

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 marketable record title; amending s.  
24 718.110, F.S.; providing that an amendment to a  
25 declaration relating to rental condominium units does  
26 not apply to unit owners who vote against the

27 amendment; amending s. 718.111, F.S.; authorizing an  
28 association to inspect and repair abandoned  
29 condominium units; providing conditions to determine  
30 if a unit is abandoned; providing a mechanism for an  
31 association to recover costs associated with  
32 maintaining an abandoned unit; providing that in the  
33 absence of an insurable event, the association or unit  
34 owners are responsible for repairs; providing that an  
35 owner may consent in writing to the disclosure of  
36 certain contact information; requiring an outgoing  
37 condominium association board or committee member to  
38 relinquish all official records and property of the  
39 association within a specified time; providing a civil  
40 penalty for failing to relinquish such records and  
41 property; amending s. 718.112, F.S.; providing that a  
42 board or committee member's participation in a meeting  
43 via real-time videoconferencing, Internet-enabled  
44 videoconferencing, or similar electronic or video  
45 communication counts toward a quorum and that such  
46 member may vote as if physically present; prohibiting  
47 the board from voting via e-mail; amending s. 718.707,  
48 F.S.; extending the date by which a condominium parcel  
49 must be acquired in order for a person to be  
50 classified as a bulk assignee or bulk buyer; amending  
51 s. 719.104, F.S.; providing that an owner may consent  
52 in writing to the disclosure of certain contact

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

79 | association; providing an effective date.

80 |

81 | Be It Enacted by the Legislature of the State of Florida:

82 |

83 | Section 1. Paragraph (b) of subsection (4) of section  
84 | 509.013, Florida Statutes, is amended to read:

85 | 509.013 Definitions.—As used in this chapter, the term:

86 | (4) (a) "Public lodging establishment" includes a transient  
87 | public lodging establishment as defined in subparagraph 1. and a  
88 | nontransient public lodging establishment as defined in  
89 | subparagraph 2.

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

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

104 |

105 License classifications of public lodging establishments, and  
106 the definitions therefor, are set out in s. 509.242. For the  
107 purpose of licensure, the term does not include condominium  
108 common elements as defined in s. 718.103.

109 (b) The following are excluded from the definitions in  
110 paragraph (a):

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

114 2. Any facility certified or licensed and regulated by the  
115 Agency for Health Care Administration or the Department of  
116 Children and Family Services or other similar place regulated  
117 under s. 381.0072.

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

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

130 5. Any migrant labor camp or residential migrant housing

131 permitted by the Department of Health under ss. 381.008-  
 132 381.00895.

133 6. Any establishment inspected by the Department of Health  
 134 and regulated by chapter 513.

135 7. Any nonprofit organization that operates a facility  
 136 providing housing only to patients, patients' families, and  
 137 patients' caregivers and not to the general public.

138 8. Any apartment building inspected by the United States  
 139 Department of Housing and Urban Development or other entity  
 140 acting on the department's behalf that is designated primarily  
 141 as housing for persons at least 62 years of age. The division  
 142 may require the operator of the apartment building to attest in  
 143 writing that such building meets the criteria provided in this  
 144 subparagraph. The division may adopt rules to implement this  
 145 requirement.

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

150 Section 2. Paragraph (a) of subsection (2) of section  
 151 509.032, Florida Statutes, is amended to read:

152 509.032 Duties.—

153 (2) INSPECTION OF PREMISES.—

154 (a) The division has responsibility and jurisdiction for  
 155 all inspections required by this chapter. The division has  
 156 responsibility for quality assurance. Each licensed

157 establishment shall be inspected at least biannually, except for  
158 transient and nontransient apartments, which shall be inspected  
159 at least annually, and shall be inspected at such other times as  
160 the division determines is necessary to ensure the public's  
161 health, safety, and welfare. The division shall establish a  
162 system to determine inspection frequency. Public lodging units  
163 classified as vacation rentals or timeshare projects are not  
164 subject to this requirement but shall be made available to the  
165 division upon request. If, during the inspection of a public  
166 lodging establishment classified for renting to transient or  
167 nontransient tenants, an inspector identifies vulnerable adults  
168 who appear to be victims of neglect, as defined in s. 415.102,  
169 or, in the case of a building that is not equipped with  
170 automatic sprinkler systems, tenants or clients who may be  
171 unable to self-preserve in an emergency, the division shall  
172 convene meetings with the following agencies as appropriate to  
173 the individual situation: the Department of Health, the  
174 Department of Elderly Affairs, the area agency on aging, the  
175 local fire marshal, the landlord and affected tenants and  
176 clients, and other relevant organizations, to develop a plan  
177 which improves the prospects for safety of affected residents  
178 and, if necessary, identifies alternative living arrangements  
179 such as facilities licensed under part II of chapter 400 or  
180 under chapter 429.

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

183 509.221 Sanitary regulations.—

184 (9) Subsections (2), (5), and (6) do not apply to any  
 185 facility or unit classified as a vacation rental, ~~or~~  
 186 nontransient apartment, or timeshare project as described in s.  
 187 509.242(1)(c), ~~and~~ (d), and (g).

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

190 509.241 Licenses required; exceptions.—

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

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

201 509.242 Public lodging establishments; classifications.—

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

206 (a) Hotel.—A hotel is any public lodging establishment  
 207 containing sleeping room accommodations for 25 or more guests  
 208 and providing the services generally provided by a hotel and



209 recognized as a hotel in the community in which it is situated  
210 or by the industry.

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

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

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

228 (e) Transient apartment.—A transient apartment is a  
229 building or complex of buildings in which more than 25 percent  
230 of the units are advertised or held out to the public as  
231 available for transient occupancy.

232 (f) Bed and breakfast inn.—A bed and breakfast inn is a  
233 family home structure, with no more than 15 sleeping rooms,  
234 which has been modified to serve as a transient public lodging

235 establishment, which provides the accommodation and meal  
 236 services generally offered by a bed and breakfast inn, and which  
 237 is recognized as a bed and breakfast inn in the community in  
 238 which it is situated or by the hospitality industry.

239 (g) Timeshare project.—A timeshare project is a timeshare  
 240 property, as defined in chapter 721, that is located in this  
 241 state and that is also a transient public lodging establishment.

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

244 509.251 License fees.—

245 (1) The division shall adopt, by rule, a schedule of fees  
 246 to be paid by each public lodging establishment as a  
 247 prerequisite to issuance or renewal of a license. Such fees  
 248 shall be based on the number of rental units in the  
 249 establishment. The aggregate fee per establishment charged any  
 250 public lodging establishment shall not exceed \$1,000; however,  
 251 the fees described in paragraphs (a) and (b) may not be included  
 252 as part of the aggregate fee subject to this cap. Vacation  
 253 rental units or timeshare projects within separate buildings or  
 254 at separate locations but managed by one licensed agent may be  
 255 combined in a single license application, and the division shall  
 256 charge a license fee as if all units in the application are in a  
 257 single licensed establishment. The fee schedule shall require an  
 258 establishment which applies for an initial license to pay the  
 259 full license fee if application is made during the annual  
 260 renewal period or more than 6 months prior to the next such

261 renewal period and one-half of the fee if application is made 6  
 262 months or less prior to such period. The fee schedule shall  
 263 include fees collected for the purpose of funding the  
 264 Hospitality Education Program, pursuant to s. 509.302, which are  
 265 payable in full for each application regardless of when the  
 266 application is submitted.

