

By the Committee on Judiciary; and Senator Perry

590-02633-24

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1                   A bill to be entitled  
2       An act relating to timeshare properties; amending s.  
3       695.03, F.S.; revising that a commissioner of deeds is  
4       appointed by the Secretary of State, rather than by  
5       the Governor, for a certain acknowledgement or proof  
6       taken, administered, or made outside this state but  
7       within the United States or within a foreign country;  
8       amending s. 721.13, F.S.; providing that the board of  
9       any timeshare condominium has certain powers regarding  
10      the accommodations or facilities of a timeshare plan  
11      without the approval of the members of the owners'  
12      association; providing that the managing entity of any  
13      timeshare project has all the rights and remedies of  
14      an operator of any public lodging establishment or  
15      public food service establishment for certain  
16      purposes; authorizing such managing entities to have  
17      law enforcement take certain actions; amending s.  
18      721.15, F.S.; requiring the managing entity of certain  
19      timeshares to provide a specific certificate in lieu  
20      of an estoppel certificate; amending s. 721.97, F.S.;  
21      conforming a provision to changes made by the act;  
22      providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

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26       Section 1. Subsections (2) and (3) of section 695.03,  
27       Florida Statutes, are amended to read:  
28       695.03 Acknowledgment and proof; validation of certain  
29       acknowledgments; legalization or authentication before foreign

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30 officials.—To entitle any instrument concerning real property to  
31 be recorded, the execution must be acknowledged by the party  
32 executing it, proved by a subscribing witness to it, or  
33 legalized or authenticated in one of the following forms:

34 (2) OUTSIDE THIS STATE BUT WITHIN THE UNITED STATES.—An  
35 acknowledgment or a proof taken, administered, or made outside  
36 of this state but within the United States may be taken,  
37 administered, or made by or before a civil-law notary of this  
38 state or a commissioner of deeds appointed by the Secretary of  
39 State ~~Governor of this state~~; by a judge or clerk of any court  
40 of the United States or of any state, territory, or district; by  
41 or before a United States commissioner or magistrate; or by or  
42 before any notary public, justice of the peace, master in  
43 chancery, or registrar or recorder of deeds of any state,  
44 territory, or district having a seal, and the certificate of  
45 acknowledgment or proof must be under the seal of the court or  
46 officer, as the case may be. If the acknowledgment or proof is  
47 taken, administered, or made by or before a notary public who  
48 does not affix a seal, it is sufficient for the notary public to  
49 type, print, or write by hand on the instrument, "I am a Notary  
50 Public of the State of ...(state)..., and my commission expires  
51 on ...(date)...."

52 (3) OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN  
53 COUNTRIES.—An acknowledgment, an affidavit, an oath, a  
54 legalization, an authentication, or a proof taken, administered,  
55 or made outside the United States or in a foreign country may be  
56 taken, administered, or made by or before a commissioner of  
57 deeds appointed by the Secretary of State ~~Governor of this state~~  
58 to act in such country; before a notary public of such foreign

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59 country or a civil-law notary of this state or of such foreign  
60 country who has an official seal; before an ambassador, envoy  
61 extraordinary, minister plenipotentiary, minister, commissioner,  
62 charge d'affaires, consul general, consul, vice consul, consular  
63 agent, or other diplomatic or consular officer of the United  
64 States appointed to reside in such country; or before a military  
65 or naval officer authorized by 10 U.S.C. s. 1044a to perform the  
66 duties of notary public, and the certificate of acknowledgment,  
67 legalization, authentication, or proof must be under the seal of  
68 the officer. A certificate legalizing or authenticating the  
69 signature of a person executing an instrument concerning real  
70 property and to which a civil-law notary or notary public of  
71 that country has affixed her or his official seal is sufficient  
72 as an acknowledgment. For the purposes of this section, the term  
73 "civil-law notary" means a civil-law notary as defined in  
74 chapter 118 or an official of a foreign country who has an  
75 official seal and who is authorized to make legal or lawful the  
76 execution of any document in that jurisdiction, in which  
77 jurisdiction the affixing of her or his official seal is deemed  
78 proof of the execution of the document or deed in full  
79 compliance with the laws of that jurisdiction.

