videoconferencing, or similar electronic or video
44 communication counts toward a quorum and that such
45 member may vote as if physically present; prohibiting
46 the board from voting via e-mail; amending s. 718.116
47 F.S.; revising the liabilities of the unit owner and
48 the previous owner; excluding specified association
49 from certain liability; limiting the present owner's
50 liability; amending s. 718.707, F.S.; extending the
51 date by which a condominium parcel must be acquired in
52 order for a person to be classified as a bulk assignee
53 or bulk buyer; amending s. 719.104, F.S.; providing
54 that an owner may consent in writing to the disclosure
55 of certain contact information; requiring an outgoing
56 cooperative association board or committee member to
57 relinquish all official records and property of the
58 association within a specified time; providing a civil

580-02208-14

2014798c1

59 penalty for failing to relinquish such records and
60 property; providing dates by which financial reports
61 for an association must be completed; specifying that
62 members must receive copies of financial reports;
63 requiring specific types of financial statements for
64 associations of varying sizes; providing exceptions;
65 providing a mechanism for waiving or increasing
66 financial reporting requirements; amending s. 719.106,
67 F.S.; providing for suspension from office of a
68 director or officer who is charged with one or more of
69 certain felony offenses; providing procedures for
70 filling such vacancy or reinstating such member under
71 specific circumstances; providing a mechanism for a
72 person who is convicted of a felony to be eligible for
73 board membership; amending s. 719.108, F.S.; revising
74 the liabilities of the unit owner and the previous
75 unit owner; excluding specified association from
76 certain liability; limiting the liability of the
77 present owner; creating s. 719.128, F.S.; providing
78 emergency powers of a cooperative association;
79 amending s. 720.303, F.S.; providing that an owner may
80 consent in writing to the disclosure of certain
81 contact information; amending s. 720.306, F.S.;
82 providing an exception to the need for the association
83 to provide copies of an amendment to members; amending
84 s. 720.3085, F.S.; revising the liabilities of the
85 parcel owner and the previous parcel owner; limiting
86 the liability of the present parcel owner; creating s.
87 720.316, F.S.; providing emergency powers of a

580-02208-14

2014798c1

88 homeowners' association; providing an effective date.

89

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

91

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

94 509.013 Definitions.—As used in this chapter, the term:

95 (4) (a) "Public lodging establishment" includes a transient
96 public lodging establishment as defined in subparagraph 1. and a
97 nontransient public lodging establishment as defined in
98 subparagraph 2.

99 1. "Transient public lodging establishment" means any unit,
100 group of units, dwelling, building, or group of buildings within
101 a single complex of buildings which is rented to guests more
102 than three times in a calendar year for periods of less than 30
103 days or 1 calendar month, whichever is less, or which is
104 advertised or held out to the public as a place regularly rented
105 to guests.

106 2. "Nontransient public lodging establishment" means any
107 unit, group of units, dwelling, building, or group of buildings
108 within a single complex of buildings which is rented to guests
109 for periods of at least 30 days or 1 calendar month, whichever
110 is less, or which is advertised or held out to the public as a
111 place regularly rented to guests for periods of at least 30 days
112 or 1 calendar month.

113

114 License classifications of public lodging establishments, and
115 the definitions therefor, are set out in s. 509.242. For the
116 purpose of licensure, the term does not include condominium

580-02208-14

2014798c1

117 common elements as defined in s. 718.103.

118 (b) The following are excluded from the definitions in
119 paragraph (a):

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

123 2. Any facility certified or licensed and regulated by the
124 Agency for Health Care Administration or the Department of
125 Children and Family Services or other similar place regulated
126 under s. 381.0072.

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

130 4. Any unit or group of units in a condominium,
131 cooperative, or timeshare project plan and any individually or
132 collectively owned one-family, two-family, three-family, or
133 four-family dwelling house or dwelling unit that is rented for
134 periods of at least 30 days or 1 calendar month, whichever is
135 less, and that is not advertised or held out to the public as a
136 place regularly rented for periods of less than 1 calendar
137 month, provided that no more than four rental units within a
138 single complex of buildings are available for rent.

139 5. Any migrant labor camp or residential migrant housing
140 permitted by the Department of Health under ss. 381.008-
141 381.00895.

142 6. Any establishment inspected by the Department of Health
143 and regulated by chapter 513.

144 7. Any nonprofit organization that operates a facility
145 providing housing only to patients, patients' families, and

580-02208-14

2014798c1

146 patients' caregivers and not to the general public.

147 8. Any apartment building inspected by the United States
148 Department of Housing and Urban Development or other entity
149 acting on the department's behalf that is designated primarily
150 as housing for persons at least 62 years of age. The division
151 may require the operator of the apartment building to attest in
152 writing that such building meets the criteria provided in this
153 subparagraph. The division may adopt rules to implement this
154 requirement.

155 9. Any roominghouse, boardinghouse, or other living or
156 sleeping facility that may not be classified as a hotel, motel,
157 timeshare project, vacation rental, nontransient apartment, bed
158 and breakfast inn, or transient apartment under s. 509.242.

159 Section 2. Paragraph (a) of subsection (2) of section
160 509.032, Florida Statutes, is amended to read:

161 509.032 Duties.—

162 (2) INSPECTION OF PREMISES.—

163 (a) The division has responsibility and jurisdiction for
164 all inspections required by this chapter. The division has
165 responsibility for quality assurance. Each licensed
166 establishment shall be inspected at least biannually, except for
167 transient and nontransient apartments, which shall be inspected
168 at least annually, and shall be inspected at such other times as
169 the division determines is necessary to ensure the public's
170 health, safety, and welfare. The division shall establish a
171 system to determine inspection frequency. Public lodging units
172 classified as vacation rentals or as timeshare projects are not
173 subject to this requirement but shall be made available to the
174 division upon request. If, during the inspection of a public

580-02208-14

2014798c1

175 lodging establishment classified for renting to transient or
176 nontransient tenants, an inspector identifies vulnerable adults
177 who appear to be victims of neglect, as defined in s. 415.102,
178 or, in the case of a building that is not equipped with
179 automatic sprinkler systems, tenants or clients who may be
180 unable to self-preserve in an emergency, the division shall
181 convene meetings with the following agencies as appropriate to
182 the individual situation: the Department of Health, the
183 Department of Elderly Affairs, the area agency on aging, the
184 local fire marshal, the landlord and affected tenants and
185 clients, and other relevant organizations, to develop a plan
186 which improves the prospects for safety of affected residents
187 and, if necessary, identifies alternative living arrangements
188 such as facilities licensed under part II of chapter 400 or
189 under chapter 429.

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

192 509.221 Sanitary regulations.—

193 (9) Subsections (2), (5), and (6) do not apply to any
194 facility or unit classified as a vacation rental, ~~or~~
195 nontransient apartment, or timeshare project as described in s.
196 509.242 (1) (c) -(e) ~~and (d)~~.

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

199 509.241 Licenses required; exceptions.—

200 (2) APPLICATION FOR LICENSE.—Each person who plans to open
201 a public lodging establishment or a public food service
202 establishment shall apply for and receive a license from the
203 division prior to the commencement of operation. A condominium

580-02208-14

2014798c1

204 association, as defined in s. 718.103, which does not own any
205 units classified as timeshare projects or vacation rentals under
206 s. 509.242(1)(c) and (d) is not required to apply for or receive
207 a public lodging establishment license.

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

210 509.242 Public lodging establishments; classifications.—

211 (1) A public lodging establishment shall be classified as a
212 hotel, motel, nontransient apartment, transient apartment, bed
213 and breakfast inn, timeshare project, or vacation rental if the
214 establishment satisfies the following criteria:

215 (a) *Hotel*.—A hotel is any public lodging establishment
216 containing sleeping room accommodations for 25 or more guests
217 and providing the services generally provided by a hotel and
218 recognized as a hotel in the community in which it is situated
219 or by the industry.

