

By the Committees on Judiciary; and Regulated Industries; and
Senator Ring

590-03532-14

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1 A bill to be entitled
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
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;

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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.; providing that a unit owner is jointly and
47 severally liable with the previous owner for certain
48 costs; providing an exception; defining the term
49 "previous owner"; limiting costs and fees incurred by
50 the association incident to the collection process to
51 those incurred before the association acquired title;
52 repealing s. 718.50151, F.S., relating to the
53 Community Association Living Study Council and its
54 membership functions; amending s. 718.707, F.S.;
55 extending the date by which a condominium parcel must
56 be acquired in order for a person to be classified as
57 a bulk assignee or bulk buyer; amending s. 719.104,
58 F.S.; providing that an owner may consent in writing

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59 to the disclosure of certain contact information;
60 requiring an outgoing cooperative association board or
61 committee member to relinquish all official records
62 and property of the association within a specified
63 time; providing a civil penalty for failing to
64 relinquish such records and property; providing dates
65 by which financial reports for an association must be
66 completed; specifying that members must receive copies
67 of financial reports; requiring specific types of
68 financial statements for associations of varying
69 sizes; providing exceptions; providing a mechanism for
70 waiving or increasing financial reporting
71 requirements; amending s. 719.106, F.S.; providing for
72 suspension from office of a director or officer who is
73 charged with one or more of certain felony offenses;
74 providing procedures for filling such vacancy or
75 reinstating such member under specific circumstances;
76 providing a mechanism for a person who is convicted of
77 a felony to be eligible for board membership; creating
78 s. 719.128, F.S.; providing emergency powers of a
79 cooperative association; amending s. 720.303, F.S.;
80 providing that an owner may consent in writing to the
81 disclosure of certain contact information; amending s.
82 720.306, F.S.; providing for specified notice to
83 members in lieu of copies of an amendment; creating s.
84 720.316, F.S.; providing emergency powers of a
85 homeowners' association; providing an effective date.

86
87 Be It Enacted by the Legislature of the State of Florida:

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88

89 Section 1. Subsection (4) of section 509.013, Florida
90 Statutes, is amended to read:

91 509.013 Definitions.—As used in this chapter, the term:

92 (4) (a) "Public lodging establishment" includes a transient
93 public lodging establishment as defined in subparagraph 1. and a
94 nontransient public lodging establishment as defined in
95 subparagraph 2.

96 1. "Transient public lodging establishment" means any unit,
97 group of units, dwelling, building, or group of buildings within
98 a single complex of buildings which is rented to guests more
99 than three times in a calendar year for periods of less than 30
100 days or 1 calendar month, whichever is less, or which is
101 advertised or held out to the public as a place regularly rented
102 to guests.

103 2. "Nontransient public lodging establishment" means any
104 unit, group of units, dwelling, building, or group of buildings
105 within a single complex of buildings which is rented to guests
106 for periods of at least 30 days or 1 calendar month, whichever
107 is less, or which is advertised or held out to the public as a
108 place regularly rented to guests for periods of at least 30 days
109 or 1 calendar month.

110

111 License classifications of public lodging establishments, and
112 the definitions therefor, are set out in s. 509.242. For the
113 purpose of licensure, the term does not include condominium
114 common elements as defined in s. 718.103.

115 (b) The following are excluded from the definitions in
116 paragraph (a):

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117 1. Any dormitory or other living or sleeping facility
118 maintained by a public or private school, college, or university
119 for the use of students, faculty, or visitors.

120 2. Any facility certified or licensed and regulated by the
121 Agency for Health Care Administration or the Department of
122 Children and Family Services or other similar place regulated
123 under s. 381.0072.

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

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

136 5. Any migrant labor camp or residential migrant housing
137 permitted by the Department of Health under ss. 381.008-
138 381.00895.

139 6. Any establishment inspected by the Department of Health
140 and regulated by chapter 513.

141 7. Any nonprofit organization that operates a facility
142 providing housing only to patients, patients' families, and
143 patients' caregivers and not to the general public.

144 8. Any apartment building inspected by the United States
145 Department of Housing and Urban Development or other entity

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146 acting on the department's behalf that is designated primarily
147 as housing for persons at least 62 years of age. The division
148 may require the operator of the apartment building to attest in
149 writing that such building meets the criteria provided in this
150 subparagraph. The division may adopt rules to implement this
151 requirement.

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

156 Section 2. Paragraph (a) of subsection (2) of section
157 509.032, Florida Statutes, is amended to read:

158 509.032 Duties.—

159 (2) INSPECTION OF PREMISES.—

160 (a) The division has responsibility and jurisdiction for
161 all inspections required by this chapter. The division has
162 responsibility for quality assurance. Each licensed
163 establishment shall be inspected at least biannually, except for
164 transient and nontransient apartments, which shall be inspected
165 at least annually, and shall be inspected at such other times as
166 the division determines is necessary to ensure the public's
167 health, safety, and welfare. The division shall establish a
168 system to determine inspection frequency. Public lodging units
169 classified as vacation rentals or timeshare projects are not
170 subject to this requirement but shall be made available to the
171 division upon request. If, during the inspection of a public
172 lodging establishment classified for renting to transient or
173 nontransient tenants, an inspector identifies vulnerable adults
174 who appear to be victims of neglect, as defined in s. 415.102,

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175 or, in the case of a building that is not equipped with
176 automatic sprinkler systems, tenants or clients who may be
177 unable to self-preserve in an emergency, the division shall
178 convene meetings with the following agencies as appropriate to
179 the individual situation: the Department of Health, the
180 Department of Elderly Affairs, the area agency on aging, the
181 local fire marshal, the landlord and affected tenants and
182 clients, and other relevant organizations, to develop a plan
183 which improves the prospects for safety of affected residents
184 and, if necessary, identifies alternative living arrangements
185 such as facilities licensed under part II of chapter 400 or
186 under chapter 429.