80 Section 2. Subsection (8) of section 721.13, Florida  
81 Statutes, is amended, and subsection (14) is added to that  
82 section, to read:

83 721.13 Management.—

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

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88 718.111, or a timeshare cooperative pursuant to s. 719.104,  
89 shall have the power to make material alterations or substantial  
90 additions, or any deletion, to the accommodations or facilities  
91 of such timeshare plan ~~condominium or timeshare cooperative~~  
92 without the approval of the members of the owners' association.  
93 However, if the timeshare condominium or timeshare cooperative  
94 contains any residential units that are not subject to the  
95 timeshare plan, such action by the board of administration must  
96 be approved by a majority of the owners of such residential  
97 units. Unless otherwise provided in the timeshare instrument as  
98 originally recorded, no such amendment may change the  
99 configuration or size of any accommodation in any material  
100 fashion, or change the proportion or percentage by which a  
101 member of the owners' association shares the common expenses,  
102 unless the record owners of the affected units or timeshare  
103 interests and all record owners of liens on the affected units  
104 or timeshare interests join in the execution of the amendment.

105 (14) With regard to any timeshare project as defined in s.  
106 509.242(1)(g), the managing entity or manager has all of the  
107 rights and remedies of an operator of any public lodging  
108 establishment or public food service establishment as set forth  
109 in ss. 509.141, 509.142, 509.143, and 509.162 and is entitled to  
110 have a law enforcement officer take any action, including arrest  
111 or removal from the timeshare property, against any purchaser,  
112 including a deeded owner, or guest or invitee of such purchaser  
113 or owner who engages in conduct described in s. 509.141, s.  
114 509.142, s. 509.143, or s. 509.162 or conduct in violation of  
115 the timeshare instrument.

116 Section 3. Paragraph (b) of subsection (7) of section

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117 721.15, Florida Statutes, is amended to read:

118 721.15 Assessments for common expenses.—

119 (7)

120 (b) Within 30 days after receiving a written request from a  
121 timeshare interest owner, an agent designated in writing by the  
122 timeshare interest owner, or a person providing resale transfer  
123 services for a consumer timeshare reseller pursuant to s.

124 721.17(3), a managing entity must provide a certificate, signed  
125 by an officer or agent of the managing entity, to the person  
126 requesting the certificate, that states the amount of any  
127 assessment, transfer fee, or other moneys currently owed to the  
128 managing entity, and of any assessment, transfer fee, or other  
129 moneys approved by the managing entity that will be due within  
130 the next 90 days, with respect to the designated consumer resale  
131 timeshare interest, as well as any information contained in the  
132 books and records of the timeshare plan regarding the legal  
133 description and use plan related to the designated consumer  
134 resale timeshare interest. The managing entity of a timeshare  
135 condominium or timeshare cooperative must provide such a  
136 certificate in lieu of the estoppel certificate required by s.  
137 718.116(8) or s. 719.108(6).

138 1. A person who relies upon such certificate shall be  
139 protected thereby.

140 2. A summary proceeding pursuant to s. 51.011 may be  
141 brought to compel compliance with this paragraph, and in such an  
142 action the prevailing party may recover reasonable attorney fees  
143 and court costs.

144 3. The managing entity may charge a fee not to exceed \$150  
145 for the preparation and delivery of the certificate. The amount

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146 of the fee must be included on the certificate.

147 Section 4. Subsection (1) of section 721.97, Florida  
148 Statutes, is amended to read:

149 721.97 Timeshare commissioner of deeds.—

150 (1) The Secretary of State ~~Governor~~ may appoint  
151 commissioners of deeds to take acknowledgments, proofs of  
152 execution, or oaths in any foreign country, in international  
153 waters, or in any possession, territory, or commonwealth of the  
154 United States outside the 50 states. The term of office is 4  
155 years. Commissioners of deeds shall have authority to take  
156 acknowledgments, proofs of execution, and oaths in connection  
157 with the execution of any deed, mortgage, deed of trust,  
158 contract, power of attorney, or any other writing to be used or  
159 recorded in connection with a timeshare estate, personal  
160 property timeshare interest, timeshare license, any property  
161 subject to a timeshare plan, or the operation of a timeshare  
162 plan located within this state; provided such instrument or  
163 writing is executed outside the United States. Such  
164 acknowledgments, proofs of execution, and oaths must be taken or  
165 made in the manner directed by the laws of this state,  
166 including, but not limited to, s. 117.05(4), (5)(a), and (6),  
167 Florida Statutes 1997, and certified by a commissioner of deeds.  
168 The certification must be endorsed on or annexed to the  
169 instrument or writing aforesaid and has the same effect as if  
170 made or taken by a notary public licensed in this state.

171 Section 5. This act shall take effect July 1, 2024.