220 (b) *Motel*.—A motel is any public lodging establishment
221 which offers rental units with an exit to the outside of each
222 rental unit, daily or weekly rates, offstreet parking for each
223 unit, a central office on the property with specified hours of
224 operation, a bathroom or connecting bathroom for each rental
225 unit, and at least six rental units, and which is recognized as
226 a motel in the community in which it is situated or by the
227 industry.

228 (c) *Timeshare project*.—A timeshare project is any timeshare
229 property as defined in chapter 721 which is located in this
230 state and which is also a transient public lodging
231 establishment.

232 (d) ~~(e)~~ *Vacation rental*.—A vacation rental is any unit or

580-02208-14

2014798c1

233 group of units in a condominium, or cooperative, ~~or timeshare~~
234 ~~plan~~ or any individually or collectively owned single-family,
235 two-family, three-family, or four-family house or dwelling unit
236 that is also a transient public lodging establishment and that
237 is not a timeshare project.

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

241 (f) ~~(e)~~ *Transient apartment.*—A transient apartment is a
242 building or complex of buildings in which more than 25 percent
243 of the units are advertised or held out to the public as
244 available for transient occupancy.

245 (g) ~~(f)~~ *Bed and breakfast inn.*—A bed and breakfast inn is a
246 family home structure, with no more than 15 sleeping rooms,
247 which has been modified to serve as a transient public lodging
248 establishment, which provides the accommodation and meal
249 services generally offered by a bed and breakfast inn, and which
250 is recognized as a bed and breakfast inn in the community in
251 which it is situated or by the hospitality industry.

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

254 509.251 License fees.—

255 (1) The division shall adopt, by rule, a schedule of fees
256 to be paid by each public lodging establishment as a
257 prerequisite to issuance or renewal of a license. Such fees
258 shall be based on the number of rental units in the
259 establishment. The aggregate fee per establishment charged any
260 public lodging establishment shall not exceed \$1,000; however,
261 the fees described in paragraphs (a) and (b) may not be included

580-02208-14

2014798c1

262 as part of the aggregate fee subject to this cap. Vacation
263 rental units or timeshare projects within separate buildings or
264 at separate locations but managed by one licensed agent may be
265 combined in a single license application, and the division shall
266 charge a license fee as if all units in the application are in a
267 single licensed establishment. The fee schedule shall require an
268 establishment which applies for an initial license to pay the
269 full license fee if application is made during the annual
270 renewal period or more than 6 months prior to the next such
271 renewal period and one-half of the fee if application is made 6
272 months or less prior to such period. The fee schedule shall
273 include fees collected for the purpose of funding the
274 Hospitality Education Program, pursuant to s. 509.302, which are
275 payable in full for each application regardless of when the
276 application is submitted.

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

282 (b) A license renewal filed with the division within 30
283 days after the expiration date shall be accompanied by a
284 delinquent fee as prescribed by rule, not to exceed \$50, in
285 addition to the renewal fee and any other fees required by law.
286 A license renewal filed with the division more than 30 but not
287 more than 60 days after the expiration date shall be accompanied
288 by a delinquent fee as prescribed by rule, not to exceed \$100,
289 in addition to the renewal fee and any other fees required by
290 law.

580-02208-14

2014798c1

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

293 712.05 Effect of filing notice.—

294 (1) A ~~Any~~ person claiming an interest in land or a
295 homeowners' association desiring to preserve a a ~~any~~ covenant or
296 restriction may preserve and protect the same from
297 extinguishment by the operation of this act by filing for
298 record, during the 30-year period immediately following the
299 effective date of the root of title, a written notice, ~~in~~
300 ~~writing,~~ in accordance with this chapter. ~~Such the provisions~~
301 ~~hereof, which~~ notice preserves ~~shall have the effect of so~~
302 ~~preserving~~ such claim of right or such covenant or restriction
303 or portion of such covenant or restriction for up to a period of
304 ~~not longer than~~ 30 years after filing the notice ~~same~~ unless the
305 notice is filed again ~~filed~~ as required in this chapter ~~herein~~.
306 A person's ~~No~~ disability or lack of knowledge of any kind may
307 not on the part of anyone shall delay the commencement of or
308 suspend the running of the ~~said~~ 30-year period. Such notice may
309 be filed for record by the claimant or by any other person
310 acting on behalf of a ~~any~~ claimant who is:

311 (a) Under a disability;;~~;~~

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

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

316
317 Such notice may be filed by a homeowners' association only if
318 the preservation of such covenant or restriction or portion of
319 such covenant or restriction is approved by at least two-thirds

580-02208-14

2014798c1

320 of the members of the board of directors of an incorporated
321 homeowners' association at a meeting for which a notice, stating
322 the meeting's time and place and containing the statement of
323 marketable title action described in s. 712.06(1)(b), was mailed
324 or hand delivered to members of the homeowners' association at
325 least not less than 7 days before ~~prior to~~ such meeting. The
326 homeowners' association or clerk of the circuit court is not
327 required to provide additional notice pursuant to s. 712.06(3).
328 The preceding sentence is intended to clarify existing law.

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

331 718.110 Amendment of declaration; correction of error or
332 omission in declaration by circuit court.—

333 (13) An amendment that prohibits ~~prohibiting~~ unit owners
334 from renting their units or altering the duration of the rental
335 term or that specifies or limits ~~specifying or limiting~~ the
336 number of times unit owners are entitled to rent their units
337 during a specified period does not apply ~~applies only~~ to unit
338 owners who voted against consent ~~to~~ the amendment. However, such
339 amendment applies to unit owners who consented to the amendment,
340 who failed to cast a vote, or and unit owners who acquired
341 acquire title to their units after the effective date of the
342 ~~that~~ amendment.

343 Section 9. Subsection (5), paragraph (j) of subsection
344 (11), and paragraph (c) of subsection (12) of section 718.111,
345 Florida Statutes, are amended, and paragraph (f) is added to
346 subsection (12) of that section, to read:

347 718.111 The association.—

348 (5) RIGHT OF ACCESS TO UNITS.—

580-02208-14

2014798c1

349 (a) The association has the irrevocable right of access to
350 each unit during reasonable hours, when necessary for the
351 maintenance, repair, or replacement of any common elements or of
352 any portion of a unit to be maintained by the association
353 pursuant to the declaration or as necessary to prevent damage to
354 the common elements or to a unit ~~or units~~.

355 (b)1. In addition to the association's right of access in
356 paragraph (a) and regardless of whether authority is provided in
357 the declaration or other recorded condominium documents, an
358 association, at the sole discretion of the board, may enter an
359 abandoned unit to inspect the unit and adjoining common
360 elements; make repairs to the unit or to the common elements
361 servicing the unit, as needed; repair the unit if mold or
362 deterioration is present; turn on the utilities for the unit; or
363 otherwise maintain, preserve, or protect the unit and adjoining
364 common elements. For purposes of this paragraph, a unit is
365 presumed to be abandoned if:

366 a. The unit is the subject of a foreclosure action and no
367 tenant appears to have resided in the unit for at least 4
368 continuous weeks without prior written notice to the
369 association; or

370 b. No tenant appears to have resided in the unit for 2
371 consecutive months without prior written notice to the
372 association, and the association is unable to contact the owner
373 or determine the whereabouts of the owner after reasonable
374 inquiry.

375 2. Except in the case of an emergency, an association may
376 not enter an abandoned unit until 2 days after notice of the
377 association's intent to enter the unit has been mailed or hand

580-02208-14

2014798c1

378 delivered to the owner at the address of the owner as reflected
379 in the records of the association. The notice may be given by
380 electronic transmission to a unit owner who has consented to
381 receive notice by electronic transmission.

382 3. Any expense incurred by an association pursuant to this
383 paragraph is chargeable to the unit owner and enforceable as an
384 assessment pursuant to s. 718.116, and the association may use
385 its lien authority provided by s. 718.116 to enforce collection
386 of the expense.