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

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

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

283 712.05 Effect of filing notice.—

284 (1) A ~~Any~~ person claiming an interest in land or a  
 285 homeowners' association desiring to preserve a a ~~any~~ covenant or  
 286 restriction may preserve and protect the same from

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

- 301 (a) Under a disability;~~;~~
- 302 (b) Unable to assert a claim on his or her behalf;~~;~~ or
- 303 (c) One of a class, but whose identity cannot be
- 304 established or is uncertain at the time of filing such notice of
- 305 claim for record.

306  
 307 Such notice may be filed by a homeowners' association only if  
 308 the preservation of such covenant or restriction or portion of  
 309 such covenant or restriction is approved by at least two-thirds  
 310 of the members of the board of directors of an incorporated  
 311 homeowners' association at a meeting for which a notice, stating  
 312 the meeting's time and place and containing the statement of

313 marketable title action described in s. 712.06(1)(b), was mailed  
314 or hand delivered to members of the homeowners' association at  
315 least not less than 7 days before ~~prior to~~ such meeting. The  
316 homeowners' association or clerk of the circuit court is not  
317 required to provide notice other than as provided under s.  
318 712.06(3). The preceding sentence is intended to clarify  
319 existing law.

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

322 718.110 Amendment of declaration; correction of error or  
323 omission in declaration by circuit court.—

324 (13) An amendment that prohibits ~~prohibiting~~ unit owners  
325 from renting their units or altering the duration of the rental  
326 term or that specifies or limits ~~specifying or limiting~~ the  
327 number of times unit owners are entitled to rent their units  
328 during a specified period does not apply ~~applies only~~ to unit  
329 owners who voted against ~~consent to~~ the amendment. However, such  
330 amendment applies to unit owners who consented to the amendment,  
331 who failed to cast a vote, or and unit owners who acquired  
332 ~~acquire~~ title to their units after the effective date of the  
333 ~~that~~ amendment.

334 Section 9. Subsection (5), paragraph (j) of subsection  
335 (11), and paragraph (c) of subsection (12) of section 718.111,  
336 Florida Statutes, are amended, and paragraph (f) is added to  
337 subsection (12) of that section, to read:

338 718.111 The association.—

339 (5) RIGHT OF ACCESS TO UNITS.—

340 (a) The association has the irrevocable right of access to  
341 each unit during reasonable hours, when necessary for the  
342 maintenance, repair, or replacement of any common elements or of  
343 any portion of a unit to be maintained by the association  
344 pursuant to the declaration or as necessary to prevent damage to  
345 the common elements or to a unit ~~or units~~.

346 (b)1. In addition to the association's right of access in  
347 paragraph (a) and regardless of whether authority is provided in  
348 the declaration or other recorded condominium documents, an  
349 association, at the sole discretion of the board, may enter an  
350 abandoned unit to inspect the unit and adjoining common  
351 elements; make repairs to the unit or to the common elements  
352 servicing the unit, as needed; repair the unit if mold or  
353 deterioration is present; turn on the utilities for the unit; or  
354 otherwise maintain, preserve, or protect the unit and adjoining  
355 common elements. For purposes of this paragraph, a unit is  
356 presumed to be abandoned if:

357 a. The unit is the subject of a foreclosure action and no  
358 tenant appears to have resided in the unit for at least 4  
359 continuous weeks without prior written notice to the  
360 association; or

361 b. No tenant appears to have resided in the unit for 2  
362 consecutive months without prior written notice to the  
363 association, and the association is unable to contact the owner  
364 or determine the whereabouts of the owner after reasonable

365 inquiry.

366 2. Except in the case of an emergency, an association may  
367 not enter an abandoned unit until 2 days after notice of the  
368 association's intent to enter the unit has been mailed or hand-  
369 delivered to the owner at the address of the owner as reflected  
370 in the records of the association. The notice may be given by  
371 electronic transmission to unit owners who previously consented  
372 to receive notice by electronic transmission.

373 3. Any expense incurred by an association pursuant to this  
374 paragraph is chargeable to the unit owner and enforceable as an  
375 assessment pursuant to s. 718.116, and the association may use  
376 its lien authority provided by s. 718.116 to enforce collection  
377 of the expense.

378 4. The association may petition a court of competent  
379 jurisdiction to appoint a receiver and may lease out an  
380 abandoned unit for the benefit of the association to offset  
381 against the rental income the association's costs and expenses  
382 of maintaining, preserving, and protecting the unit and the  
383 adjoining common elements, including the costs of the  
384 receivership and all unpaid assessments, interest,  
385 administrative late fees, costs, and reasonable attorney fees.

386 (11) INSURANCE.—In order to protect the safety, health,  
387 and welfare of the people of the State of Florida and to ensure  
388 consistency in the provision of insurance coverage to  
389 condominiums and their unit owners, this subsection applies to  
390 every residential condominium in the state, regardless of the

391 date of its declaration of condominium. It is the intent of the  
392 Legislature to encourage lower or stable insurance premiums for  
393 associations described in this subsection.

394 (j) Any portion of the condominium property that must be  
395 insured by the association against property loss pursuant to  
396 paragraph (f) which is damaged by an insurable event shall be  
397 reconstructed, repaired, or replaced as necessary by the  
398 association as a common expense. In the absence of an insurable  
399 event, the association or the unit owners shall be responsible  
400 for the reconstruction, repair, or replacement, as determined by  
401 the provisions of the declaration or bylaws. All property  
402 insurance deductibles, uninsured losses, and other damages in  
403 excess of property insurance coverage under the property  
404 insurance policies maintained by the association are a common  
405 expense of the condominium, except that:

406 1. A unit owner is responsible for the costs of repair or  
407 replacement of any portion of the condominium property not paid  
408 by insurance proceeds if such damage is caused by intentional  
409 conduct, negligence, or failure to comply with the terms of the  
410 declaration or the rules of the association by a unit owner, the  
411 members of his or her family, unit occupants, tenants, guests,  
412 or invitees, without compromise of the subrogation rights of the  
413 insurer.

414 2. The provisions of subparagraph 1. regarding the  
415 financial responsibility of a unit owner for the costs of  
416 repairing or replacing other portions of the condominium



417 | property also apply to the costs of repair or replacement of  
418 | personal property of other unit owners or the association, as  
419 | well as other property, whether real or personal, which the unit  
420 | owners are required to insure.

