

By Senator Perry

9-00472-24

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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.

15  
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. 718.110,  
23       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.  
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~~

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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 a

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59 timeshare interest owner, an agent designated in writing by the  
60 timeshare interest owner, or a person providing resale transfer  
61 services for a consumer timeshare reseller pursuant to s.  
62 721.17(3), a managing entity must provide a certificate, signed  
63 by an officer or agent of the managing entity, to the person  
64 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).

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.