

By the Committees on Appropriations; Judiciary; and Regulated Industries; and Senator Ring

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

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30 providing that in the absence of an insurable event,  
31 the association or unit owners are responsible for  
32 repairs; removing uninsured losses as a common expense  
33 of a condominium; providing that an owner may consent  
34 in 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.; clarifying the meaning of the term "previous  
48 owner"; limiting the present owner's liability for  
49 unpaid assessments to those that accrued before the  
50 association acquired title; repealing s. 718.50151,  
51 F.S., relating to the Community Association Living  
52 Study Council and its membership functions; amending  
53 s. 718.707, F.S.; extending the date by which a  
54 condominium parcel must be acquired in order for a  
55 person to be classified as a bulk assignee or bulk  
56 buyer; amending s. 719.104, F.S.; providing that an  
57 owner may consent in writing to the disclosure of  
58 certain contact information; requiring an outgoing

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

85

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

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

90 509.013 Definitions.—As used in this chapter, the term:

91 (4) (a) "Public lodging establishment" includes a transient  
92 public lodging establishment as defined in subparagraph 1. and a  
93 nontransient public lodging establishment as defined in  
94 subparagraph 2.

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

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

109  
110 License classifications of public lodging establishments, and  
111 the definitions therefor, are set out in s. 509.242. For the  
112 purpose of licensure, the term does not include condominium  
113 common elements as defined in s. 718.103.

114 (b) The following are excluded from the definitions in  
115 paragraph (a):

116 1. Any dormitory or other living or sleeping facility

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117 maintained by a public or private school, college, or university  
118 for the use of students, faculty, or visitors.

119 2. Any facility certified or licensed and regulated by the  
120 Agency for Health Care Administration or the Department of  
121 Children and Family Services or other similar place regulated  
122 under s. 381.0072.

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

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

135 5. Any migrant labor camp or residential migrant housing  
136 permitted by the Department of Health under ss. 381.008-  
137 381.00895.

138 6. Any establishment inspected by the Department of Health  
139 and regulated by chapter 513.

140 7. Any nonprofit organization that operates a facility  
141 providing housing only to patients, patients' families, and  
142 patients' caregivers and not to the general public.

143 8. Any apartment building inspected by the United States  
144 Department of Housing and Urban Development or other entity  
145 acting on the department's behalf that is designated primarily

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146 as housing for persons at least 62 years of age. The division  
147 may require the operator of the apartment building to attest in  
148 writing that such building meets the criteria provided in this  
149 subparagraph. The division may adopt rules to implement this  
150 requirement.

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

155 Section 2. Paragraph (a) of subsection (2) of section  
156 509.032, Florida Statutes, is amended to read:

157 509.032 Duties.—

158 (2) INSPECTION OF PREMISES.—

159 (a) The division has responsibility and jurisdiction for  
160 all inspections required by this chapter. The division has  
161 responsibility for quality assurance. Each licensed  
162 establishment shall be inspected at least biannually, except for  
163 transient and nontransient apartments, which shall be inspected  
164 at least annually, and shall be inspected at such other times as  
165 the division determines is necessary to ensure the public's  
166 health, safety, and welfare. The division shall establish a  
167 system to determine inspection frequency. Public lodging units  
168 classified as vacation rentals or timeshare projects are not  
169 subject to this requirement but shall be made available to the  
170 division upon request. If, during the inspection of a public  
171 lodging establishment classified for renting to transient or  
172 nontransient tenants, an inspector identifies vulnerable adults  
173 who appear to be victims of neglect, as defined in s. 415.102,  
174 or, in the case of a building that is not equipped with

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175 automatic sprinkler systems, tenants or clients who may be  
176 unable to self-preserve in an emergency, the division shall  
177 convene meetings with the following agencies as appropriate to  
178 the individual situation: the Department of Health, the  
179 Department of Elderly Affairs, the area agency on aging, the  
180 local fire marshal, the landlord and affected tenants and  
181 clients, and other relevant organizations, to develop a plan  
182 which improves the prospects for safety of affected residents  
183 and, if necessary, identifies alternative living arrangements  
184 such as facilities licensed under part II of chapter 400 or  
185 under chapter 429.

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

188 509.221 Sanitary regulations.—

189 (9) Subsections (2), (5), and (6) do not apply to any  
190 facility or unit classified as a vacation rental, ~~or~~  
191 nontransient apartment, or timeshare project as described in s.  
192 509.242(1)(c), ~~and~~ (d), and (g).

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

195 509.241 Licenses required; exceptions.—

196 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
197 a public lodging establishment or a public food service  
198 establishment shall apply for and receive a license from the  
199 division prior to the commencement of operation. A condominium  
200 association, as defined in s. 718.103, which does not own any  
201 units classified as vacation rentals or timeshare projects under  
202 s. 509.242(1)(c) or (g) is not required to apply for or receive  
203 a public lodging establishment license.

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

206 509.242 Public lodging establishments; classifications.—

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

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

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

224 (c) *Vacation rental*.—A vacation rental is any unit or group  
225 of units in a condominium or, cooperative, ~~or timeshare plan~~ or  
226 any individually or collectively owned single-family, two-  
227 family, three-family, or four-family house or dwelling unit that  
228 is also a transient public lodging establishment but that is not  
229 a timeshare project.

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



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

237 (f) *Bed and breakfast inn.*—A bed and breakfast inn is a  
238 family home structure, with no more than 15 sleeping rooms,  
239 which has been modified to serve as a transient public lodging  
240 establishment, which provides the accommodation and meal  
241 services generally offered by a bed and breakfast inn, and which  
242 is recognized as a bed and breakfast inn in the community in  
243 which it is situated or by the hospitality industry.

244 (g) *Timeshare project.*—A timeshare project is a timeshare  
245 property, as defined in chapter 721, which is located in this  
246 state and which is also a transient public lodging  
247 establishment.

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

250 509.251 License fees.—

251 (1) The division shall adopt, by rule, a schedule of fees  
252 to be paid by each public lodging establishment as a  
253 prerequisite to issuance or renewal of a license. Such fees  
254 shall be based on the number of rental units in the  
255 establishment. The aggregate fee per establishment charged any  
256 public lodging establishment shall not exceed \$1,000; however,  
257 the fees described in paragraphs (a) and (b) may not be included  
258 as part of the aggregate fee subject to this cap. Vacation  
259 rental units or timeshare projects within separate buildings or  
260 at separate locations but managed by one licensed agent may be  
261 combined in a single license application, and the division shall

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262 charge a license fee as if all units in the application are in a  
263 single licensed establishment. The fee schedule shall require an  
264 establishment which applies for an initial license to pay the  
265 full license fee if application is made during the annual  
266 renewal period or more than 6 months prior to the next such  
267 renewal period and one-half of the fee if application is made 6  
268 months or less prior to such period. The fee schedule shall  
269 include fees collected for the purpose of funding the  
270 Hospitality Education Program, pursuant to s. 509.302, which are  
271 payable in full for each application regardless of when the  
272 application is submitted.

