

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

Page 1 of 49

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0807-02-c2

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

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

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

76 providing emergency powers of a homeowners'
77 association; providing an effective date.

78

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

80

81 Section 1. Paragraph (b) of subsection (4) of section
82 509.013, Florida Statutes, is amended to read:

83 509.013 Definitions.—As used in this chapter, the term:

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

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

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

102

103 License classifications of public lodging establishments, and
104 the definitions therefor, are set out in s. 509.242. For the

105 purpose of licensure, the term does not include condominium
 106 common elements as defined in s. 718.103.

107 (b) The following are excluded from the definitions in
 108 paragraph (a):

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

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

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

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

128 5. Any migrant labor camp or residential migrant housing
 129 permitted by the Department of Health under ss. 381.008-
 130 381.00895.

131 6. Any establishment inspected by the Department of Health
132 and regulated by chapter 513.

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

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

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

148 Section 2. Paragraph (a) of subsection (2) of section
149 509.032, Florida Statutes, is amended to read:

150 509.032 Duties.—

151 (2) INSPECTION OF PREMISES.—

152 (a) The division has responsibility and jurisdiction for
153 all inspections required by this chapter. The division has
154 responsibility for quality assurance. Each licensed
155 establishment shall be inspected at least biannually, except for
156 transient and nontransient apartments, which shall be inspected

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

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

181 509.221 Sanitary regulations.—

182 (9) Subsections (2), (5), and (6) do not apply to any

183 facility or unit classified as a vacation rental, ~~or~~
 184 nontransient apartment, or timeshare project as described in s.
 185 509.242(1)(c), ~~and (d), and (g).~~

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

188 509.241 Licenses required; exceptions.—

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

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

199 509.242 Public lodging establishments; classifications.—

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

204 (a) Hotel.—A hotel is any public lodging establishment
 205 containing sleeping room accommodations for 25 or more guests
 206 and providing the services generally provided by a hotel and
 207 recognized as a hotel in the community in which it is situated
 208 or by the industry.

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

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

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

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

230 (f) Bed and breakfast inn.—A bed and breakfast inn is a
 231 family home structure, with no more than 15 sleeping rooms,
 232 which has been modified to serve as a transient public lodging
 233 establishment, which provides the accommodation and meal
 234 services generally offered by a bed and breakfast inn, and which

235 is recognized as a bed and breakfast inn in the community in
236 which it is situated or by the hospitality industry.

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

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

242 509.251 License fees.—

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

261 include fees collected for the purpose of funding the
 262 Hospitality Education Program, pursuant to s. 509.302, which are
 263 payable in full for each application regardless of when the
 264 application is submitted.

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

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

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

281 712.05 Effect of filing notice.—

282 (1) A ~~Any~~ person claiming an interest in land or a
 283 homeowners' association desiring to preserve a ~~any~~ covenant or
 284 restriction may preserve and protect the same from
 285 extinguishment by the operation of this act by filing for
 286 record, during the 30-year period immediately following the

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

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

304
305 Such notice may be filed by a homeowners' association only if
306 the preservation of such covenant or restriction or portion of
307 such covenant or restriction is approved by at least two-thirds
308 of the members of the board of directors of an incorporated
309 homeowners' association at a meeting for which a notice, stating
310 the meeting's time and place and containing the statement of
311 marketable title action described in s. 712.06(1)(b), was mailed
312 or hand delivered to members of the homeowners' association at

313 least not less than 7 days before ~~prior to~~ such meeting. The
314 homeowners' association or clerk of the circuit court is not
315 required to provide additional notice pursuant to s. 712.06(3).
316 The preceding sentence is intended to clarify existing law.

317 Section 8. Subsection (5), paragraph (j) of subsection
318 (11), and paragraph (c) of subsection (12) of section 718.111,
319 Florida Statutes, are amended, and paragraph (f) is added to
320 subsection (12) of that section, to read:

321 718.111 The association.—

322 (5) RIGHT OF ACCESS TO UNITS.—

323 (a) The association has the irrevocable right of access to
324 each unit during reasonable hours, when necessary for the
325 maintenance, repair, or replacement of any common elements or of
326 any portion of a unit to be maintained by the association
327 pursuant to the declaration or as necessary to prevent damage to
328 the common elements or to a unit ~~or units~~.

329 (b)1. In addition to the association's right of access in
330 paragraph (a) and regardless of whether authority is provided in
331 the declaration or other recorded condominium documents, an
332 association, at the sole discretion of the board, may enter an
333 abandoned unit to inspect the unit and adjoining common
334 elements; make repairs to the unit or to the common elements
335 -serving the unit, as needed; repair the unit if mold or
336 deterioration is present; turn on the utilities for the unit; or
337 otherwise maintain, preserve, or protect the unit and adjoining
338 common elements. For purposes of this paragraph, a unit is

339 presumed to be abandoned if:

340 a. The unit is the subject of a foreclosure action and no
341 tenant appears to have resided in the unit for at least 4
342 continuous weeks without prior written notice to the
343 association; or

344 b. No tenant appears to have resided in the unit for 2
345 consecutive months without prior written notice to the
346 association, and the association is unable to contact the owner
347 or determine the whereabouts of the owner after reasonable
348 inquiry.

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

356 3. Any expense incurred by an association pursuant to this
357 paragraph is chargeable to the unit owner and enforceable as an
358 assessment pursuant to s. 718.116, and the association may use
359 its lien authority provided by s. 718.116 to enforce collection
360 of the expense.