421 |         3. To the extent the cost of repair or reconstruction for  
422 | which the unit owner is responsible under this paragraph is  
423 | reimbursed to the association by insurance proceeds, and the  
424 | association has collected the cost of such repair or  
425 | reconstruction from the unit owner, the association shall  
426 | reimburse the unit owner without the waiver of any rights of  
427 | subrogation.

428 |         4. The association is not obligated to pay for  
429 | reconstruction or repairs of property losses as a common expense  
430 | if the property losses were known or should have been known to a  
431 | unit owner and were not reported to the association until after  
432 | the insurance claim of the association for that property was  
433 | settled or resolved with finality, or denied because it was  
434 | untimely filed.

435 |         (12) OFFICIAL RECORDS.—

436 |         (c) The official records of the association are open to  
437 | inspection by any association member or the authorized  
438 | representative of such member at all reasonable times. The right  
439 | to inspect the records includes the right to make or obtain  
440 | copies, at the reasonable expense, if any, of the member. The  
441 | association may adopt reasonable rules regarding the frequency,  
442 | time, location, notice, and manner of record inspections and

443 copying. The failure of an association to provide the records  
444 within 10 working days after receipt of a written request  
445 creates a rebuttable presumption that the association willfully  
446 failed to comply with this paragraph. A unit owner who is denied  
447 access to official records is entitled to the actual damages or  
448 minimum damages for the association's willful failure to comply.  
449 Minimum damages are \$50 per calendar day for up to 10 days,  
450 beginning on the 11th working day after receipt of the written  
451 request. The failure to permit inspection entitles any person  
452 prevailing in an enforcement action to recover reasonable  
453 attorney fees from the person in control of the records who,  
454 directly or indirectly, knowingly denied access to the records.  
455 Any person who knowingly or intentionally defaces or destroys  
456 accounting records that are required by this chapter to be  
457 maintained during the period for which such records are required  
458 to be maintained, or who knowingly or intentionally fails to  
459 create or maintain accounting records that are required to be  
460 created or maintained, with the intent of causing harm to the  
461 association or one or more of its members, is personally subject  
462 to a civil penalty pursuant to s. 718.501(1)(d). The association  
463 shall maintain an adequate number of copies of the declaration,  
464 articles of incorporation, bylaws, and rules, and all amendments  
465 to each of the foregoing, as well as the question and answer  
466 sheet as described in s. 718.504 and year-end financial  
467 information required under this section, on the condominium  
468 property to ensure their availability to unit owners and

469 prospective purchasers, and may charge its actual costs for  
470 preparing and furnishing these documents to those requesting the  
471 documents. An association shall allow a member or his or her  
472 authorized representative to use a portable device, including a  
473 smartphone, tablet, portable scanner, or any other technology  
474 capable of scanning or taking photographs, to make an electronic  
475 copy of the official records in lieu of the association's  
476 providing the member or his or her authorized representative  
477 with a copy of such records. The association may not charge a  
478 member or his or her authorized representative for the use of a  
479 portable device. Notwithstanding this paragraph, the following  
480 records are not accessible to unit owners:

481 1. Any record protected by the lawyer-client privilege as  
482 described in s. 90.502 and any record protected by the work-  
483 product privilege, including a record prepared by an association  
484 attorney or prepared at the attorney's express direction, which  
485 reflects a mental impression, conclusion, litigation strategy,  
486 or legal theory of the attorney or the association, and which  
487 was prepared exclusively for civil or criminal litigation or for  
488 adversarial administrative proceedings, or which was prepared in  
489 anticipation of such litigation or proceedings until the  
490 conclusion of the litigation or proceedings.

491 2. Information obtained by an association in connection  
492 with the approval of the lease, sale, or other transfer of a  
493 unit.

494 3. Personnel records of association or management company

495 employees, including, but not limited to, disciplinary, payroll,  
496 health, and insurance records. For purposes of this  
497 subparagraph, the term "personnel records" does not include  
498 written employment agreements with an association employee or  
499 management company, or budgetary or financial records that  
500 indicate the compensation paid to an association employee.

501 4. Medical records of unit owners.

502 5. Social security numbers, driver's license numbers,  
503 credit card numbers, e-mail addresses, telephone numbers,  
504 facsimile numbers, emergency contact information, addresses of a  
505 unit owner other than as provided to fulfill the association's  
506 notice requirements, and other personal identifying information  
507 of any person, excluding the person's name, unit designation,  
508 mailing address, property address, and any address, e-mail  
509 address, or facsimile number provided to the association to  
510 fulfill the association's notice requirements. Notwithstanding  
511 the restrictions in this subparagraph, an association may print  
512 and distribute to parcel owners a directory containing the name,  
513 parcel address, and all telephone numbers ~~number~~ of each parcel  
514 owner. However, an owner may exclude his or her telephone  
515 numbers ~~number~~ from the directory by so requesting in writing to  
516 the association. An owner may consent in writing to the  
517 disclosure of other contact information described in this  
518 subparagraph. The association is not liable for the inadvertent  
519 disclosure of information that is protected under this  
520 subparagraph if the information is included in an official

521 record of the association and is voluntarily provided by an  
 522 owner and not requested by the association.

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

525 7. The software and operating system used by the  
 526 association which allow the manipulation of data, even if the  
 527 owner owns a copy of the same software used by the association.  
 528 The data is part of the official records of the association.

529 (f) An outgoing board or committee member must relinquish  
 530 all official records and property of the association in his or  
 531 her possession or under his or her control to the incoming board  
 532 within 5 days after the election. The division shall impose a  
 533 civil penalty as set forth in s. 718.501(1)(d)6. against an  
 534 outgoing board or committee member who willfully and knowingly  
 535 fails to relinquish such records and property.

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

538 718.112 Bylaws.—

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

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

543 1. Unless a lower number is provided in the bylaws, the  
 544 percentage of voting interests required to constitute a quorum  
 545 at a meeting of the members is a majority of the voting  
 546 interests. Unless otherwise provided in this chapter or in the

547 declaration, articles of incorporation, or bylaws, and except as  
548 provided in subparagraph (d)4., decisions shall be made by a  
549 majority of the voting interests represented at a meeting at  
550 which a quorum is present.

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

573 the use of general proxies or require the use of limited proxies  
574 for any agenda item or election at any meeting of a timeshare  
575 condominium association.

576 3. Any proxy given is effective only for the specific  
577 meeting for which originally given and any lawfully adjourned  
578 meetings thereof. A proxy is not valid longer than 90 days after  
579 the date of the first meeting for which it was given and may be  
580 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of  
581 the unit owner executing it.

582 4. A member of the board of administration or a committee  
583 may submit in writing his or her agreement or disagreement with  
584 any action taken at a meeting that the member did not attend.  
585 This agreement or disagreement may not be used as a vote for or  
586 against the action taken or to create a quorum.