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

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

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

289 712.05 Effect of filing notice.—

290 (1) A ~~Any~~ person claiming an interest in land or a

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

307 (a) Under a disability;; ~~or~~

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

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

312

313 Such notice may be filed by a homeowners' association only if  
 314 the preservation of such covenant or restriction or portion of  
 315 such covenant or restriction is approved by at least two-thirds  
 316 of the members of the board of directors of an incorporated  
 317 homeowners' association at a meeting for which a notice, stating  
 318 the meeting's time and place and containing the statement of  
 319 marketable title action described in s. 712.06(1)(b), was mailed

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320 or hand delivered to members of the homeowners' association at  
321 least ~~not less than~~ 7 days before ~~prior to~~ such meeting. The  
322 homeowners' association or clerk of the circuit court is not  
323 required to provide additional notice pursuant to s. 712.06(3).  
324 The preceding sentence is intended to clarify existing law.

325 Section 8. Subsection (5), paragraph (j) of subsection  
326 (11), and paragraph (c) of subsection (12) of section 718.111,  
327 Florida Statutes, are amended, and paragraph (f) is added to  
328 subsection (12) of that section, to read:

329 718.111 The association.—

330 (5) RIGHT OF ACCESS TO UNITS.—

331 (a) The association has the irrevocable right of access to  
332 each unit during reasonable hours, when necessary for the  
333 maintenance, repair, or replacement of any common elements or of  
334 any portion of a unit to be maintained by the association  
335 pursuant to the declaration or as necessary to prevent damage to  
336 the common elements or to a unit ~~or units~~.

337 (b)1. In addition to the association's right of access in  
338 paragraph (a) and regardless of whether authority is provided in  
339 the declaration or other recorded condominium documents, an  
340 association, at the sole discretion of the board, may enter an  
341 abandoned unit to inspect the unit and adjoining common  
342 elements; make repairs to the unit or to the common elements  
343 -serving the unit, as needed; repair the unit if mold or  
344 deterioration is present; turn on the utilities for the unit; or  
345 otherwise maintain, preserve, or protect the unit and adjoining  
346 common elements. For purposes of this paragraph, a unit is  
347 presumed to be abandoned if all tenants and the unit owner have  
348 been absent from the unit for 2 consecutive months and the

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349 association is unable to contact the owner or determine the  
350 whereabouts of the owner after reasonable inquiry. However, this  
351 presumption does not apply if the unit owner is current on all  
352 assessments or the unit owner or a tenant has notified the  
353 association, in writing, of an intended absence.

354 2. Except in the case of an emergency, an association may  
355 not enter an abandoned unit until 2 days after notice of the  
356 association's intent to enter the unit has been mailed or hand-  
357 delivered to the owner at the address of the owner as reflected  
358 in the records of the association. The notice may be given by  
359 electronic transmission to unit owners who previously consented  
360 to receive notice by electronic transmission.

361 3. Any reasonable expense incurred by an association  
362 pursuant to this paragraph is chargeable to the unit owner and  
363 enforceable as an assessment pursuant to s. 718.116, and the  
364 association may use the lien authority provided under s. 718.116  
365 to enforce collection of the expense.

366 4. The association may petition a court of competent  
367 jurisdiction to appoint a receiver to lease out an abandoned  
368 unit for the benefit of the association to offset against the  
369 rental income the association's costs and expenses of  
370 maintaining, preserving, and protecting the unit and the  
371 adjoining common elements, including the costs of the  
372 receivership and all unpaid assessments, interest,  
373 administrative late fees, costs, and reasonable attorney fees.

374 (11) INSURANCE.—In order to protect the safety, health, and  
375 welfare of the people of the State of Florida and to ensure  
376 consistency in the provision of insurance coverage to  
377 condominiums and their unit owners, this subsection applies to

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378 every residential condominium in the state, regardless of the  
379 date of its declaration of condominium. It is the intent of the  
380 Legislature to encourage lower or stable insurance premiums for  
381 associations described in this subsection.

382 (j) Any portion of the condominium property that must be  
383 insured by the association against property loss pursuant to  
384 paragraph (f) which is damaged by an insurable event shall be  
385 reconstructed, repaired, or replaced as necessary by the  
386 association as a common expense. In the absence of an insurable  
387 event, the association or the unit owners shall be responsible  
388 for the reconstruction, repair, or replacement, as determined by  
389 the provisions of the declaration or bylaws. All property  
390 insurance deductibles, ~~uninsured losses,~~ and other damages in  
391 excess of property insurance coverage under the property  
392 insurance policies maintained by the association are a common  
393 expense of the condominium, except that:

394 1. A unit owner is responsible for the costs of repair or  
395 replacement of any portion of the condominium property not paid  
396 by insurance proceeds if such damage is caused by intentional  
397 conduct, negligence, or failure to comply with the terms of the  
398 declaration or the rules of the association by a unit owner, the  
399 members of his or her family, unit occupants, tenants, guests,  
400 or invitees, without compromise of the subrogation rights of the  
401 insurer.

402 2. The provisions of subparagraph 1. regarding the  
403 financial responsibility of a unit owner for the costs of  
404 repairing or replacing other portions of the condominium  
405 property also apply to the costs of repair or replacement of  
406 personal property of other unit owners or the association, as

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407 well as other property, whether real or personal, which the unit  
408 owners are required to insure.

409 3. To the extent the cost of repair or reconstruction for  
410 which the unit owner is responsible under this paragraph is  
411 reimbursed to the association by insurance proceeds, and the  
412 association has collected the cost of such repair or  
413 reconstruction from the unit owner, the association shall  
414 reimburse the unit owner without the waiver of any rights of  
415 subrogation.

416 4. The association is not obligated to pay for  
417 reconstruction or repairs of property losses as a common expense  
418 if the property losses were known or should have been known to a  
419 unit owner and were not reported to the association until after  
420 the insurance claim of the association for that property was  
421 settled or resolved with finality, or denied because it was  
422 untimely filed.