361 4. The association may petition a court of competent
362 jurisdiction to appoint a receiver and may lease out an
363 abandoned unit for the benefit of the association to offset
364 against the rental income the association's costs and expenses

365 of maintaining, preserving, and protecting the unit and the
366 adjoining common elements, including the costs of the
367 receivership and all unpaid assessments, interest,
368 administrative late fees, costs, and reasonable attorney fees.

369 (11) INSURANCE.—In order to protect the safety, health,
370 and welfare of the people of the State of Florida and to ensure
371 consistency in the provision of insurance coverage to
372 condominiums and their unit owners, this subsection applies to
373 every residential condominium in the state, regardless of the
374 date of its declaration of condominium. It is the intent of the
375 Legislature to encourage lower or stable insurance premiums for
376 associations described in this subsection.

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

389 1. A unit owner is responsible for the costs of repair or
390 replacement of any portion of the condominium property not paid

391 by insurance proceeds if such damage is caused by intentional
392 conduct, negligence, or failure to comply with the terms of the
393 declaration or the rules of the association by a unit owner, the
394 members of his or her family, unit occupants, tenants, guests,
395 or invitees, without compromise of the subrogation rights of the
396 insurer.

397 2. The provisions of subparagraph 1. regarding the
398 financial responsibility of a unit owner for the costs of
399 repairing or replacing other portions of the condominium
400 property also apply to the costs of repair or replacement of
401 personal property of other unit owners or the association, as
402 well as other property, whether real or personal, which the unit
403 owners are required to insure.

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

411 4. The association is not obligated to pay for
412 reconstruction or repairs of property losses as a common expense
413 if the property losses were known or should have been known to a
414 unit owner and were not reported to the association until after
415 the insurance claim of the association for that property was
416 settled or resolved with finality, or denied because it was

417 | untimely filed.

418 | (12) OFFICIAL RECORDS.—

419 | (c) The official records of the association are open to
420 | inspection by any association member or the authorized
421 | representative of such member at all reasonable times. The right
422 | to inspect the records includes the right to make or obtain
423 | copies, at the reasonable expense, if any, of the member. The
424 | association may adopt reasonable rules regarding the frequency,
425 | time, location, notice, and manner of record inspections and
426 | copying. The failure of an association to provide the records
427 | within 10 working days after receipt of a written request
428 | creates a rebuttable presumption that the association willfully
429 | failed to comply with this paragraph. A unit owner who is denied
430 | access to official records is entitled to the actual damages or
431 | minimum damages for the association's willful failure to comply.
432 | Minimum damages are \$50 per calendar day for up to 10 days,
433 | beginning on the 11th working day after receipt of the written
434 | request. The failure to permit inspection entitles any person
435 | prevailing in an enforcement action to recover reasonable
436 | attorney fees from the person in control of the records who,
437 | directly or indirectly, knowingly denied access to the records.
438 | Any person who knowingly or intentionally defaces or destroys
439 | accounting records that are required by this chapter to be
440 | maintained during the period for which such records are required
441 | to be maintained, or who knowingly or intentionally fails to
442 | create or maintain accounting records that are required to be

443 created or maintained, with the intent of causing harm to the
444 association or one or more of its members, is personally subject
445 to a civil penalty pursuant to s. 718.501(1)(d). The association
446 shall maintain an adequate number of copies of the declaration,
447 articles of incorporation, bylaws, and rules, and all amendments
448 to each of the foregoing, as well as the question and answer
449 sheet as described in s. 718.504 and year-end financial
450 information required under this section, on the condominium
451 property to ensure their availability to unit owners and
452 prospective purchasers, and may charge its actual costs for
453 preparing and furnishing these documents to those requesting the
454 documents. An association shall allow a member or his or her
455 authorized representative to use a portable device, including a
456 smartphone, tablet, portable scanner, or any other technology
457 capable of scanning or taking photographs, to make an electronic
458 copy of the official records in lieu of the association's
459 providing the member or his or her authorized representative
460 with a copy of such records. The association may not charge a
461 member or his or her authorized representative for the use of a
462 portable device. Notwithstanding this paragraph, the following
463 records are not accessible to unit owners:

464 1. Any record protected by the lawyer-client privilege as
465 described in s. 90.502 and any record protected by the work-
466 product privilege, including a record prepared by an association
467 attorney or prepared at the attorney's express direction, which
468 reflects a mental impression, conclusion, litigation strategy,

469 or legal theory of the attorney or the association, and which
470 was prepared exclusively for civil or criminal litigation or for
471 adversarial administrative proceedings, or which was prepared in
472 anticipation of such litigation or proceedings until the
473 conclusion of the litigation or proceedings.

474 2. Information obtained by an association in connection
475 with the approval of the lease, sale, or other transfer of a
476 unit.

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

484 4. Medical records of unit owners.

485 5. Social security numbers, driver's license numbers,
486 credit card numbers, e-mail addresses, telephone numbers,
487 facsimile numbers, emergency contact information, addresses of a
488 unit owner other than as provided to fulfill the association's
489 notice requirements, and other personal identifying information
490 of any person, excluding the person's name, unit designation,
491 mailing address, property address, and any address, e-mail
492 address, or facsimile number provided to the association to
493 fulfill the association's notice requirements. Notwithstanding
494 the restrictions in this subparagraph, an association may print

495 and distribute to parcel owners a directory containing the name,
496 parcel address, and all telephone numbers ~~number~~ of each parcel
497 owner. However, an owner may exclude his or her telephone
498 numbers ~~number~~ from the directory by so requesting in writing to
499 the association. An owner may consent in writing to the
500 disclosure of other contact information described in this
501 subparagraph. The association is not liable for the inadvertent
502 disclosure of information that is protected under this
503 subparagraph if the information is included in an official
504 record of the association and is voluntarily provided by an
505 owner and not requested by the association.