387 4. The association may petition a court of competent
388 jurisdiction to appoint a receiver and may lease out an
389 abandoned unit for the benefit of the association to offset
390 against the rental income the association's costs and expenses
391 of maintaining, preserving, and protecting the unit and the
392 adjoining common elements, including the costs of the
393 receivership and all unpaid assessments, interest,
394 administrative late fees, costs, and reasonable attorney fees.

395 (11) INSURANCE.—In order to protect the safety, health, and
396 welfare of the people of the State of Florida and to ensure
397 consistency in the provision of insurance coverage to
398 condominiums and their unit owners, this subsection applies to
399 every residential condominium in the state, regardless of the
400 date of its declaration of condominium. It is the intent of the
401 Legislature to encourage lower or stable insurance premiums for
402 associations described in this subsection.

403 (j) Any portion of the condominium property that must be
404 insured by the association against property loss pursuant to
405 paragraph (f) which is damaged by an insurable event shall be
406 reconstructed, repaired, or replaced as necessary by the

580-02208-14

2014798c1

407 association as a common expense. In the absence of an insurable
408 event, responsibility for reconstruction, repair, or replacement
409 shall be by the association or by the unit owners, as determined
410 by the provisions of the declaration or bylaws. All property
411 insurance deductibles, uninsured losses, and other damages in
412 excess of property insurance coverage under the property
413 insurance policies maintained by the association are a common
414 expense of the condominium, except that:

415 1. A unit owner is responsible for the costs of repair or
416 replacement of any portion of the condominium property not paid
417 by insurance proceeds if such damage is caused by intentional
418 conduct, negligence, or failure to comply with the terms of the
419 declaration or the rules of the association by a unit owner, the
420 members of his or her family, unit occupants, tenants, guests,
421 or invitees, without compromise of the subrogation rights of the
422 insurer.

423 2. The provisions of subparagraph 1. regarding the
424 financial responsibility of a unit owner for the costs of
425 repairing or replacing other portions of the condominium
426 property also apply to the costs of repair or replacement of
427 personal property of other unit owners or the association, as
428 well as other property, whether real or personal, which the unit
429 owners are required to insure.

430 3. To the extent the cost of repair or reconstruction for
431 which the unit owner is responsible under this paragraph is
432 reimbursed to the association by insurance proceeds, and the
433 association has collected the cost of such repair or
434 reconstruction from the unit owner, the association shall
435 reimburse the unit owner without the waiver of any rights of

580-02208-14

2014798c1

436 subrogation.

437 4. The association is not obligated to pay for
438 reconstruction or repairs of property losses as a common expense
439 if the property losses were known or should have been known to a
440 unit owner and were not reported to the association until after
441 the insurance claim of the association for that property was
442 settled or resolved with finality, or denied because it was
443 untimely filed.

444 (12) OFFICIAL RECORDS.—

445 (c) The official records of the association are open to
446 inspection by any association member or the authorized
447 representative of such member at all reasonable times. The right
448 to inspect the records includes the right to make or obtain
449 copies, at the reasonable expense, if any, of the member. The
450 association may adopt reasonable rules regarding the frequency,
451 time, location, notice, and manner of record inspections and
452 copying. The failure of an association to provide the records
453 within 10 working days after receipt of a written request
454 creates a rebuttable presumption that the association willfully
455 failed to comply with this paragraph. A unit owner who is denied
456 access to official records is entitled to the actual damages or
457 minimum damages for the association's willful failure to comply.
458 Minimum damages are \$50 per calendar day for up to 10 days,
459 beginning on the 11th working day after receipt of the written
460 request. The failure to permit inspection entitles any person
461 prevailing in an enforcement action to recover reasonable
462 attorney fees from the person in control of the records who,
463 directly or indirectly, knowingly denied access to the records.
464 Any person who knowingly or intentionally defaces or destroys

580-02208-14

2014798c1

465 accounting records that are required by this chapter to be
466 maintained during the period for which such records are required
467 to be maintained, or who knowingly or intentionally fails to
468 create or maintain accounting records that are required to be
469 created or maintained, with the intent of causing harm to the
470 association or one or more of its members, is personally subject
471 to a civil penalty pursuant to s. 718.501(1)(d). The association
472 shall maintain an adequate number of copies of the declaration,
473 articles of incorporation, bylaws, and rules, and all amendments
474 to each of the foregoing, as well as the question and answer
475 sheet as described in s. 718.504 and year-end financial
476 information required under this section, on the condominium
477 property to ensure their availability to unit owners and
478 prospective purchasers, and may charge its actual costs for
479 preparing and furnishing these documents to those requesting the
480 documents. An association shall allow a member or his or her
481 authorized representative to use a portable device, including a
482 smartphone, tablet, portable scanner, or any other technology
483 capable of scanning or taking photographs, to make an electronic
484 copy of the official records in lieu of the association's
485 providing the member or his or her authorized representative
486 with a copy of such records. The association may not charge a
487 member or his or her authorized representative for the use of a
488 portable device. Notwithstanding this paragraph, the following
489 records are not accessible to unit owners:

490 1. Any record protected by the lawyer-client privilege as
491 described in s. 90.502 and any record protected by the work-
492 product privilege, including a record prepared by an association
493 attorney or prepared at the attorney's express direction, which

580-02208-14

2014798c1

494 reflects a mental impression, conclusion, litigation strategy,
495 or legal theory of the attorney or the association, and which
496 was prepared exclusively for civil or criminal litigation or for
497 adversarial administrative proceedings, or which was prepared in
498 anticipation of such litigation or proceedings until the
499 conclusion of the litigation or proceedings.

500 2. Information obtained by an association in connection
501 with the approval of the lease, sale, or other transfer of a
502 unit.

503 3. Personnel records of association or management company
504 employees, including, but not limited to, disciplinary, payroll,
505 health, and insurance records. For purposes of this
506 subparagraph, the term "personnel records" does not include
507 written employment agreements with an association employee or
508 management company, or budgetary or financial records that
509 indicate the compensation paid to an association employee.

510 4. Medical records of unit owners.

511 5. Social security numbers, driver's license numbers,
512 credit card numbers, e-mail addresses, telephone numbers,
513 facsimile numbers, emergency contact information, addresses of a
514 unit owner other than as provided to fulfill the association's
515 notice requirements, and other personal identifying information
516 of any person, excluding the person's name, unit designation,
517 mailing address, property address, and any address, e-mail
518 address, or facsimile number provided to the association to
519 fulfill the association's notice requirements. Notwithstanding
520 the restrictions in this subparagraph, an association may print
521 and distribute to parcel owners a directory containing the name,
522 parcel address, and all telephone numbers ~~number~~ of each parcel

580-02208-14

2014798c1

523 owner. However, an owner may exclude his or her telephone number
524 from the directory by so requesting in writing to the
525 association. An owner may consent in writing to the disclosure
526 of other contact information described in this subparagraph. The
527 association is not liable for the inadvertent disclosure of
528 information that is protected under this subparagraph if the
529 information is included in an official record of the association
530 and is voluntarily provided by an owner and not requested by the
531 association.

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

534 7. The software and operating system used by the
535 association which allow the manipulation of data, even if the
536 owner owns a copy of the same software used by the association.
537 The data is part of the official records of the association.

538 (f) An outgoing board or committee member must relinquish
539 all official records and property of the association in his or
540 her possession or under his or her control to the incoming board
541 within 5 days after the election. The division shall impose a
542 civil penalty as set forth in s. 718.501(1)(d)6. against an
543 outgoing board or committee member who willfully and knowingly
544 fails to relinquish such records and property.

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

547 718.112 Bylaws.—

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

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

580-02208-14

2014798c1

552 1. Unless a lower number is provided in the bylaws, the
553 percentage of voting interests required to constitute a quorum
554 at a meeting of the members is a majority of the voting
555 interests. Unless otherwise provided in this chapter or in the
556 declaration, articles of incorporation, or bylaws, and except as
557 provided in subparagraph (d)4., decisions shall be made by a
558 majority of the voting interests represented at a meeting at
559 which a quorum is present.