423 (12) OFFICIAL RECORDS.—

424 (c) The official records of the association are open to  
425 inspection by any association member or the authorized  
426 representative of such member at all reasonable times. The right  
427 to inspect the records includes the right to make or obtain  
428 copies, at the reasonable expense, if any, of the member. The  
429 association may adopt reasonable rules regarding the frequency,  
430 time, location, notice, and manner of record inspections and  
431 copying. The failure of an association to provide the records  
432 within 10 working days after receipt of a written request  
433 creates a rebuttable presumption that the association willfully  
434 failed to comply with this paragraph. A unit owner who is denied  
435 access to official records is entitled to the actual damages or

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436 minimum damages for the association's willful failure to comply.  
437 Minimum damages are \$50 per calendar day for up to 10 days,  
438 beginning on the 11th working day after receipt of the written  
439 request. The failure to permit inspection entitles any person  
440 prevailing in an enforcement action to recover reasonable  
441 attorney fees from the person in control of the records who,  
442 directly or indirectly, knowingly denied access to the records.  
443 Any person who knowingly or intentionally defaces or destroys  
444 accounting records that are required by this chapter to be  
445 maintained during the period for which such records are required  
446 to be maintained, or who knowingly or intentionally fails to  
447 create or maintain accounting records that are required to be  
448 created or maintained, with the intent of causing harm to the  
449 association or one or more of its members, is personally subject  
450 to a civil penalty pursuant to s. 718.501(1)(d). The association  
451 shall maintain an adequate number of copies of the declaration,  
452 articles of incorporation, bylaws, and rules, and all amendments  
453 to each of the foregoing, as well as the question and answer  
454 sheet as described in s. 718.504 and year-end financial  
455 information required under this section, on the condominium  
456 property to ensure their availability to unit owners and  
457 prospective purchasers, and may charge its actual costs for  
458 preparing and furnishing these documents to those requesting the  
459 documents. An association shall allow a member or his or her  
460 authorized representative to use a portable device, including a  
461 smartphone, tablet, portable scanner, or any other technology  
462 capable of scanning or taking photographs, to make an electronic  
463 copy of the official records in lieu of the association's  
464 providing the member or his or her authorized representative



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465 with a copy of such records. The association may not charge a  
466 member or his or her authorized representative for the use of a  
467 portable device. Notwithstanding this paragraph, the following  
468 records are not accessible to unit owners:

469 1. Any record protected by the lawyer-client privilege as  
470 described in s. 90.502 and any record protected by the work-  
471 product privilege, including a record prepared by an association  
472 attorney or prepared at the attorney's express direction, which  
473 reflects a mental impression, conclusion, litigation strategy,  
474 or legal theory of the attorney or the association, and which  
475 was prepared exclusively for civil or criminal litigation or for  
476 adversarial administrative proceedings, or which was prepared in  
477 anticipation of such litigation or proceedings until the  
478 conclusion of the litigation or proceedings.

479 2. Information obtained by an association in connection  
480 with the approval of the lease, sale, or other transfer of a  
481 unit.

482 3. Personnel records of association or management company  
483 employees, including, but not limited to, disciplinary, payroll,  
484 health, and insurance records. For purposes of this  
485 subparagraph, the term "personnel records" does not include  
486 written employment agreements with an association employee or  
487 management company, or budgetary or financial records that  
488 indicate the compensation paid to an association employee.

489 4. Medical records of unit owners.

490 5. Social security numbers, driver's license numbers,  
491 credit card numbers, e-mail addresses, telephone numbers,  
492 facsimile numbers, emergency contact information, addresses of a  
493 unit owner other than as provided to fulfill the association's

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494 notice requirements, and other personal identifying information  
495 of any person, excluding the person's name, unit designation,  
496 mailing address, property address, and any address, e-mail  
497 address, or facsimile number provided to the association to  
498 fulfill the association's notice requirements. Notwithstanding  
499 the restrictions in this subparagraph, an association may print  
500 and distribute to parcel owners a directory containing the name,  
501 parcel address, and all telephone numbers ~~number~~ of each parcel  
502 owner. However, an owner may exclude his or her telephone  
503 numbers ~~number~~ from the directory by so requesting in writing to  
504 the association. An owner may consent in writing to the  
505 disclosure of other contact information described in this  
506 subparagraph. The association is not liable for the inadvertent  
507 disclosure of information that is protected under this  
508 subparagraph if the information is included in an official  
509 record of the association and is voluntarily provided by an  
510 owner and not requested by the association.

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

513 7. The software and operating system used by the  
514 association which allow the manipulation of data, even if the  
515 owner owns a copy of the same software used by the association.  
516 The data is part of the official records of the association.

517 (f) An outgoing board or committee member must relinquish  
518 all official records and property of the association in his or  
519 her possession or under his or her control to the incoming board  
520 within 5 days after the election. The division shall impose a  
521 civil penalty as set forth in s. 718.501(1)(d)6. against an  
522 outgoing board or committee member who willfully and knowingly

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523 fails to relinquish such records and property.

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

526 718.112 Bylaws.—

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

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

531 1. Unless a lower number is provided in the bylaws, the  
532 percentage of voting interests required to constitute a quorum  
533 at a meeting of the members is a majority of the voting  
534 interests. Unless otherwise provided in this chapter or in the  
535 declaration, articles of incorporation, or bylaws, and except as  
536 provided in subparagraph (d)4., decisions shall be made by a  
537 majority of the voting interests represented at a meeting at  
538 which a quorum is present.

539 2. Except as specifically otherwise provided herein, unit  
540 owners may not vote by general proxy, but may vote by limited  
541 proxies substantially conforming to a limited proxy form adopted  
542 by the division. A voting interest or consent right allocated to  
543 a unit owned by the association may not be exercised or  
544 considered for any purpose, whether for a quorum, an election,  
545 or otherwise. Limited proxies and general proxies may be used to  
546 establish a quorum. Limited proxies shall be used for votes  
547 taken to waive or reduce reserves in accordance with  
548 subparagraph (f)2.; for votes taken to waive the financial  
549 reporting requirements of s. 718.111(13); for votes taken to  
550 amend the declaration pursuant to s. 718.110; for votes taken to  
551 amend the articles of incorporation or bylaws pursuant to this

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552 section; and for any other matter for which this chapter  
553 requires or permits a vote of the unit owners. Except as  
554 provided in paragraph (d), a proxy, limited or general, may not  
555 be used in the election of board members. General proxies may be  
556 used for other matters for which limited proxies are not  
557 required, and may be used in voting for nonsubstantive changes  
558 to items for which a limited proxy is required and given.  
559 Notwithstanding this subparagraph, unit owners may vote in  
560 person at unit owner meetings. This subparagraph does not limit  
561 the use of general proxies or require the use of limited proxies  
562 for any agenda item or election at any meeting of a timeshare  
563 condominium association.

564 3. Any proxy given is effective only for the specific  
565 meeting for which originally given and any lawfully adjourned  
566 meetings thereof. A proxy is not valid longer than 90 days after  
567 the date of the first meeting for which it was given and may be  
568 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of  
569 the unit owner executing it.

570 4. A member of the board of administration or a committee  
571 may submit in writing his or her agreement or disagreement with  
572 any action taken at a meeting that the member did not attend.  
573 This agreement or disagreement may not be used as a vote for or  
574 against the action taken or to create a quorum.

575 5. A ~~If any of the~~ board or committee member's  
576 participation in a meeting via telephone, real-time  
577 videoconferencing, or similar real-time electronic or video  
578 communication counts toward a quorum, and such member may vote  
579 as if physically present ~~members meet by telephone conference,~~  
580 ~~those board or committee members may be counted toward obtaining~~

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581 ~~a quorum and may vote by telephone.~~ A telephone speaker must be  
582 used so that the conversation of such ~~those~~ members may be heard  
583 by the board or committee members attending in person as well as  
584 by any unit owners present at a meeting.

