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1  
2 An act relating to residential properties; amending s.  
3 509.013, F.S.; revising the definition of the term  
4 "public lodging establishment"; amending s. 509.032,  
5 F.S.; providing that timeshare projects are not  
6 subject to annual inspection requirements; amending s.  
7 509.221, F.S.; providing nonapplicability of certain  
8 public lodging establishment requirements to timeshare  
9 projects; amending s. 509.241, F.S.; providing that a  
10 condominium association that does not own any units  
11 classified as timeshare projects is not required to  
12 apply for or receive a public lodging establishment  
13 license; amending s. 509.242, F.S.; revising the  
14 definition of the term "public lodging establishment"  
15 to include a "timeshare project"; deleting reference  
16 to the term "timeshare plan" in the definition of  
17 "vacation rental"; defining the term "timeshare  
18 project"; amending s. 509.251, F.S.; providing that  
19 timeshare projects within separate buildings or at  
20 separate locations but managed by one licensed agent  
21 may be combined in a single license application;  
22 amending s. 712.05, F.S.; clarifying existing law  
23 relating to notification for purposes of preserving  
24 marketable title; amending s. 718.111, F.S.;  
25 authorizing an association to inspect and repair



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26 | abandoned condominium units; providing conditions to  
27 | determine if a unit is abandoned; providing a  
28 | mechanism for an association to recover costs  
29 | associated with maintaining an abandoned unit;  
30 | providing that in the absence of an insurable event,  
31 | the association or unit owners are responsible for  
32 | repairs; providing that an owner may consent in  
33 | writing to the disclosure of certain contact  
34 | information; requiring an outgoing condominium  
35 | association board or committee member to relinquish  
36 | all official records and property of the association  
37 | within a specified time; providing a civil penalty for  
38 | failing to relinquish such records and property;  
39 | amending s. 718.112, F.S.; providing that a board or  
40 | committee member's participation in a meeting via  
41 | real-time videoconferencing, Internet-enabled  
42 | videoconferencing, or similar electronic or video  
43 | communication counts toward a quorum and that such  
44 | member may vote as if physically present; prohibiting  
45 | the board from voting via e-mail; amending s. 718.116,  
46 | F.S.; defining the term "previous owner" for purposes  
47 | of provisions relating to the liability of condominium  
48 | unit owners for assessments; limiting the present  
49 | owner's liability for unpaid assessments under  
50 | specified circumstances; amending s. 718.117, F.S.;



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51 prohibiting a new attempt to terminate a condominium  
52 from being proposed for a specified period if a plan  
53 of termination fails to receive the required approval;  
54 repealing s. 718.50151, F.S., relating to the  
55 Community Association Living Study Council and  
56 membership functions; amending s. 718.707, F.S.;  
57 extending the date by which a condominium parcel must  
58 be acquired in order for a person to be classified as  
59 a bulk assignee or bulk buyer; amending s. 719.104,  
60 F.S.; providing that an owner may consent in writing  
61 to the disclosure of certain contact information;  
62 requiring an outgoing cooperative association board or  
63 committee member to relinquish all official records  
64 and property of the association within a specified  
65 time; providing a civil penalty for failing to  
66 relinquish such records and property; providing dates  
67 by which financial reports for an association must be  
68 completed; specifying that members must receive copies  
69 of financial reports; requiring specific types of  
70 financial statements for associations of varying  
71 sizes; providing exceptions; providing a mechanism for  
72 waiving or increasing financial reporting  
73 requirements; amending s. 719.106, F.S.; providing for  
74 suspension from office of a director or officer who is  
75 charged with one or more of certain felony offenses;



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76 providing procedures for filling such vacancy or  
 77 reinstating such member under specific circumstances;  
 78 providing a mechanism for a person who is convicted of  
 79 a felony to be eligible for board membership; creating  
 80 s. 719.128, F.S.; providing emergency powers of a  
 81 cooperative association; amending s. 720.303, F.S.;  
 82 requiring a board meeting to be held at a location  
 83 accessible to physically handicapped persons upon  
 84 request of certain authorized persons; providing that  
 85 an owner may consent in writing to the disclosure of  
 86 certain contact information; amending s. 720.306,  
 87 F.S.; requiring a meeting of the members to be held at  
 88 a location accessible to physically handicapped  
 89 persons upon request of certain authorized persons;  
 90 providing for specified notice to members in lieu of  
 91 copies of an amendment; creating s. 720.316, F.S.;  
 92 providing emergency powers of a homeowners'  
 93 association; providing an effective date.

94

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

96

97 Section 1. Paragraph (b) of subsection (4) of section  
 98 509.013, Florida Statutes, is amended to read:

99 509.013 Definitions.—As used in this chapter, the term:

100 (4) (a) "Public lodging establishment" includes a transient



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101 public lodging establishment as defined in subparagraph 1. and a  
 102 nontransient public lodging establishment as defined in  
 103 subparagraph 2.

104 1. "Transient public lodging establishment" means any  
 105 unit, group of units, dwelling, building, or group of buildings  
 106 within a single complex of buildings which is rented to guests  
 107 more than three times in a calendar year for periods of less  
 108 than 30 days or 1 calendar month, whichever is less, or which is  
 109 advertised or held out to the public as a place regularly rented  
 110 to guests.

111 2. "Nontransient public lodging establishment" means any  
 112 unit, group of units, dwelling, building, or group of buildings  
 113 within a single complex of buildings which is rented to guests  
 114 for periods of at least 30 days or 1 calendar month, whichever  
 115 is less, or which is advertised or held out to the public as a  
 116 place regularly rented to guests for periods of at least 30 days  
 117 or 1 calendar month.

118  
 119 License classifications of public lodging establishments, and  
 120 the definitions therefor, are set out in s. 509.242. For the  
 121 purpose of licensure, the term does not include condominium  
 122 common elements as defined in s. 718.103.

123 (b) The following are excluded from the definitions in  
 124 paragraph (a):

125 1. Any dormitory or other living or sleeping facility



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126 maintained by a public or private school, college, or university  
127 for the use of students, faculty, or visitors.

128 2. Any facility certified or licensed and regulated by the  
129 Agency for Health Care Administration or the Department of  
130 Children and Family Services or other similar place regulated  
131 under s. 381.0072.

132 3. Any place renting four rental units or less, unless the  
133 rental units are advertised or held out to the public to be  
134 places that are regularly rented to transients.

135 4. Any unit or group of units in a condominium,  
136 cooperative, or timeshare plan and any individually or  
137 collectively owned one-family, two-family, three-family, or  
138 four-family dwelling house or dwelling unit that is rented for  
139 periods of at least 30 days or 1 calendar month, whichever is  
140 less, and that is not advertised or held out to the public as a  
141 place regularly rented for periods of less than 1 calendar  
142 month, provided that no more than four rental units within a  
143 single complex of buildings are available for rent.

144 5. Any migrant labor camp or residential migrant housing  
145 permitted by the Department of Health under ss. 381.008-  
146 381.00895.

147 6. Any establishment inspected by the Department of Health  
148 and regulated by chapter 513.

149 7. Any nonprofit organization that operates a facility  
150 providing housing only to patients, patients' families, and



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151 patients' caregivers and not to the general public.

152 8. Any apartment building inspected by the United States  
153 Department of Housing and Urban Development or other entity  
154 acting on the department's behalf that is designated primarily  
155 as housing for persons at least 62 years of age. The division  
156 may require the operator of the apartment building to attest in  
157 writing that such building meets the criteria provided in this  
158 subparagraph. The division may adopt rules to implement this  
159 requirement.

160 9. Any roominghouse, boardinghouse, or other living or  
161 sleeping facility that may not be classified as a hotel, motel,  
162 timeshare project, vacation rental, nontransient apartment, bed  
163 and breakfast inn, or transient apartment under s. 509.242.

164 Section 2. Paragraph (a) of subsection (2) of section  
165 509.032, Florida Statutes, is amended to read:

166 509.032 Duties.—

167 (2) INSPECTION OF PREMISES.—

168 (a) The division has responsibility and jurisdiction for  
169 all inspections required by this chapter. The division has  
170 responsibility for quality assurance. Each licensed  
171 establishment shall be inspected at least biannually, except for  
172 transient and nontransient apartments, which shall be inspected  
173 at least annually, and shall be inspected at such other times as  
174 the division determines is necessary to ensure the public's  
175 health, safety, and welfare. The division shall establish a



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176 system to determine inspection frequency. Public lodging units  
177 classified as vacation rentals or timeshare projects are not  
178 subject to this requirement but shall be made available to the  
179 division upon request. If, during the inspection of a public  
180 lodging establishment classified for renting to transient or  
181 nontransient tenants, an inspector identifies vulnerable adults  
182 who appear to be victims of neglect, as defined in s. 415.102,  
183 or, in the case of a building that is not equipped with  
184 automatic sprinkler systems, tenants or clients who may be  
185 unable to self-preserve in an emergency, the division shall  
186 convene meetings with the following agencies as appropriate to  
187 the individual situation: the Department of Health, the  
188 Department of Elderly Affairs, the area agency on aging, the  
189 local fire marshal, the landlord and affected tenants and  
190 clients, and other relevant organizations, to develop a plan  
191 which improves the prospects for safety of affected residents  
192 and, if necessary, identifies alternative living arrangements  
193 such as facilities licensed under part II of chapter 400 or  
194 under chapter 429.