587 5. A ~~If any of the~~ board or committee member's  
588 participation in a meeting via telephone, real-time  
589 videoconferencing, or similar real-time electronic or video  
590 communication counts toward a quorum, and such member may vote  
591 as if physically present ~~members meet by telephone conference,~~  
592 ~~those board or committee members may be counted toward obtaining~~  
593 ~~a quorum and may vote by telephone.~~ A telephone speaker must be  
594 used so that the conversation of such ~~those~~ members may be heard  
595 by the board or committee members attending in person as well as  
596 by any unit owners present at a meeting.

597 (c) *Board of administration meetings.*—Meetings of the  
598 board of administration at which a quorum of the members is

599 present are open to all unit owners. Members of the board of  
 600 administration may use e-mail as a means of communication but  
 601 may not cast a vote on an association matter via e-mail. A unit  
 602 owner may tape record or videotape the meetings. The right to  
 603 attend such meetings includes the right to speak at such  
 604 meetings with reference to all designated agenda items. The  
 605 division shall adopt reasonable rules governing the tape  
 606 recording and videotaping of the meeting. The association may  
 607 adopt written reasonable rules governing the frequency,  
 608 duration, and manner of unit owner statements.

609 1. Adequate notice of all board meetings, which must  
 610 specifically identify all agenda items, must be posted  
 611 conspicuously on the condominium property at least 48 continuous  
 612 hours before the meeting except in an emergency. If 20 percent  
 613 of the voting interests petition the board to address an item of  
 614 business, the board, within 60 days after receipt of the  
 615 petition, shall place the item on the agenda at its next regular  
 616 board meeting or at a special meeting called for that purpose ~~of~~  
 617 ~~the board, but not later than 60 days after the receipt of the~~  
 618 ~~petition, shall place the item on the agenda.~~ An Any item not  
 619 included on the notice may be taken up on an emergency basis by  
 620 a vote of at least a majority plus one of the board members.  
 621 Such emergency action must be noticed and ratified at the next  
 622 regular board meeting. However, written notice of a ~~any~~ meeting  
 623 at which a nonemergency special assessment ~~assessments,~~ or an ~~at~~  
 624 ~~which~~ amendment to rules regarding unit use~~,~~ will be considered



625 must be mailed, delivered, or electronically transmitted to the  
626 unit owners and posted conspicuously on the condominium property  
627 at least 14 days before the meeting. Evidence of compliance with  
628 this 14-day notice requirement must be made by an affidavit  
629 executed by the person providing the notice and filed with the  
630 official records of the association. Upon notice to the unit  
631 owners, the board shall, by duly adopted rule, designate a  
632 specific location on the condominium or association property  
633 where all notices of board meetings must ~~are to~~ be posted. If  
634 there is no condominium property or association property where  
635 notices can be posted, notices shall be mailed, delivered, or  
636 electronically transmitted to each unit owner at least 14 days  
637 before the meeting ~~to the owner of each unit~~. In lieu of or in  
638 addition to the physical posting of the notice on the  
639 condominium property, the association may, by reasonable rule,  
640 adopt a procedure for conspicuously posting and repeatedly  
641 broadcasting the notice and the agenda on a closed-circuit cable  
642 television system serving the condominium association. However,  
643 if broadcast notice is used in lieu of a notice physically  
644 posted on condominium property, the notice and agenda must be  
645 broadcast at least four times every broadcast hour of each day  
646 that a posted notice is otherwise required under this section.  
647 If broadcast notice is provided, the notice and agenda must be  
648 broadcast in a manner and for a sufficient continuous length of  
649 time so as to allow an average reader to observe the notice and  
650 read and comprehend the entire content of the notice and the

651 agenda. Notice of any meeting in which regular or special  
652 assessments against unit owners are to be considered ~~for any~~  
653 ~~reason~~ must specifically state that assessments will be  
654 considered and provide the nature, estimated cost, and  
655 description of the purposes for such assessments.

656 2. Meetings of a committee to take final action on behalf  
657 of the board or make recommendations to the board regarding the  
658 association budget are subject to this paragraph. Meetings of a  
659 committee that does not take final action on behalf of the board  
660 or make recommendations to the board regarding the association  
661 budget are subject to this section, unless those meetings are  
662 exempted from this section by the bylaws of the association.

663 3. Notwithstanding any other law, the requirement that  
664 board meetings and committee meetings be open to the unit owners  
665 does not apply to:

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

670 b. Board meetings held for the purpose of discussing  
671 personnel matters.

672 Section 11. Section 718.707, Florida Statutes, is amended  
673 to read:

674 718.707 Time limitation for classification as bulk  
675 assignee or bulk buyer.—A person acquiring condominium parcels  
676 may not be classified as a bulk assignee or bulk buyer unless

677 the condominium parcels were acquired on or after July 1, 2010,  
678 but before July 1, 2016 ~~2015~~. The date of such acquisition shall  
679 be determined by the date of recording a deed or other  
680 instrument of conveyance for such parcels in the public records  
681 of the county in which the condominium is located, or by the  
682 date of issuing a certificate of title in a foreclosure  
683 proceeding with respect to such condominium parcels.

684 Section 12. Paragraph (c) of subsection (2) and subsection  
685 (4) of section 719.104, Florida Statutes, are amended, and  
686 paragraph (e) is added to subsection (2) of that section, to  
687 read:

688 719.104 Cooperatives; access to units; records; financial  
689 reports; assessments; purchase of leases.—

690 (2) OFFICIAL RECORDS.—

691 (c) The official records of the association are open to  
692 inspection by any association member or the authorized  
693 representative of such member at all reasonable times. The right  
694 to inspect the records includes the right to make or obtain  
695 copies, at the reasonable expense, if any, of the association  
696 member. The association may adopt reasonable rules regarding the  
697 frequency, time, location, notice, and manner of record  
698 inspections and copying. The failure of an association to  
699 provide the records within 10 working days after receipt of a  
700 written request creates a rebuttable presumption that the  
701 association willfully failed to comply with this paragraph. A  
702 unit owner who is denied access to official records is entitled

703 to the actual damages or minimum damages for the association's  
704 willful failure to comply. The minimum damages are \$50 per  
705 calendar day for up to 10 days, beginning on the 11th working  
706 day after receipt of the written request. The failure to permit  
707 inspection entitles any person prevailing in an enforcement  
708 action to recover reasonable attorney fees from the person in  
709 control of the records who, directly or indirectly, knowingly  
710 denied access to the records. Any person who knowingly or  
711 intentionally defaces or destroys accounting records that are  
712 required by this chapter to be maintained during the period for  
713 which such records are required to be maintained, or who  
714 knowingly or intentionally fails to create or maintain  
715 accounting records that are required to be created or  
716 maintained, with the intent of causing harm to the association  
717 or one or more of its members, is personally subject to a civil  
718 penalty pursuant to s. 719.501(1)(d). The association shall  
719 maintain an adequate number of copies of the declaration,  
720 articles of incorporation, bylaws, and rules, and all amendments  
721 to each of the foregoing, as well as the question and answer  
722 sheet as described in s. 719.504 and year-end financial  
723 information required by the department, on the cooperative  
724 property to ensure their availability to unit owners and  
725 prospective purchasers, and may charge its actual costs for  
726 preparing and furnishing these documents to those requesting the  
727 same. An association shall allow a member or his or her  
728 authorized representative to use a portable device, including a