585 (c) *Board of administration meetings.*—Meetings of the board  
586 of administration at which a quorum of the members is present  
587 are open to all unit owners. Members of the board of  
588 administration may use e-mail as a means of communication but  
589 may not cast a vote on an association matter via e-mail. A unit  
590 owner may tape record or videotape the meetings. The right to  
591 attend such meetings includes the right to speak at such  
592 meetings with reference to all designated agenda items. The  
593 division shall adopt reasonable rules governing the tape  
594 recording and videotaping of the meeting. The association may  
595 adopt written reasonable rules governing the frequency,  
596 duration, and manner of unit owner statements.

597 1. Adequate notice of all board meetings, which must  
598 specifically identify all agenda items, must be posted  
599 conspicuously on the condominium property at least 48 continuous  
600 hours before the meeting except in an emergency. If 20 percent  
601 of the voting interests petition the board to address an item of  
602 business, the board, within 60 days after receipt of the  
603 petition, shall place the item on the agenda at its next regular  
604 board meeting or at a special meeting called for that purpose ~~of~~  
605 ~~the board, but not later than 60 days after the receipt of the~~  
606 ~~petition, shall place the item on the agenda.~~ An Any item not  
607 included on the notice may be taken up on an emergency basis by  
608 a vote of at least a majority plus one of the board members.  
609 Such emergency action must be noticed and ratified at the next

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610 regular board meeting. However, written notice of a ~~any~~ meeting  
611 at which a nonemergency special assessment ~~assessments~~, or an ~~at~~  
612 ~~which~~ amendment to rules regarding unit use~~,~~ will be considered  
613 must be mailed, delivered, or electronically transmitted to the  
614 unit owners and posted conspicuously on the condominium property  
615 at least 14 days before the meeting. Evidence of compliance with  
616 this 14-day notice requirement must be made by an affidavit  
617 executed by the person providing the notice and filed with the  
618 official records of the association. Upon notice to the unit  
619 owners, the board shall, by duly adopted rule, designate a  
620 specific location on the condominium or association property  
621 where all notices of board meetings must ~~are to~~ be posted. If  
622 there is no condominium property or association property where  
623 notices can be posted, notices shall be mailed, delivered, or  
624 electronically transmitted to each unit owner at least 14 days  
625 before the meeting ~~to the owner of each unit~~. In lieu of or in  
626 addition to the physical posting of the notice on the  
627 condominium property, the association may, by reasonable rule,  
628 adopt a procedure for conspicuously posting and repeatedly  
629 broadcasting the notice and the agenda on a closed-circuit cable  
630 television system serving the condominium association. However,  
631 if broadcast notice is used in lieu of a notice physically  
632 posted on condominium property, the notice and agenda must be  
633 broadcast at least four times every broadcast hour of each day  
634 that a posted notice is otherwise required under this section.  
635 If broadcast notice is provided, the notice and agenda must be  
636 broadcast in a manner and for a sufficient continuous length of  
637 time so as to allow an average reader to observe the notice and  
638 read and comprehend the entire content of the notice and the

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639 agenda. Notice of any meeting in which regular or special  
640 assessments against unit owners are to be considered ~~for any~~  
641 ~~reason~~ must specifically state that assessments will be  
642 considered and provide the nature, estimated cost, and  
643 description of the purposes for such assessments.

644 2. Meetings of a committee to take final action on behalf  
645 of the board or make recommendations to the board regarding the  
646 association budget are subject to this paragraph. Meetings of a  
647 committee that does not take final action on behalf of the board  
648 or make recommendations to the board regarding the association  
649 budget are subject to this section, unless those meetings are  
650 exempted from this section by the bylaws of the association.

651 3. Notwithstanding any other law, the requirement that  
652 board meetings and committee meetings be open to the unit owners  
653 does not apply to:

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

658 b. Board meetings held for the purpose of discussing  
659 personnel matters.

660 Section 10. Paragraph (a) of subsection (1) of section  
661 718.116, Florida Statutes, is amended to read:

662 718.116 Assessments; liability; lien and priority;  
663 interest; collection.—

664 (1) (a) A unit owner, regardless of how his or her title has  
665 been acquired, including by purchase at a foreclosure sale or by  
666 deed in lieu of foreclosure, is liable for all assessments which  
667 come due while he or she is the unit owner. Additionally, a unit

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668 owner is jointly and severally liable with the previous owner  
669 for all unpaid assessments that came due up to the time of  
670 transfer of title. This liability is without prejudice to any  
671 right the owner may have to recover from the previous owner the  
672 amounts paid by the owner. For the purposes of this paragraph,  
673 the term "previous owner" does not include an association that  
674 acquires title to a delinquent property through foreclosure or  
675 by deed in lieu of foreclosure. The present unit owner's  
676 liability for unpaid assessments is limited to any unpaid  
677 assessments that accrued before the association acquired title  
678 to the delinquent property through foreclosure or by deed in  
679 lieu of foreclosure.

680 Section 11. Section 718.50151, Florida Statutes, is  
681 repealed.

682 Section 12. Section 718.707, Florida Statutes, is amended  
683 to read:

684 718.707 Time limitation for classification as bulk assignee  
685 or bulk buyer.—A person acquiring condominium parcels may not be  
686 classified as a bulk assignee or bulk buyer unless the  
687 condominium parcels were acquired on or after July 1, 2010, but  
688 before July 1, 2016 ~~2015~~. The date of such acquisition shall be  
689 determined by the date of recording a deed or other instrument  
690 of conveyance for such parcels in the public records of the  
691 county in which the condominium is located, or by the date of  
692 issuing a certificate of title in a foreclosure proceeding with  
693 respect to such condominium parcels.

694 Section 13. Paragraph (c) of subsection (2) and subsection  
695 (4) of section 719.104, Florida Statutes, are amended, and  
696 paragraph (e) is added to subsection (2) of that section, to



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697 read:

698 719.104 Cooperatives; access to units; records; financial  
699 reports; assessments; purchase of leases.-

700 (2) OFFICIAL RECORDS.-

701 (c) The official records of the association are open to  
702 inspection by any association member or the authorized  
703 representative of such member at all reasonable times. The right  
704 to inspect the records includes the right to make or obtain  
705 copies, at the reasonable expense, if any, of the association  
706 member. The association may adopt reasonable rules regarding the  
707 frequency, time, location, notice, and manner of record  
708 inspections and copying. The failure of an association to  
709 provide the records within 10 working days after receipt of a  
710 written request creates a rebuttable presumption that the  
711 association willfully failed to comply with this paragraph. A  
712 unit owner who is denied access to official records is entitled  
713 to the actual damages or minimum damages for the association's  
714 willful failure to comply. The minimum damages are \$50 per  
715 calendar day for up to 10 days, beginning on the 11th working  
716 day after receipt of the written request. The failure to permit  
717 inspection entitles any person prevailing in an enforcement  
718 action to recover reasonable attorney fees from the person in  
719 control of the records who, directly or indirectly, knowingly  
720 denied access to the records. Any person who knowingly or  
721 intentionally defaces or destroys accounting records that are  
722 required by this chapter to be maintained during the period for  
723 which such records are required to be maintained, or who  
724 knowingly or intentionally fails to create or maintain  
725 accounting records that are required to be created or