195 Section 3. Subsection (9) of section 509.221, Florida  
196 Statutes, is amended to read:

197 509.221 Sanitary regulations.—

198 (9) Subsections (2), (5), and (6) do not apply to any  
199 facility or unit classified as a vacation rental, ~~or~~  
200 nontransient apartment, or timeshare project as described in s.





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201 509.242(1)(c), ~~and~~ (d), and (g).

202 Section 4. Subsection (2) of section 509.241, Florida  
203 Statutes, is amended to read:

204 509.241 Licenses required; exceptions.—

205 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
206 a public lodging establishment or a public food service  
207 establishment shall apply for and receive a license from the  
208 division prior to the commencement of operation. A condominium  
209 association, as defined in s. 718.103, which does not own any  
210 units classified as vacation rentals or timeshare projects under  
211 s. 509.242(1)(c) or (g) is not required to apply for or receive  
212 a public lodging establishment license.

213 Section 5. Subsection (1) of section 509.242, Florida  
214 Statutes, is amended to read:

215 509.242 Public lodging establishments; classifications.—

216 (1) A public lodging establishment shall be classified as  
217 a hotel, motel, nontransient apartment, transient apartment, bed  
218 and breakfast inn, timeshare project, or vacation rental if the  
219 establishment satisfies the following criteria:

220 (a) Hotel.—A hotel is any public lodging establishment  
221 containing sleeping room accommodations for 25 or more guests  
222 and providing the services generally provided by a hotel and  
223 recognized as a hotel in the community in which it is situated  
224 or by the industry.

225 (b) Motel.—A motel is any public lodging establishment



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226 | which offers rental units with an exit to the outside of each  
227 | rental unit, daily or weekly rates, offstreet parking for each  
228 | unit, a central office on the property with specified hours of  
229 | operation, a bathroom or connecting bathroom for each rental  
230 | unit, and at least six rental units, and which is recognized as  
231 | a motel in the community in which it is situated or by the  
232 | industry.

233 |       (c) Vacation rental.—A vacation rental is any unit or  
234 | group of units in a condominium or, cooperative, ~~or timeshare~~  
235 | ~~plan~~ or any individually or collectively owned single-family,  
236 | two-family, three-family, or four-family house or dwelling unit  
237 | that is also a transient public lodging establishment but that  
238 | is not a timeshare project.

239 |       (d) Nontransient apartment.—A nontransient apartment is a  
240 | building or complex of buildings in which 75 percent or more of  
241 | the units are available for rent to nontransient tenants.

242 |       (e) Transient apartment.—A transient apartment is a  
243 | building or complex of buildings in which more than 25 percent  
244 | of the units are advertised or held out to the public as  
245 | available for transient occupancy.

246 |       (f) Bed and breakfast inn.—A bed and breakfast inn is a  
247 | family home structure, with no more than 15 sleeping rooms,  
248 | which has been modified to serve as a transient public lodging  
249 | establishment, which provides the accommodation and meal  
250 | services generally offered by a bed and breakfast inn, and which



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251 is recognized as a bed and breakfast inn in the community in  
252 which it is situated or by the hospitality industry.

253 (g) Timeshare project.—A timeshare project is a timeshare  
254 property, as defined in chapter 721, that is located in this  
255 state and that is also a transient public lodging establishment.

256 Section 6. Subsection (1) of section 509.251, Florida  
257 Statutes, is amended to read:

258 509.251 License fees.—

259 (1) The division shall adopt, by rule, a schedule of fees  
260 to be paid by each public lodging establishment as a  
261 prerequisite to issuance or renewal of a license. Such fees  
262 shall be based on the number of rental units in the  
263 establishment. The aggregate fee per establishment charged any  
264 public lodging establishment shall not exceed \$1,000; however,  
265 the fees described in paragraphs (a) and (b) may not be included  
266 as part of the aggregate fee subject to this cap. Vacation  
267 rental units or timeshare projects within separate buildings or  
268 at separate locations but managed by one licensed agent may be  
269 combined in a single license application, and the division shall  
270 charge a license fee as if all units in the application are in a  
271 single licensed establishment. The fee schedule shall require an  
272 establishment which applies for an initial license to pay the  
273 full license fee if application is made during the annual  
274 renewal period or more than 6 months prior to the next such  
275 renewal period and one-half of the fee if application is made 6



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276 months or less prior to such period. The fee schedule shall  
277 include fees collected for the purpose of funding the  
278 Hospitality Education Program, pursuant to s. 509.302, which are  
279 payable in full for each application regardless of when the  
280 application is submitted.

281 (a) Upon making initial application or an application for  
282 change of ownership, the applicant shall pay to the division a  
283 fee as prescribed by rule, not to exceed \$50, in addition to any  
284 other fees required by law, which shall cover all costs  
285 associated with initiating regulation of the establishment.

286 (b) A license renewal filed with the division within 30  
287 days after the expiration date shall be accompanied by a  
288 delinquent fee as prescribed by rule, not to exceed \$50, in  
289 addition to the renewal fee and any other fees required by law.  
290 A license renewal filed with the division more than 30 but not  
291 more than 60 days after the expiration date shall be accompanied  
292 by a delinquent fee as prescribed by rule, not to exceed \$100,  
293 in addition to the renewal fee and any other fees required by  
294 law.

295 Section 7. Subsection (1) of section 712.05, Florida  
296 Statutes, is amended to read:

297 712.05 Effect of filing notice.—

298 (1) A ~~Any~~ person claiming an interest in land or a  
299 homeowners' association desiring to preserve a ~~any~~ covenant or  
300 restriction may preserve and protect the same from



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301 | extinguishment by the operation of this act by filing for  
302 | record, during the 30-year period immediately following the  
303 | effective date of the root of title, a written notice, ~~in~~  
304 | ~~writing,~~ in accordance with this chapter. Such ~~the provisions~~  
305 | ~~hereof,~~ which notice preserves ~~shall have the effect of so~~  
306 | ~~preserving~~ such claim of right or such covenant or restriction  
307 | or portion of such covenant or restriction for up to a period of  
308 | ~~not longer than~~ 30 years after filing the notice ~~same~~ unless the  
309 | notice is filed again ~~filed~~ as required in this chapter ~~herein~~.  
310 | A person's ~~No~~ disability or lack of knowledge of any kind may  
311 | not on the part of anyone shall delay the commencement of or  
312 | suspend the running of the ~~said~~ 30-year period. Such notice may  
313 | be filed for record by the claimant or by any other person  
314 | acting on behalf of a ~~any~~ claimant who is:

- 315 |       (a) Under a disability;~~;~~
- 316 |       (b) Unable to assert a claim on his or her behalf;~~;~~ or
- 317 |       (c) One of a class, but whose identity cannot be
- 318 | established or is uncertain at the time of filing such notice of
- 319 | claim for record.

320 |

321 | Such notice may be filed by a homeowners' association only if  
322 | the preservation of such covenant or restriction or portion of  
323 | such covenant or restriction is approved by at least two-thirds  
324 | of the members of the board of directors of an incorporated  
325 | homeowners' association at a meeting for which a notice, stating



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326 | the meeting's time and place and containing the statement of  
327 | marketable title action described in s. 712.06(1)(b), was mailed  
328 | or hand delivered to members of the homeowners' association at  
329 | least not less than 7 days before ~~prior to~~ such meeting. The  
330 | homeowners' association or clerk of the circuit court is not  
331 | required to provide additional notice pursuant to s. 712.06(3).  
332 | The preceding sentence is intended to clarify existing law.

333 |       Section 8. Subsection (5), paragraph (j) of subsection  
334 | (11), and paragraph (c) of subsection (12) of section 718.111,  
335 | Florida Statutes, are amended, and paragraph (f) is added to  
336 | subsection (12) of that section, to read:

337 |       718.111 The association.—

338 |       (5) RIGHT OF ACCESS TO UNITS.—

339 |       (a) The association has the irrevocable right of access to  
340 | each unit during reasonable hours, when necessary for the  
341 | maintenance, repair, or replacement of any common elements or of  
342 | any portion of a unit to be maintained by the association  
343 | pursuant to the declaration or as necessary to prevent damage to  
344 | the common elements or to a unit ~~or units~~.