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

508 7. The software and operating system used by the
509 association which allow the manipulation of data, even if the
510 owner owns a copy of the same software used by the association.
511 The data is part of the official records of the association.

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

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

521 718.112 Bylaws.—

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

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

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

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

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

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

565 4. A member of the board of administration or a committee
566 may submit in writing his or her agreement or disagreement with
567 any action taken at a meeting that the member did not attend.
568 This agreement or disagreement may not be used as a vote for or
569 against the action taken or to create a quorum.

570 5. A ~~If any of the~~ board or committee member's
571 participation in a meeting via telephone, real-time
572 videoconferencing, or similar real-time electronic or video

573 communication counts toward a quorum, and such member may vote
574 as if physically present ~~members meet by telephone conference,~~
575 ~~those board or committee members may be counted toward obtaining~~
576 ~~a quorum and may vote by telephone.~~ A telephone speaker must be
577 used so that the conversation of such ~~those~~ members may be heard
578 by the board or committee members attending in person as well as
579 by any unit owners present at a meeting.

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

592 1. Adequate notice of all board meetings, which must
593 specifically identify all agenda items, must be posted
594 conspicuously on the condominium property at least 48 continuous
595 hours before the meeting except in an emergency. If 20 percent
596 of the voting interests petition the board to address an item of
597 business, the board, within 60 days after receipt of the
598 petition, shall place the item on the agenda at its next regular

599 board meeting or at a special meeting called for that purpose ~~of~~
600 ~~the board, but not later than 60 days after the receipt of the~~
601 ~~petition, shall place the item on the agenda. An~~ Any item not
602 included on the notice may be taken up on an emergency basis by
603 a vote of at least a majority plus one of the board members.
604 Such emergency action must be noticed and ratified at the next
605 regular board meeting. However, written notice of a ~~any~~ meeting
606 at which a nonemergency special assessment ~~assessments,~~ or an ~~at~~
607 ~~which~~ amendment to rules regarding unit use~~,~~ will be considered
608 must be mailed, delivered, or electronically transmitted to the
609 unit owners and posted conspicuously on the condominium property
610 at least 14 days before the meeting. Evidence of compliance with
611 this 14-day notice requirement must be made by an affidavit
612 executed by the person providing the notice and filed with the
613 official records of the association. Upon notice to the unit
614 owners, the board shall, by duly adopted rule, designate a
615 specific location on the condominium or association property
616 where all notices of board meetings must ~~are to~~ be posted. If
617 there is no condominium property or association property where
618 notices can be posted, notices shall be mailed, delivered, or
619 electronically transmitted to each unit owner at least 14 days
620 before the meeting ~~to the owner of each unit~~. In lieu of or in
621 addition to the physical posting of the notice on the
622 condominium property, the association may, by reasonable rule,
623 adopt a procedure for conspicuously posting and repeatedly
624 broadcasting the notice and the agenda on a closed-circuit cable

625 television system serving the condominium association. However,
626 if broadcast notice is used in lieu of a notice physically
627 posted on condominium property, the notice and agenda must be
628 broadcast at least four times every broadcast hour of each day
629 that a posted notice is otherwise required under this section.
630 If broadcast notice is provided, the notice and agenda must be
631 broadcast in a manner and for a sufficient continuous length of
632 time so as to allow an average reader to observe the notice and
633 read and comprehend the entire content of the notice and the
634 agenda. Notice of any meeting in which regular or special
635 assessments against unit owners are to be considered ~~for any~~
636 ~~reason~~ must specifically state that assessments will be
637 considered and provide the nature, estimated cost, and
638 description of the purposes for such assessments.

639 2. Meetings of a committee to take final action on behalf
640 of the board or make recommendations to the board regarding the
641 association budget are subject to this paragraph. Meetings of a
642 committee that does not take final action on behalf of the board
643 or make recommendations to the board regarding the association
644 budget are subject to this section, unless those meetings are
645 exempted from this section by the bylaws of the association.

646 3. Notwithstanding any other law, the requirement that
647 board meetings and committee meetings be open to the unit owners
648 does not apply to:

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

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

653 b. Board meetings held for the purpose of discussing
 654 personnel matters.

655 Section 10. Section 718.707, Florida Statutes, is amended
 656 to read:

657 718.707 Time limitation for classification as bulk
 658 assignee or bulk buyer.—A person acquiring condominium parcels
 659 may not be classified as a bulk assignee or bulk buyer unless
 660 the condominium parcels were acquired on or after July 1, 2010,
 661 but before July 1, 2016 ~~2015~~. The date of such acquisition shall
 662 be determined by the date of recording a deed or other
 663 instrument of conveyance for such parcels in the public records
 664 of the county in which the condominium is located, or by the
 665 date of issuing a certificate of title in a foreclosure
 666 proceeding with respect to such condominium parcels.