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726 maintained, with the intent of causing harm to the association  
727 or one or more of its members, is personally subject to a civil  
728 penalty pursuant to s. 719.501(1)(d). The association shall  
729 maintain an adequate number of copies of the declaration,  
730 articles of incorporation, bylaws, and rules, and all amendments  
731 to each of the foregoing, as well as the question and answer  
732 sheet as described in s. 719.504 and year-end financial  
733 information required by the department, on the cooperative  
734 property to ensure their availability to unit owners and  
735 prospective purchasers, and may charge its actual costs for  
736 preparing and furnishing these documents to those requesting the  
737 same. An association shall allow a member or his or her  
738 authorized representative to use a portable device, including a  
739 smartphone, tablet, portable scanner, or any other technology  
740 capable of scanning or taking photographs, to make an electronic  
741 copy of the official records in lieu of the association  
742 providing the member or his or her authorized representative  
743 with a copy of such records. The association may not charge a  
744 member or his or her authorized representative for the use of a  
745 portable device. Notwithstanding this paragraph, the following  
746 records shall not be accessible to unit owners:

747 1. Any record protected by the lawyer-client privilege as  
748 described in s. 90.502 and any record protected by the work-  
749 product privilege, including any record prepared by an  
750 association attorney or prepared at the attorney's express  
751 direction which reflects a mental impression, conclusion,  
752 litigation strategy, or legal theory of the attorney or the  
753 association, and which was prepared exclusively for civil or  
754 criminal litigation or for adversarial administrative

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755 proceedings, or which was prepared in anticipation of such  
756 litigation or proceedings until the conclusion of the litigation  
757 or proceedings.

758 2. Information obtained by an association in connection  
759 with the approval of the lease, sale, or other transfer of a  
760 unit.

761 3. Personnel records of association or management company  
762 employees, including, but not limited to, disciplinary, payroll,  
763 health, and insurance records. For purposes of this  
764 subparagraph, the term "personnel records" does not include  
765 written employment agreements with an association employee or  
766 management company, or budgetary or financial records that  
767 indicate the compensation paid to an association employee.

768 4. Medical records of unit owners.

769 5. Social security numbers, driver license numbers, credit  
770 card numbers, e-mail addresses, telephone numbers, facsimile  
771 numbers, emergency contact information, addresses of a unit  
772 owner other than as provided to fulfill the association's notice  
773 requirements, and other personal identifying information of any  
774 person, excluding the person's name, unit designation, mailing  
775 address, property address, and any address, e-mail address, or  
776 facsimile number provided to the association to fulfill the  
777 association's notice requirements. Notwithstanding the  
778 restrictions in this subparagraph, an association may print and  
779 distribute to parcel owners a directory containing the name,  
780 parcel address, and all telephone numbers ~~number~~ of each parcel  
781 owner. However, an owner may exclude his or her telephone  
782 numbers ~~number~~ from the directory by so requesting in writing to  
783 the association. An owner may consent in writing to the

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784 disclosure of other contact information described in this  
785 subparagraph. The association is not liable for the inadvertent  
786 disclosure of information that is protected under this  
787 subparagraph if the information is included in an official  
788 record of the association and is voluntarily provided by an  
789 owner and not requested by the association.

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

792 7. The software and operating system used by the  
793 association which allow the manipulation of data, even if the  
794 owner owns a copy of the same software used by the association.  
795 The data is part of the official records of the association.

796 (e) An outgoing board or committee member must relinquish  
797 all official records and property of the association in his or  
798 her possession or under his or her control to the incoming board  
799 within 5 days after the election. The division shall impose a  
800 civil penalty as set forth in s. 719.501(1)(d) against an  
801 outgoing board or committee member who willfully and knowingly  
802 fails to relinquish such records and property.

803 (4) FINANCIAL REPORT.—

804 (a) Within 90 ~~60~~ days following the end of the fiscal or  
805 calendar year or annually on such date as ~~is otherwise~~ provided  
806 in the bylaws of the association, the board of administration ~~of~~  
807 ~~the association~~ shall prepare and complete, or contract with a  
808 third party to prepare and complete, a financial report covering  
809 the preceding fiscal or calendar year. Within 21 days after the  
810 financial report is completed by the association or received  
811 from the third party, but no later than 120 days after the end  
812 of the fiscal year, calendar year, or other date provided in the

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813 bylaws, the association shall provide each member with a copy of  
814 the annual financial report or a written notice that a copy of  
815 the financial report is available upon request at no charge to  
816 the member. The division shall adopt rules setting forth uniform  
817 accounting principles, standards, and reporting requirements  
818 ~~mail or furnish by personal delivery to each unit owner a~~  
819 ~~complete financial report of actual receipts and expenditures~~  
820 ~~for the previous 12 months, or a complete set of financial~~  
821 ~~statements for the preceding fiscal year prepared in accordance~~  
822 ~~with generally accepted accounting procedures. The report shall~~  
823 ~~show the amounts of receipts by accounts and receipt~~  
824 ~~classifications and shall show the amounts of expenses by~~  
825 ~~accounts and expense classifications including, if applicable,~~  
826 ~~but not limited to, the following:~~

- 827 ~~1. Costs for security;~~
- 828 ~~2. Professional and management fees and expenses;~~
- 829 ~~3. Taxes;~~
- 830 ~~4. Costs for recreation facilities;~~
- 831 ~~5. Expenses for refuse collection and utility services;~~
- 832 ~~6. Expenses for lawn care;~~
- 833 ~~7. Costs for building maintenance and repair;~~
- 834 ~~8. Insurance costs;~~
- 835 ~~9. Administrative and salary expenses; and~~
- 836 ~~10. Reserves for capital expenditures, deferred~~  
837 ~~maintenance, and any other category for which the association~~  
838 ~~maintains a reserve account or accounts.~~

839 (b) Except as provided in paragraph (c), an association  
840 whose total annual revenues meet the criteria of this paragraph  
841 shall prepare or cause to be prepared a complete set of

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842 financial statements according to the generally accepted  
843 accounting principles adopted by the Board of Accountancy. The  
844 financial statements shall be as follows:

845 1. An association with total annual revenues between  
846 \$150,000 and \$299,999 shall prepare a compiled financial  
847 statement.

848 2. An association with total annual revenues between  
849 \$300,000 and \$499,999 shall prepare a reviewed financial  
850 statement.