560 2. Except as specifically otherwise provided herein, unit
561 owners may not vote by general proxy, but may vote by limited
562 proxies substantially conforming to a limited proxy form adopted
563 by the division. A voting interest or consent right allocated to
564 a unit owned by the association may not be exercised or
565 considered for any purpose, whether for a quorum, an election,
566 or otherwise. Limited proxies and general proxies may be used to
567 establish a quorum. Limited proxies shall be used for votes
568 taken to waive or reduce reserves in accordance with
569 subparagraph (f)2.; for votes taken to waive the financial
570 reporting requirements of s. 718.111(13); for votes taken to
571 amend the declaration pursuant to s. 718.110; for votes taken to
572 amend the articles of incorporation or bylaws pursuant to this
573 section; and for any other matter for which this chapter
574 requires or permits a vote of the unit owners. Except as
575 provided in paragraph (d), a proxy, limited or general, may not
576 be used in the election of board members. General proxies may be
577 used for other matters for which limited proxies are not
578 required, and may be used in voting for nonsubstantive changes
579 to items for which a limited proxy is required and given.
580 Notwithstanding this subparagraph, unit owners may vote in

580-02208-14

2014798c1

581 person at unit owner meetings. This subparagraph does not limit
582 the use of general proxies or require the use of limited proxies
583 for any agenda item or election at any meeting of a timeshare
584 condominium association.

585 3. Any proxy given is effective only for the specific
586 meeting for which originally given and any lawfully adjourned
587 meetings thereof. A proxy is not valid longer than 90 days after
588 the date of the first meeting for which it was given and may be
589 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of
590 the unit owner executing it.

591 4. A member of the board of administration or a committee
592 may submit in writing his or her agreement or disagreement with
593 any action taken at a meeting that the member did not attend.
594 This agreement or disagreement may not be used as a vote for or
595 against the action taken or to create a quorum.

596 5. A ~~If any of the~~ board or committee member's
597 participation in a meeting via telephone, real-time
598 videoconferencing, or similar real-time electronic or video
599 communication counts toward a quorum, and such member may vote
600 as if physically present ~~members meet by telephone conference,~~
601 ~~those board or committee members may be counted toward obtaining~~
602 ~~a quorum and may vote by telephone.~~ A telephone speaker must be
603 used so that the conversation of such ~~those~~ members may be heard
604 by the board or committee members attending in person as well as
605 by any unit owners present at a meeting.

606 (c) *Board of administration meetings.*—Meetings of the board
607 of administration at which a quorum of the members is present
608 are open to all unit owners. Members of the board of
609 administration may use e-mail as a means of communication but

580-02208-14

2014798c1

610 may not cast a vote on an association matter via e-mail. A unit
611 owner may tape record or videotape the meetings. The right to
612 attend such meetings includes the right to speak at such
613 meetings with reference to all designated agenda items. The
614 division shall adopt reasonable rules governing the tape
615 recording and videotaping of the meeting. The association may
616 adopt written reasonable rules governing the frequency,
617 duration, and manner of unit owner statements.

618 1. Adequate notice of all board meetings, which must
619 specifically identify all agenda items, must be posted
620 conspicuously on the condominium property at least 48 continuous
621 hours before the meeting except in an emergency. If 20 percent
622 of the voting interests petition the board to address an item of
623 business, the board, within 60 days after receipt of the
624 petition, shall place the item on the agenda at its next regular
625 board meeting or at a special meeting called for that purpose ~~of~~
626 ~~the board, but not later than 60 days after the receipt of the~~
627 ~~petition, shall place the item on the agenda.~~ An Any item not
628 included on the notice may be taken up on an emergency basis by
629 a vote of at least a majority plus one of the board members.
630 Such emergency action must be noticed and ratified at the next
631 regular board meeting. However, written notice of a ~~any~~ meeting
632 at which a nonemergency special assessment ~~assessments,~~ or an ~~at~~
633 ~~which~~ amendment to rules regarding unit use, will be considered
634 must be mailed, delivered, or electronically transmitted to the
635 unit owners and posted conspicuously on the condominium property
636 at least 14 days before the meeting. Evidence of compliance with
637 this 14-day notice requirement must be made by an affidavit
638 executed by the person providing the notice and filed with the

580-02208-14

2014798c1

639 official records of the association. Upon notice to the unit
640 owners, the board shall, by duly adopted rule, designate a
641 specific location on the condominium or association property
642 where all notices of board meetings must ~~are to~~ be posted. If
643 there is no condominium property or association property where
644 notices can be posted, notices shall be mailed, delivered, or
645 electronically transmitted to each unit owner at least 14 days
646 before the meeting ~~to the owner of each unit~~. In lieu of or in
647 addition to the physical posting of the notice on the
648 condominium property, the association may, by reasonable rule,
649 adopt a procedure for conspicuously posting and repeatedly
650 broadcasting the notice and the agenda on a closed-circuit cable
651 television system serving the condominium association. However,
652 if broadcast notice is used in lieu of a notice physically
653 posted on condominium property, the notice and agenda must be
654 broadcast at least four times every broadcast hour of each day
655 that a posted notice is otherwise required under this section.
656 If broadcast notice is provided, the notice and agenda must be
657 broadcast in a manner and for a sufficient continuous length of
658 time so as to allow an average reader to observe the notice and
659 read and comprehend the entire content of the notice and the
660 agenda. Notice of any meeting in which regular or special
661 assessments against unit owners are to be considered ~~for any~~
662 ~~reason~~ must specifically state that assessments will be
663 considered and provide the nature, estimated cost, and
664 description of the purposes for such assessments.

665 2. Meetings of a committee to take final action on behalf
666 of the board or make recommendations to the board regarding the
667 association budget are subject to this paragraph. Meetings of a

580-02208-14

2014798c1

668 committee that does not take final action on behalf of the board
669 or make recommendations to the board regarding the association
670 budget are subject to this section, unless those meetings are
671 exempted from this section by the bylaws of the association.

672 3. Notwithstanding any other law, the requirement that
673 board meetings and committee meetings be open to the unit owners
674 does not apply to:

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

679 b. Board meetings held for the purpose of discussing
680 personnel matters.

681 Section 11. Paragraph (a) of subsection (1) of section
682 718.116, Florida Statutes, is amended to read:

683 718.116 Assessments; liability; lien and priority;
684 interest; collection.-

685 (1) (a) A unit owner, regardless of how his or her title has
686 been acquired, including by purchase at a foreclosure sale or by
687 deed in lieu of foreclosure, is liable for all assessments which
688 come due while he or she is the unit owner. Additionally, a unit
689 owner is jointly and severally liable with the previous owner
690 for all unpaid assessments that came due up to the time of
691 transfer of title, as well as interest, late charges, and
692 reasonable costs and attorney fees incurred by the association
693 incident to the collection process. This liability is without
694 prejudice to any right the owner may have to recover from the
695 previous owner the amounts paid by the owner. For the purposes
696 of this paragraph, the term "previous owner" does not include an

580-02208-14

2014798c1

697 association that acquires title to a delinquent property through
698 foreclosure or by deed in lieu of foreclosure. The present
699 parcel owner's liability for unpaid assessments, interest, late
700 charges, and reasonable costs and attorney fees incurred by the
701 association incident to the collection process is limited to
702 those amounts that accrued before the association acquired title
703 to the delinquent property through foreclosure or by deed in
704 lieu of foreclosure.

705 Section 12. Section 718.707, Florida Statutes, is amended
706 to read:

707 718.707 Time limitation for classification as bulk assignee
708 or bulk buyer.—A person acquiring condominium parcels may not be
709 classified as a bulk assignee or bulk buyer unless the
710 condominium parcels were acquired on or after July 1, 2010, but
711 before July 1, 2016 ~~2015~~. The date of such acquisition shall be
712 determined by the date of recording a deed or other instrument
713 of conveyance for such parcels in the public records of the
714 county in which the condominium is located, or by the date of
715 issuing a certificate of title in a foreclosure proceeding with
716 respect to such condominium parcels.