345 |       (b)1. In addition to the association's right of access in  
346 | paragraph (a) and regardless of whether authority is provided in  
347 | the declaration or other recorded condominium documents, an  
348 | association, at the sole discretion of the board, may enter an  
349 | abandoned unit to inspect the unit and adjoining common  
350 | elements; make repairs to the unit or to the common elements



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351 servicing the unit, as needed; repair the unit if mold or  
352 deterioration is present; turn on the utilities for the unit; or  
353 otherwise maintain, preserve, or protect the unit and adjoining  
354 common elements. For purposes of this paragraph, a unit is  
355 presumed to be abandoned if:

356 a. The unit is the subject of a foreclosure action and no  
357 tenant appears to have resided in the unit for at least 4  
358 continuous weeks without prior written notice to the  
359 association; or

360 b. No tenant appears to have resided in the unit for 2  
361 consecutive months without prior written notice to the  
362 association, and the association is unable to contact the owner  
363 or determine the whereabouts of the owner after reasonable  
364 inquiry.

365 2. Except in the case of an emergency, an association may  
366 not enter an abandoned unit until 2 days after notice of the  
367 association's intent to enter the unit has been mailed or hand-  
368 delivered to the owner at the address of the owner as reflected  
369 in the records of the association. The notice may be given by  
370 electronic transmission to unit owners who previously consented  
371 to receive notice by electronic transmission.

372 3. Any expense incurred by an association pursuant to this  
373 paragraph is chargeable to the unit owner and enforceable as an  
374 assessment pursuant to s. 718.116, and the association may use  
375 its lien authority provided by s. 718.116 to enforce collection



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376 of the expense.

377 4. The association may petition a court of competent  
378 jurisdiction to appoint a receiver to lease out an abandoned  
379 unit for the benefit of the association to offset against the  
380 rental income the association's costs and expenses of  
381 maintaining, preserving, and protecting the unit and the  
382 adjoining common elements, including the costs of the  
383 receivership and all unpaid assessments, interest,  
384 administrative late fees, costs, and reasonable attorney fees.

385 (11) INSURANCE.—In order to protect the safety, health,  
386 and welfare of the people of the State of Florida and to ensure  
387 consistency in the provision of insurance coverage to  
388 condominiums and their unit owners, this subsection applies to  
389 every residential condominium in the state, regardless of the  
390 date of its declaration of condominium. It is the intent of the  
391 Legislature to encourage lower or stable insurance premiums for  
392 associations described in this subsection.

393 (j) Any portion of the condominium property that must be  
394 insured by the association against property loss pursuant to  
395 paragraph (f) which is damaged by an insurable event shall be  
396 reconstructed, repaired, or replaced as necessary by the  
397 association as a common expense. In the absence of an insurable  
398 event, the association or the unit owners shall be responsible  
399 for the reconstruction, repair, or replacement, as determined by  
400 the provisions of the declaration or bylaws. All property





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401 insurance deductibles, uninsured losses, and other damages in  
402 excess of property insurance coverage under the property  
403 insurance policies maintained by the association are a common  
404 expense of the condominium, except that:

405 1. A unit owner is responsible for the costs of repair or  
406 replacement of any portion of the condominium property not paid  
407 by insurance proceeds if such damage is caused by intentional  
408 conduct, negligence, or failure to comply with the terms of the  
409 declaration or the rules of the association by a unit owner, the  
410 members of his or her family, unit occupants, tenants, guests,  
411 or invitees, without compromise of the subrogation rights of the  
412 insurer.

413 2. The provisions of subparagraph 1. regarding the  
414 financial responsibility of a unit owner for the costs of  
415 repairing or replacing other portions of the condominium  
416 property also apply to the costs of repair or replacement of  
417 personal property of other unit owners or the association, as  
418 well as other property, whether real or personal, which the unit  
419 owners are required to insure.

420 3. To the extent the cost of repair or reconstruction for  
421 which the unit owner is responsible under this paragraph is  
422 reimbursed to the association by insurance proceeds, and the  
423 association has collected the cost of such repair or  
424 reconstruction from the unit owner, the association shall  
425 reimburse the unit owner without the waiver of any rights of



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426 subrogation.

427 4. The association is not obligated to pay for  
428 reconstruction or repairs of property losses as a common expense  
429 if the property losses were known or should have been known to a  
430 unit owner and were not reported to the association until after  
431 the insurance claim of the association for that property was  
432 settled or resolved with finality, or denied because it was  
433 untimely filed.

434 (12) OFFICIAL RECORDS.—

435 (c) The official records of the association are open to  
436 inspection by any association member or the authorized  
437 representative of such member at all reasonable times. The right  
438 to inspect the records includes the right to make or obtain  
439 copies, at the reasonable expense, if any, of the member. The  
440 association may adopt reasonable rules regarding the frequency,  
441 time, location, notice, and manner of record inspections and  
442 copying. The failure of an association to provide the records  
443 within 10 working days after receipt of a written request  
444 creates a rebuttable presumption that the association willfully  
445 failed to comply with this paragraph. A unit owner who is denied  
446 access to official records is entitled to the actual damages or  
447 minimum damages for the association's willful failure to comply.  
448 Minimum damages are \$50 per calendar day for up to 10 days,  
449 beginning on the 11th working day after receipt of the written  
450 request. The failure to permit inspection entitles any person



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451 prevailing in an enforcement action to recover reasonable  
452 attorney fees from the person in control of the records who,  
453 directly or indirectly, knowingly denied access to the records.  
454 Any person who knowingly or intentionally defaces or destroys  
455 accounting records that are required by this chapter to be  
456 maintained during the period for which such records are required  
457 to be maintained, or who knowingly or intentionally fails to  
458 create or maintain accounting records that are required to be  
459 created or maintained, with the intent of causing harm to the  
460 association or one or more of its members, is personally subject  
461 to a civil penalty pursuant to s. 718.501(1)(d). The association  
462 shall maintain an adequate number of copies of the declaration,  
463 articles of incorporation, bylaws, and rules, and all amendments  
464 to each of the foregoing, as well as the question and answer  
465 sheet as described in s. 718.504 and year-end financial  
466 information required under this section, on the condominium  
467 property to ensure their availability to unit owners and  
468 prospective purchasers, and may charge its actual costs for  
469 preparing and furnishing these documents to those requesting the  
470 documents. An association shall allow a member or his or her  
471 authorized representative to use a portable device, including a  
472 smartphone, tablet, portable scanner, or any other technology  
473 capable of scanning or taking photographs, to make an electronic  
474 copy of the official records in lieu of the association's  
475 providing the member or his or her authorized representative



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476 with a copy of such records. The association may not charge a  
477 member or his or her authorized representative for the use of a  
478 portable device. Notwithstanding this paragraph, the following  
479 records are not accessible to unit owners:

480 1. Any record protected by the lawyer-client privilege as  
481 described in s. 90.502 and any record protected by the work-  
482 product privilege, including a record prepared by an association  
483 attorney or prepared at the attorney's express direction, which  
484 reflects a mental impression, conclusion, litigation strategy,  
485 or legal theory of the attorney or the association, and which  
486 was prepared exclusively for civil or criminal litigation or for  
487 adversarial administrative proceedings, or which was prepared in  
488 anticipation of such litigation or proceedings until the  
489 conclusion of the litigation or proceedings.

490 2. Information obtained by an association in connection  
491 with the approval of the lease, sale, or other transfer of a  
492 unit.

493 3. Personnel records of association or management company  
494 employees, including, but not limited to, disciplinary, payroll,  
495 health, and insurance records. For purposes of this  
496 subparagraph, the term "personnel records" does not include  
497 written employment agreements with an association employee or  
498 management company, or budgetary or financial records that  
499 indicate the compensation paid to an association employee.

500 4. Medical records of unit owners.



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501           5. Social security numbers, driver's license numbers,  
502 credit card numbers, e-mail addresses, telephone numbers,  
503 facsimile numbers, emergency contact information, addresses of a  
504 unit owner other than as provided to fulfill the association's  
505 notice requirements, and other personal identifying information  
506 of any person, excluding the person's name, unit designation,  
507 mailing address, property address, and any address, e-mail  
508 address, or facsimile number provided to the association to  
509 fulfill the association's notice requirements. Notwithstanding  
510 the restrictions in this subparagraph, an association may print  
511 and distribute to parcel owners a directory containing the name,  
512 parcel address, and all telephone numbers ~~number~~ of each parcel  
513 owner. However, an owner may exclude his or her telephone  
514 numbers ~~number~~ from the directory by so requesting in writing to  
515 the association. An owner may consent in writing to the  
516 disclosure of other contact information described in this  
517 subparagraph. The association is not liable for the inadvertent  
518 disclosure of information that is protected under this  
519 subparagraph if the information is included in an official  
520 record of the association and is voluntarily provided by an  
521 owner and not requested by the association.