851 3. An association with total annual revenues of \$500,000 or  
852 more shall prepare an audited financial statement ~~The division~~  
853 ~~shall adopt rules that may require that the association deliver~~  
854 ~~to the unit owners, in lieu of the financial report required by~~  
855 ~~this section, a complete set of financial statements for the~~  
856 ~~preceding fiscal year. The financial statements shall be~~  
857 ~~delivered within 90 days following the end of the previous~~  
858 ~~fiscal year or annually on such other date as provided in the~~  
859 ~~bylaws. The rules of the division may require that the financial~~  
860 ~~statements be compiled, reviewed, or audited, and the rules~~  
861 ~~shall take into consideration the criteria set forth in s.~~  
862 ~~719.501(1)(j).~~

863 4. The requirement to have the financial statements  
864 compiled, reviewed, or audited does not apply to an association  
865 ~~associations~~ if a majority of the voting interests of the  
866 association present at a duly called meeting of the association  
867 have voted ~~determined for a fiscal year~~ to waive this  
868 requirement for the fiscal year. In an association in which  
869 turnover of control by the developer has not occurred, the  
870 developer may vote to waive the audit requirement for the first

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871 2 years of ~~the~~ operation of the association, after which time  
872 waiver of an applicable audit requirement shall be by a majority  
873 of voting interests other than the developer. The meeting shall  
874 be held prior to the end of the fiscal year, and the waiver  
875 shall be effective for only one fiscal year. An association may  
876 not waive the financial reporting requirements of this section  
877 for more than 3 consecutive years ~~This subsection does not apply~~  
878 ~~to a cooperative that consists of 50 or fewer units.~~

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

882 2. An association in a community of fewer than 50 units,  
883 regardless of the association's annual revenues, shall prepare a  
884 report of cash receipts and expenditures in lieu of the  
885 financial statements required by paragraph (b), unless the  
886 declaration or other recorded governing documents provide  
887 otherwise.

888 3. A report of cash receipts and expenditures must disclose  
889 the amount of receipts by accounts and receipt classifications  
890 and the amount of expenses by accounts and expense  
891 classifications, including the following, as applicable: costs  
892 for security, professional, and management fees and expenses;  
893 taxes; costs for recreation facilities; expenses for refuse  
894 collection and utility services; expenses for lawn care; costs  
895 for building maintenance and repair; insurance costs;  
896 administration and salary expenses; and reserves, if maintained  
897 by the association.

898 (d) If at least 20 percent of the unit owners petition the  
899 board for a greater level of financial reporting than that

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900 required by this section, the association shall duly notice and  
901 hold a membership meeting within 30 days after receipt of the  
902 petition to vote on raising the level of reporting for that  
903 fiscal year. Upon approval by a majority of the voting interests  
904 represented at a meeting at which a quorum of unit owners is  
905 present, the association shall prepare an amended budget or  
906 shall adopt a special assessment to pay for the financial report  
907 regardless of any provision to the contrary in the declaration  
908 or other recorded governing documents. In addition, the  
909 association shall provide within 90 days after the meeting or  
910 the end of the fiscal year, whichever occurs later:

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

914 2. Reviewed or audited financial statements, if the  
915 association is otherwise required to prepare compiled financial  
916 statements; or

917 3. Audited financial statements, if the association is  
918 otherwise required to prepare reviewed financial statements.

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

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

924 2. A report of cash receipts and expenditures or a compiled  
925 financial statement in lieu of a reviewed or audited financial  
926 statement; or

927 3. A report of cash receipts and expenditures, a compiled  
928 financial statement, or a reviewed financial statement in lieu



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929 of an audited financial statement.

930 Section 14. Paragraph (a) of subsection (1) of section  
931 719.106, Florida Statutes, is amended to read:

932 719.106 Bylaws; cooperative ownership.—

933 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
934 documents shall provide for the following, and if they do not,  
935 they shall be deemed to include the following:

936 (a) *Administration.*—

937 1. The form of administration of the association shall be  
938 described, indicating the titles of the officers and board of  
939 administration and specifying the powers, duties, manner of  
940 selection and removal, and compensation, if any, of officers and  
941 board members. In the absence of such a provision, the board of  
942 administration shall be composed of five members, except in the  
943 case of cooperatives having five or fewer units, in which case  
944 in not-for-profit corporations, the board shall consist of not  
945 fewer than three members. In the absence of provisions to the  
946 contrary, the board of administration shall have a president, a  
947 secretary, and a treasurer, who shall perform the duties of  
948 those offices customarily performed by officers of corporations.  
949 Unless prohibited in the bylaws, the board of administration may  
950 appoint other officers and grant them those duties it deems  
951 appropriate. Unless otherwise provided in the bylaws, the  
952 officers shall serve without compensation and at the pleasure of  
953 the board. Unless otherwise provided in the bylaws, the members  
954 of the board shall serve without compensation.

955 2. A person who has been suspended or removed by the  
956 division under this chapter, or who is delinquent in the payment  
957 of any monetary obligation due to the association, is not

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958 eligible to be a candidate for board membership and may not be  
959 listed on the ballot. A director or officer charged by  
960 information or indictment with a felony theft or embezzlement  
961 offense involving the association's funds or property is  
962 suspended from office. The board shall fill the vacancy  
963 according to general law until the end of the period of the  
964 suspension or the end of the director's term of office,  
965 whichever occurs first. However, if the charges are resolved  
966 without a finding of guilt or without acceptance of a plea of  
967 guilty or nolo contendere, the director or officer shall be  
968 reinstated for any remainder of his or her term of office. A  
969 member who has such criminal charges pending may not be  
970 appointed or elected to a position as a director or officer. A  
971 person who has been convicted of any felony in this state or in  
972 any United States District Court, or who has been convicted of  
973 any offense in another jurisdiction which would be considered a  
974 felony if committed in this state, is not eligible for board  
975 membership unless such felon's civil rights have been restored  
976 for at least 5 years as of the date such person seeks election  
977 to the board. The validity of an action by the board is not  
978 affected if it is later determined that a board member is  
979 ineligible for board membership due to having been convicted of  
980 a felony.

981 3.2. When a unit owner files a written inquiry by certified  
982 mail with the board of administration, the board shall respond  
983 in writing to the unit owner within 30 days of receipt of the  
984 inquiry. The board's response shall either give a substantive  
985 response to the inquirer, notify the inquirer that a legal  
986 opinion has been requested, or notify the inquirer that advice

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987 has been requested from the division. If the board requests  
988 advice from the division, the board shall, within 10 days of its  
989 receipt of the advice, provide in writing a substantive response  
990 to the inquirer. If a legal opinion is requested, the board  
991 shall, within 60 days after the receipt of the inquiry, provide  
992 in writing a substantive response to the inquirer. The failure  
993 to provide a substantive response to the inquirer as provided  
994 herein precludes the board from recovering attorney's fees and  
995 costs in any subsequent litigation, administrative proceeding,  
996 or arbitration arising out of the inquiry. The association may,  
997 through its board of administration, adopt reasonable rules and  
998 regulations regarding the frequency and manner of responding to  
999 the unit owners' inquiries, one of which may be that the  
1000 association is obligated to respond to only one written inquiry  
1001 per unit in any given 30-day period. In such case, any  
1002 additional inquiry or inquiries must be responded to in the  
1003 subsequent 30-day period, or periods, as applicable.