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

189 509.221 Sanitary regulations.—

190 (9) Subsections (2), (5), and (6) do not apply to any
191 facility or unit classified as a vacation rental, ~~or~~
192 nontransient apartment, or timeshare project as described in s.
193 509.242(1)(c), ~~and~~ (d), and (g).

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

196 509.241 Licenses required; exceptions.—

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

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204 a public lodging establishment license.

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

207 509.242 Public lodging establishments; classifications.—

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

212 (a) *Hotel*.—A hotel is any public lodging establishment
213 containing sleeping room accommodations for 25 or more guests
214 and providing the services generally provided by a hotel and
215 recognized as a hotel in the community in which it is situated
216 or by the industry.

217 (b) *Motel*.—A motel is any public lodging establishment
218 which offers rental units with an exit to the outside of each
219 rental unit, daily or weekly rates, offstreet parking for each
220 unit, a central office on the property with specified hours of
221 operation, a bathroom or connecting bathroom for each rental
222 unit, and at least six rental units, and which is recognized as
223 a motel in the community in which it is situated or by the
224 industry.

225 (c) *Vacation rental*.—A vacation rental is any unit or group
226 of units in a condominium or, ~~cooperative, or timeshare plan~~ or
227 any individually or collectively owned single-family, two-
228 family, three-family, or four-family house or dwelling unit that
229 is also a transient public lodging establishment but that is not
230 a timeshare project.

231 (d) *Nontransient apartment*.—A nontransient apartment is a
232 building or complex of buildings in which 75 percent or more of

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233 the units are available for rent to nontransient tenants.

234 (e) *Transient apartment.*—A transient apartment is a
235 building or complex of buildings in which more than 25 percent
236 of the units are advertised or held out to the public as
237 available for transient occupancy.

238 (f) *Bed and breakfast inn.*—A bed and breakfast inn is a
239 family home structure, with no more than 15 sleeping rooms,
240 which has been modified to serve as a transient public lodging
241 establishment, which provides the accommodation and meal
242 services generally offered by a bed and breakfast inn, and which
243 is recognized as a bed and breakfast inn in the community in
244 which it is situated or by the hospitality industry.

245 (g) *Timeshare project.*—A timeshare project is a timeshare
246 property, as defined in chapter 721, which is located in this
247 state and which is also a transient public lodging
248 establishment.

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

251 509.251 License fees.—

252 (1) The division shall adopt, by rule, a schedule of fees
253 to be paid by each public lodging establishment as a
254 prerequisite to issuance or renewal of a license. Such fees
255 shall be based on the number of rental units in the
256 establishment. The aggregate fee per establishment charged any
257 public lodging establishment shall not exceed \$1,000; however,
258 the fees described in paragraphs (a) and (b) may not be included
259 as part of the aggregate fee subject to this cap. Vacation
260 rental units or timeshare projects within separate buildings or
261 at separate locations but managed by one licensed agent may be

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262 combined in a single license application, and the division shall
263 charge a license fee as if all units in the application are in a
264 single licensed establishment. The fee schedule shall require an
265 establishment which applies for an initial license to pay the
266 full license fee if application is made during the annual
267 renewal period or more than 6 months prior to the next such
268 renewal period and one-half of the fee if application is made 6
269 months or less prior to such period. The fee schedule shall
270 include fees collected for the purpose of funding the
271 Hospitality Education Program, pursuant to s. 509.302, which are
272 payable in full for each application regardless of when the
273 application is submitted.

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

279 (b) A license renewal filed with the division within 30
280 days after the expiration date shall be accompanied by a
281 delinquent fee as prescribed by rule, not to exceed \$50, in
282 addition to the renewal fee and any other fees required by law.
283 A license renewal filed with the division more than 30 but not
284 more than 60 days after the expiration date shall be accompanied
285 by a delinquent fee as prescribed by rule, not to exceed \$100,
286 in addition to the renewal fee and any other fees required by
287 law.

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

290 712.05 Effect of filing notice.-

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291 (1) A ~~Any~~ person claiming an interest in land or a
292 homeowners' association desiring to preserve a ~~any~~ covenant or
293 restriction may preserve and protect the same from
294 extinguishment by the operation of this act by filing for
295 record, during the 30-year period immediately following the
296 effective date of the root of title, a written notice, ~~in~~
297 ~~writing,~~ in accordance with this chapter. ~~Such the provisions~~
298 ~~hereof, which~~ notice preserves ~~shall have the effect of so~~
299 ~~preserving~~ such claim of right or such covenant or restriction
300 or portion of such covenant or restriction for up to a period of
301 ~~not longer than~~ 30 years after filing the notice ~~same~~ unless the
302 notice is filed again ~~filed~~ as required in this chapter ~~herein~~.
303 A person's ~~No~~ disability or lack of knowledge of any kind may
304 not ~~on the part of anyone shall~~ delay the commencement of or
305 suspend the running of the ~~said~~ 30-year period. Such notice may
306 be filed for record by the claimant or by any other person
307 acting on behalf of a ~~any~~ claimant who is:

- 308 (a) Under a disability;;
309 (b) Unable to assert a claim on his or her behalf;; or
310 (c) One of a class, but whose identity cannot be
311 established or is uncertain at the time of filing such notice of
312 claim for record.

313
314 Such notice may be filed by a homeowners' association only if
315 the preservation of such covenant or restriction or portion of
316 such covenant or restriction is approved by at least two-thirds
317 of the members of the board of directors of an incorporated
318 homeowners' association at a meeting for which a notice, stating
319 the meeting's time and place and containing the statement of

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320 marketable title action described in s. 712.06(1)(b), was mailed
321 or hand delivered to members of the homeowners' association at
322 least ~~not less than~~ 7 days before ~~prior to~~ such meeting. The
323 homeowners' association or clerk of the circuit court is not
324 required to provide additional notice pursuant to s. 712.06(3).
325 The preceding sentence is intended to clarify existing law.