717 Section 13. Paragraph (c) of subsection (2) and subsection
718 (4) of section 719.104, Florida Statutes, are amended, and
719 paragraph (e) is added to subsection (4) of that section, to
720 read:

721 719.104 Cooperatives; access to units; records; financial
722 reports; assessments; purchase of leases.—

723 (2) OFFICIAL RECORDS.—

724 (c) The official records of the association are open to
725 inspection by any association member or the authorized

580-02208-14

2014798c1

726 representative of such member at all reasonable times. The right
727 to inspect the records includes the right to make or obtain
728 copies, at the reasonable expense, if any, of the association
729 member. The association may adopt reasonable rules regarding the
730 frequency, time, location, notice, and manner of record
731 inspections and copying. The failure of an association to
732 provide the records within 10 working days after receipt of a
733 written request creates a rebuttable presumption that the
734 association willfully failed to comply with this paragraph. A
735 unit owner who is denied access to official records is entitled
736 to the actual damages or minimum damages for the association's
737 willful failure to comply. The minimum damages are \$50 per
738 calendar day for up to 10 days, beginning on the 11th working
739 day after receipt of the written request. The failure to permit
740 inspection entitles any person prevailing in an enforcement
741 action to recover reasonable attorney fees from the person in
742 control of the records who, directly or indirectly, knowingly
743 denied access to the records. Any person who knowingly or
744 intentionally defaces or destroys accounting records that are
745 required by this chapter to be maintained during the period for
746 which such records are required to be maintained, or who
747 knowingly or intentionally fails to create or maintain
748 accounting records that are required to be created or
749 maintained, with the intent of causing harm to the association
750 or one or more of its members, is personally subject to a civil
751 penalty pursuant to s. 719.501(1)(d). The association shall
752 maintain an adequate number of copies of the declaration,
753 articles of incorporation, bylaws, and rules, and all amendments
754 to each of the foregoing, as well as the question and answer

580-02208-14

2014798c1

755 sheet as described in s. 719.504 and year-end financial
756 information required by the department, on the cooperative
757 property to ensure their availability to unit owners and
758 prospective purchasers, and may charge its actual costs for
759 preparing and furnishing these documents to those requesting the
760 same. An association shall allow a member or his or her
761 authorized representative to use a portable device, including a
762 smartphone, tablet, portable scanner, or any other technology
763 capable of scanning or taking photographs, to make an electronic
764 copy of the official records in lieu of the association
765 providing the member or his or her authorized representative
766 with a copy of such records. The association may not charge a
767 member or his or her authorized representative for the use of a
768 portable device. Notwithstanding this paragraph, the following
769 records shall not be accessible to unit owners:

770 1. Any record protected by the lawyer-client privilege as
771 described in s. 90.502 and any record protected by the work-
772 product privilege, including any record prepared by an
773 association attorney or prepared at the attorney's express
774 direction which reflects a mental impression, conclusion,
775 litigation strategy, or legal theory of the attorney or the
776 association, and which was prepared exclusively for civil or
777 criminal litigation or for adversarial administrative
778 proceedings, or which was prepared in anticipation of such
779 litigation or proceedings until the conclusion of the litigation
780 or proceedings.

781 2. Information obtained by an association in connection
782 with the approval of the lease, sale, or other transfer of a
783 unit.

580-02208-14

2014798c1

784 3. Personnel records of association or management company
785 employees, including, but not limited to, disciplinary, payroll,
786 health, and insurance records. For purposes of this
787 subparagraph, the term "personnel records" does not include
788 written employment agreements with an association employee or
789 management company, or budgetary or financial records that
790 indicate the compensation paid to an association employee.

791 4. Medical records of unit owners.

792 5. Social security numbers, driver license numbers, credit
793 card numbers, e-mail addresses, telephone numbers, facsimile
794 numbers, emergency contact information, addresses of a unit
795 owner other than as provided to fulfill the association's notice
796 requirements, and other personal identifying information of any
797 person, excluding the person's name, unit designation, mailing
798 address, property address, and any address, e-mail address, or
799 facsimile number provided to the association to fulfill the
800 association's notice requirements. Notwithstanding the
801 restrictions in this subparagraph, an association may print and
802 distribute to parcel owners a directory containing the name,
803 parcel address, and all telephone numbers ~~number~~ of each parcel
804 owner. However, an owner may exclude his or her telephone number
805 from the directory by so requesting in writing to the
806 association. An owner may consent in writing to the disclosure
807 of other contact information described in this subparagraph. The
808 association is not liable for the inadvertent disclosure of
809 information that is protected under this subparagraph if the
810 information is included in an official record of the association
811 and is voluntarily provided by an owner and not requested by the
812 association.

580-02208-14

2014798c1

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

815 7. The software and operating system used by the
816 association which allow the manipulation of data, even if the
817 owner owns a copy of the same software used by the association.
818 The data is part of the official records of the association.

819 (e) An outgoing board or committee member must relinquish
820 all official records and property of the association in his or
821 her possession or under his or her control to the incoming board
822 within 5 days after the election. The division shall impose a
823 civil penalty as set forth in s. 719.501(1)(d) against an
824 outgoing board or committee member who willfully and knowingly
825 fails to relinquish such records and property.

826 (4) FINANCIAL REPORT.—

827 (a) Within 90 ~~60~~ days following the end of the fiscal or
828 calendar year or annually on such date as ~~is otherwise~~ provided
829 in the bylaws of the association, the board of administration ~~of~~
830 ~~the association~~ shall prepare and complete, or contract with a
831 third party to prepare and complete, a financial report covering
832 the preceding fiscal or calendar year. Within 21 days after the
833 financial report is completed by the association or received
834 from the third party, but no later than 120 days after the end
835 of the fiscal year, calendar year, or other date provided in the
836 bylaws, the association shall provide each member with a copy of
837 the annual financial report or a written notice that a copy of
838 the financial report is available upon request at no charge to
839 the member. The division shall adopt rules setting forth uniform
840 accounting principles, standards, and reporting requirements
841 ~~mail or furnish by personal delivery to each unit owner a~~

580-02208-14

2014798c1

842 ~~complete financial report of actual receipts and expenditures~~
843 ~~for the previous 12 months, or a complete set of financial~~
844 ~~statements for the preceding fiscal year prepared in accordance~~
845 ~~with generally accepted accounting procedures. The report shall~~
846 ~~show the amounts of receipts by accounts and receipt~~
847 ~~classifications and shall show the amounts of expenses by~~
848 ~~accounts and expense classifications including, if applicable,~~
849 ~~but not limited to, the following:~~

- 850 ~~1. Costs for security;~~
- 851 ~~2. Professional and management fees and expenses;~~
- 852 ~~3. Taxes;~~
- 853 ~~4. Costs for recreation facilities;~~
- 854 ~~5. Expenses for refuse collection and utility services;~~
- 855 ~~6. Expenses for lawn care;~~
- 856 ~~7. Costs for building maintenance and repair;~~
- 857 ~~8. Insurance costs;~~
- 858 ~~9. Administrative and salary expenses; and~~
- 859 ~~10. Reserves for capital expenditures, deferred~~
860 ~~maintenance, and any other category for which the association~~
861 ~~maintains a reserve account or accounts.~~

862 (b) Except as provided in paragraph (c), an association
863 whose total annual revenues meet the criteria of this paragraph
864 shall prepare or cause to be prepared a complete financial
865 statement according to the generally accepted accounting
866 principles adopted by the Board of Accountancy. The financial
867 statement shall be as follows:

- 868 1. An association with total annual revenues between
869 \$150,000 and \$299,999 shall prepare a compiled financial
870 statement.

580-02208-14

2014798c1

871 2. An association with total annual revenues between
872 \$300,000 and \$499,999 shall prepare a reviewed financial
873 statement.