1004 Section 15. Section 719.128, Florida Statutes, is created  
1005 to read:

1006 719.128 Association emergency powers.-

1007 (1) To the extent allowed by law, unless specifically  
1008 prohibited by the cooperative documents, and consistent with s.  
1009 617.0830, the board of administration, in response to damage  
1010 caused by an event for which a state of emergency is declared  
1011 pursuant to s. 252.36 in the area encompassed by the  
1012 cooperative, may exercise the following powers:

1013 (a) Conduct board or membership meetings after notice of  
1014 the meetings and board decisions is provided in as practicable a  
1015 manner as possible, including via publication, radio, United

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1016 States mail, the Internet, public service announcements,  
1017 conspicuous posting on the cooperative property, or any other  
1018 means the board deems appropriate under the circumstances.

1019 (b) Cancel and reschedule an association meeting.

1020 (c) Designate assistant officers who are not directors. If  
1021 the executive officer is incapacitated or unavailable, the  
1022 assistant officer has the same authority during the state of  
1023 emergency as the executive officer he or she assists.

1024 (d) Relocate the association's principal office or  
1025 designate an alternative principal office.

1026 (e) Enter into agreements with counties and municipalities  
1027 to assist counties and municipalities with debris removal.

1028 (f) Implement a disaster plan before or immediately  
1029 following the event for which a state of emergency is declared,  
1030 which may include turning on or shutting off elevators;  
1031 electricity; water, sewer, or security systems; or air  
1032 conditioners for association buildings.

1033 (g) Based upon the advice of emergency management officials  
1034 or upon the advice of licensed professionals retained by the  
1035 board of administration, determine any portion of the  
1036 cooperative property unavailable for entry or occupancy by unit  
1037 owners or their family members, tenants, guests, agents, or  
1038 invitees to protect their health, safety, or welfare.

1039 (h) Based upon the advice of emergency management officials  
1040 or upon the advice of licensed professionals retained by the  
1041 board of administration, determine whether the cooperative  
1042 property can be safely inhabited or occupied. However, such  
1043 determination is not conclusive as to any determination of  
1044 habitability pursuant to the declaration.

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1045       (i) Require the evacuation of the cooperative property in  
1046 the event of a mandatory evacuation order in the area where the  
1047 cooperative is located. If a unit owner or other occupant of a  
1048 cooperative fails to evacuate the cooperative property for which  
1049 the board has required evacuation, the association is immune  
1050 from liability for injury to persons or property arising from  
1051 such failure.

1052       (j) Mitigate further damage, including taking action to  
1053 contract for the removal of debris and to prevent or mitigate  
1054 the spread of fungus, including mold or mildew, by removing and  
1055 disposing of wet drywall, insulation, carpet, cabinetry, or  
1056 other fixtures on or within the cooperative property, regardless  
1057 of whether the unit owner is obligated by the declaration or law  
1058 to insure or replace those fixtures and to remove personal  
1059 property from a unit.

1060       (k) Contract, on behalf of a unit owner, for items or  
1061 services for which the owner is otherwise individually  
1062 responsible, but which are necessary to prevent further damage  
1063 to the cooperative property. In such event, the unit owner on  
1064 whose behalf the board has contracted is responsible for  
1065 reimbursing the association for the actual costs of the items or  
1066 services, and the association may use its lien authority  
1067 provided by s. 719.108 to enforce collection of the charges.  
1068 Such items or services may include the drying of the unit, the  
1069 boarding of broken windows or doors, and the replacement of a  
1070 damaged air conditioner or air handler to provide climate  
1071 control in the unit or other portions of the property.

1072       (l) Notwithstanding a provision to the contrary, and  
1073 regardless of whether such authority does not specifically

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1074 appear in the cooperative documents, levy special assessments  
1075 without a vote of the owners.

1076 (m) Without unit owners' approval, borrow money and pledge  
1077 association assets as collateral to fund emergency repairs and  
1078 carry out the duties of the association if operating funds are  
1079 insufficient. This paragraph does not limit the general  
1080 authority of the association to borrow money, subject to such  
1081 restrictions contained in the cooperative documents.

1082 (2) The authority granted under subsection (1) is limited  
1083 to that time reasonably necessary to protect the health, safety,  
1084 and welfare of the association and the unit owners and their  
1085 family members, tenants, guests, agents, or invitees, and to  
1086 mitigate further damage and make emergency repairs.

1087 Section 16. Paragraph (c) of subsection (5) of section  
1088 720.303, Florida Statutes, is amended to read:

1089 720.303 Association powers and duties; meetings of board;  
1090 official records; budgets; financial reporting; association  
1091 funds; recalls.—

1092 (5) INSPECTION AND COPYING OF RECORDS.—The official records  
1093 shall be maintained within the state for at least 7 years and  
1094 shall be made available to a parcel owner for inspection or  
1095 photocopying within 45 miles of the community or within the  
1096 county in which the association is located within 10 business  
1097 days after receipt by the board or its designee of a written  
1098 request. This subsection may be complied with by having a copy  
1099 of the official records available for inspection or copying in  
1100 the community or, at the option of the association, by making  
1101 the records available to a parcel owner electronically via the  
1102 Internet or by allowing the records to be viewed in electronic

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1103 format on a computer screen and printed upon request. If the  
1104 association has a photocopy machine available where the records  
1105 are maintained, it must provide parcel owners with copies on  
1106 request during the inspection if the entire request is limited  
1107 to no more than 25 pages. An association shall allow a member or  
1108 his or her authorized representative to use a portable device,  
1109 including a smartphone, tablet, portable scanner, or any other  
1110 technology capable of scanning or taking photographs, to make an  
1111 electronic copy of the official records in lieu of the  
1112 association's providing the member or his or her authorized  
1113 representative with a copy of such records. The association may  
1114 not charge a fee to a member or his or her authorized  
1115 representative for the use of a portable device.

1116 (c) The association may adopt reasonable written rules  
1117 governing the frequency, time, location, notice, records to be  
1118 inspected, and manner of inspections, but may not require a  
1119 parcel owner to demonstrate any proper purpose for the  
1120 inspection, state any reason for the inspection, or limit a  
1121 parcel owner's right to inspect records to less than one 8-hour  
1122 business day per month. The association may impose fees to cover  
1123 the costs of providing copies of the official records, including  
1124 the costs of copying and the costs required for personnel to  
1125 retrieve and copy the records if the time spent retrieving and  
1126 copying the records exceeds one-half hour and if the personnel  
1127 costs do not exceed \$20 per hour. Personnel costs may not be  
1128 charged for records requests that result in the copying of 25 or  
1129 fewer pages. The association may charge up to 25 cents per page  
1130 for copies made on the association's photocopier. If the  
1131 association does not have a photocopy machine available where

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1132 the records are kept, or if the records requested to be copied  
1133 exceed 25 pages in length, the association may have copies made  
1134 by an outside duplicating service and may charge the actual cost  
1135 of copying, as supported by the vendor invoice. The association  
1136 shall maintain an adequate number of copies of the recorded  
1137 governing documents, to ensure their availability to members and  
1138 prospective members. Notwithstanding this paragraph, the  
1139 following records are not accessible to members or parcel  
1140 owners:

1141 1. Any record protected by the lawyer-client privilege as  
1142 described in s. 90.502 and any record protected by the work-  
1143 product privilege, including, but not limited to, a record  
1144 prepared by an association attorney or prepared at the  
1145 attorney's express direction which reflects a mental impression,  
1146 conclusion, litigation strategy, or legal theory of the attorney  
1147 or the association and which was prepared exclusively for civil  
1148 or criminal litigation or for adversarial administrative  
1149 proceedings or which was prepared in anticipation of such  
1150 litigation or proceedings until the conclusion of the litigation  
1151 or proceedings.