326 Section 8. Subsection (5), paragraph (j) of subsection
327 (11), and paragraph (c) of subsection (12) of section 718.111,
328 Florida Statutes, are amended, and paragraph (f) is added to
329 subsection (12) of that section, to read:

330 718.111 The association.—

331 (5) RIGHT OF ACCESS TO UNITS.—

332 (a) The association has the irrevocable right of access to
333 each unit during reasonable hours, when necessary for the
334 maintenance, repair, or replacement of any common elements or of
335 any portion of a unit to be maintained by the association
336 pursuant to the declaration or as necessary to prevent damage to
337 the common elements or to a unit ~~or units~~.

338 (b)1. In addition to the association's right of access in
339 paragraph (a) and regardless of whether authority is provided in
340 the declaration or other recorded condominium documents, an
341 association, at the sole discretion of the board, may enter an
342 abandoned unit to inspect the unit and adjoining common
343 elements; make repairs to the unit or to the common elements
344 -serving the unit, as needed; repair the unit if mold or
345 deterioration is present; turn on the utilities for the unit; or
346 otherwise maintain, preserve, or protect the unit and adjoining
347 common elements. For purposes of this paragraph, a unit is
348 presumed to be abandoned if:

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349 a. The unit is the subject of a foreclosure action and no
350 tenant appears to have resided in the unit for at least 4
351 continuous weeks without prior written notice to the
352 association; or

353 b. No tenant appears to have resided in the unit for 2
354 consecutive months without prior written notice to the
355 association, and the association is unable to contact the owner
356 or determine the whereabouts of the owner after reasonable
357 inquiry.

358 2. Except in the case of an emergency, an association may
359 not enter an abandoned unit until 2 days after notice of the
360 association's intent to enter the unit has been mailed or hand-
361 delivered to the owner at the address of the owner as reflected
362 in the records of the association. The notice may be given by
363 electronic transmission to unit owners who previously consented
364 to receive notice by electronic transmission.

365 3. Any expense incurred by an association pursuant to this
366 paragraph is chargeable to the unit owner and enforceable as an
367 assessment pursuant to s. 718.116, and the association may use
368 its lien authority provided by s. 718.116 to enforce collection
369 of the expense.

370 4. The association may petition a court of competent
371 jurisdiction to appoint a receiver and may lease out an
372 abandoned unit for the benefit of the association to offset
373 against the rental income the association's costs and expenses
374 of maintaining, preserving, and protecting the unit and the
375 adjoining common elements, including the costs of the
376 receivership and all unpaid assessments, interest,
377 administrative late fees, costs, and reasonable attorney fees.

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378 (11) INSURANCE.—In order to protect the safety, health, and
379 welfare of the people of the State of Florida and to ensure
380 consistency in the provision of insurance coverage to
381 condominiums and their unit owners, this subsection applies to
382 every residential condominium in the state, regardless of the
383 date of its declaration of condominium. It is the intent of the
384 Legislature to encourage lower or stable insurance premiums for
385 associations described in this subsection.

386 (j) Any portion of the condominium property that must be
387 insured by the association against property loss pursuant to
388 paragraph (f) which is damaged by an insurable event shall be
389 reconstructed, repaired, or replaced as necessary by the
390 association as a common expense. In the absence of an insurable
391 event, the association or the unit owners shall be responsible
392 for the reconstruction, repair, or replacement, as determined by
393 the provisions of the declaration or bylaws. All property
394 insurance deductibles, uninsured losses, and other damages in
395 excess of property insurance coverage under the property
396 insurance policies maintained by the association are a common
397 expense of the condominium, except that:

398 1. A unit owner is responsible for the costs of repair or
399 replacement of any portion of the condominium property not paid
400 by insurance proceeds if such damage is caused by intentional
401 conduct, negligence, or failure to comply with the terms of the
402 declaration or the rules of the association by a unit owner, the
403 members of his or her family, unit occupants, tenants, guests,
404 or invitees, without compromise of the subrogation rights of the
405 insurer.

406 2. The provisions of subparagraph 1. regarding the

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407 financial responsibility of a unit owner for the costs of
408 repairing or replacing other portions of the condominium
409 property also apply to the costs of repair or replacement of
410 personal property of other unit owners or the association, as
411 well as other property, whether real or personal, which the unit
412 owners are required to insure.

413 3. To the extent the cost of repair or reconstruction for
414 which the unit owner is responsible under this paragraph is
415 reimbursed to the association by insurance proceeds, and the
416 association has collected the cost of such repair or
417 reconstruction from the unit owner, the association shall
418 reimburse the unit owner without the waiver of any rights of
419 subrogation.

420 4. The association is not obligated to pay for
421 reconstruction or repairs of property losses as a common expense
422 if the property losses were known or should have been known to a
423 unit owner and were not reported to the association until after
424 the insurance claim of the association for that property was
425 settled or resolved with finality, or denied because it was
426 untimely filed.