522           6. Electronic security measures that are used by the  
523 association to safeguard data, including passwords.

524           7. The software and operating system used by the  
525 association which allow the manipulation of data, even if the



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526 owner owns a copy of the same software used by the association.  
527 The data is part of the official records of the association.

528 (f) An outgoing board or committee member must relinquish  
529 all official records and property of the association in his or  
530 her possession or under his or her control to the incoming board  
531 within 5 days after the election. The division shall impose a  
532 civil penalty as set forth in s. 718.501(1)(d)6. against an  
533 outgoing board or committee member who willfully and knowingly  
534 fails to relinquish such records and property.

535 Section 9. Paragraphs (b) and (c) of subsection (2) of  
536 section 718.112, Florida Statutes, are amended to read:

537 718.112 Bylaws.—

538 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
539 following and, if they do not do so, shall be deemed to include  
540 the following:

541 (b) *Quorum; voting requirements; proxies.*—

542 1. Unless a lower number is provided in the bylaws, the  
543 percentage of voting interests required to constitute a quorum  
544 at a meeting of the members is a majority of the voting  
545 interests. Unless otherwise provided in this chapter or in the  
546 declaration, articles of incorporation, or bylaws, and except as  
547 provided in subparagraph (d)4., decisions shall be made by a  
548 majority of the voting interests represented at a meeting at  
549 which a quorum is present.

550 2. Except as specifically otherwise provided herein, unit



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551 owners may not vote by general proxy, but may vote by limited  
552 proxies substantially conforming to a limited proxy form adopted  
553 by the division. A voting interest or consent right allocated to  
554 a unit owned by the association may not be exercised or  
555 considered for any purpose, whether for a quorum, an election,  
556 or otherwise. Limited proxies and general proxies may be used to  
557 establish a quorum. Limited proxies shall be used for votes  
558 taken to waive or reduce reserves in accordance with  
559 subparagraph (f)2.; for votes taken to waive the financial  
560 reporting requirements of s. 718.111(13); for votes taken to  
561 amend the declaration pursuant to s. 718.110; for votes taken to  
562 amend the articles of incorporation or bylaws pursuant to this  
563 section; and for any other matter for which this chapter  
564 requires or permits a vote of the unit owners. Except as  
565 provided in paragraph (d), a proxy, limited or general, may not  
566 be used in the election of board members. General proxies may be  
567 used for other matters for which limited proxies are not  
568 required, and may be used in voting for nonsubstantive changes  
569 to items for which a limited proxy is required and given.  
570 Notwithstanding this subparagraph, unit owners may vote in  
571 person at unit owner meetings. This subparagraph does not limit  
572 the use of general proxies or require the use of limited proxies  
573 for any agenda item or election at any meeting of a timeshare  
574 condominium association.

575 3. Any proxy given is effective only for the specific



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576 meeting for which originally given and any lawfully adjourned  
577 meetings thereof. A proxy is not valid longer than 90 days after  
578 the date of the first meeting for which it was given and may be  
579 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of  
580 the unit owner executing it.

581 4. A member of the board of administration or a committee  
582 may submit in writing his or her agreement or disagreement with  
583 any action taken at a meeting that the member did not attend.  
584 This agreement or disagreement may not be used as a vote for or  
585 against the action taken or to create a quorum.

586 5. A ~~If any of the~~ board or committee member's  
587 participation in a meeting via telephone, real-time  
588 videoconferencing, or similar real-time electronic or video  
589 communication counts toward a quorum, and such member may vote  
590 as if physically present ~~members meet by telephone conference,~~  
591 ~~those board or committee members may be counted toward obtaining~~  
592 ~~a quorum and may vote by telephone.~~ A telephone speaker must be  
593 used so that the conversation of such ~~those~~ members may be heard  
594 by the board or committee members attending in person as well as  
595 by any unit owners present at a meeting.

596 (c) *Board of administration meetings.*—Meetings of the  
597 board of administration at which a quorum of the members is  
598 present are open to all unit owners. Members of the board of  
599 administration may use e-mail as a means of communication but  
600 may not cast a vote on an association matter via e-mail. A unit





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601 owner may tape record or videotape the meetings. The right to  
602 attend such meetings includes the right to speak at such  
603 meetings with reference to all designated agenda items. The  
604 division shall adopt reasonable rules governing the tape  
605 recording and videotaping of the meeting. The association may  
606 adopt written reasonable rules governing the frequency,  
607 duration, and manner of unit owner statements.

608 1. Adequate notice of all board meetings, which must  
609 specifically identify all agenda items, must be posted  
610 conspicuously on the condominium property at least 48 continuous  
611 hours before the meeting except in an emergency. If 20 percent  
612 of the voting interests petition the board to address an item of  
613 business, the board, within 60 days after receipt of the  
614 petition, shall place the item on the agenda at its next regular  
615 board meeting or at a special meeting called for that purpose ~~of~~  
616 ~~the board, but not later than 60 days after the receipt of the~~  
617 ~~petition, shall place the item on the agenda.~~ An Any item not  
618 included on the notice may be taken up on an emergency basis by  
619 a vote of at least a majority plus one of the board members.  
620 Such emergency action must be noticed and ratified at the next  
621 regular board meeting. However, written notice of a ~~any~~ meeting  
622 at which a nonemergency special assessment assessments, or an ~~at~~  
623 ~~which~~ amendment to rules regarding unit use, will be considered  
624 must be mailed, delivered, or electronically transmitted to the  
625 unit owners and posted conspicuously on the condominium property



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626 | at least 14 days before the meeting. Evidence of compliance with  
627 | this 14-day notice requirement must be made by an affidavit  
628 | executed by the person providing the notice and filed with the  
629 | official records of the association. Upon notice to the unit  
630 | owners, the board shall, by duly adopted rule, designate a  
631 | specific location on the condominium or association property  
632 | where all notices of board meetings must ~~are to~~ be posted. If  
633 | there is no condominium property or association property where  
634 | notices can be posted, notices shall be mailed, delivered, or  
635 | electronically transmitted to each unit owner at least 14 days  
636 | before the meeting ~~to the owner of each unit~~. In lieu of or in  
637 | addition to the physical posting of the notice on the  
638 | condominium property, the association may, by reasonable rule,  
639 | adopt a procedure for conspicuously posting and repeatedly  
640 | broadcasting the notice and the agenda on a closed-circuit cable  
641 | television system serving the condominium association. However,  
642 | if broadcast notice is used in lieu of a notice physically  
643 | posted on condominium property, the notice and agenda must be  
644 | broadcast at least four times every broadcast hour of each day  
645 | that a posted notice is otherwise required under this section.  
646 | If broadcast notice is provided, the notice and agenda must be  
647 | broadcast in a manner and for a sufficient continuous length of  
648 | time so as to allow an average reader to observe the notice and  
649 | read and comprehend the entire content of the notice and the  
650 | agenda. Notice of any meeting in which regular or special



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651 assessments against unit owners are to be considered ~~for any~~  
 652 ~~reason~~ must specifically state that assessments will be  
 653 considered and provide the nature, estimated cost, and  
 654 description of the purposes for such assessments.

655 2. Meetings of a committee to take final action on behalf  
 656 of the board or make recommendations to the board regarding the  
 657 association budget are subject to this paragraph. Meetings of a  
 658 committee that does not take final action on behalf of the board  
 659 or make recommendations to the board regarding the association  
 660 budget are subject to this section, unless those meetings are  
 661 exempted from this section by the bylaws of the association.

662 3. Notwithstanding any other law, the requirement that  
 663 board meetings and committee meetings be open to the unit owners  
 664 does not apply to:

665 a. Meetings between the board or a committee and the  
 666 association's attorney, with respect to proposed or pending  
 667 litigation, if the meeting is held for the purpose of seeking or  
 668 rendering legal advice; or

669 b. Board meetings held for the purpose of discussing  
 670 personnel matters.

