

By the Committees on Rules; and Judiciary; and Senator Perry

595-03106-24

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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, under certain circumstances; providing  
13      that the managing entity of any timeshare project has  
14      all the rights and remedies of an operator of any  
15      public lodging establishment or public food service  
16      establishment for certain purposes; authorizing such  
17      managing entities to have law enforcement take certain  
18      actions; amending s. 721.15, F.S.; requiring the  
19      managing entity of certain timeshares to provide a  
20      specific certificate in lieu of an estoppel  
21      certificate; amending s. 721.97, F.S.; conforming a  
22      provision to changes made by the act; providing an  
23      effective date.

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

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

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

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

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

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

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

84 721.13 Management.—

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

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88 timeshare plan, including a timeshare condominium pursuant to s.  
89 718.111, or a timeshare cooperative pursuant to s. 719.104,  
90 shall have the power to make material alterations or substantial  
91 additions to the accommodations or facilities of such timeshare  
92 plan, and deletions to the facilities of such timeshare plan,  
93 ~~condominium or timeshare cooperative~~ without the approval of the  
94 members of the owners' association, provided that the deletion  
95 to any facility is approved by a two-thirds vote of the board of  
96 administration and the deletion is consistent with the fiduciary  
97 duties set forth in subsection (2). However, if the timeshare  
98 condominium or timeshare cooperative contains any residential  
99 units that are not subject to the timeshare plan, such action by  
100 the board of administration must be approved by a majority of  
101 the owners of such residential units. Unless otherwise provided  
102 in the timeshare instrument as originally recorded, no such  
103 amendment may change the configuration or size of any  
104 accommodation in any material fashion, or change the proportion  
105 or percentage by which a member of the owners' association  
106 shares the common expenses, unless the record owners of the  
107 affected units or timeshare interests and all record owners of  
108 liens on the affected units or timeshare interests join in the  
109 execution of the amendment.

110 (14) With regard to any timeshare project as defined in s.  
111 509.242(1)(g), the managing entity or manager has all of the  
112 rights and remedies of an operator of any public lodging  
113 establishment or public food service establishment as set forth  
114 in ss. 509.141, 509.142, 509.143, and 509.162 and is entitled to  
115 have a law enforcement officer take any action, including arrest  
116 or removal from the timeshare property, against any purchaser,

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117 including a deeded owner, or guest or invitee of such purchaser  
118 or owner who engages in conduct described in s. 509.141, s.  
119 509.142, s. 509.143, or s. 509.162 or conduct in violation of  
120 the timeshare instrument.

121 Section 3. Paragraph (b) of subsection (7) of section  
122 721.15, Florida Statutes, is amended to read:

123 721.15 Assessments for common expenses.—

124 (7)

125 (b) Within 30 days after receiving a written request from a  
126 timeshare interest owner, an agent designated in writing by the  
127 timeshare interest owner, or a person providing resale transfer  
128 services for a consumer timeshare reseller pursuant to s.  
129 721.17(3), a managing entity must provide a certificate, signed  
130 by an officer or agent of the managing entity, to the person  
131 requesting the certificate, that states the amount of any  
132 assessment, transfer fee, or other moneys currently owed to the  
133 managing entity, and of any assessment, transfer fee, or other  
134 moneys approved by the managing entity that will be due within  
135 the next 90 days, with respect to the designated consumer resale  
136 timeshare interest, as well as any information contained in the  
137 books and records of the timeshare plan regarding the legal  
138 description and use plan related to the designated consumer  
139 resale timeshare interest. The managing entity of a timeshare  
140 condominium or timeshare cooperative must provide such a  
141 certificate in lieu of the estoppel certificate required by s.  
142 718.116(8) or s. 719.108(6).

143 1. A person who relies upon such certificate shall be  
144 protected thereby.

145 2. A summary proceeding pursuant to s. 51.011 may be

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146 brought to compel compliance with this paragraph, and in such an  
147 action the prevailing party may recover reasonable attorney fees  
148 and court costs.

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

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

154 721.97 Timeshare commissioner of deeds.—

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

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175 made or taken by a notary public licensed in this state.

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