427 (12) OFFICIAL RECORDS.—

428 (c) The official records of the association are open to
429 inspection by any association member or the authorized
430 representative of such member at all reasonable times. The right
431 to inspect the records includes the right to make or obtain
432 copies, at the reasonable expense, if any, of the member. The
433 association may adopt reasonable rules regarding the frequency,
434 time, location, notice, and manner of record inspections and
435 copying. The failure of an association to provide the records

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436 within 10 working days after receipt of a written request
437 creates a rebuttable presumption that the association willfully
438 failed to comply with this paragraph. A unit owner who is denied
439 access to official records is entitled to the actual damages or
440 minimum damages for the association's willful failure to comply.
441 Minimum damages are \$50 per calendar day for up to 10 days,
442 beginning on the 11th working day after receipt of the written
443 request. The failure to permit inspection entitles any person
444 prevailing in an enforcement action to recover reasonable
445 attorney fees from the person in control of the records who,
446 directly or indirectly, knowingly denied access to the records.
447 Any person who knowingly or intentionally defaces or destroys
448 accounting records that are required by this chapter to be
449 maintained during the period for which such records are required
450 to be maintained, or who knowingly or intentionally fails to
451 create or maintain accounting records that are required to be
452 created or maintained, with the intent of causing harm to the
453 association or one or more of its members, is personally subject
454 to a civil penalty pursuant to s. 718.501(1)(d). The association
455 shall maintain an adequate number of copies of the declaration,
456 articles of incorporation, bylaws, and rules, and all amendments
457 to each of the foregoing, as well as the question and answer
458 sheet as described in s. 718.504 and year-end financial
459 information required under this section, on the condominium
460 property to ensure their availability to unit owners and
461 prospective purchasers, and may charge its actual costs for
462 preparing and furnishing these documents to those requesting the
463 documents. An association shall allow a member or his or her
464 authorized representative to use a portable device, including a

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465 smartphone, tablet, portable scanner, or any other technology
466 capable of scanning or taking photographs, to make an electronic
467 copy of the official records in lieu of the association's
468 providing the member or his or her authorized representative
469 with a copy of such records. The association may not charge a
470 member or his or her authorized representative for the use of a
471 portable device. Notwithstanding this paragraph, the following
472 records are not accessible to unit owners:

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

483 2. Information obtained by an association in connection
484 with the approval of the lease, sale, or other transfer of a
485 unit.

486 3. Personnel records of association or management company
487 employees, including, but not limited to, disciplinary, payroll,
488 health, and insurance records. For purposes of this
489 subparagraph, the term "personnel records" does not include
490 written employment agreements with an association employee or
491 management company, or budgetary or financial records that
492 indicate the compensation paid to an association employee.

493 4. Medical records of unit owners.

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

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

517 7. The software and operating system used by the
518 association which allow the manipulation of data, even if the
519 owner owns a copy of the same software used by the association.
520 The data is part of the official records of the association.

521 (f) An outgoing board or committee member must relinquish
522 all official records and property of the association in his or

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523 her possession or under his or her control to the incoming board
524 within 5 days after the election. The division shall impose a
525 civil penalty as set forth in s. 718.501(1)(d)6. against an
526 outgoing board or committee member who willfully and knowingly
527 fails to relinquish such records and property.

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

530 718.112 Bylaws.—

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

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

535 1. Unless a lower number is provided in the bylaws, the
536 percentage of voting interests required to constitute a quorum
537 at a meeting of the members is a majority of the voting
538 interests. Unless otherwise provided in this chapter or in the
539 declaration, articles of incorporation, or bylaws, and except as
540 provided in subparagraph (d)4., decisions shall be made by a
541 majority of the voting interests represented at a meeting at
542 which a quorum is present.

543 2. Except as specifically otherwise provided herein, unit
544 owners may not vote by general proxy, but may vote by limited
545 proxies substantially conforming to a limited proxy form adopted
546 by the division. A voting interest or consent right allocated to
547 a unit owned by the association may not be exercised or
548 considered for any purpose, whether for a quorum, an election,
549 or otherwise. Limited proxies and general proxies may be used to
550 establish a quorum. Limited proxies shall be used for votes
551 taken to waive or reduce reserves in accordance with

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552 subparagraph (f)2.; for votes taken to waive the financial
553 reporting requirements of s. 718.111(13); for votes taken to
554 amend the declaration pursuant to s. 718.110; for votes taken to
555 amend the articles of incorporation or bylaws pursuant to this
556 section; and for any other matter for which this chapter
557 requires or permits a vote of the unit owners. Except as
558 provided in paragraph (d), a proxy, limited or general, may not
559 be used in the election of board members. General proxies may be
560 used for other matters for which limited proxies are not
561 required, and may be used in voting for nonsubstantive changes
562 to items for which a limited proxy is required and given.
563 Notwithstanding this subparagraph, unit owners may vote in
564 person at unit owner meetings. This subparagraph does not limit
565 the use of general proxies or require the use of limited proxies
566 for any agenda item or election at any meeting of a timeshare
567 condominium association.

568 3. Any proxy given is effective only for the specific
569 meeting for which originally given and any lawfully adjourned
570 meetings thereof. A proxy is not valid longer than 90 days after
571 the date of the first meeting for which it was given and may be
572 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of
573 the unit owner executing it.

574 4. A member of the board of administration or a committee
575 may submit in writing his or her agreement or disagreement with
576 any action taken at a meeting that the member did not attend.
577 This agreement or disagreement may not be used as a vote for or
578 against the action taken or to create a quorum.

579 5. A ~~If any of the~~ board or committee member's
580 participation in a meeting via telephone, real-time

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581 videoconferencing, or similar real-time electronic or video
582 communication counts toward a quorum, and such member may vote
583 as if physically present ~~members meet by telephone conference,~~
584 ~~those board or committee members may be counted toward obtaining~~
585 ~~a quorum and may vote by telephone.~~ A telephone speaker must be
586 used so that the conversation of such ~~those~~ members may be heard
587 by the board or committee members attending in person as well as
588 by any unit owners present at a meeting.

589 (c) *Board of administration meetings.*—Meetings of the board
590 of administration at which a quorum of the members is present
591 are open to all unit owners. Members of the board of
592 administration may use e-mail as a means of communication but
593 may not cast a vote on an association matter via e-mail. A unit
594 owner may tape record or videotape the meetings. The right to
595 attend such meetings includes the right to speak at such
596 meetings with reference to all designated agenda items. The
597 division shall adopt reasonable rules governing the tape
598 recording and videotaping of the meeting. The association may
599 adopt written reasonable rules governing the frequency,
600 duration, and manner of unit owner statements.