671 Section 10. Paragraph (a) of subsection (1) of section  
 672 718.116, Florida Statutes, is amended to read:

673 718.116 Assessments; liability; lien and priority;  
 674 interest; collection.—

675 (1) (a) A unit owner, regardless of how his or her title



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676 has been acquired, including by purchase at a foreclosure sale  
677 or by deed in lieu of foreclosure, is liable for all assessments  
678 which come due while he or she is the unit owner. Additionally,  
679 a unit owner is jointly and severally liable with the previous  
680 owner for all unpaid assessments that came due up to the time of  
681 transfer of title. This liability is without prejudice to any  
682 right the owner may have to recover from the previous owner the  
683 amounts paid by the owner. For the purposes of this paragraph,  
684 the term "previous owner" does not include an association that  
685 acquires title to a delinquent property through foreclosure or  
686 by deed in lieu of foreclosure. A present unit owner's liability  
687 for unpaid assessments is limited to any unpaid assessments that  
688 accrued before the association acquired title to the delinquent  
689 property through foreclosure or by deed in lieu of foreclosure.

690 Section 11. Subsection (9) of section 718.117, Florida  
691 Statutes, is amended to read:

692 718.117 Termination of condominium.—

693 (9) PLAN OF TERMINATION.—The plan of termination must be a  
694 written document executed in the same manner as a deed by unit  
695 owners having the requisite percentage of voting interests to  
696 approve the plan and by the termination trustee. A copy of the  
697 proposed plan of termination shall be given to all unit owners,  
698 in the same manner as for notice of an annual meeting, at least  
699 14 days prior to the meeting at which the plan of termination is  
700 to be voted upon or prior to or simultaneously with the



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701 distribution of the solicitation seeking execution of the plan  
702 of termination or written consent to or joinder in the plan. A  
703 unit owner may document assent to the plan by executing the plan  
704 or by consent to or joinder in the plan in the manner of a deed.  
705 A plan of termination and the consents or joinders of unit  
706 owners and, if required, consents or joinders of mortgagees must  
707 be recorded in the public records of each county in which any  
708 portion of the condominium is located. The plan is effective  
709 only upon recordation or at a later date specified in the plan.  
710 If the plan of termination fails to receive the required  
711 approval, the plan shall not be recorded and a new attempt to  
712 terminate the condominium may not be proposed at a meeting or by  
713 solicitation for joinder and consent for 180 days after the date  
714 that such failed plan of termination was first given to all unit  
715 owners in the manner as provided in this subsection.

716 Section 12. Section 718.50151, Florida Statutes, is  
717 repealed.

718 Section 13. Section 718.707, Florida Statutes, is amended  
719 to read:

720 718.707 Time limitation for classification as bulk  
721 assignee or bulk buyer.—A person acquiring condominium parcels  
722 may not be classified as a bulk assignee or bulk buyer unless  
723 the condominium parcels were acquired on or after July 1, 2010,  
724 but before July 1, 2016 ~~2015~~. The date of such acquisition shall  
725 be determined by the date of recording a deed or other



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726 instrument of conveyance for such parcels in the public records  
727 of the county in which the condominium is located, or by the  
728 date of issuing a certificate of title in a foreclosure  
729 proceeding with respect to such condominium parcels.

730 Section 14. Paragraph (c) of subsection (2) and subsection  
731 (4) of section 719.104, Florida Statutes, are amended, and  
732 paragraph (e) is added to subsection (2) of that section, to  
733 read:

734 719.104 Cooperatives; access to units; records; financial  
735 reports; assessments; purchase of leases.—

736 (2) OFFICIAL RECORDS.—

737 (c) The official records of the association are open to  
738 inspection by any association member or the authorized  
739 representative of such member at all reasonable times. The right  
740 to inspect the records includes the right to make or obtain  
741 copies, at the reasonable expense, if any, of the association  
742 member. The association may adopt reasonable rules regarding the  
743 frequency, time, location, notice, and manner of record  
744 inspections and copying. The failure of an association to  
745 provide the records within 10 working days after receipt of a  
746 written request creates a rebuttable presumption that the  
747 association willfully failed to comply with this paragraph. A  
748 unit owner who is denied access to official records is entitled  
749 to the actual damages or minimum damages for the association's  
750 willful failure to comply. The minimum damages are \$50 per



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751 | calendar day for up to 10 days, beginning on the 11th working  
752 | day after receipt of the written request. The failure to permit  
753 | inspection entitles any person prevailing in an enforcement  
754 | action to recover reasonable attorney fees from the person in  
755 | control of the records who, directly or indirectly, knowingly  
756 | denied access to the records. Any person who knowingly or  
757 | intentionally defaces or destroys accounting records that are  
758 | required by this chapter to be maintained during the period for  
759 | which such records are required to be maintained, or who  
760 | knowingly or intentionally fails to create or maintain  
761 | accounting records that are required to be created or  
762 | maintained, with the intent of causing harm to the association  
763 | or one or more of its members, is personally subject to a civil  
764 | penalty pursuant to s. 719.501(1)(d). The association shall  
765 | maintain an adequate number of copies of the declaration,  
766 | articles of incorporation, bylaws, and rules, and all amendments  
767 | to each of the foregoing, as well as the question and answer  
768 | sheet as described in s. 719.504 and year-end financial  
769 | information required by the department, on the cooperative  
770 | property to ensure their availability to unit owners and  
771 | prospective purchasers, and may charge its actual costs for  
772 | preparing and furnishing these documents to those requesting the  
773 | same. An association shall allow a member or his or her  
774 | authorized representative to use a portable device, including a  
775 | smartphone, tablet, portable scanner, or any other technology



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776 | capable of scanning or taking photographs, to make an electronic  
777 | copy of the official records in lieu of the association  
778 | providing the member or his or her authorized representative  
779 | with a copy of such records. The association may not charge a  
780 | member or his or her authorized representative for the use of a  
781 | portable device. Notwithstanding this paragraph, the following  
782 | records shall not be accessible to unit owners:

783 |         1. Any record protected by the lawyer-client privilege as  
784 | described in s. 90.502 and any record protected by the work-  
785 | product privilege, including any record prepared by an  
786 | association attorney or prepared at the attorney's express  
787 | direction which reflects a mental impression, conclusion,  
788 | litigation strategy, or legal theory of the attorney or the  
789 | association, and which was prepared exclusively for civil or  
790 | criminal litigation or for adversarial administrative  
791 | proceedings, or which was prepared in anticipation of such  
792 | litigation or proceedings until the conclusion of the litigation  
793 | or proceedings.

794 |         2. Information obtained by an association in connection  
795 | with the approval of the lease, sale, or other transfer of a  
796 | unit.

797 |         3. Personnel records of association or management company  
798 | employees, including, but not limited to, disciplinary, payroll,  
799 | health, and insurance records. For purposes of this  
800 | subparagraph, the term "personnel records" does not include





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801 | written employment agreements with an association employee or  
802 | management company, or budgetary or financial records that  
803 | indicate the compensation paid to an association employee.

804 |       4. Medical records of unit owners.

805 |       5. Social security numbers, driver license numbers, credit  
806 | card numbers, e-mail addresses, telephone numbers, facsimile  
807 | numbers, emergency contact information, addresses of a unit  
808 | owner other than as provided to fulfill the association's notice  
809 | requirements, and other personal identifying information of any  
810 | person, excluding the person's name, unit designation, mailing  
811 | address, property address, and any address, e-mail address, or  
812 | facsimile number provided to the association to fulfill the  
813 | association's notice requirements. Notwithstanding the  
814 | restrictions in this subparagraph, an association may print and  
815 | distribute to parcel owners a directory containing the name,  
816 | parcel address, and all telephone numbers ~~number~~ of each parcel  
817 | owner. However, an owner may exclude his or her telephone  
818 | numbers ~~number~~ from the directory by so requesting in writing to  
819 | the association. An owner may consent in writing to the  
820 | disclosure of other contact information described in this  
821 | subparagraph. The association is not liable for the inadvertent  
822 | disclosure of information that is protected under this  
823 | subparagraph if the information is included in an official  
824 | record of the association and is voluntarily provided by an  
825 | owner and not requested by the association.



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826           6. Electronic security measures that are used by the  
827 association to safeguard data, including passwords.

828           7. The software and operating system used by the  
829 association which allow the manipulation of data, even if the  
830 owner owns a copy of the same software used by the association.  
831 The data is part of the official records of the association.

832           (e) An outgoing board or committee member must relinquish  
833 all official records and property of the association in his or  
834 her possession or under his or her control to the incoming board  
835 within 5 days after the election. The division shall impose a  
836 civil penalty as set forth in s. 719.501(1)(d) against an  
837 outgoing board or committee member who willfully and knowingly  
838 fails to relinquish such records and property.