729 | smartphone, tablet, portable scanner, or any other technology  
730 | capable of scanning or taking photographs, to make an electronic  
731 | copy of the official records in lieu of the association  
732 | providing the member or his or her authorized representative  
733 | with a copy of such records. The association may not charge a  
734 | member or his or her authorized representative for the use of a  
735 | portable device. Notwithstanding this paragraph, the following  
736 | records shall not be accessible to unit owners:

737 |       1. Any record protected by the lawyer-client privilege as  
738 | described in s. 90.502 and any record protected by the work-  
739 | product privilege, including any record prepared by an  
740 | association attorney or prepared at the attorney's express  
741 | direction which reflects a mental impression, conclusion,  
742 | litigation strategy, or legal theory of the attorney or the  
743 | association, and which was prepared exclusively for civil or  
744 | criminal litigation or for adversarial administrative  
745 | proceedings, or which was prepared in anticipation of such  
746 | litigation or proceedings until the conclusion of the litigation  
747 | or proceedings.

748 |       2. Information obtained by an association in connection  
749 | with the approval of the lease, sale, or other transfer of a  
750 | unit.

751 |       3. Personnel records of association or management company  
752 | employees, including, but not limited to, disciplinary, payroll,  
753 | health, and insurance records. For purposes of this  
754 | subparagraph, the term "personnel records" does not include

755 written employment agreements with an association employee or  
756 management company, or budgetary or financial records that  
757 indicate the compensation paid to an association employee.

758 4. Medical records of unit owners.

759 5. Social security numbers, driver license numbers, credit  
760 card numbers, e-mail addresses, telephone numbers, facsimile  
761 numbers, emergency contact information, addresses of a unit  
762 owner other than as provided to fulfill the association's notice  
763 requirements, and other personal identifying information of any  
764 person, excluding the person's name, unit designation, mailing  
765 address, property address, and any address, e-mail address, or  
766 facsimile number provided to the association to fulfill the  
767 association's notice requirements. Notwithstanding the  
768 restrictions in this subparagraph, an association may print and  
769 distribute to parcel owners a directory containing the name,  
770 parcel address, and all telephone numbers ~~number~~ of each parcel  
771 owner. However, an owner may exclude his or her telephone  
772 numbers ~~number~~ from the directory by so requesting in writing to  
773 the association. An owner may consent in writing to the  
774 disclosure of other contact information described in this  
775 subparagraph. The association is not liable for the inadvertent  
776 disclosure of information that is protected under this  
777 subparagraph if the information is included in an official  
778 record of the association and is voluntarily provided by an  
779 owner and not requested by the association.

780 6. Electronic security measures that are used by the

781 association to safeguard data, including passwords.

782 7. The software and operating system used by the  
783 association which allow the manipulation of data, even if the  
784 owner owns a copy of the same software used by the association.  
785 The data is part of the official records of the association.

786 (e) An outgoing board or committee member must relinquish  
787 all official records and property of the association in his or  
788 her possession or under his or her control to the incoming board  
789 within 5 days after the election. The division shall impose a  
790 civil penalty as set forth in s. 719.501(1)(d) against an  
791 outgoing board or committee member who willfully and knowingly  
792 fails to relinquish such records and property.

793 (4) FINANCIAL REPORT.—

794 (a) Within 90 ~~60~~ days following the end of the fiscal or  
795 calendar year or annually on such date as ~~is otherwise~~ provided  
796 in the bylaws of the association, the board of administration ~~of~~  
797 ~~the association~~ shall prepare and complete, or contract with a  
798 third party to prepare and complete, a financial report covering  
799 the preceding fiscal or calendar year. Within 21 days after the  
800 financial report is completed by the association or received  
801 from the third party, but no later than 120 days after the end  
802 of the fiscal year, calendar year, or other date provided in the  
803 bylaws, the association shall provide each member with a copy of  
804 the annual financial report or a written notice that a copy of  
805 the financial report is available upon request at no charge to  
806 the member. The division shall adopt rules setting forth uniform

807 accounting principles, standards, and reporting requirements.  
808 ~~mail or furnish by personal delivery to each unit owner a~~  
809 ~~complete financial report of actual receipts and expenditures~~  
810 ~~for the previous 12 months, or a complete set of financial~~  
811 ~~statements for the preceding fiscal year prepared in accordance~~  
812 ~~with generally accepted accounting procedures. The report shall~~  
813 ~~show the amounts of receipts by accounts and receipt~~  
814 ~~classifications and shall show the amounts of expenses by~~  
815 ~~accounts and expense classifications including, if applicable,~~  
816 ~~but not limited to, the following:~~

- 817 ~~1. Costs for security;~~
- 818 ~~2. Professional and management fees and expenses;~~
- 819 ~~3. Taxes;~~
- 820 ~~4. Costs for recreation facilities;~~
- 821 ~~5. Expenses for refuse collection and utility services;~~
- 822 ~~6. Expenses for lawn care;~~
- 823 ~~7. Costs for building maintenance and repair;~~
- 824 ~~8. Insurance costs;~~
- 825 ~~9. Administrative and salary expenses; and~~
- 826 ~~10. Reserves for capital expenditures, deferred~~  
827 ~~maintenance, and any other category for which the association~~  
828 ~~maintains a reserve account or accounts.~~

829 (b) Except as provided in paragraph (c), an association  
830 whose total annual revenues meet the criteria of this paragraph  
831 shall prepare or cause to be prepared a complete set of  
832 financial statements according to the generally accepted



833 accounting principles adopted by the Board of Accountancy. The  
834 financial statements shall be as follows:

835 1. An association with total annual revenues between  
836 \$150,000 and \$299,999 shall prepare a compiled financial  
837 statement.

838 2. An association with total annual revenues between  
839 \$300,000 and \$499,999 shall prepare a reviewed financial  
840 statement.