601 1. Adequate notice of all board meetings, which must
602 specifically identify all agenda items, must be posted
603 conspicuously on the condominium property at least 48 continuous
604 hours before the meeting except in an emergency. If 20 percent
605 of the voting interests petition the board to address an item of
606 business, the board, within 60 days after receipt of the
607 petition, shall place the item on the agenda at its next regular
608 board meeting or at a special meeting called for that purpose ~~of~~
609 ~~the board, but not later than 60 days after the receipt of the~~

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610 ~~petition, shall place the item on the agenda. An~~ Any item not
611 included on the notice may be taken up on an emergency basis by
612 a vote of at least a majority plus one of the board members.
613 Such emergency action must be noticed and ratified at the next
614 regular board meeting. However, written notice of a ~~any~~ meeting
615 at which a nonemergency special assessment assessments, or an ~~at~~
616 ~~which~~ amendment to rules regarding unit use, will be considered
617 must be mailed, delivered, or electronically transmitted to the
618 unit owners and posted conspicuously on the condominium property
619 at least 14 days before the meeting. Evidence of compliance with
620 this 14-day notice requirement must be made by an affidavit
621 executed by the person providing the notice and filed with the
622 official records of the association. Upon notice to the unit
623 owners, the board shall, by duly adopted rule, designate a
624 specific location on the condominium or association property
625 where all notices of board meetings must ~~are to~~ be posted. If
626 there is no condominium property or association property where
627 notices can be posted, notices shall be mailed, delivered, or
628 electronically transmitted to each unit owner at least 14 days
629 before the meeting ~~to the owner of each unit~~. In lieu of or in
630 addition to the physical posting of the notice on the
631 condominium property, the association may, by reasonable rule,
632 adopt a procedure for conspicuously posting and repeatedly
633 broadcasting the notice and the agenda on a closed-circuit cable
634 television system serving the condominium association. However,
635 if broadcast notice is used in lieu of a notice physically
636 posted on condominium property, the notice and agenda must be
637 broadcast at least four times every broadcast hour of each day
638 that a posted notice is otherwise required under this section.

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639 If broadcast notice is provided, the notice and agenda must be
640 broadcast in a manner and for a sufficient continuous length of
641 time so as to allow an average reader to observe the notice and
642 read and comprehend the entire content of the notice and the
643 agenda. Notice of any meeting in which regular or special
644 assessments against unit owners are to be considered ~~for any~~
645 ~~reason~~ must specifically state that assessments will be
646 considered and provide the nature, estimated cost, and
647 description of the purposes for such assessments.

648 2. Meetings of a committee to take final action on behalf
649 of the board or make recommendations to the board regarding the
650 association budget are subject to this paragraph. Meetings of a
651 committee that does not take final action on behalf of the board
652 or make recommendations to the board regarding the association
653 budget are subject to this section, unless those meetings are
654 exempted from this section by the bylaws of the association.

655 3. Notwithstanding any other law, the requirement that
656 board meetings and committee meetings be open to the unit owners
657 does not apply to:

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

662 b. Board meetings held for the purpose of discussing
663 personnel matters.

664 Section 10. Paragraph (a) of subsection (1) of section
665 718.116, Florida Statutes, is amended to read:

666 718.116 Assessments; liability; lien and priority;
667 interest; collection.-

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668 (1) (a) A unit owner, regardless of how his or her title has
669 been acquired, including by purchase at a foreclosure sale or by
670 deed in lieu of foreclosure, is liable for all assessments which
671 come due while he or she is the unit owner. Additionally, a unit
672 owner is jointly and severally liable with the previous owner
673 for all unpaid assessments that came due up to the time of
674 transfer of title, as well as interest, late charges, and
675 reasonable costs and attorney fees incurred by the association
676 incident to the collection process, except that in the case of a
677 foreclosure sale, the interest, late charges, and reasonable
678 attorney fees and costs may not exceed 10 percent of the winning
679 bid amount. This liability is without prejudice to any right the
680 owner may have to recover from the previous owner the amounts
681 paid by the owner. For the purposes of this paragraph, the term
682 "previous owner" does not include an association that acquires
683 title to a delinquent property through foreclosure or by deed in
684 lieu of foreclosure. The present unit owner's liability for
685 unpaid assessments, interest, late charges, and reasonable costs
686 and attorney fees incurred by the association incident to the
687 collection process is limited to those amounts that accrued
688 before the association acquired title to the delinquent property
689 through foreclosure or by deed in lieu of foreclosure. This
690 paragraph does not affect the liability of a first mortgagee or
691 its successor or assignees as provided in paragraph (b).

692 Section 11. Section 718.50151, Florida Statutes, is
693 repealed.

694 Section 12. Section 718.707, Florida Statutes, is amended
695 to read:

696 718.707 Time limitation for classification as bulk assignee

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697 or bulk buyer.—A person acquiring condominium parcels may not be
698 classified as a bulk assignee or bulk buyer unless the
699 condominium parcels were acquired on or after July 1, 2010, but
700 before July 1, 2016 ~~2015~~. The date of such acquisition shall be
701 determined by the date of recording a deed or other instrument
702 of conveyance for such parcels in the public records of the
703 county in which the condominium is located, or by the date of
704 issuing a certificate of title in a foreclosure proceeding with
705 respect to such condominium parcels.