839           (4) FINANCIAL REPORT.—

840           (a) Within 90 ~~60~~ days following the end of the fiscal or  
841 calendar year or annually on such date as ~~is otherwise~~ provided  
842 in the bylaws of the association, the board of administration ~~of~~  
843 ~~the association~~ shall prepare and complete, or contract with a  
844 third party to prepare and complete, a financial report covering  
845 the preceding fiscal or calendar year. Within 21 days after the  
846 financial report is completed by the association or received  
847 from the third party, but no later than 120 days after the end  
848 of the fiscal year, calendar year, or other date provided in the  
849 bylaws, the association shall provide each member with a copy of  
850 the annual financial report or a written notice that a copy of



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851 the financial report is available upon request at no charge to  
852 the member. The division shall adopt rules setting forth uniform  
853 accounting principles, standards, and reporting requirements.  
854 ~~mail or furnish by personal delivery to each unit owner a~~  
855 ~~complete financial report of actual receipts and expenditures~~  
856 ~~for the previous 12 months, or a complete set of financial~~  
857 ~~statements for the preceding fiscal year prepared in accordance~~  
858 ~~with generally accepted accounting procedures. The report shall~~  
859 ~~show the amounts of receipts by accounts and receipt~~  
860 ~~classifications and shall show the amounts of expenses by~~  
861 ~~accounts and expense classifications including, if applicable,~~  
862 ~~but not limited to, the following:~~

- 863 ~~1. Costs for security;~~
- 864 ~~2. Professional and management fees and expenses;~~
- 865 ~~3. Taxes;~~
- 866 ~~4. Costs for recreation facilities;~~
- 867 ~~5. Expenses for refuse collection and utility services;~~
- 868 ~~6. Expenses for lawn care;~~
- 869 ~~7. Costs for building maintenance and repair;~~
- 870 ~~8. Insurance costs;~~
- 871 ~~9. Administrative and salary expenses; and~~
- 872 ~~10. Reserves for capital expenditures, deferred~~

873 ~~maintenance, and any other category for which the association~~  
874 ~~maintains a reserve account or accounts.~~

875 (b) Except as provided in paragraph (c), an association



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876 whose total annual revenues meet the criteria of this paragraph  
877 shall prepare or cause to be prepared a complete set of  
878 financial statements according to the generally accepted  
879 accounting principles adopted by the Board of Accountancy. The  
880 financial statements shall be as follows:

881 1. An association with total annual revenues between  
882 \$150,000 and \$299,999 shall prepare a compiled financial  
883 statement.

884 2. An association with total annual revenues between  
885 \$300,000 and \$499,999 shall prepare a reviewed financial  
886 statement.

887 3. An association with total annual revenues of \$500,000  
888 or more shall prepare an audited financial statement. The  
889 ~~division shall adopt rules that may require that the association~~  
890 ~~deliver to the unit owners, in lieu of the financial report~~  
891 ~~required by this section, a complete set of financial statements~~  
892 ~~for the preceding fiscal year. The financial statements shall be~~  
893 ~~delivered within 90 days following the end of the previous~~  
894 ~~fiscal year or annually on such other date as provided in the~~  
895 ~~bylaws. The rules of the division may require that the financial~~  
896 ~~statements be compiled, reviewed, or audited, and the rules~~  
897 ~~shall take into consideration the criteria set forth in s.~~  
898 ~~719.501(1)(j).~~

899 4. The requirement to have the financial statements  
900 compiled, reviewed, or audited does not apply to an association



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901 ~~associations~~ if a majority of the voting interests of the  
902 association present at a duly called meeting of the association  
903 have voted ~~determined for a fiscal year~~ to waive this  
904 requirement for the fiscal year. In an association in which  
905 turnover of control by the developer has not occurred, the  
906 developer may vote to waive the audit requirement for the first  
907 2 years of ~~the~~ operation of the association, after which time  
908 waiver of an applicable audit requirement shall be by a majority  
909 of voting interests other than the developer. The meeting shall  
910 be held prior to the end of the fiscal year, and the waiver  
911 shall be effective for only one fiscal year. An association may  
912 not waive the financial reporting requirements of this section  
913 for more than 3 consecutive years. ~~This subsection does not~~  
914 ~~apply to a cooperative that consists of 50 or fewer units.~~

915 (c)1. An association with total annual revenues of less  
916 than \$150,000 shall prepare a report of cash receipts and  
917 expenditures.

918 2. An association in a community of fewer than 50 units,  
919 regardless of the association's annual revenues, shall prepare a  
920 report of cash receipts and expenditures in lieu of the  
921 financial statements required by paragraph (b), unless the  
922 declaration or other recorded governing documents provide  
923 otherwise.

924 3. A report of cash receipts and expenditures must  
925 disclose the amount of receipts by accounts and receipt



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926 classifications and the amount of expenses by accounts and  
927 expense classifications, including the following, as applicable:  
928 costs for security, professional, and management fees and  
929 expenses; taxes; costs for recreation facilities; expenses for  
930 refuse collection and utility services; expenses for lawn care;  
931 costs for building maintenance and repair; insurance costs;  
932 administration and salary expenses; and reserves, if maintained  
933 by the association.

934 (d) If at least 20 percent of the unit owners petition the  
935 board for a greater level of financial reporting than that  
936 required by this section, the association shall duly notice and  
937 hold a membership meeting within 30 days after receipt of the  
938 petition to vote on raising the level of reporting for that  
939 fiscal year. Upon approval by a majority of the voting interests  
940 represented at a meeting at which a quorum of unit owners is  
941 present, the association shall prepare an amended budget or  
942 shall adopt a special assessment to pay for the financial report  
943 regardless of any provision to the contrary in the declaration  
944 or other recorded governing documents. In addition, the  
945 association shall provide within 90 days after the meeting or  
946 the end of the fiscal year, whichever occurs later:

947 1. Compiled, reviewed, or audited financial statements, if  
948 the association is otherwise required to prepare a report of  
949 cash receipts and expenditures;

950 2. Reviewed or audited financial statements, if the



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951 association is otherwise required to prepare compiled financial  
952 statements; or

953 3. Audited financial statements, if the association is  
954 otherwise required to prepare reviewed financial statements.

955 (e) If approved by a majority of the voting interests  
956 present at a properly called meeting of the association, an  
957 association may prepare or cause to be prepared:

958 1. A report of cash receipts and expenditures in lieu of a  
959 compiled, reviewed, or audited financial statement;

960 2. A report of cash receipts and expenditures or a  
961 compiled financial statement in lieu of a reviewed or audited  
962 financial statement; or

963 3. A report of cash receipts and expenditures, a compiled  
964 financial statement, or a reviewed financial statement in lieu  
965 of an audited financial statement.

966 Section 15. Paragraph (a) of subsection (1) of section  
967 719.106, Florida Statutes, is amended to read:

968 719.106 Bylaws; cooperative ownership.—

969 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
970 documents shall provide for the following, and if they do not,  
971 they shall be deemed to include the following:

972 (a) Administration.—

973 1. The form of administration of the association shall be  
974 described, indicating the titles of the officers and board of  
975 administration and specifying the powers, duties, manner of



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976 selection and removal, and compensation, if any, of officers and  
977 board members. In the absence of such a provision, the board of  
978 administration shall be composed of five members, except in the  
979 case of cooperatives having five or fewer units, in which case  
980 in not-for-profit corporations, the board shall consist of not  
981 fewer than three members. In the absence of provisions to the  
982 contrary, the board of administration shall have a president, a  
983 secretary, and a treasurer, who shall perform the duties of  
984 those offices customarily performed by officers of corporations.  
985 Unless prohibited in the bylaws, the board of administration may  
986 appoint other officers and grant them those duties it deems  
987 appropriate. Unless otherwise provided in the bylaws, the  
988 officers shall serve without compensation and at the pleasure of  
989 the board. Unless otherwise provided in the bylaws, the members  
990 of the board shall serve without compensation.

991 2. A person who has been suspended or removed by the  
992 division under this chapter, or who is delinquent in the payment  
993 of any monetary obligation due to the association, is not  
994 eligible to be a candidate for board membership and may not be  
995 listed on the ballot. A director or officer charged by  
996 information or indictment with a felony theft or embezzlement  
997 offense involving the association's funds or property is  
998 suspended from office. The board shall fill the vacancy  
999 according to general law until the end of the period of the  
1000 suspension or the end of the director's term of office,





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1001 | whichever occurs first. However, if the charges are resolved  
1002 | without a finding of guilt or without acceptance of a plea of  
1003 | guilty or nolo contendere, the director or officer shall be  
1004 | reinstated for any remainder of his or her term of office. A  
1005 | member who has such criminal charges pending may not be  
1006 | appointed or elected to a position as a director or officer. A  
1007 | person who has been convicted of any felony in this state or in  
1008 | any United States District Court, or who has been convicted of  
1009 | any offense in another jurisdiction which would be considered a  
1010 | felony if committed in this state, is not eligible for board  
1011 | membership unless such felon's civil rights have been restored  
1012 | for at least 5 years as of the date such person seeks election  
1013 | to the board. The validity of an action by the board is not  
1014 | affected if it is later determined that a board member is  
1015 | ineligible for board membership due to having been convicted of  
1016 | a felony.