1152 2. Information obtained by an association in connection  
1153 with the approval of the lease, sale, or other transfer of a  
1154 parcel.

1155 3. Personnel records of association or management company  
1156 employees, including, but not limited to, disciplinary, payroll,  
1157 health, and insurance records. For purposes of this  
1158 subparagraph, the term "personnel records" does not include  
1159 written employment agreements with an association or management  
1160 company employee or budgetary or financial records that indicate



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1161 the compensation paid to an association or management company  
1162 employee.

1163 4. Medical records of parcel owners or community residents.

1164 5. Social security numbers, driver license numbers, credit  
1165 card numbers, electronic mailing addresses, telephone numbers,  
1166 facsimile numbers, emergency contact information, any addresses  
1167 for a parcel owner other than as provided for association notice  
1168 requirements, and other personal identifying information of any  
1169 person, excluding the person's name, parcel designation, mailing  
1170 address, and property address. Notwithstanding the restrictions  
1171 in this subparagraph, an association may print and distribute to  
1172 parcel owners a directory containing the name, parcel address,  
1173 and all telephone numbers ~~number~~ of each parcel owner. However,  
1174 an owner may exclude his or her telephone numbers ~~number~~ from  
1175 the directory by so requesting in writing to the association. An  
1176 owner may consent in writing to the disclosure of other contact  
1177 information described in this subparagraph. The association is  
1178 not liable for the disclosure of information that is protected  
1179 under this subparagraph if the information is included in an  
1180 official record of the association and is voluntarily provided  
1181 by an owner and not requested by the association.

1182 6. Any electronic security measure that is used by the  
1183 association to safeguard data, including passwords.

1184 7. The software and operating system used by the  
1185 association which allows the manipulation of data, even if the  
1186 owner owns a copy of the same software used by the association.  
1187 The data is part of the official records of the association.

1188 Section 17. Paragraph (b) of subsection (1) of section  
1189 720.306, Florida Statutes, is amended to read:

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1190 720.306 Meetings of members; voting and election  
1191 procedures; amendments.—

1192 (1) QUORUM; AMENDMENTS.—

1193 (b) Unless otherwise provided in the governing documents or  
1194 required by law, and other than those matters set forth in  
1195 paragraph (c), any governing document of an association may be  
1196 amended by the affirmative vote of two-thirds of the voting  
1197 interests of the association. Within 30 days after recording an  
1198 amendment to the governing documents, the association shall  
1199 provide copies of the amendment to the members. However, if a  
1200 copy of the proposed amendment is provided to the members before  
1201 they vote on the amendment and the proposed amendment is not  
1202 changed before the vote, the association, in lieu of providing a  
1203 copy of the amendment, may provide notice to the members that  
1204 the amendment was adopted, identifying the official book and  
1205 page number or instrument number of the recorded amendment and  
1206 that a copy of the amendment is available at no charge to the  
1207 member upon written request to the association. The copies and  
1208 notice described in this paragraph may be provided  
1209 electronically to those owners who previously consented to  
1210 receive notice electronically.

1211 Section 18. Section 720.316, Florida Statutes, is created  
1212 to read:

1213 720.316 Association emergency powers.—

1214 (1) To the extent allowed by law, unless specifically  
1215 prohibited by the declaration or other recorded governing  
1216 documents, and consistent with s. 617.0830, the board of  
1217 directors, in response to damage caused by an event for which a  
1218 state of emergency is declared pursuant to s. 252.36 in the area

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1219 encompassed by the association, may exercise the following  
1220 powers:

1221 (a) Conduct board or membership meetings after notice of  
1222 the meetings and board decisions is provided in as practicable a  
1223 manner as possible, including via publication, radio, United  
1224 States mail, the Internet, public service announcements,  
1225 conspicuous posting on the association property, or any other  
1226 means the board deems appropriate under the circumstances.

1227 (b) Cancel and reschedule an association meeting.

1228 (c) Designate assistant officers who are not directors. If  
1229 the executive officer is incapacitated or unavailable, the  
1230 assistant officer has the same authority during the state of  
1231 emergency as the executive officer he or she assists.

1232 (d) Relocate the association's principal office or  
1233 designate an alternative principal office.

1234 (e) Enter into agreements with counties and municipalities  
1235 to assist counties and municipalities with debris removal.

1236 (f) Implement a disaster plan before or immediately  
1237 following the event for which a state of emergency is declared,  
1238 which may include, but is not limited to, turning on or shutting  
1239 off elevators; electricity; water, sewer, or security systems;  
1240 or air conditioners for association buildings.

1241 (g) Based upon the advice of emergency management officials  
1242 or upon the advice of licensed professionals retained by the  
1243 board, determine any portion of the association property  
1244 unavailable for entry or occupancy by owners or their family  
1245 members, tenants, guests, agents, or invitees to protect their  
1246 health, safety, or welfare.

1247 (h) Based upon the advice of emergency management officials

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1248 or upon the advice of licensed professionals retained by the  
1249 board, determine whether the association property can be safely  
1250 inhabited or occupied. However, such determination is not  
1251 conclusive as to any determination of habitability pursuant to  
1252 the declaration.

1253 (i) Mitigate further damage, including taking action to  
1254 contract for the removal of debris and to prevent or mitigate  
1255 the spread of fungus, including mold or mildew, by removing and  
1256 disposing of wet drywall, insulation, carpet, cabinetry, or  
1257 other fixtures on or within the association property.

1258 (j) Notwithstanding a provision to the contrary, and  
1259 regardless of whether such authority does not specifically  
1260 appear in the declaration or other recorded governing documents,  
1261 levy special assessments without a vote of the owners.

1262 (k) Without owners' approval, borrow money and pledge  
1263 association assets as collateral to fund emergency repairs and  
1264 carry out the duties of the association if operating funds are  
1265 insufficient. This paragraph does not limit the general  
1266 authority of the association to borrow money, subject to such  
1267 restrictions contained in the declaration or other recorded  
1268 governing documents.

1269 (2) The authority granted under subsection (1) is limited  
1270 to that time reasonably necessary to protect the health, safety,  
1271 and welfare of the association and the parcel owners and their  
1272 family members, tenants, guests, agents, or invitees, and to  
1273 mitigate further damage and make emergency repairs.

1274 Section 19. This act shall take effect July 1, 2014.