706 Section 13. Paragraph (c) of subsection (2) and subsection
707 (4) of section 719.104, Florida Statutes, are amended, and
708 paragraph (e) is added to subsection (2) of that section, to
709 read:

710 719.104 Cooperatives; access to units; records; financial
711 reports; assessments; purchase of leases.—

712 (2) OFFICIAL RECORDS.—

713 (c) The official records of the association are open to
714 inspection by any association member or the authorized
715 representative of such member at all reasonable times. The right
716 to inspect the records includes the right to make or obtain
717 copies, at the reasonable expense, if any, of the association
718 member. The association may adopt reasonable rules regarding the
719 frequency, time, location, notice, and manner of record
720 inspections and copying. The failure of an association to
721 provide the records within 10 working days after receipt of a
722 written request creates a rebuttable presumption that the
723 association willfully failed to comply with this paragraph. A
724 unit owner who is denied access to official records is entitled
725 to the actual damages or minimum damages for the association's

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726 willful failure to comply. The minimum damages are \$50 per
727 calendar day for up to 10 days, beginning on the 11th working
728 day after receipt of the written request. The failure to permit
729 inspection entitles any person prevailing in an enforcement
730 action to recover reasonable attorney fees from the person in
731 control of the records who, directly or indirectly, knowingly
732 denied access to the records. Any person who knowingly or
733 intentionally defaces or destroys accounting records that are
734 required by this chapter to be maintained during the period for
735 which such records are required to be maintained, or who
736 knowingly or intentionally fails to create or maintain
737 accounting records that are required to be created or
738 maintained, with the intent of causing harm to the association
739 or one or more of its members, is personally subject to a civil
740 penalty pursuant to s. 719.501(1)(d). The association shall
741 maintain an adequate number of copies of the declaration,
742 articles of incorporation, bylaws, and rules, and all amendments
743 to each of the foregoing, as well as the question and answer
744 sheet as described in s. 719.504 and year-end financial
745 information required by the department, on the cooperative
746 property to ensure their availability to unit owners and
747 prospective purchasers, and may charge its actual costs for
748 preparing and furnishing these documents to those requesting the
749 same. An association shall allow a member or his or her
750 authorized representative to use a portable device, including a
751 smartphone, tablet, portable scanner, or any other technology
752 capable of scanning or taking photographs, to make an electronic
753 copy of the official records in lieu of the association
754 providing the member or his or her authorized representative

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755 with a copy of such records. The association may not charge a
756 member or his or her authorized representative for the use of a
757 portable device. Notwithstanding this paragraph, the following
758 records shall not be accessible to unit owners:

759 1. Any record protected by the lawyer-client privilege as
760 described in s. 90.502 and any record protected by the work-
761 product privilege, including any record prepared by an
762 association attorney or prepared at the attorney's express
763 direction which reflects a mental impression, conclusion,
764 litigation strategy, or legal theory of the attorney or the
765 association, and which was prepared exclusively for civil or
766 criminal litigation or for adversarial administrative
767 proceedings, or which was prepared in anticipation of such
768 litigation or proceedings until the conclusion of the litigation
769 or proceedings.

770 2. Information obtained by an association in connection
771 with the approval of the lease, sale, or other transfer of a
772 unit.

773 3. Personnel records of association or management company
774 employees, including, but not limited to, disciplinary, payroll,
775 health, and insurance records. For purposes of this
776 subparagraph, the term "personnel records" does not include
777 written employment agreements with an association employee or
778 management company, or budgetary or financial records that
779 indicate the compensation paid to an association employee.

780 4. Medical records of unit owners.

781 5. Social security numbers, driver license numbers, credit
782 card numbers, e-mail addresses, telephone numbers, facsimile
783 numbers, emergency contact information, addresses of a unit

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784 owner other than as provided to fulfill the association's notice
785 requirements, and other personal identifying information of any
786 person, excluding the person's name, unit designation, mailing
787 address, property address, and any address, e-mail address, or
788 facsimile number provided to the association to fulfill the
789 association's notice requirements. Notwithstanding the
790 restrictions in this subparagraph, an association may print and
791 distribute to parcel owners a directory containing the name,
792 parcel address, and all telephone numbers ~~number~~ of each parcel
793 owner. However, an owner may exclude his or her telephone
794 numbers ~~number~~ from the directory by so requesting in writing to
795 the association. An owner may consent in writing to the
796 disclosure of other contact information described in this
797 subparagraph. The association is not liable for the inadvertent
798 disclosure of information that is protected under this
799 subparagraph if the information is included in an official
800 record of the association and is voluntarily provided by an
801 owner and not requested by the association.

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

804 7. The software and operating system used by the
805 association which allow the manipulation of data, even if the
806 owner owns a copy of the same software used by the association.
807 The data is part of the official records of the association.

808 (e) An outgoing board or committee member must relinquish
809 all official records and property of the association in his or
810 her possession or under his or her control to the incoming board
811 within 5 days after the election. The division shall impose a
812 civil penalty as set forth in s. 719.501(1)(d) against an

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813 outgoing board or committee member who willfully and knowingly
814 fails to relinquish such records and property.

815 (4) FINANCIAL REPORT.—

816 (a) Within 90 ~~60~~ days following the end of the fiscal or
817 calendar year or annually on such date as ~~is otherwise~~ provided
818 in the bylaws of the association, the board of administration ~~of~~
819 ~~the association~~ shall prepare and complete, or contract with a
820 third party to prepare and complete, a financial report covering
821 the preceding fiscal or calendar year. Within 21 days after the
822 financial report is completed by the association or received
823 from the third party, but no later than 120 days after the end
824 of the fiscal year, calendar year, or other date provided in the
825 bylaws, the association shall provide each member with a copy of
826 the annual financial report or a written notice that a copy of
827 the financial report is available upon request at no charge to
828 the member. The division shall adopt rules setting forth uniform
829 accounting principles, standards, and reporting requirements
830 ~~mail or furnish by personal delivery to each unit owner a~~
831 ~~complete financial report of actual receipts and expenditures~~
832 ~~for the previous 12 months, or a complete set of financial~~
833 ~~statements for the preceding fiscal year prepared in accordance~~
834 ~~with generally accepted accounting procedures. The report shall~~
835 ~~show the amounts of receipts by accounts and receipt~~
836 ~~classifications and shall show the amounts of expenses by~~
837 ~~accounts and expense classifications including, if applicable,~~
838 ~~but not limited to, the following:~~

