

1 A bill to be entitled
 2 An act relating to timeshare properties; amending s.
 3 721.13, F.S.; broadening the powers of certain boards
 4 of administration with respect to timeshare plans;
 5 providing that managers and managing entities of
 6 certain timeshare projects have the same rights and
 7 remedies as operators of certain establishments and
 8 may have law enforcement take certain actions against
 9 individuals who engage in certain conduct; amending s.
 10 721.15, F.S.; requiring a managing entity of a
 11 timeshare condominium or timeshare cooperative to
 12 provide a specified certificate to certain interested
 13 parties in lieu of an estoppel certificate; providing
 14 an effective date.

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

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 18 Section 1. Subsection (8) of section 721.13, Florida
 19 Statutes, is amended, and subsection (14) is added to that
 20 section, to read:

21 721.13 Management.—

22 (8) Notwithstanding anything to the contrary in s.
 23 718.110, s. 718.113, s. 718.114, or s. 719.1055, the board of
 24 administration of any owners' association that operates a
 25 timeshare plan including a timeshare condominium pursuant to s.

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

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26 | 718.111, or a timeshare cooperative pursuant to s. 719.104,
27 | shall have the power to make material alterations or substantial
28 | additions, or any deletion, to the accommodations or facilities
29 | of such timeshare plan ~~condominium or timeshare cooperative~~
30 | without the approval of the members of the owners' association.
31 | However, if the timeshare condominium or timeshare cooperative
32 | contains any residential units that are not subject to the
33 | timeshare plan, such action by the board of administration must
34 | be approved by a majority of the owners of such residential
35 | units. Unless otherwise provided in the timeshare instrument as
36 | originally recorded, no such amendment may change the
37 | configuration or size of any accommodation in any material
38 | fashion, or change the proportion or percentage by which a
39 | member of the owners' association shares the common expenses,
40 | unless the record owners of the affected units or timeshare
41 | interests and all record owners of liens on the affected units
42 | or timeshare interests join in the execution of the amendment.

43 | (14) With regard to any timeshare project as defined in s.
44 | 509.242(1)(g), the managing entity or manager has all of the
45 | rights and remedies of an operator of any public lodging
46 | establishment or public food service establishment as set forth
47 | in ss. 509.141, 509.142, 509.143, and 509.162 and is entitled to
48 | have a law enforcement officer take any action, including arrest
49 | or removal from the timeshare property, against any purchaser,
50 | including a deeded owner, or guest or invitee of such purchaser

51 or owner who engages in conduct described in s. 509.141, s.
52 509.142, s. 509.143, or s. 509.162 or conduct in violation of
53 the timeshare instrument.

54 Section 2. Paragraph (b) of subsection (7) of section
55 721.15, Florida Statutes, is amended to read:

56 721.15 Assessments for common expenses.—

57 (7)

58 (b) Within 30 days after receiving a written request from
59 a timeshare interest owner, an agent designated in writing by
60 the timeshare interest owner, or a person providing resale
61 transfer services for a consumer timeshare reseller pursuant to
62 s. 721.17(3), a managing entity must provide a certificate,
63 signed by an officer or agent of the managing entity, to the
64 person requesting the certificate, that states the amount of any
65 assessment, transfer fee, or other moneys currently owed to the
66 managing entity, and of any assessment, transfer fee, or other
67 moneys approved by the managing entity that will be due within
68 the next 90 days, with respect to the designated consumer resale
69 timeshare interest, as well as any information contained in the
70 books and records of the timeshare plan regarding the legal
71 description and use plan related to the designated consumer
72 resale timeshare interest. The managing entity of a timeshare
73 condominium or timeshare cooperative must provide this
74 certificate in lieu of the estoppel certificate required by s.
75 718.116(8) or s. 719.108(6).

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76 | 1. A person who relies upon such certificate shall be
77 | protected thereby.

78 | 2. A summary proceeding pursuant to s. 51.011 may be
79 | brought to compel compliance with this paragraph, and in such an
80 | action the prevailing party may recover reasonable attorney fees
81 | and court costs.

82 | 3. The managing entity may charge a fee not to exceed \$150
83 | for the preparation and delivery of the certificate. The amount
84 | of the fee must be included on the certificate.

85 | Section 3. This act shall take effect July 1, 2024.