874 3. An association with total annual revenues of \$500,000 or
875 more shall prepare an audited financial statement ~~The division~~
876 ~~shall adopt rules that may require that the association deliver~~
877 ~~to the unit owners, in lieu of the financial report required by~~
878 ~~this section, a complete set of financial statements for the~~
879 ~~preceding fiscal year. The financial statements shall be~~
880 ~~delivered within 90 days following the end of the previous~~
881 ~~fiscal year or annually on such other date as provided in the~~
882 ~~bylaws. The rules of the division may require that the financial~~
883 ~~statements be compiled, reviewed, or audited, and the rules~~
884 ~~shall take into consideration the criteria set forth in s.~~
885 ~~719.501(1)(j).~~

886
887 The requirement to have the financial statement ~~statements~~
888 compiled, reviewed, or audited does not apply to an association
889 ~~associations~~ if a majority of the voting interests of the
890 association present at a duly called meeting of the association
891 have voted ~~determined for a fiscal year~~ to waive this
892 requirement for the fiscal year. In an association in which
893 turnover of control by the developer has not occurred, the
894 developer may vote to waive the audit requirement for the first
895 2 years of ~~the~~ operation of the association, after which time
896 waiver of an applicable audit requirement shall be by a majority
897 of voting interests other than the developer. The meeting shall
898 be held prior to the end of the fiscal year, and the waiver
899 shall be effective for only one fiscal year. An association may

580-02208-14

2014798c1

900 not waive the financial reporting requirements of this section
901 for more than 3 consecutive years ~~This subsection does not apply~~
902 ~~to a cooperative that consists of 50 or fewer units.~~

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

906 2. An association in a community of fewer than 50 units,
907 regardless of the association's annual revenues, shall prepare a
908 report of cash receipts and expenditures in lieu of the
909 financial statement required by paragraph (b), unless the
910 declaration or other recorded governing documents provide
911 otherwise.

912 3. A report of cash receipts and expenditures must disclose
913 the amount of receipts by accounts and receipt classifications
914 and the amount of expenses by accounts and expense
915 classifications, including the following, as applicable: costs
916 for security; professional and management fees and expenses;
917 taxes; costs for recreation facilities; expenses for refuse
918 collection and utility services; expenses for lawn care; costs
919 for building maintenance and repair; insurance costs;
920 administration and salary expenses; and reserves, if maintained
921 by the association.

922 (d) If at least 20 percent of the unit owners petition the
923 board for a greater level of financial reporting than that
924 required by this section, the association shall duly notice and
925 hold a meeting of members within 30 days after receipt of the
926 petition to vote on raising the level of reporting for that
927 fiscal year. Upon approval by a majority of the voting interests
928 represented at a meeting at which a quorum of unit owners is

580-02208-14

2014798c1

929 present, the association shall prepare an amended budget or
930 shall adopt a special assessment to pay for the financial report
931 regardless of any provision to the contrary in the declaration
932 or other recorded governing documents. In addition, the
933 association shall provide within 90 days after the meeting or
934 the end of the fiscal year, whichever occurs later:

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

938 2. A reviewed or audited financial statement, if the
939 association is otherwise required to prepare a compiled
940 financial statement; or

941 3. An audited financial statement, if the association is
942 otherwise required to prepare a reviewed financial statement.

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

946 1. A report of cash receipts and expenditures in lieu of a
947 compiled, reviewed, or audited financial statement;

948 2. A report of cash receipts and expenditures or a compiled
949 financial statement in lieu of a reviewed or audited financial
950 statement; or

951 3. A report of cash receipts and expenditures, a compiled
952 financial statement, or a reviewed financial statement in lieu
953 of an audited financial statement.

954 Section 14. Paragraph (a) of subsection (1) of section
955 719.106, Florida Statutes, is amended to read:

956 719.106 Bylaws; cooperative ownership.—

957 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative

580-02208-14

2014798c1

958 documents shall provide for the following, and if they do not,
959 they shall be deemed to include the following:

960 (a) *Administration.*—

961 1. The form of administration of the association shall be
962 described, indicating the titles of the officers and board of
963 administration and specifying the powers, duties, manner of
964 selection and removal, and compensation, if any, of officers and
965 board members. In the absence of such a provision, the board of
966 administration shall be composed of five members, except in the
967 case of cooperatives having five or fewer units, in which case
968 in not-for-profit corporations, the board shall consist of not
969 fewer than three members. In the absence of provisions to the
970 contrary, the board of administration shall have a president, a
971 secretary, and a treasurer, who shall perform the duties of
972 those offices customarily performed by officers of corporations.
973 Unless prohibited in the bylaws, the board of administration may
974 appoint other officers and grant them those duties it deems
975 appropriate. Unless otherwise provided in the bylaws, the
976 officers shall serve without compensation and at the pleasure of
977 the board. Unless otherwise provided in the bylaws, the members
978 of the board shall serve without compensation.

979 2. A person who has been suspended or removed by the
980 division under this chapter, or who is delinquent in the payment
981 of any monetary obligation due to the association, is not
982 eligible to be a candidate for board membership and may not be
983 listed on the ballot. A director or officer charged by
984 information or indictment with a felony theft or embezzlement
985 offense involving the association's funds or property is
986 suspended from office. The board shall fill the vacancy

580-02208-14

2014798c1

987 according to general law until the end of the period of the
988 suspension or the end of the director's term of office,
989 whichever occurs first. However, if the charges are resolved
990 without a finding of guilt or without acceptance of a plea of
991 guilty or nolo contendere, the director or officer shall be
992 reinstated for any remainder of his or her term of office. A
993 member who has such criminal charges pending may not be
994 appointed or elected to a position as a director or officer. A
995 person who has been convicted of any felony in this state or in
996 any United States District Court, or who has been convicted of
997 any offense in another jurisdiction which would be considered a
998 felony if committed in this state, is not eligible for board
999 membership unless such felon's civil rights have been restored
1000 for at least 5 years as of the date such person seeks election
1001 to the board. The validity of an action by the board is not
1002 affected if it is later determined that a board member is
1003 ineligible for board membership due to having been convicted of
1004 a felony.

1005 3.2. When a unit owner files a written inquiry by certified
1006 mail with the board of administration, the board shall respond
1007 in writing to the unit owner within 30 days of receipt of the
1008 inquiry. The board's response shall either give a substantive
1009 response to the inquirer, notify the inquirer that a legal
1010 opinion has been requested, or notify the inquirer that advice
1011 has been requested from the division. If the board requests
1012 advice from the division, the board shall, within 10 days of its
1013 receipt of the advice, provide in writing a substantive response
1014 to the inquirer. If a legal opinion is requested, the board
1015 shall, within 60 days after the receipt of the inquiry, provide

580-02208-14

2014798c1

1016 in writing a substantive response to the inquirer. The failure
1017 to provide a substantive response to the inquirer as provided
1018 herein precludes the board from recovering attorney ~~attorney's~~
1019 fees and costs in any subsequent litigation, administrative
1020 proceeding, or arbitration arising out of the inquiry. The
1021 association may, through its board of administration, adopt
1022 reasonable rules and regulations regarding the frequency and
1023 manner of responding to the unit owners' inquiries, one of which
1024 may be that the association is obligated to respond to only one
1025 written inquiry per unit in any given 30-day period. In such
1026 case, any additional inquiry or inquiries must be responded to
1027 in the subsequent 30-day period, or periods, as applicable.