839 1. ~~Costs for security;~~

840 2. ~~Professional and management fees and expenses;~~

841 3. ~~Taxes;~~

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842 ~~4. Costs for recreation facilities;~~
843 ~~5. Expenses for refuse collection and utility services;~~
844 ~~6. Expenses for lawn care;~~
845 ~~7. Costs for building maintenance and repair;~~
846 ~~8. Insurance costs;~~
847 ~~9. Administrative and salary expenses; and~~
848 ~~10. Reserves for capital expenditures, deferred~~
849 ~~maintenance, and any other category for which the association~~
850 ~~maintains a reserve account or accounts.~~

851 (b) Except as provided in paragraph (c), an association
852 whose total annual revenues meet the criteria of this paragraph
853 shall prepare or cause to be prepared a complete set of
854 financial statements according to the generally accepted
855 accounting principles adopted by the Board of Accountancy. The
856 financial statements shall be as follows:

857 1. An association with total annual revenues between
858 \$150,000 and \$299,999 shall prepare a compiled financial
859 statement.

860 2. An association with total annual revenues between
861 \$300,000 and \$499,999 shall prepare a reviewed financial
862 statement.

863 3. An association with total annual revenues of \$500,000 or
864 more shall prepare an audited financial statement ~~The division~~
865 ~~shall adopt rules that may require that the association deliver~~
866 ~~to the unit owners, in lieu of the financial report required by~~
867 ~~this section, a complete set of financial statements for the~~
868 ~~preceding fiscal year. The financial statements shall be~~
869 ~~delivered within 90 days following the end of the previous~~
870 ~~fiscal year or annually on such other date as provided in the~~

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871 ~~bylaws. The rules of the division may require that the financial~~
872 ~~statements be compiled, reviewed, or audited, and the rules~~
873 ~~shall take into consideration the criteria set forth in s.~~
874 ~~719.501(1)(j).~~

875 4. The requirement to have the financial statements
876 compiled, reviewed, or audited does not apply to an association
877 ~~associations~~ if a majority of the voting interests of the
878 association present at a duly called meeting of the association
879 have voted ~~determined for a fiscal year~~ to waive this
880 requirement for the fiscal year. In an association in which
881 turnover of control by the developer has not occurred, the
882 developer may vote to waive the audit requirement for the first
883 2 years of ~~the~~ operation of the association, after which time
884 waiver of an applicable audit requirement shall be by a majority
885 of voting interests other than the developer. The meeting shall
886 be held prior to the end of the fiscal year, and the waiver
887 shall be effective for only one fiscal year. An association may
888 not waive the financial reporting requirements of this section
889 for more than 3 consecutive years ~~This subsection does not apply~~
890 ~~to a cooperative that consists of 50 or fewer units.~~

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

894 2. An association in a community of fewer than 50 units,
895 regardless of the association's annual revenues, shall prepare a
896 report of cash receipts and expenditures in lieu of the
897 financial statements required by paragraph (b), unless the
898 declaration or other recorded governing documents provide
899 otherwise.

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900 3. A report of cash receipts and expenditures must disclose
901 the amount of receipts by accounts and receipt classifications
902 and the amount of expenses by accounts and expense
903 classifications, including the following, as applicable: costs
904 for security, professional, and management fees and expenses;
905 taxes; costs for recreation facilities; expenses for refuse
906 collection and utility services; expenses for lawn care; costs
907 for building maintenance and repair; insurance costs;
908 administration and salary expenses; and reserves, if maintained
909 by the association.

910 (d) If at least 20 percent of the unit owners petition the
911 board for a greater level of financial reporting than that
912 required by this section, the association shall duly notice and
913 hold a membership meeting within 30 days after receipt of the
914 petition to vote on raising the level of reporting for that
915 fiscal year. Upon approval by a majority of the voting interests
916 represented at a meeting at which a quorum of unit owners is
917 present, the association shall prepare an amended budget or
918 shall adopt a special assessment to pay for the financial report
919 regardless of any provision to the contrary in the declaration
920 or other recorded governing documents. In addition, the
921 association shall provide within 90 days after the meeting or
922 the end of the fiscal year, whichever occurs later:

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

926 2. Reviewed or audited financial statements, if the
927 association is otherwise required to prepare compiled financial
928 statements; or

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929 3. Audited financial statements, if the association is
930 otherwise required to prepare reviewed financial statements.

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

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

936 2. A report of cash receipts and expenditures or a compiled
937 financial statement in lieu of a reviewed or audited financial
938 statement; or

939 3. A report of cash receipts and expenditures, a compiled
940 financial statement, or a reviewed financial statement in lieu
941 of an audited financial statement.

942 Section 14. Paragraph (a) of subsection (1) of section
943 719.106, Florida Statutes, is amended to read:

944 719.106 Bylaws; cooperative ownership.—

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

948 (a) *Administration.*—

949 1. The form of administration of the association shall be
950 described, indicating the titles of the officers and board of
951 administration and specifying the powers, duties, manner of
952 selection and removal, and compensation, if any, of officers and
953 board members. In the absence of such a provision, the board of
954 administration shall be composed of five members, except in the
955 case of cooperatives having five or fewer units, in which case
956 in not-for-profit corporations, the board shall consist of not
957 fewer than three members. In the absence of provisions to the

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958 contrary, the board of administration shall have a president, a
959 secretary, and a treasurer, who shall perform the duties of
960 those offices customarily performed by officers of corporations.
961 Unless prohibited in the bylaws, the board of administration may
962 appoint other officers and grant them those duties it deems
963 appropriate. Unless otherwise provided in the bylaws, the
964 officers shall serve without compensation and at the pleasure of
965 the board. Unless otherwise provided in the bylaws, the members
966 of the board shall serve without compensation.