667 Section 11. Paragraph (c) of subsection (2) and subsection
 668 (4) of section 719.104, Florida Statutes, are amended, and
 669 paragraph (e) is added to subsection (2) of that section, to
 670 read:

671 719.104 Cooperatives; access to units; records; financial
 672 reports; assessments; purchase of leases.—

673 (2) OFFICIAL RECORDS.—

674 (c) The official records of the association are open to
 675 inspection by any association member or the authorized
 676 representative of such member at all reasonable times. The right

677 to inspect the records includes the right to make or obtain
678 copies, at the reasonable expense, if any, of the association
679 member. The association may adopt reasonable rules regarding the
680 frequency, time, location, notice, and manner of record
681 inspections and copying. The failure of an association to
682 provide the records within 10 working days after receipt of a
683 written request creates a rebuttable presumption that the
684 association willfully failed to comply with this paragraph. A
685 unit owner who is denied access to official records is entitled
686 to the actual damages or minimum damages for the association's
687 willful failure to comply. The minimum damages are \$50 per
688 calendar day for up to 10 days, beginning on the 11th working
689 day after receipt of the written request. The failure to permit
690 inspection entitles any person prevailing in an enforcement
691 action to recover reasonable attorney fees from the person in
692 control of the records who, directly or indirectly, knowingly
693 denied access to the records. Any person who knowingly or
694 intentionally defaces or destroys accounting records that are
695 required by this chapter to be maintained during the period for
696 which such records are required to be maintained, or who
697 knowingly or intentionally fails to create or maintain
698 accounting records that are required to be created or
699 maintained, with the intent of causing harm to the association
700 or one or more of its members, is personally subject to a civil
701 penalty pursuant to s. 719.501(1)(d). The association shall
702 maintain an adequate number of copies of the declaration,

703 articles of incorporation, bylaws, and rules, and all amendments
704 to each of the foregoing, as well as the question and answer
705 sheet as described in s. 719.504 and year-end financial
706 information required by the department, on the cooperative
707 property to ensure their availability to unit owners and
708 prospective purchasers, and may charge its actual costs for
709 preparing and furnishing these documents to those requesting the
710 same. An association shall allow a member or his or her
711 authorized representative to use a portable device, including a
712 smartphone, tablet, portable scanner, or any other technology
713 capable of scanning or taking photographs, to make an electronic
714 copy of the official records in lieu of the association
715 providing the member or his or her authorized representative
716 with a copy of such records. The association may not charge a
717 member or his or her authorized representative for the use of a
718 portable device. Notwithstanding this paragraph, the following
719 records shall not be accessible to unit owners:

720 1. Any record protected by the lawyer-client privilege as
721 described in s. 90.502 and any record protected by the work-
722 product privilege, including any record prepared by an
723 association attorney or prepared at the attorney's express
724 direction which reflects a mental impression, conclusion,
725 litigation strategy, or legal theory of the attorney or the
726 association, and which was prepared exclusively for civil or
727 criminal litigation or for adversarial administrative
728 proceedings, or which was prepared in anticipation of such

729 litigation or proceedings until the conclusion of the litigation
730 or proceedings.

731 2. Information obtained by an association in connection
732 with the approval of the lease, sale, or other transfer of a
733 unit.

734 3. Personnel records of association or management company
735 employees, including, but not limited to, disciplinary, payroll,
736 health, and insurance records. For purposes of this
737 subparagraph, the term "personnel records" does not include
738 written employment agreements with an association employee or
739 management company, or budgetary or financial records that
740 indicate the compensation paid to an association employee.

741 4. Medical records of unit owners.

742 5. Social security numbers, driver license numbers, credit
743 card numbers, e-mail addresses, telephone numbers, facsimile
744 numbers, emergency contact information, addresses of a unit
745 owner other than as provided to fulfill the association's notice
746 requirements, and other personal identifying information of any
747 person, excluding the person's name, unit designation, mailing
748 address, property address, and any address, e-mail address, or
749 facsimile number provided to the association to fulfill the
750 association's notice requirements. Notwithstanding the
751 restrictions in this subparagraph, an association may print and
752 distribute to parcel owners a directory containing the name,
753 parcel address, and all telephone numbers ~~number~~ of each parcel
754 owner. However, an owner may exclude his or her telephone

755 numbers ~~number~~ from the directory by so requesting in writing to
756 the association. An owner may consent in writing to the
757 disclosure of other contact information described in this
758 subparagraph. The association is not liable for the inadvertent
759 disclosure of information that is protected under this
760 subparagraph if the information is included in an official
761 record of the association and is voluntarily provided by an
762 owner and not requested by the association.

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

765 7. The software and operating system used by the
766 association which allow the manipulation of data, even if the
767 owner owns a copy of the same software used by the association.
768 The data is part of the official records of the association.

769 (e) An outgoing board or committee member must relinquish
770 all official records and property of the association in his or
771 her possession or under his or her control to the incoming board
772 within 5 days after the election. The division shall impose a
773 civil penalty as set forth in s. 719.501(1)(d) against an
774 outgoing board or committee member who willfully and knowingly
775 fails to relinquish such records and property.

776 (4) FINANCIAL REPORT.—

777 (a) Within 90 ~~60~~ days following the end of the fiscal or
778 calendar year or annually on such date as ~~is otherwise~~ provided
779 in the bylaws of the association, the board of administration ~~of~~
780 ~~the association~~ shall prepare and complete, or contract with a

781 third party to prepare and complete, a financial report covering
782 the preceding fiscal or calendar year. Within 21 days after the
783 financial report is completed by the association or received
784 from the third party, but no later than 120 days after the end
785 of the fiscal year, calendar year, or other date provided in the
786 bylaws, the association shall provide each member with a copy of
787 the annual financial report or a written notice that a copy of
788 the financial report is available upon request at no charge to
789 the member. The division shall adopt rules setting forth uniform
790 accounting principles, standards, and reporting requirements.
791 ~~mail or furnish by personal delivery to each unit owner a~~
792 ~~complete financial report of actual receipts and expenditures~~
793 ~~for the previous 12 months, or a complete set of financial~~
794 ~~statements for the preceding fiscal year prepared in accordance~~
795 ~~with generally accepted accounting procedures. The report shall~~
796 ~~show the amounts of receipts by accounts and receipt~~
797 ~~classifications and shall show the amounts of expenses by~~
798 ~~accounts and expense classifications including, if applicable,~~
799 ~~but not limited to, the following:~~