1028 Section 15. Subsection (1) of section 719.108, Florida
1029 Statutes, is amended to read:

1030 719.108 Rents and assessments; liability; lien and
1031 priority; interest; collection; cooperative ownership.—

1032 (1) A unit owner, regardless of how title is acquired,
1033 including, without limitation, a purchaser at a judicial sale,
1034 shall be liable for all rents and assessments coming due while
1035 the unit owner is in exclusive possession of a unit. In a
1036 voluntary transfer, the unit owner in exclusive possession shall
1037 be jointly and severally liable with the previous unit owner for
1038 all unpaid rents and assessments against the previous unit owner
1039 for his or her share of the common expenses up to the time of
1040 the transfer, as well as interest, late charges, and reasonable
1041 costs and attorney fees incurred by the association incident to
1042 the collection process without prejudice to the rights of the
1043 unit owner in exclusive possession to recover from the previous
1044 unit owner the amounts paid by the unit owner in exclusive

580-02208-14

2014798c1

1045 possession therefor. For the purposes of this paragraph, the
1046 term "previous owner" does not include an association that
1047 acquires title to a delinquent property through foreclosure or
1048 by deed in lieu of foreclosure. The present parcel owner's
1049 liability for unpaid rents and assessments, interest, late
1050 charges, and reasonable costs and attorney fees incurred by the
1051 association incident to the collection process is limited to
1052 those amounts that accrued before the association acquired title
1053 to the delinquent property through foreclosure or by deed in
1054 lieu of foreclosure.

1055 Section 16. Section 719.128, Florida Statutes, is created
1056 to read:

1057 719.128 Association emergency powers.-

1058 (1) To the extent allowed by law, unless specifically
1059 prohibited by the cooperative documents, and consistent with s.
1060 617.0830, the board of administration, in response to damage
1061 caused by an event for which a state of emergency is declared
1062 pursuant to s. 252.36 in the area encompassed by the
1063 cooperative, may exercise the following powers:

1064 (a) Conduct board or membership meetings after notice of
1065 the meetings and board decisions is provided in as practicable a
1066 manner as possible, including via publication, radio, United
1067 States mail, the Internet, public service announcements,
1068 conspicuous posting on the cooperative property, or any other
1069 means the board deems appropriate under the circumstances.

1070 (b) Cancel and reschedule an association meeting.

1071 (c) Designate assistant officers who are not directors. If
1072 the executive officer is incapacitated or unavailable, the
1073 assistant officer has the same authority during the state of

580-02208-14

2014798c1

1074 emergency as the executive officer he or she assists.

1075 (d) Relocate the association's principal office or
1076 designate an alternative principal office.

1077 (e) Enter into agreements with counties and municipalities
1078 to assist counties and municipalities with debris removal.

1079 (f) Implement a disaster plan before or immediately
1080 following the event for which a state of emergency is declared,
1081 which may include turning on or shutting off elevators;
1082 electricity; water, sewer, or security systems; or air
1083 conditioners for association buildings.

1084 (g) Based upon the advice of emergency management officials
1085 or upon the advice of licensed professionals retained by the
1086 board of administration, determine any portion of the
1087 cooperative property unavailable for entry or occupancy by unit
1088 owners or their family members, tenants, guests, agents, or
1089 invitees to protect their health, safety, or welfare.

1090 (h) Based upon the advice of emergency management officials
1091 or upon the advice of licensed professionals retained by the
1092 board of administration, determine whether the cooperative
1093 property can be safely inhabited or occupied. However, such
1094 determination is not conclusive as to any determination of
1095 habitability pursuant to the declaration.

1096 (i) Require the evacuation of the cooperative property in
1097 the event of a mandatory evacuation order in the area where the
1098 cooperative is located. If a unit owner or other occupant of a
1099 cooperative fails to evacuate the cooperative property for which
1100 the board has required evacuation, the association is immune
1101 from liability for injury to persons or property arising from
1102 such failure.

580-02208-14

2014798c1

1103 (j) Mitigate further damage, including taking action to
1104 contract for the removal of debris and to prevent or mitigate
1105 the spread of fungus, including mold or mildew, by removing and
1106 disposing of wet drywall, insulation, carpet, cabinetry, or
1107 other fixtures on or within the cooperative property, regardless
1108 of whether the unit owner is obligated by the declaration or law
1109 to insure or replace those fixtures and to remove personal
1110 property from a unit.

1111 (k) Contract, on behalf of a unit owner, for items or
1112 services for which the owner is otherwise individually
1113 responsible, but which are necessary to prevent further damage
1114 to the cooperative property. In such event, the unit owner on
1115 whose behalf the board has contracted is responsible for
1116 reimbursing the association for the actual costs of the items or
1117 services, and the association may use its lien authority
1118 provided by s. 719.108 to enforce collection of the charges.
1119 Such items or services may include the drying of the unit, the
1120 boarding of broken windows or doors, and the replacement of a
1121 damaged air conditioner or air handler to provide climate
1122 control in the unit or other portions of the property.

1123 (l) Notwithstanding a provision to the contrary, and
1124 regardless of whether such authority does not specifically
1125 appear in the cooperative documents, levy special assessments
1126 without a vote of the owners.

1127 (m) Without unit owners' approval, borrow money and pledge
1128 association assets as collateral to fund emergency repairs and
1129 carry out the duties of the association if operating funds are
1130 insufficient. This paragraph does not limit the general
1131 authority of the association to borrow money, subject to such

580-02208-14

2014798c1

1132 restrictions contained in the cooperative documents.

1133 (2) The authority granted under subsection (1) is limited
1134 to that time reasonably necessary to protect the health, safety,
1135 and welfare of the association and the unit owners and their
1136 family members, tenants, guests, agents, or invitees, and to
1137 mitigate further damage and make emergency repairs.

1138 Section 17. Paragraph (c) of subsection (5) of section
1139 720.303, Florida Statutes, is amended to read:

1140 720.303 Association powers and duties; meetings of board;
1141 official records; budgets; financial reporting; association
1142 funds; recalls.—

1143 (5) INSPECTION AND COPYING OF RECORDS.—The official records
1144 shall be maintained within the state for at least 7 years and
1145 shall be made available to a parcel owner for inspection or
1146 photocopying within 45 miles of the community or within the
1147 county in which the association is located within 10 business
1148 days after receipt by the board or its designee of a written
1149 request. This subsection may be complied with by having a copy
1150 of the official records available for inspection or copying in
1151 the community or, at the option of the association, by making
1152 the records available to a parcel owner electronically via the
1153 Internet or by allowing the records to be viewed in electronic
1154 format on a computer screen and printed upon request. If the
1155 association has a photocopy machine available where the records
1156 are maintained, it must provide parcel owners with copies on
1157 request during the inspection if the entire request is limited
1158 to no more than 25 pages. An association shall allow a member or
1159 his or her authorized representative to use a portable device,
1160 including a smartphone, tablet, portable scanner, or any other

580-02208-14

2014798c1

1161 technology capable of scanning or taking photographs, to make an
1162 electronic copy of the official records in lieu of the
1163 association's providing the member or his or her authorized
1164 representative with a copy of such records. The association may
1165 not charge a fee to a member or his or her authorized
1166 representative for the use of a portable device.

1167 (c) The association may adopt reasonable written rules
1168 governing the frequency, time, location, notice, records to be
1169 inspected, and manner of inspections, but may not require a
1170 parcel owner to demonstrate any proper purpose for the
1171 inspection, state any reason for the inspection, or limit a
1172 parcel owner's right to inspect records to less than one 8-hour
1173 business day per month. The association may impose fees to cover
1174 the costs of providing copies of the official records, including
1175 the costs of copying and the costs required for personnel to
1176 retrieve and copy the records if the time spent retrieving and
1177 copying the records exceeds one-half hour and if the personnel
1178 costs do not exceed \$20 per hour. Personnel costs may not be
1179 charged for records requests that result in the copying of 25 or
1180 fewer pages. The association may charge up to 25 cents per page
1181 for copies made on the association's photocopier. If the
1182 association does not have a photocopy machine available where
1183 the records are kept, or if the records requested to be copied
1184 exceed 25 pages in length, the association may have copies made
1185 by an outside duplicating service and may charge the actual cost
1186 of copying, as supported by the vendor invoice. The association
1187 shall maintain an adequate number of copies of the recorded
1188 governing documents, to ensure their availability to members and
1189 prospective members. Notwithstanding this paragraph, the

580-02208-14

2014798c1

1190 following records are not accessible to members or parcel
1191 owners:

1192 1. Any record protected by the lawyer-client privilege as
1193 described in s. 90.502 and any record protected by the work-
1194 product privilege, including, but not limited to, a record
1195 prepared by an association attorney or prepared at the
1196 attorney's express direction which reflects a mental impression,
1197 conclusion, litigation strategy, or legal theory of the attorney
1198 or the association and which was prepared exclusively for civil
1199 or criminal litigation or for adversarial administrative
1200 proceedings or which was prepared in anticipation of such
1201 litigation or proceedings until the conclusion of the litigation
1202 or proceedings.