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

853 4. The requirement to have the financial statements  
854 compiled, reviewed, or audited does not apply to an association  
855 ~~associations~~ if a majority of the voting interests of the  
856 association present at a duly called meeting of the association  
857 have voted ~~determined for a fiscal year~~ to waive this  
858 requirement for the fiscal year. In an association in which

859 turnover of control by the developer has not occurred, the  
860 developer may vote to waive the audit requirement for the first  
861 2 years of ~~the~~ operation of the association, after which time  
862 waiver of an applicable audit requirement shall be by a majority  
863 of voting interests other than the developer. The meeting shall  
864 be held prior to the end of the fiscal year, and the waiver  
865 shall be effective for only one fiscal year. An association may  
866 not waive the financial reporting requirements of this section  
867 for more than 3 consecutive years. ~~This subsection does not~~  
868 ~~apply to a cooperative that consists of 50 or fewer units.~~

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

872 2. An association in a community of fewer than 50 units,  
873 regardless of the association's annual revenues, shall prepare a  
874 report of cash receipts and expenditures in lieu of the  
875 financial statements required by paragraph (b), unless the  
876 declaration or other recorded governing documents provide  
877 otherwise.

878 3. A report of cash receipts and expenditures must  
879 disclose the amount of receipts by accounts and receipt  
880 classifications and the amount of expenses by accounts and  
881 expense classifications, including the following, as applicable:  
882 costs for security, professional, and management fees and  
883 expenses; taxes; costs for recreation facilities; expenses for  
884 refuse collection and utility services; expenses for lawn care;

885 costs for building maintenance and repair; insurance costs;  
886 administration and salary expenses; and reserves, if maintained  
887 by the association.

888 (d) If at least 20 percent of the unit owners petition the  
889 board for a greater level of financial reporting than that  
890 required by this section, the association shall duly notice and  
891 hold a membership meeting within 30 days after receipt of the  
892 petition to vote on raising the level of reporting for that  
893 fiscal year. Upon approval by a majority of the voting interests  
894 represented at a meeting at which a quorum of unit owners is  
895 present, the association shall prepare an amended budget or  
896 shall adopt a special assessment to pay for the financial report  
897 regardless of any provision to the contrary in the declaration  
898 or other recorded governing documents. In addition, the  
899 association shall provide within 90 days after the meeting or  
900 the end of the fiscal year, whichever occurs later:

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

904 2. Reviewed or audited financial statements, if the  
905 association is otherwise required to prepare compiled financial  
906 statements; or

907 3. Audited financial statements, if the association is  
908 otherwise required to prepare reviewed financial statements.

909 (e) If approved by a majority of the voting interests  
910 present at a properly called meeting of the association, an

911 association may prepare or cause to be prepared:

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

914 2. A report of cash receipts and expenditures or a  
 915 compiled financial statement in lieu of a reviewed or audited  
 916 financial statement; or

917 3. A report of cash receipts and expenditures, a compiled  
 918 financial statement, or a reviewed financial statement in lieu  
 919 of an audited financial statement.

920 Section 13. Paragraph (a) of subsection (1) of section  
 921 719.106, Florida Statutes, is amended to read:

922 719.106 Bylaws; cooperative ownership.—

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

926 (a) Administration.—

927 1. The form of administration of the association shall be  
 928 described, indicating the titles of the officers and board of  
 929 administration and specifying the powers, duties, manner of  
 930 selection and removal, and compensation, if any, of officers and  
 931 board members. In the absence of such a provision, the board of  
 932 administration shall be composed of five members, except in the  
 933 case of cooperatives having five or fewer units, in which case  
 934 in not-for-profit corporations, the board shall consist of not  
 935 fewer than three members. In the absence of provisions to the  
 936 contrary, the board of administration shall have a president, a

937 secretary, and a treasurer, who shall perform the duties of  
938 those offices customarily performed by officers of corporations.  
939 Unless prohibited in the bylaws, the board of administration may  
940 appoint other officers and grant them those duties it deems  
941 appropriate. Unless otherwise provided in the bylaws, the  
942 officers shall serve without compensation and at the pleasure of  
943 the board. Unless otherwise provided in the bylaws, the members  
944 of the board shall serve without compensation.

945 2. A person who has been suspended or removed by the  
946 division under this chapter, or who is delinquent in the payment  
947 of any monetary obligation due to the association, is not  
948 eligible to be a candidate for board membership and may not be  
949 listed on the ballot. A director or officer charged by  
950 information or indictment with a felony theft or embezzlement  
951 offense involving the association's funds or property is  
952 suspended from office. The board shall fill the vacancy  
953 according to general law until the end of the period of the  
954 suspension or the end of the director's term of office,  
955 whichever occurs first. However, if the charges are resolved  
956 without a finding of guilt or without acceptance of a plea of  
957 guilty or nolo contendere, the director or officer shall be  
958 reinstated for any remainder of his or her term of office. A  
959 member who has such criminal charges pending may not be  
960 appointed or elected to a position as a director or officer. A  
961 person who has been convicted of any felony in this state or in  
962 any United States District Court, or who has been convicted of

963 any offense in another jurisdiction which would be considered a  
964 felony if committed in this state, is not eligible for board  
965 membership unless such felon's civil rights have been restored  
966 for at least 5 years as of the date such person seeks election  
967 to the board. The validity of an action by the board is not  
968 affected if it is later determined that a board member is  
969 ineligible for board membership due to having been convicted of  
970 a felony.

971 ~~3.2.~~ When a unit owner files a written inquiry by  
972 certified mail with the board of administration, the board shall  
973 respond in writing to the unit owner within 30 days of receipt  
974 of the inquiry. The board's response shall either give a  
975 substantive response to the inquirer, notify the inquirer that a  
976 legal opinion has been requested, or notify the inquirer that  
977 advice has been requested from the division. If the board  
978 requests advice from the division, the board shall, within 10  
979 days of its receipt of the advice, provide in writing a  
980 substantive response to the inquirer. If a legal opinion is  
981 requested, the board shall, within 60 days after the receipt of  
982 the inquiry, provide in writing a substantive response to the  
983 inquirer. The failure to provide a substantive response to the  
984 inquirer as provided herein precludes the board from recovering  
985 attorney's fees and costs in any subsequent litigation,  
986 administrative proceeding, or arbitration arising out of the  
987 inquiry. The association may, through its board of  
988 administration, adopt reasonable rules and regulations regarding

989 the frequency and manner of responding to the unit owners'  
990 inquiries, one of which may be that the association is obligated  
991 to respond to only one written inquiry per unit in any given 30-  
992 day period. In such case, any additional inquiry or inquiries  
993 must be responded to in the subsequent 30-day period, or  
994 periods, as applicable.

995 Section 14. Section 719.128, Florida Statutes, is created  
996 to read:

997 719.128 Association emergency powers.-

998 (1) To the extent allowed by law, unless specifically  
999 prohibited by the cooperative documents, and consistent with s.  
1000 617.0830, the board of administration, in response to damage  
1001 caused by an event for which a state of emergency is declared  
1002 pursuant to s. 252.36 in the area encompassed by the  
1003 cooperative, may exercise the following powers:

1004 (a) Conduct board or membership meetings after notice of  
1005 the meetings and board decisions is provided in as practicable a  
1006 manner as possible, including via publication, radio, United  
1007 States mail, the Internet, public service announcements,  
1008 conspicuous posting on the cooperative property, or any other  
1009 means the board deems appropriate under the circumstances.