- 800 ~~1. Costs for security;~~
- 801 ~~2. Professional and management fees and expenses;~~
- 802 ~~3. Taxes;~~
- 803 ~~4. Costs for recreation facilities;~~
- 804 ~~5. Expenses for refuse collection and utility services;~~
- 805 ~~6. Expenses for lawn care;~~
- 806 ~~7. Costs for building maintenance and repair;~~

807 ~~8. Insurance costs;~~

808 ~~9. Administrative and salary expenses; and~~

809 ~~10. Reserves for capital expenditures, deferred~~
810 ~~maintenance, and any other category for which the association~~
811 ~~maintains a reserve account or accounts.~~

812 (b) Except as provided in paragraph (c), an association
813 whose total annual revenues meet the criteria of this paragraph
814 shall prepare or cause to be prepared a complete set of
815 financial statements according to the generally accepted
816 accounting principles adopted by the Board of Accountancy. The
817 financial statements shall be as follows:

818 1. An association with total annual revenues between
819 \$150,000 and \$299,999 shall prepare a compiled financial
820 statement.

821 2. An association with total annual revenues between
822 \$300,000 and \$499,999 shall prepare a reviewed financial
823 statement.

824 3. An association with total annual revenues of \$500,000
825 or more shall prepare an audited financial statement. The
826 ~~division shall adopt rules that may require that the association~~
827 ~~deliver to the unit owners, in lieu of the financial report~~
828 ~~required by this section, a complete set of financial statements~~
829 ~~for the preceding fiscal year. The financial statements shall be~~
830 ~~delivered within 90 days following the end of the previous~~
831 ~~fiscal year or annually on such other date as provided in the~~
832 ~~bylaws. The rules of the division may require that the financial~~

833 ~~statements be compiled, reviewed, or audited, and the rules~~
834 ~~shall take into consideration the criteria set forth in s.~~
835 ~~719.501(1)(j).~~

836 4. The requirement to have the financial statements
837 compiled, reviewed, or audited does not apply to an association
838 ~~associations~~ if a majority of the voting interests of the
839 association present at a duly called meeting of the association
840 have voted ~~determined for a fiscal year~~ to waive this
841 requirement for the fiscal year. In an association in which
842 turnover of control by the developer has not occurred, the
843 developer may vote to waive the audit requirement for the first
844 2 years of ~~the~~ operation of the association, after which time
845 waiver of an applicable audit requirement shall be by a majority
846 of voting interests other than the developer. The meeting shall
847 be held prior to the end of the fiscal year, and the waiver
848 shall be effective for only one fiscal year. An association may
849 not waive the financial reporting requirements of this section
850 for more than 3 consecutive years. ~~This subsection does not~~
851 ~~apply to a cooperative that consists of 50 or fewer units.~~

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

855 2. An association in a community of fewer than 50 units,
856 regardless of the association's annual revenues, shall prepare a
857 report of cash receipts and expenditures in lieu of the
858 financial statements required by paragraph (b), unless the

859 declaration or other recorded governing documents provide
860 otherwise.

861 3. A report of cash receipts and expenditures must
862 disclose the amount of receipts by accounts and receipt
863 classifications and the amount of expenses by accounts and
864 expense classifications, including the following, as applicable:
865 costs for security, professional, and management fees and
866 expenses; taxes; costs for recreation facilities; expenses for
867 refuse collection and utility services; expenses for lawn care;
868 costs for building maintenance and repair; insurance costs;
869 administration and salary expenses; and reserves, if maintained
870 by the association.

871 (d) If at least 20 percent of the unit owners petition the
872 board for a greater level of financial reporting than that
873 required by this section, the association shall duly notice and
874 hold a membership meeting within 30 days after receipt of the
875 petition to vote on raising the level of reporting for that
876 fiscal year. Upon approval by a majority of the voting interests
877 represented at a meeting at which a quorum of unit owners is
878 present, the association shall prepare an amended budget or
879 shall adopt a special assessment to pay for the financial report
880 regardless of any provision to the contrary in the declaration
881 or other recorded governing documents. In addition, the
882 association shall provide within 90 days after the meeting or
883 the end of the fiscal year, whichever occurs later:

884 1. Compiled, reviewed, or audited financial statements, if

885 the association is otherwise required to prepare a report of
 886 cash receipts and expenditures;

887 2. Reviewed or audited financial statements, if the
 888 association is otherwise required to prepare compiled financial
 889 statements; or

890 3. Audited financial statements, if the association is
 891 otherwise required to prepare reviewed financial statements.

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

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

897 2. A report of cash receipts and expenditures or a
 898 compiled financial statement in lieu of a reviewed or audited
 899 financial statement; or

900 3. A report of cash receipts and expenditures, a compiled
 901 financial statement, or a reviewed financial statement in lieu
 902 of an audited financial statement.