1017 | 3.2. When a unit owner files a written inquiry by  
1018 | certified mail with the board of administration, the board shall  
1019 | respond in writing to the unit owner within 30 days of receipt  
1020 | of the inquiry. The board's response shall either give a  
1021 | substantive response to the inquirer, notify the inquirer that a  
1022 | legal opinion has been requested, or notify the inquirer that  
1023 | advice has been requested from the division. If the board  
1024 | requests advice from the division, the board shall, within 10  
1025 | days of its receipt of the advice, provide in writing a



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1026 substantive response to the inquirer. If a legal opinion is  
1027 requested, the board shall, within 60 days after the receipt of  
1028 the inquiry, provide in writing a substantive response to the  
1029 inquirer. The failure to provide a substantive response to the  
1030 inquirer as provided herein precludes the board from recovering  
1031 attorney's fees and costs in any subsequent litigation,  
1032 administrative proceeding, or arbitration arising out of the  
1033 inquiry. The association may, through its board of  
1034 administration, adopt reasonable rules and regulations regarding  
1035 the frequency and manner of responding to the unit owners'  
1036 inquiries, one of which may be that the association is obligated  
1037 to respond to only one written inquiry per unit in any given 30-  
1038 day period. In such case, any additional inquiry or inquiries  
1039 must be responded to in the subsequent 30-day period, or  
1040 periods, as applicable.

1041 Section 16. Section 719.128, Florida Statutes, is created  
1042 to read:

1043 719.128 Association emergency powers.-

1044 (1) To the extent allowed by law, unless specifically  
1045 prohibited by the cooperative documents, and consistent with s.  
1046 617.0830, the board of administration, in response to damage  
1047 caused by an event for which a state of emergency is declared  
1048 pursuant to s. 252.36 in the area encompassed by the  
1049 cooperative, may exercise the following powers:

1050 (a) Conduct board or membership meetings after notice of



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1051 the meetings and board decisions is provided in as practicable a  
1052 manner as possible, including via publication, radio, United  
1053 States mail, the Internet, public service announcements,  
1054 conspicuous posting on the cooperative property, or any other  
1055 means the board deems appropriate under the circumstances.

1056 (b) Cancel and reschedule an association meeting.

1057 (c) Designate assistant officers who are not directors. If  
1058 the executive officer is incapacitated or unavailable, the  
1059 assistant officer has the same authority during the state of  
1060 emergency as the executive officer he or she assists.

1061 (d) Relocate the association's principal office or  
1062 designate an alternative principal office.

1063 (e) Enter into agreements with counties and municipalities  
1064 to assist counties and municipalities with debris removal.

1065 (f) Implement a disaster plan before or immediately  
1066 following the event for which a state of emergency is declared,  
1067 which may include turning on or shutting off elevators;  
1068 electricity; water, sewer, or security systems; or air  
1069 conditioners for association buildings.

1070 (g) Based upon the advice of emergency management  
1071 officials or upon the advice of licensed professionals retained  
1072 by the board of administration, determine any portion of the  
1073 cooperative property unavailable for entry or occupancy by unit  
1074 owners or their family members, tenants, guests, agents, or  
1075 invitees to protect their health, safety, or welfare.



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1076 (h) Based upon the advice of emergency management  
1077 officials or upon the advice of licensed professionals retained  
1078 by the board of administration, determine whether the  
1079 cooperative property can be safely inhabited or occupied.  
1080 However, such determination is not conclusive as to any  
1081 determination of habitability pursuant to the declaration.

1082 (i) Require the evacuation of the cooperative property in  
1083 the event of a mandatory evacuation order in the area where the  
1084 cooperative is located. If a unit owner or other occupant of a  
1085 cooperative fails to evacuate the cooperative property for which  
1086 the board has required evacuation, the association is immune  
1087 from liability for injury to persons or property arising from  
1088 such failure.

1089 (j) Mitigate further damage, including taking action to  
1090 contract for the removal of debris and to prevent or mitigate  
1091 the spread of fungus, including mold or mildew, by removing and  
1092 disposing of wet drywall, insulation, carpet, cabinetry, or  
1093 other fixtures on or within the cooperative property, regardless  
1094 of whether the unit owner is obligated by the declaration or law  
1095 to insure or replace those fixtures and to remove personal  
1096 property from a unit.

1097 (k) Contract, on behalf of a unit owner, for items or  
1098 services for which the owner is otherwise individually  
1099 responsible, but which are necessary to prevent further damage  
1100 to the cooperative property. In such event, the unit owner on



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1101 whose behalf the board has contracted is responsible for  
1102 reimbursing the association for the actual costs of the items or  
1103 services, and the association may use its lien authority  
1104 provided by s. 719.108 to enforce collection of the charges.  
1105 Such items or services may include the drying of the unit, the  
1106 boarding of broken windows or doors, and the replacement of a  
1107 damaged air conditioner or air handler to provide climate  
1108 control in the unit or other portions of the property.

1109 (1) Notwithstanding a provision to the contrary, and  
1110 regardless of whether such authority does not specifically  
1111 appear in the cooperative documents, levy special assessments  
1112 without a vote of the owners.

1113 (m) Without unit owners' approval, borrow money and pledge  
1114 association assets as collateral to fund emergency repairs and  
1115 carry out the duties of the association if operating funds are  
1116 insufficient. This paragraph does not limit the general  
1117 authority of the association to borrow money, subject to such  
1118 restrictions contained in the cooperative documents.

1119 (2) The authority granted under subsection (1) is limited  
1120 to that time reasonably necessary to protect the health, safety,  
1121 and welfare of the association and the unit owners and their  
1122 family members, tenants, guests, agents, or invitees, and to  
1123 mitigate further damage and make emergency repairs.

1124 Section 17. Paragraph (a) of subsection (2) and paragraph  
1125 (c) of subsection (5) of section 720.303, Florida Statutes, are



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1126 amended to read:

1127 720.303 Association powers and duties; meetings of board;  
1128 official records; budgets; financial reporting; association  
1129 funds; recalls.—

1130 (2) BOARD MEETINGS.—

1131 (a) A meeting of the board of directors of an association  
1132 occurs whenever a quorum of the board gathers to conduct  
1133 association business. ~~All Meetings of the board must be open to~~  
1134 ~~all members,~~ except for meetings between the board and its  
1135 attorney with respect to proposed or pending litigation where  
1136 the contents of the discussion would otherwise be governed by  
1137 the attorney-client privilege. A meeting of the board must be  
1138 held at a location that is accessible to a physically  
1139 handicapped person if requested by a physically handicapped  
1140 person who has a right to attend the meeting. The provisions of  
1141 this subsection shall also apply to the meetings of any  
1142 committee or other similar body when a final decision will be  
1143 made regarding the expenditure of association funds and to  
1144 meetings of any body vested with the power to approve or  
1145 disapprove architectural decisions with respect to a specific  
1146 parcel of residential property owned by a member of the  
1147 community.

1148 (5) INSPECTION AND COPYING OF RECORDS.—The official  
1149 records shall be maintained within the state for at least 7  
1150 years and shall be made available to a parcel owner for



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1151 inspection or photocopying within 45 miles of the community or  
1152 within the county in which the association is located within 10  
1153 business days after receipt by the board or its designee of a  
1154 written request. This subsection may be complied with by having  
1155 a copy of the official records available for inspection or  
1156 copying in the community or, at the option of the association,  
1157 by making the records available to a parcel owner electronically  
1158 via the Internet or by allowing the records to be viewed in  
1159 electronic format on a computer screen and printed upon request.  
1160 If the association has a photocopy machine available where the  
1161 records are maintained, it must provide parcel owners with  
1162 copies on request during the inspection if the entire request is  
1163 limited to no more than 25 pages. An association shall allow a  
1164 member or his or her authorized representative to use a portable  
1165 device, including a smartphone, tablet, portable scanner, or any  
1166 other technology capable of scanning or taking photographs, to  
1167 make an electronic copy of the official records in lieu of the  
1168 association's providing the member or his or her authorized  
1169 representative with a copy of such records. The association may  
1170 not charge a fee to a member or his or her authorized  
1171 representative for the use of a portable device.