1203 2. Information obtained by an association in connection
1204 with the approval of the lease, sale, or other transfer of a
1205 parcel.

1206 3. Personnel records of association or management company
1207 employees, including, but not limited to, disciplinary, payroll,
1208 health, and insurance records. For purposes of this
1209 subparagraph, the term "personnel records" does not include
1210 written employment agreements with an association or management
1211 company employee or budgetary or financial records that indicate
1212 the compensation paid to an association or management company
1213 employee.

1214 4. Medical records of parcel owners or community residents.

1215 5. Social security numbers, driver license numbers, credit
1216 card numbers, electronic mailing addresses, telephone numbers,
1217 facsimile numbers, emergency contact information, any addresses
1218 for a parcel owner other than as provided for association notice

580-02208-14

2014798c1

1219 requirements, and other personal identifying information of any
1220 person, excluding the person's name, parcel designation, mailing
1221 address, and property address. Notwithstanding the restrictions
1222 in this subparagraph, an association may print and distribute to
1223 parcel owners a directory containing the name, parcel address,
1224 and all telephone numbers ~~number~~ of each parcel owner. However,
1225 an owner may exclude his or her telephone number from the
1226 directory by so requesting in writing to the association. An
1227 owner may consent in writing to the disclosure of other contact
1228 information described in this subparagraph. The association is
1229 not liable for the disclosure of information that is protected
1230 under this subparagraph if the information is included in an
1231 official record of the association and is voluntarily provided
1232 by an owner and not requested by the association.

1233 6. Any electronic security measure that is used by the
1234 association to safeguard data, including passwords.

1235 7. The software and operating system used by the
1236 association which allows the manipulation of data, even if the
1237 owner owns a copy of the same software used by the association.
1238 The data is part of the official records of the association.

1239 Section 18. Paragraph (b) of subsection (1) of section
1240 720.306, Florida Statutes, is amended to read:

1241 720.306 Meetings of members; voting and election
1242 procedures; amendments.—

1243 (1) QUORUM; AMENDMENTS.—

1244 (b) Unless otherwise provided in the governing documents or
1245 required by law, and other than those matters set forth in
1246 paragraph (c), any governing document of an association may be
1247 amended by the affirmative vote of two-thirds of the voting

580-02208-14

2014798c1

1248 interests of the association. Within 30 days after recording an
1249 amendment to the governing documents, the association shall
1250 provide copies of the amendment to the members. Further, if a
1251 copy of the proposed amendment had been previously provided to
1252 the members before the vote of the members on the amendment and
1253 the proposed amendment was not changed before the vote of the
1254 members, the association may, in lieu of providing a copy of the
1255 amendment, provide notice that the amendment was adopted,
1256 provide in the notice the official book and page number or
1257 instrument number of the recorded amendment, and provide notice
1258 that a copy of the amendment is available at no charge to the
1259 member upon written request to the association. The copies and
1260 notice described herein may be provided electronically to those
1261 owners who have consented to receive notice electronically.

1262 Section 19. Paragraph (b) of subsection (2) of section
1263 720.3085, Florida Statutes, is amended to read:

1264 720.3085 Payment for assessments; lien claims.—

1265 (2) (b) A parcel owner is jointly and severally liable with
1266 the previous parcel owner for all unpaid assessments that came
1267 due up to the time of transfer of title, as well as interest,
1268 late charges, and reasonable costs and attorney fees incurred by
1269 the association incident to the collection process. This
1270 liability is without prejudice to any right the present parcel
1271 owner may have to recover any amounts paid by the present owner
1272 from the previous owner. For the purposes of this paragraph, the
1273 term "previous owner" shall not include an association that
1274 acquires title to a delinquent property through foreclosure or
1275 by deed in lieu of foreclosure. The present parcel owner's
1276 liability for unpaid assessments, interest, late charges, and

580-02208-14

2014798c1

1277 reasonable costs and attorney fees incurred by the association
1278 incident to the collection process is limited to those amounts
1279 ~~any unpaid assessments~~ that accrued before the association
1280 acquired title to the delinquent property through foreclosure or
1281 by deed in lieu of foreclosure.

1282 Section 20. Section 720.316, Florida Statutes, is created
1283 to read:

1284 720.316 Association emergency powers.-

1285 (1) To the extent allowed by law, unless specifically
1286 prohibited by the declaration or other recorded governing
1287 documents, and consistent with s. 617.0830, the board of
1288 directors, in response to damage caused by an event for which a
1289 state of emergency is declared pursuant to s. 252.36 in the area
1290 encompassed by the association, may exercise the following
1291 powers:

1292 (a) Conduct board or membership meetings after notice of
1293 the meetings and board decisions is provided in as practicable a
1294 manner as possible, including via publication, radio, United
1295 States mail, the Internet, public service announcements,
1296 conspicuous posting on the association property, or any other
1297 means the board deems appropriate under the circumstances.

1298 (b) Cancel and reschedule an association meeting.

1299 (c) Designate assistant officers who are not directors. If
1300 the executive officer is incapacitated or unavailable, the
1301 assistant officer has the same authority during the state of
1302 emergency as the executive officer he or she assists.

1303 (d) Relocate the association's principal office or
1304 designate an alternative principal office.

1305 (e) Enter into agreements with counties and municipalities

580-02208-14

2014798c1

1306 to assist counties and municipalities with debris removal.

1307 (f) Implement a disaster plan before or immediately
1308 following the event for which a state of emergency is declared,
1309 which may include, but is not limited to, turning on or shutting
1310 off elevators; electricity; water, sewer, or security systems;
1311 or air conditioners for association buildings.

1312 (g) Based upon the advice of emergency management officials
1313 or upon the advice of licensed professionals retained by the
1314 board, determine any portion of the association property
1315 unavailable for entry or occupancy by owners or their family
1316 members, tenants, guests, agents, or invitees to protect their
1317 health, safety, or welfare.

1318 (h) Based upon the advice of emergency management officials
1319 or upon the advice of licensed professionals retained by the
1320 board, determine whether the association property can be safely
1321 inhabited or occupied. However, such determination is not
1322 conclusive as to any determination of habitability pursuant to
1323 the declaration.

1324 (i) Mitigate further damage, including taking action to
1325 contract for the removal of debris and to prevent or mitigate
1326 the spread of fungus, including, mold or mildew, by removing and
1327 disposing of wet drywall, insulation, carpet, cabinetry, or
1328 other fixtures on or within the association property.

1329 (j) Notwithstanding a provision to the contrary, and
1330 regardless of whether such authority does not specifically
1331 appear in the declaration or other recorded governing documents,
1332 levy special assessments without a vote of the owners.

1333 (k) Without owners' approval, borrow money and pledge
1334 association assets as collateral to fund emergency repairs and

580-02208-14

2014798c1

1335 carry out the duties of the association if operating funds are
1336 insufficient. This paragraph does not limit the general
1337 authority of the association to borrow money, subject to such
1338 restrictions contained in the declaration or other recorded
1339 governing documents.

1340 (2) The authority granted under subsection (1) is limited
1341 to that time reasonably necessary to protect the health, safety,
1342 and welfare of the association and the parcel owners and their
1343 family members, tenants, guests, agents, or invitees, and to
1344 mitigate further damage and make emergency repairs.

1345 Section 21. This act shall take effect July 1, 2014.