903 Section 12. Paragraph (a) of subsection (1) of section
 904 719.106, Florida Statutes, is amended to read:

905 719.106 Bylaws; cooperative ownership.—

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

909 (a) Administration.—

910 1. The form of administration of the association shall be

911 described, indicating the titles of the officers and board of
912 administration and specifying the powers, duties, manner of
913 selection and removal, and compensation, if any, of officers and
914 board members. In the absence of such a provision, the board of
915 administration shall be composed of five members, except in the
916 case of cooperatives having five or fewer units, in which case
917 in not-for-profit corporations, the board shall consist of not
918 fewer than three members. In the absence of provisions to the
919 contrary, the board of administration shall have a president, a
920 secretary, and a treasurer, who shall perform the duties of
921 those offices customarily performed by officers of corporations.
922 Unless prohibited in the bylaws, the board of administration may
923 appoint other officers and grant them those duties it deems
924 appropriate. Unless otherwise provided in the bylaws, the
925 officers shall serve without compensation and at the pleasure of
926 the board. Unless otherwise provided in the bylaws, the members
927 of the board shall serve without compensation.

928 2. A person who has been suspended or removed by the
929 division under this chapter, or who is delinquent in the payment
930 of any monetary obligation due to the association, is not
931 eligible to be a candidate for board membership and may not be
932 listed on the ballot. A director or officer charged by
933 information or indictment with a felony theft or embezzlement
934 offense involving the association's funds or property is
935 suspended from office. The board shall fill the vacancy
936 according to general law until the end of the period of the

937 suspension or the end of the director's term of office,
938 whichever occurs first. However, if the charges are resolved
939 without a finding of guilt or without acceptance of a plea of
940 guilty or nolo contendere, the director or officer shall be
941 reinstated for any remainder of his or her term of office. A
942 member who has such criminal charges pending may not be
943 appointed or elected to a position as a director or officer. A
944 person who has been convicted of any felony in this state or in
945 any United States District Court, or who has been convicted of
946 any offense in another jurisdiction which would be considered a
947 felony if committed in this state, is not eligible for board
948 membership unless such felon's civil rights have been restored
949 for at least 5 years as of the date such person seeks election
950 to the board. The validity of an action by the board is not
951 affected if it is later determined that a board member is
952 ineligible for board membership due to having been convicted of
953 a felony.

954 ~~3.2-~~ When a unit owner files a written inquiry by
955 certified mail with the board of administration, the board shall
956 respond in writing to the unit owner within 30 days of receipt
957 of the inquiry. The board's response shall either give a
958 substantive response to the inquirer, notify the inquirer that a
959 legal opinion has been requested, or notify the inquirer that
960 advice has been requested from the division. If the board
961 requests advice from the division, the board shall, within 10
962 days of its receipt of the advice, provide in writing a

963 substantive response to the inquirer. If a legal opinion is
964 requested, the board shall, within 60 days after the receipt of
965 the inquiry, provide in writing a substantive response to the
966 inquirer. The failure to provide a substantive response to the
967 inquirer as provided herein precludes the board from recovering
968 attorney's fees and costs in any subsequent litigation,
969 administrative proceeding, or arbitration arising out of the
970 inquiry. The association may, through its board of
971 administration, adopt reasonable rules and regulations regarding
972 the frequency and manner of responding to the unit owners'
973 inquiries, one of which may be that the association is obligated
974 to respond to only one written inquiry per unit in any given 30-
975 day period. In such case, any additional inquiry or inquiries
976 must be responded to in the subsequent 30-day period, or
977 periods, as applicable.

978 Section 13. Section 719.128, Florida Statutes, is created
979 to read:

980 719.128 Association emergency powers.-

981 (1) To the extent allowed by law, unless specifically
982 prohibited by the cooperative documents, and consistent with s.
983 617.0830, the board of administration, in response to damage
984 caused by an event for which a state of emergency is declared
985 pursuant to s. 252.36 in the area encompassed by the
986 cooperative, may exercise the following powers:

987 (a) Conduct board or membership meetings after notice of
988 the meetings and board decisions is provided in as practicable a

989 manner as possible, including via publication, radio, United
 990 States mail, the Internet, public service announcements,
 991 conspicuous posting on the cooperative property, or any other
 992 means the board deems appropriate under the circumstances.

993 (b) Cancel and reschedule an association meeting.

994 (c) Designate assistant officers who are not directors. If
 995 the executive officer is incapacitated or unavailable, the
 996 assistant officer has the same authority during the state of
 997 emergency as the executive officer he or she assists.

998 (d) Relocate the association's principal office or
 999 designate an alternative principal office.

1000 (e) Enter into agreements with counties and municipalities
 1001 to assist counties and municipalities with debris removal.

1002 (f) Implement a disaster plan before or immediately
 1003 following the event for which a state of emergency is declared,
 1004 which may include turning on or shutting off elevators;
 1005 electricity; water, sewer, or security systems; or air
 1006 conditioners for association buildings.

1007 (g) Based upon the advice of emergency management
 1008 officials or upon the advice of licensed professionals retained
 1009 by the board of administration, determine any portion of the
 1010 cooperative property unavailable for entry or occupancy by unit
 1011 owners or their family members, tenants, guests, agents, or
 1012 invitees to protect their health, safety, or welfare.

1013 (h) Based upon the advice of emergency management
 1014 officials or upon the advice of licensed professionals retained

1015 by the board of administration, determine whether the
1016 cooperative property can be safely inhabited or occupied.
1017 However, such determination is not conclusive as to any
1018 determination of habitability pursuant to the declaration.

1019 (i) Require the evacuation of the cooperative property in
1020 the event of a mandatory evacuation order in the area where the
1021 cooperative is located. If a unit owner or other occupant of a
1022 cooperative fails to evacuate the cooperative property for which
1023 the board has required evacuation, the association is immune
1024 from liability for injury to persons or property arising from
1025 such failure.