1010 (b) Cancel and reschedule an association meeting.

1011 (c) Designate assistant officers who are not directors. If  
1012 the executive officer is incapacitated or unavailable, the  
1013 assistant officer has the same authority during the state of  
1014 emergency as the executive officer he or she assists.

- 1015        (d) Relocate the association's principal office or  
 1016 designate an alternative principal office.
- 1017        (e) Enter into agreements with counties and municipalities  
 1018 to assist counties and municipalities with debris removal.
- 1019        (f) Implement a disaster plan before or immediately  
 1020 following the event for which a state of emergency is declared,  
 1021 which may include turning on or shutting off elevators;  
 1022 electricity; water, sewer, or security systems; or air  
 1023 conditioners for association buildings.
- 1024        (g) Based upon the advice of emergency management  
 1025 officials or upon the advice of licensed professionals retained  
 1026 by the board of administration, determine any portion of the  
 1027 cooperative property unavailable for entry or occupancy by unit  
 1028 owners or their family members, tenants, guests, agents, or  
 1029 invitees to protect their health, safety, or welfare.
- 1030        (h) Based upon the advice of emergency management  
 1031 officials or upon the advice of licensed professionals retained  
 1032 by the board of administration, determine whether the  
 1033 cooperative property can be safely inhabited or occupied.  
 1034 However, such determination is not conclusive as to any  
 1035 determination of habitability pursuant to the declaration.
- 1036        (i) Require the evacuation of the cooperative property in  
 1037 the event of a mandatory evacuation order in the area where the  
 1038 cooperative is located. If a unit owner or other occupant of a  
 1039 cooperative fails to evacuate the cooperative property for which  
 1040 the board has required evacuation, the association is immune



1041 from liability for injury to persons or property arising from  
1042 such failure.

1043 (j) Mitigate further damage, including taking action to  
1044 contract for the removal of debris and to prevent or mitigate  
1045 the spread of fungus, including mold or mildew, by removing and  
1046 disposing of wet drywall, insulation, carpet, cabinetry, or  
1047 other fixtures on or within the cooperative property, regardless  
1048 of whether the unit owner is obligated by the declaration or law  
1049 to insure or replace those fixtures and to remove personal  
1050 property from a unit.

1051 (k) Contract, on behalf of a unit owner, for items or  
1052 services for which the owner is otherwise individually  
1053 responsible, but which are necessary to prevent further damage  
1054 to the cooperative property. In such event, the unit owner on  
1055 whose behalf the board has contracted is responsible for  
1056 reimbursing the association for the actual costs of the items or  
1057 services, and the association may use its lien authority  
1058 provided by s. 719.108 to enforce collection of the charges.  
1059 Such items or services may include the drying of the unit, the  
1060 boarding of broken windows or doors, and the replacement of a  
1061 damaged air conditioner or air handler to provide climate  
1062 control in the unit or other portions of the property.

1063 (l) Notwithstanding a provision to the contrary, and  
1064 regardless of whether such authority does not specifically  
1065 appear in the cooperative documents, levy special assessments  
1066 without a vote of the owners.

1067       (m) Without unit owners' approval, borrow money and pledge  
 1068 association assets as collateral to fund emergency repairs and  
 1069 carry out the duties of the association if operating funds are  
 1070 insufficient. This paragraph does not limit the general  
 1071 authority of the association to borrow money, subject to such  
 1072 restrictions contained in the cooperative documents.

1073       (2) The authority granted under subsection (1) is limited  
 1074 to that time reasonably necessary to protect the health, safety,  
 1075 and welfare of the association and the unit owners and their  
 1076 family members, tenants, guests, agents, or invitees, and to  
 1077 mitigate further damage and make emergency repairs.

1078       Section 15. Paragraph (c) of subsection (5) of section  
 1079 720.303, Florida Statutes, is amended to read:

1080       720.303 Association powers and duties; meetings of board;  
 1081 official records; budgets; financial reporting; association  
 1082 funds; recalls.—

1083       (5) INSPECTION AND COPYING OF RECORDS.—The official  
 1084 records shall be maintained within the state for at least 7  
 1085 years and shall be made available to a parcel owner for  
 1086 inspection or photocopying within 45 miles of the community or  
 1087 within the county in which the association is located within 10  
 1088 business days after receipt by the board or its designee of a  
 1089 written request. This subsection may be complied with by having  
 1090 a copy of the official records available for inspection or  
 1091 copying in the community or, at the option of the association,  
 1092 by making the records available to a parcel owner electronically

1093 via the Internet or by allowing the records to be viewed in  
1094 electronic format on a computer screen and printed upon request.  
1095 If the association has a photocopy machine available where the  
1096 records are maintained, it must provide parcel owners with  
1097 copies on request during the inspection if the entire request is  
1098 limited to no more than 25 pages. An association shall allow a  
1099 member or his or her authorized representative to use a portable  
1100 device, including a smartphone, tablet, portable scanner, or any  
1101 other technology capable of scanning or taking photographs, to  
1102 make an electronic copy of the official records in lieu of the  
1103 association's providing the member or his or her authorized  
1104 representative with a copy of such records. The association may  
1105 not charge a fee to a member or his or her authorized  
1106 representative for the use of a portable device.

1107 (c) The association may adopt reasonable written rules  
1108 governing the frequency, time, location, notice, records to be  
1109 inspected, and manner of inspections, but may not require a  
1110 parcel owner to demonstrate any proper purpose for the  
1111 inspection, state any reason for the inspection, or limit a  
1112 parcel owner's right to inspect records to less than one 8-hour  
1113 business day per month. The association may impose fees to cover  
1114 the costs of providing copies of the official records, including  
1115 the costs of copying and the costs required for personnel to  
1116 retrieve and copy the records if the time spent retrieving and  
1117 copying the records exceeds one-half hour and if the personnel  
1118 costs do not exceed \$20 per hour. Personnel costs may not be

1119 | charged for records requests that result in the copying of 25 or  
1120 | fewer pages. The association may charge up to 25 cents per page  
1121 | for copies made on the association's photocopier. If the  
1122 | association does not have a photocopy machine available where  
1123 | the records are kept, or if the records requested to be copied  
1124 | exceed 25 pages in length, the association may have copies made  
1125 | by an outside duplicating service and may charge the actual cost  
1126 | of copying, as supported by the vendor invoice. The association  
1127 | shall maintain an adequate number of copies of the recorded  
1128 | governing documents, to ensure their availability to members and  
1129 | prospective members. Notwithstanding this paragraph, the  
1130 | following records are not accessible to members or parcel  
1131 | owners:

1132 |       1. Any record protected by the lawyer-client privilege as  
1133 | described in s. 90.502 and any record protected by the work-  
1134 | product privilege, including, but not limited to, a record  
1135 | prepared by an association attorney or prepared at the  
1136 | attorney's express direction which reflects a mental impression,  
1137 | conclusion, litigation strategy, or legal theory of the attorney  
1138 | or the association and which was prepared exclusively for civil  
1139 | or criminal litigation or for adversarial administrative  
1140 | proceedings or which was prepared in anticipation of such  
1141 | litigation or proceedings until the conclusion of the litigation  
1142 | or proceedings.