1172 (c) The association may adopt reasonable written rules  
1173 governing the frequency, time, location, notice, records to be  
1174 inspected, and manner of inspections, but may not require a  
1175 parcel owner to demonstrate any proper purpose for the



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1176 inspection, state any reason for the inspection, or limit a  
1177 parcel owner's right to inspect records to less than one 8-hour  
1178 business day per month. The association may impose fees to cover  
1179 the costs of providing copies of the official records, including  
1180 the costs of copying and the costs required for personnel to  
1181 retrieve and copy the records if the time spent retrieving and  
1182 copying the records exceeds one-half hour and if the personnel  
1183 costs do not exceed \$20 per hour. Personnel costs may not be  
1184 charged for records requests that result in the copying of 25 or  
1185 fewer pages. The association may charge up to 25 cents per page  
1186 for copies made on the association's photocopier. If the  
1187 association does not have a photocopy machine available where  
1188 the records are kept, or if the records requested to be copied  
1189 exceed 25 pages in length, the association may have copies made  
1190 by an outside duplicating service and may charge the actual cost  
1191 of copying, as supported by the vendor invoice. The association  
1192 shall maintain an adequate number of copies of the recorded  
1193 governing documents, to ensure their availability to members and  
1194 prospective members. Notwithstanding this paragraph, the  
1195 following records are not accessible to members or parcel  
1196 owners:

1197 1. Any record protected by the lawyer-client privilege as  
1198 described in s. 90.502 and any record protected by the work-  
1199 product privilege, including, but not limited to, a record  
1200 prepared by an association attorney or prepared at the





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1201 attorney's express direction which reflects a mental impression,  
 1202 conclusion, litigation strategy, or legal theory of the attorney  
 1203 or the association and which was prepared exclusively for civil  
 1204 or criminal litigation or for adversarial administrative  
 1205 proceedings or which was prepared in anticipation of such  
 1206 litigation or proceedings until the conclusion of the litigation  
 1207 or proceedings.

1208         2. Information obtained by an association in connection  
 1209 with the approval of the lease, sale, or other transfer of a  
 1210 parcel.

1211         3. Personnel records of association or management company  
 1212 employees, including, but not limited to, disciplinary, payroll,  
 1213 health, and insurance records. For purposes of this  
 1214 subparagraph, the term "personnel records" does not include  
 1215 written employment agreements with an association or management  
 1216 company employee or budgetary or financial records that indicate  
 1217 the compensation paid to an association or management company  
 1218 employee.

1219         4. Medical records of parcel owners or community  
 1220 residents.

1221         5. Social security numbers, driver license numbers, credit  
 1222 card numbers, electronic mailing addresses, telephone numbers,  
 1223 facsimile numbers, emergency contact information, any addresses  
 1224 for a parcel owner other than as provided for association notice  
 1225 requirements, and other personal identifying information of any



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1226 person, excluding the person's name, parcel designation, mailing  
1227 address, and property address. Notwithstanding the restrictions  
1228 in this subparagraph, an association may print and distribute to  
1229 parcel owners a directory containing the name, parcel address,  
1230 and all telephone numbers ~~number~~ of each parcel owner. However,  
1231 an owner may exclude his or her telephone numbers ~~number~~ from  
1232 the directory by so requesting in writing to the association. An  
1233 owner may consent in writing to the disclosure of other contact  
1234 information described in this subparagraph. The association is  
1235 not liable for the disclosure of information that is protected  
1236 under this subparagraph if the information is included in an  
1237 official record of the association and is voluntarily provided  
1238 by an owner and not requested by the association.

1239 6. Any electronic security measure that is used by the  
1240 association to safeguard data, including passwords.

1241 7. The software and operating system used by the  
1242 association which allows the manipulation of data, even if the  
1243 owner owns a copy of the same software used by the association.  
1244 The data is part of the official records of the association.

1245 Section 18. Paragraphs (a) and (b) of subsection (1) of  
1246 section 720.306, Florida Statutes, are amended to read:

1247 720.306 Meetings of members; voting and election  
1248 procedures; amendments.—

1249 (1) QUORUM; AMENDMENTS.—

1250 (a) Unless a lower number is provided in the bylaws, the



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1251 | percentage of voting interests required to constitute a quorum  
1252 | at a meeting of the members shall be 30 percent of the total  
1253 | voting interests. Unless otherwise provided in this chapter or  
1254 | in the articles of incorporation or bylaws, decisions that  
1255 | require a vote of the members must be made by the concurrence of  
1256 | at least a majority of the voting interests present, in person  
1257 | or by proxy, at a meeting at which a quorum has been attained. A  
1258 | meeting of the members must be held at a location that is  
1259 | accessible to a physically handicapped person if requested by a  
1260 | physically handicapped person who has a right to attend the  
1261 | meeting.

1262 |       (b) Unless otherwise provided in the governing documents  
1263 | or required by law, and other than those matters set forth in  
1264 | paragraph (c), any governing document of an association may be  
1265 | amended by the affirmative vote of two-thirds of the voting  
1266 | interests of the association. Within 30 days after recording an  
1267 | amendment to the governing documents, the association shall  
1268 | provide copies of the amendment to the members. However, if a  
1269 | copy of the proposed amendment is provided to the members before  
1270 | they vote on the amendment and the proposed amendment is not  
1271 | changed before the vote, the association, in lieu of providing a  
1272 | copy of the amendment, may provide notice to the members that  
1273 | the amendment was adopted, identifying the official book and  
1274 | page number or instrument number of the recorded amendment and  
1275 | that a copy of the amendment is available at no charge to the



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1276 member upon written request to the association. The copies and  
1277 notice described in this paragraph may be provided  
1278 electronically to those owners who previously consented to  
1279 receive notice electronically.

1280 Section 19. Section 720.316, Florida Statutes, is created  
1281 to read:

1282 720.316 Association emergency powers.—

1283 (1) To the extent allowed by law, unless specifically  
1284 prohibited by the declaration or other recorded governing  
1285 documents, and consistent with s. 617.0830, the board of  
1286 directors, in response to damage caused by an event for which a  
1287 state of emergency is declared pursuant to s. 252.36 in the area  
1288 encompassed by the association, may exercise the following  
1289 powers:

1290 (a) Conduct board or membership meetings after notice of  
1291 the meetings and board decisions is provided in as practicable a  
1292 manner as possible, including via publication, radio, United  
1293 States mail, the Internet, public service announcements,  
1294 conspicuous posting on the association property, or any other  
1295 means the board deems appropriate under the circumstances.

1296 (b) Cancel and reschedule an association meeting.

1297 (c) Designate assistant officers who are not directors. If  
1298 the executive officer is incapacitated or unavailable, the  
1299 assistant officer has the same authority during the state of  
1300 emergency as the executive officer he or she assists.



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- 1301 |       (d) Relocate the association's principal office or  
1302 | designate an alternative principal office.
- 1303 |       (e) Enter into agreements with counties and municipalities  
1304 | to assist counties and municipalities with debris removal.
- 1305 |       (f) Implement a disaster plan before or immediately  
1306 | following the event for which a state of emergency is declared,  
1307 | which may include, but is not limited to, turning on or shutting  
1308 | off elevators; electricity; water, sewer, or security systems;  
1309 | or air conditioners for association buildings.
- 1310 |       (g) Based upon the advice of emergency management  
1311 | officials or upon the advice of licensed professionals retained  
1312 | by the board, determine any portion of the association property  
1313 | unavailable for entry or occupancy by owners or their family  
1314 | members, tenants, guests, agents, or invitees to protect their  
1315 | health, safety, or welfare.
- 1316 |       (h) Based upon the advice of emergency management  
1317 | officials or upon the advice of licensed professionals retained  
1318 | by the board, determine whether the association property can be  
1319 | safely inhabited or occupied. However, such determination is not  
1320 | conclusive as to any determination of habitability pursuant to  
1321 | the declaration.
- 1322 |       (i) Mitigate further damage, including taking action to  
1323 | contract for the removal of debris and to prevent or mitigate  
1324 | the spread of fungus, including mold or mildew, by removing and  
1325 | disposing of wet drywall, insulation, carpet, cabinetry, or



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1326 other fixtures on or within the association property.

1327 (j) Notwithstanding a provision to the contrary, and  
1328 regardless of whether such authority does not specifically  
1329 appear in the declaration or other recorded governing documents,  
1330 levy special assessments without a vote of the owners.

1331 (k) Without owners' approval, borrow money and pledge  
1332 association assets as collateral to fund emergency repairs and  
1333 carry out the duties of the association if operating funds are  
1334 insufficient. This paragraph does not limit the general  
1335 authority of the association to borrow money, subject to such  
1336 restrictions contained in the declaration or other recorded  
1337 governing documents.

1338 (2) The authority granted under subsection (1) is limited  
1339 to that time reasonably necessary to protect the health, safety,  
1340 and welfare of the association and the parcel owners and their  
1341 family members, tenants, guests, agents, or invitees, and to  
1342 mitigate further damage and make emergency repairs.

1343 Section 20. This act shall take effect July 1, 2014.