1026 (j) Mitigate further damage, including taking action to
1027 contract for the removal of debris and to prevent or mitigate
1028 the spread of fungus, including mold or mildew, by removing and
1029 disposing of wet drywall, insulation, carpet, cabinetry, or
1030 other fixtures on or within the cooperative property, regardless
1031 of whether the unit owner is obligated by the declaration or law
1032 to insure or replace those fixtures and to remove personal
1033 property from a unit.

1034 (k) Contract, on behalf of a unit owner, for items or
1035 services for which the owner is otherwise individually
1036 responsible, but which are necessary to prevent further damage
1037 to the cooperative property. In such event, the unit owner on
1038 whose behalf the board has contracted is responsible for
1039 reimbursing the association for the actual costs of the items or
1040 services, and the association may use its lien authority

1041 provided by s. 719.108 to enforce collection of the charges.
1042 Such items or services may include the drying of the unit, the
1043 boarding of broken windows or doors, and the replacement of a
1044 damaged air conditioner or air handler to provide climate
1045 control in the unit or other portions of the property.

1046 (1) Notwithstanding a provision to the contrary, and
1047 regardless of whether such authority does not specifically
1048 appear in the cooperative documents, levy special assessments
1049 without a vote of the owners.

1050 (m) Without unit owners' approval, borrow money and pledge
1051 association assets as collateral to fund emergency repairs and
1052 carry out the duties of the association if operating funds are
1053 insufficient. This paragraph does not limit the general
1054 authority of the association to borrow money, subject to such
1055 restrictions contained in the cooperative documents.

1056 (2) The authority granted under subsection (1) is limited
1057 to that time reasonably necessary to protect the health, safety,
1058 and welfare of the association and the unit owners and their
1059 family members, tenants, guests, agents, or invitees, and to
1060 mitigate further damage and make emergency repairs.

1061 Section 14. Paragraph (c) of subsection (5) of section
1062 720.303, Florida Statutes, is amended to read:

1063 720.303 Association powers and duties; meetings of board;
1064 official records; budgets; financial reporting; association
1065 funds; recalls.—

1066 (5) INSPECTION AND COPYING OF RECORDS.—The official

1067 records shall be maintained within the state for at least 7
1068 years and shall be made available to a parcel owner for
1069 inspection or photocopying within 45 miles of the community or
1070 within the county in which the association is located within 10
1071 business days after receipt by the board or its designee of a
1072 written request. This subsection may be complied with by having
1073 a copy of the official records available for inspection or
1074 copying in the community or, at the option of the association,
1075 by making the records available to a parcel owner electronically
1076 via the Internet or by allowing the records to be viewed in
1077 electronic format on a computer screen and printed upon request.
1078 If the association has a photocopy machine available where the
1079 records are maintained, it must provide parcel owners with
1080 copies on request during the inspection if the entire request is
1081 limited to no more than 25 pages. An association shall allow a
1082 member or his or her authorized representative to use a portable
1083 device, including a smartphone, tablet, portable scanner, or any
1084 other technology capable of scanning or taking photographs, to
1085 make an electronic copy of the official records in lieu of the
1086 association's providing the member or his or her authorized
1087 representative with a copy of such records. The association may
1088 not charge a fee to a member or his or her authorized
1089 representative for the use of a portable device.

1090 (c) The association may adopt reasonable written rules
1091 governing the frequency, time, location, notice, records to be
1092 inspected, and manner of inspections, but may not require a

1093 parcel owner to demonstrate any proper purpose for the
1094 inspection, state any reason for the inspection, or limit a
1095 parcel owner's right to inspect records to less than one 8-hour
1096 business day per month. The association may impose fees to cover
1097 the costs of providing copies of the official records, including
1098 the costs of copying and the costs required for personnel to
1099 retrieve and copy the records if the time spent retrieving and
1100 copying the records exceeds one-half hour and if the personnel
1101 costs do not exceed \$20 per hour. Personnel costs may not be
1102 charged for records requests that result in the copying of 25 or
1103 fewer pages. The association may charge up to 25 cents per page
1104 for copies made on the association's photocopier. If the
1105 association does not have a photocopy machine available where
1106 the records are kept, or if the records requested to be copied
1107 exceed 25 pages in length, the association may have copies made
1108 by an outside duplicating service and may charge the actual cost
1109 of copying, as supported by the vendor invoice. The association
1110 shall maintain an adequate number of copies of the recorded
1111 governing documents, to ensure their availability to members and
1112 prospective members. Notwithstanding this paragraph, the
1113 following records are not accessible to members or parcel
1114 owners:

1115 1. Any record protected by the lawyer-client privilege as
1116 described in s. 90.502 and any record protected by the work-
1117 product privilege, including, but not limited to, a record
1118 prepared by an association attorney or prepared at the

1119 attorney's express direction which reflects a mental impression,
1120 conclusion, litigation strategy, or legal theory of the attorney
1121 or the association and which was prepared exclusively for civil
1122 or criminal litigation or for adversarial administrative
1123 proceedings or which was prepared in anticipation of such
1124 litigation or proceedings until the conclusion of the litigation
1125 or proceedings.

1126 2. Information obtained by an association in connection
1127 with the approval of the lease, sale, or other transfer of a
1128 parcel.

1129 3. Personnel records of association or management company
1130 employees, including, but not limited to, disciplinary, payroll,
1131 health, and insurance records. For purposes of this
1132 subparagraph, the term "personnel records" does not include
1133 written employment agreements with an association or management
1134 company employee or budgetary or financial records that indicate
1135 the compensation paid to an association or management company
1136 employee.

1137 4. Medical records of parcel owners or community
1138 residents.

