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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/02/2025	.	
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The Committee on Regulated Industries (McClain) recommended the following:

**Senate Amendment**

Delete lines 79 - 178  
and insert:  
a timeshare plan governed by chapter 721 and that must provide disclosure under s. 721.13(13)(c)1.

Section 3. Subsection (3) is added to section 468.438, Florida Statutes, to read:

468.438 Timeshare management firms.—

(3) A timeshare management firm and any individual licensed



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11 under this part who is employed by a timeshare management firm  
12 are governed by s. 721.13 and not by s. 468.4335.

13 Section 4. Paragraph (e) of subsection (1) and subsections  
14 (4), (10), and (13) of section 721.13, Florida Statutes, are  
15 amended to read:

16 721.13 Management.—

17 (1)

18 ~~(e) Any managing entity performing community association~~  
19 ~~management must comply with part VIII of chapter 468.~~

20 (4) The managing entity shall maintain among its records  
21 and provide to the division upon request a complete list of the  
22 names and addresses of all purchasers and owners of timeshare  
23 units in the timeshare plan. The managing entity shall update  
24 this list no less frequently than quarterly. Pursuant to  
25 paragraph (3)(d), the managing entity may not publish this  
26 owner's list or provide a copy of it to any purchaser or to any  
27 third party other than the division. However, the managing  
28 entity shall mail to those persons listed on the owner's list  
29 materials provided by any purchaser, upon the written request of  
30 that purchaser, if the purpose of the mailing is to advance  
31 legitimate owners' association business, such as a proxy  
32 solicitation for any purpose, including the recall of one or  
33 more board members elected by the owners or the discharge of the  
34 manager or management firm. The use of any proxies solicited in  
35 this manner must comply with the provisions of the timeshare  
36 instrument and this chapter. A mailing requested for the purpose  
37 of advancing legitimate owners' association business shall occur  
38 within 30 days after receipt of a request from a purchaser. The  
39 board of administration of the owners' association shall be



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40 responsible for determining the appropriateness of any mailing  
41 requested pursuant to this subsection. The purchaser who  
42 requests the mailing must reimburse the owners' association in  
43 advance for the owners' association's actual costs in performing  
44 the mailing. It ~~is shall be~~ a violation of this chapter ~~and, if~~  
45 ~~applicable, of part VIII of chapter 468,~~ for the board of  
46 administration or the manager or management firm to refuse to  
47 mail any material requested by the purchaser to be mailed,  
48 provided the sole purpose of the materials is to advance  
49 legitimate owners' association business. If the purpose of the  
50 mailing is a proxy solicitation to recall one or more board  
51 members elected by the owners or to discharge the manager or  
52 management firm and the managing entity does not mail the  
53 materials within 30 days after receipt of a request from a  
54 purchaser, the circuit court in the county where the timeshare  
55 plan is located may, upon application from the requesting  
56 purchaser, summarily order the mailing of the materials solely  
57 related to the recall of one or more board members elected by  
58 the owners or the discharge of the manager or management firm.  
59 The court shall dispose of an application on an expedited basis.  
60 In the event of such an order, the court may order the managing  
61 entity to pay the purchaser's costs, including attorney  
62 ~~attorney's~~ fees reasonably incurred to enforce the purchaser's  
63 rights, unless the managing entity can prove it refused the  
64 mailing in good faith because of a reasonable basis for doubt  
65 about the legitimacy of the mailing.

66 (10) Any failure of the managing entity to faithfully  
67 discharge the fiduciary duty to purchasers imposed by this  
68 section or to otherwise comply with ~~the provisions of this~~



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69 section is ~~shall be~~ a violation of this chapter ~~and of part VIII~~  
70 ~~of chapter 468.~~

71 (13) (a) ~~Notwithstanding any provisions of~~ chapter 607,  
72 chapter 617, or chapter 718, an officer, a director, or an agent  
73 of an owners' association, including a timeshare management firm  
74 and any individual licensed under part VIII of chapter 468  
75 employed by the timeshare management firm, shall discharge its  
76 ~~his or her~~ duties in good faith, with the care an ordinarily  
77 prudent person in a like position would exercise under similar  
78 circumstances, and in a manner it ~~he or she~~ reasonably believes  
79 to be in the interests of the owners' association. An officer, a  
80 director, or an agent of an owners' association, including a  
81 timeshare management firm and any individual licensed under part  
82 VIII of chapter 468 employed by the timeshare management firm,  
83 are ~~shall be~~ exempt from liability for monetary damages in the  
84 same manner as provided in s. 617.0834 unless such officer,  
85 director, ~~or~~ agent, or firm breached or failed to perform its  
86 ~~his or her~~ duties and the breach of, or failure to perform, its  
87 ~~his or her~~ duties constitutes a violation of criminal law as  
88 provided in s. 617.0834; constitutes a transaction from which  
89 the officer or director derived an improper personal benefit,  
90 either directly or indirectly; or constitutes recklessness or an  
91 act or omission that was in bad faith, with malicious purpose,  
92 or in a manner exhibiting wanton and willful disregard of human  
93 rights, safety, or property.

94 (b) Notwithstanding chapter 718, the board of  
95 administration of a timeshare condominium is required to meet  
96 only once each year, unless additional board meetings are called  
97 pursuant to a timeshare instrument.



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98           (c)1. If a timeshare management firm or an owners'  
99 association provides goods or services through a parent, an  
100 affiliate, or a subsidiary of a timeshare management firm, the  
101 fact that a related party provides goods or services must be  
102 disclosed annually to the members of that owners' association as  
103 an explanatory note to the annual budget pursuant to subsection  
104 (3)(c)1., in the management contract, or otherwise in the manner  
105 provided for notice to owners in s. 721.855(2)(a)2.