1143 |       2. Information obtained by an association in connection  
1144 | with the approval of the lease, sale, or other transfer of a

1145 parcel.

1146         3. Personnel records of association or management company  
 1147 employees, including, but not limited to, disciplinary, payroll,  
 1148 health, and insurance records. For purposes of this  
 1149 subparagraph, the term "personnel records" does not include  
 1150 written employment agreements with an association or management  
 1151 company employee or budgetary or financial records that indicate  
 1152 the compensation paid to an association or management company  
 1153 employee.

1154         4. Medical records of parcel owners or community  
 1155 residents.

1156         5. Social security numbers, driver license numbers, credit  
 1157 card numbers, electronic mailing addresses, telephone numbers,  
 1158 facsimile numbers, emergency contact information, any addresses  
 1159 for a parcel owner other than as provided for association notice  
 1160 requirements, and other personal identifying information of any  
 1161 person, excluding the person's name, parcel designation, mailing  
 1162 address, and property address. Notwithstanding the restrictions  
 1163 in this subparagraph, an association may print and distribute to  
 1164 parcel owners a directory containing the name, parcel address,  
 1165 and all telephone numbers ~~number~~ of each parcel owner. However,  
 1166 an owner may exclude his or her telephone numbers ~~number~~ from  
 1167 the directory by so requesting in writing to the association. An  
 1168 owner may consent in writing to the disclosure of other contact  
 1169 information described in this subparagraph. The association is  
 1170 not liable for the disclosure of information that is protected

1171 under this subparagraph if the information is included in an  
 1172 official record of the association and is voluntarily provided  
 1173 by an owner and not requested by the association.

1174 6. Any electronic security measure that is used by the  
 1175 association to safeguard data, including passwords.

1176 7. The software and operating system used by the  
 1177 association which allows the manipulation of data, even if the  
 1178 owner owns a copy of the same software used by the association.  
 1179 The data is part of the official records of the association.

1180 Section 16. Paragraph (b) of subsection (1) of section  
 1181 720.306, Florida Statutes, is amended to read:

1182 720.306 Meetings of members; voting and election  
 1183 procedures; amendments.—

1184 (1) QUORUM; AMENDMENTS.—

1185 (b) Unless otherwise provided in the governing documents  
 1186 or required by law, and other than those matters set forth in  
 1187 paragraph (c), any governing document of an association may be  
 1188 amended by the affirmative vote of two-thirds of the voting  
 1189 interests of the association. Within 30 days after recording an  
 1190 amendment to the governing documents, the association shall  
 1191 provide copies of the amendment to the members. However, if a  
 1192 copy of the proposed amendment is provided to the members before  
 1193 they vote on the amendment and the proposed amendment is not  
 1194 changed before the vote, the association, in lieu of providing a  
 1195 copy of the amendment, may provide notice to the members that  
 1196 the amendment was adopted, identifying the official book and

1197 page number or instrument number of the recorded amendment and  
 1198 that a copy of the amendment is available at no charge to the  
 1199 member upon written request to the association. The copies and  
 1200 notice described in this paragraph may be provided  
 1201 electronically to those owners who previously consented to  
 1202 receive notice electronically.

1203 Section 17. Section 720.316, Florida Statutes, is created  
 1204 to read:

1205 720.316 Association emergency powers.-

1206 (1) To the extent allowed by law, unless specifically  
 1207 prohibited by the declaration or other recorded governing  
 1208 documents, and consistent with s. 617.0830, the board of  
 1209 directors, in response to damage caused by an event for which a  
 1210 state of emergency is declared pursuant to s. 252.36 in the area  
 1211 encompassed by the association, may exercise the following  
 1212 powers:

1213 (a) Conduct board or membership meetings after notice of  
 1214 the meetings and board decisions is provided in as practicable a  
 1215 manner as possible, including via publication, radio, United  
 1216 States mail, the Internet, public service announcements,  
 1217 conspicuous posting on the association property, or any other  
 1218 means the board deems appropriate under the circumstances.

1219 (b) Cancel and reschedule an association meeting.

1220 (c) Designate assistant officers who are not directors. If  
 1221 the executive officer is incapacitated or unavailable, the  
 1222 assistant officer has the same authority during the state of

1223 emergency as the executive officer he or she assists.

1224 (d) Relocate the association's principal office or  
 1225 designate an alternative principal office.

1226 (e) Enter into agreements with counties and municipalities  
 1227 to assist counties and municipalities with debris removal.

1228 (f) Implement a disaster plan before or immediately  
 1229 following the event for which a state of emergency is declared,  
 1230 which may include, but is not limited to, turning on or shutting  
 1231 off elevators; electricity; water, sewer, or security systems;  
 1232 or air conditioners for association buildings.

1233 (g) Based upon the advice of emergency management  
 1234 officials or upon the advice of licensed professionals retained  
 1235 by the board, determine any portion of the association property  
 1236 unavailable for entry or occupancy by owners or their family  
 1237 members, tenants, guests, agents, or invitees to protect their  
 1238 health, safety, or welfare.

1239 (h) Based upon the advice of emergency management  
 1240 officials or upon the advice of licensed professionals retained  
 1241 by the board, determine whether the association property can be  
 1242 safely inhabited or occupied. However, such determination is not  
 1243 conclusive as to any determination of habitability pursuant to  
 1244 the declaration.

1245 (i) Mitigate further damage, including taking action to  
 1246 contract for the removal of debris and to prevent or mitigate  
 1247 the spread of fungus, including mold or mildew, by removing and  
 1248 disposing of wet drywall, insulation, carpet, cabinetry, or



1249 other fixtures on or within the association property.

1250 (j) Notwithstanding a provision to the contrary, and  
 1251 regardless of whether such authority does not specifically  
 1252 appear in the declaration or other recorded governing documents,  
 1253 levy special assessments without a vote of the owners.

1254 (k) Without owners' approval, borrow money and pledge  
 1255 association assets as collateral to fund emergency repairs and  
 1256 carry out the duties of the association if operating funds are  
 1257 insufficient. This paragraph does not limit the general  
 1258 authority of the association to borrow money, subject to such  
 1259 restrictions contained in the declaration or other recorded  
 1260 governing documents.

1261 (2) The authority granted under subsection (1) is limited  
 1262 to that time reasonably necessary to protect the health, safety,  
 1263 and welfare of the association and the parcel owners and their  
 1264 family members, tenants, guests, agents, or invitees, and to  
 1265 mitigate further damage and make emergency repairs.

1266 Section 18. This act shall take effect July 1, 2014.