1139 5. Social security numbers, driver license numbers, credit
1140 card numbers, electronic mailing addresses, telephone numbers,
1141 facsimile numbers, emergency contact information, any addresses
1142 for a parcel owner other than as provided for association notice
1143 requirements, and other personal identifying information of any
1144 person, excluding the person's name, parcel designation, mailing

1145 address, and property address. Notwithstanding the restrictions
1146 in this subparagraph, an association may print and distribute to
1147 parcel owners a directory containing the name, parcel address,
1148 and all telephone numbers ~~number~~ of each parcel owner. However,
1149 an owner may exclude his or her telephone numbers ~~number~~ from
1150 the directory by so requesting in writing to the association. An
1151 owner may consent in writing to the disclosure of other contact
1152 information described in this subparagraph. The association is
1153 not liable for the disclosure of information that is protected
1154 under this subparagraph if the information is included in an
1155 official record of the association and is voluntarily provided
1156 by an owner and not requested by the association.

1157 6. Any electronic security measure that is used by the
1158 association to safeguard data, including passwords.

1159 7. The software and operating system used by the
1160 association which allows the manipulation of data, even if the
1161 owner owns a copy of the same software used by the association.
1162 The data is part of the official records of the association.

1163 Section 15. Paragraph (b) of subsection (1) of section
1164 720.306, Florida Statutes, is amended to read:

1165 720.306 Meetings of members; voting and election
1166 procedures; amendments.—

1167 (1) QUORUM; AMENDMENTS.—

1168 (b) Unless otherwise provided in the governing documents
1169 or required by law, and other than those matters set forth in
1170 paragraph (c), any governing document of an association may be

1171 amended by the affirmative vote of two-thirds of the voting
1172 interests of the association. Within 30 days after recording an
1173 amendment to the governing documents, the association shall
1174 provide copies of the amendment to the members. However, if a
1175 copy of the proposed amendment is provided to the members before
1176 they vote on the amendment and the proposed amendment is not
1177 changed before the vote, the association, in lieu of providing a
1178 copy of the amendment, may provide notice to the members that
1179 the amendment was adopted, identifying the official book and
1180 page number or instrument number of the recorded amendment and
1181 that a copy of the amendment is available at no charge to the
1182 member upon written request to the association. The copies and
1183 notice described in this paragraph may be provided
1184 electronically to those owners who previously consented to
1185 receive notice electronically.

1186 Section 16. Section 720.316, Florida Statutes, is created
1187 to read:

1188 720.316 Association emergency powers.—

1189 (1) To the extent allowed by law, unless specifically
1190 prohibited by the declaration or other recorded governing
1191 documents, and consistent with s. 617.0830, the board of
1192 directors, in response to damage caused by an event for which a
1193 state of emergency is declared pursuant to s. 252.36 in the area
1194 encompassed by the association, may exercise the following
1195 powers:

1196 (a) Conduct board or membership meetings after notice of

1197 the meetings and board decisions is provided in as practicable a
 1198 manner as possible, including via publication, radio, United
 1199 States mail, the Internet, public service announcements,
 1200 conspicuous posting on the association property, or any other
 1201 means the board deems appropriate under the circumstances.

1202 (b) Cancel and reschedule an association meeting.

1203 (c) Designate assistant officers who are not directors. If
 1204 the executive officer is incapacitated or unavailable, the
 1205 assistant officer has the same authority during the state of
 1206 emergency as the executive officer he or she assists.

1207 (d) Relocate the association's principal office or
 1208 designate an alternative principal office.

1209 (e) Enter into agreements with counties and municipalities
 1210 to assist counties and municipalities with debris removal.

1211 (f) Implement a disaster plan before or immediately
 1212 following the event for which a state of emergency is declared,
 1213 which may include, but is not limited to, turning on or shutting
 1214 off elevators; electricity; water, sewer, or security systems;
 1215 or air conditioners for association buildings.

1216 (g) Based upon the advice of emergency management
 1217 officials or upon the advice of licensed professionals retained
 1218 by the board, determine any portion of the association property
 1219 unavailable for entry or occupancy by owners or their family
 1220 members, tenants, guests, agents, or invitees to protect their
 1221 health, safety, or welfare.

1222 (h) Based upon the advice of emergency management

1223 officials or upon the advice of licensed professionals retained
 1224 by the board, determine whether the association property can be
 1225 safely inhabited or occupied. However, such determination is not
 1226 conclusive as to any determination of habitability pursuant to
 1227 the declaration.

1228 (i) Mitigate further damage, including taking action to
 1229 contract for the removal of debris and to prevent or mitigate
 1230 the spread of fungus, including mold or mildew, by removing and
 1231 disposing of wet drywall, insulation, carpet, cabinetry, or
 1232 other fixtures on or within the association property.

1233 (j) Notwithstanding a provision to the contrary, and
 1234 regardless of whether such authority does not specifically
 1235 appear in the declaration or other recorded governing documents,
 1236 levy special assessments without a vote of the owners.

1237 (k) Without owners' approval, borrow money and pledge
 1238 association assets as collateral to fund emergency repairs and
 1239 carry out the duties of the association if operating funds are
 1240 insufficient. This paragraph does not limit the general
 1241 authority of the association to borrow money, subject to such
 1242 restrictions contained in the declaration or other recorded
 1243 governing documents.

1244 (2) The authority granted under subsection (1) is limited
 1245 to that time reasonably necessary to protect the health, safety,
 1246 and welfare of the association and the parcel owners and their
 1247 family members, tenants, guests, agents, or invitees, and to
 1248 mitigate further damage and make emergency repairs.

CS/CS/HB 807

2014

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Section 17. This act shall take effect July 1, 2014.