967 2. A person who has been suspended or removed by the
968 division under this chapter, or who is delinquent in the payment
969 of any monetary obligation due to the association, is not
970 eligible to be a candidate for board membership and may not be
971 listed on the ballot. A director or officer charged by
972 information or indictment with a felony theft or embezzlement
973 offense involving the association's funds or property is
974 suspended from office. The board shall fill the vacancy
975 according to general law until the end of the period of the
976 suspension or the end of the director's term of office,
977 whichever occurs first. However, if the charges are resolved
978 without a finding of guilt or without acceptance of a plea of
979 guilty or nolo contendere, the director or officer shall be
980 reinstated for any remainder of his or her term of office. A
981 member who has such criminal charges pending may not be
982 appointed or elected to a position as a director or officer. A
983 person who has been convicted of any felony in this state or in
984 any United States District Court, or who has been convicted of
985 any offense in another jurisdiction which would be considered a
986 felony if committed in this state, is not eligible for board

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987 membership unless such felon's civil rights have been restored
988 for at least 5 years as of the date such person seeks election
989 to the board. The validity of an action by the board is not
990 affected if it is later determined that a board member is
991 ineligible for board membership due to having been convicted of
992 a felony.

993 ~~3.2.~~ When a unit owner files a written inquiry by certified
994 mail with the board of administration, the board shall respond
995 in writing to the unit owner within 30 days of receipt of the
996 inquiry. The board's response shall either give a substantive
997 response to the inquirer, notify the inquirer that a legal
998 opinion has been requested, or notify the inquirer that advice
999 has been requested from the division. If the board requests
1000 advice from the division, the board shall, within 10 days of its
1001 receipt of the advice, provide in writing a substantive response
1002 to the inquirer. If a legal opinion is requested, the board
1003 shall, within 60 days after the receipt of the inquiry, provide
1004 in writing a substantive response to the inquirer. The failure
1005 to provide a substantive response to the inquirer as provided
1006 herein precludes the board from recovering attorney's fees and
1007 costs in any subsequent litigation, administrative proceeding,
1008 or arbitration arising out of the inquiry. The association may,
1009 through its board of administration, adopt reasonable rules and
1010 regulations regarding the frequency and manner of responding to
1011 the unit owners' inquiries, one of which may be that the
1012 association is obligated to respond to only one written inquiry
1013 per unit in any given 30-day period. In such case, any
1014 additional inquiry or inquiries must be responded to in the
1015 subsequent 30-day period, or periods, as applicable.

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1016 Section 15. Section 719.128, Florida Statutes, is created
1017 to read:

1018 719.128 Association emergency powers.-

1019 (1) To the extent allowed by law, unless specifically
1020 prohibited by the cooperative documents, and consistent with s.
1021 617.0830, the board of administration, in response to damage
1022 caused by an event for which a state of emergency is declared
1023 pursuant to s. 252.36 in the area encompassed by the
1024 cooperative, may exercise the following powers:

1025 (a) Conduct board or membership meetings after notice of
1026 the meetings and board decisions is provided in as practicable a
1027 manner as possible, including via publication, radio, United
1028 States mail, the Internet, public service announcements,
1029 conspicuous posting on the cooperative property, or any other
1030 means the board deems appropriate under the circumstances.

1031 (b) Cancel and reschedule an association meeting.

1032 (c) Designate assistant officers who are not directors. If
1033 the executive officer is incapacitated or unavailable, the
1034 assistant officer has the same authority during the state of
1035 emergency as the executive officer he or she assists.

1036 (d) Relocate the association's principal office or
1037 designate an alternative principal office.

1038 (e) Enter into agreements with counties and municipalities
1039 to assist counties and municipalities with debris removal.

1040 (f) Implement a disaster plan before or immediately
1041 following the event for which a state of emergency is declared,
1042 which may include turning on or shutting off elevators;
1043 electricity; water, sewer, or security systems; or air
1044 conditioners for association buildings.

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1045 (g) Based upon the advice of emergency management officials
1046 or upon the advice of licensed professionals retained by the
1047 board of administration, determine any portion of the
1048 cooperative property unavailable for entry or occupancy by unit
1049 owners or their family members, tenants, guests, agents, or
1050 invitees to protect their health, safety, or welfare.

1051 (h) Based upon the advice of emergency management officials
1052 or upon the advice of licensed professionals retained by the
1053 board of administration, determine whether the cooperative
1054 property can be safely inhabited or occupied. However, such
1055 determination is not conclusive as to any determination of
1056 habitability pursuant to the declaration.

1057 (i) Require the evacuation of the cooperative property in
1058 the event of a mandatory evacuation order in the area where the
1059 cooperative is located. If a unit owner or other occupant of a
1060 cooperative fails to evacuate the cooperative property for which
1061 the board has required evacuation, the association is immune
1062 from liability for injury to persons or property arising from
1063 such failure.

1064 (j) Mitigate further damage, including taking action to
1065 contract for the removal of debris and to prevent or mitigate
1066 the spread of fungus, including mold or mildew, by removing and
1067 disposing of wet drywall, insulation, carpet, cabinetry, or
1068 other fixtures on or within the cooperative property, regardless
1069 of whether the unit owner is obligated by the declaration or law
1070 to insure or replace those fixtures and to remove personal
1071 property from a unit.

1072 (k) Contract, on behalf of a unit owner, for items or
1073 services for which the owner is otherwise individually

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1074 responsible, but which are necessary to prevent further damage
1075 to the cooperative property. In such event, the unit owner on
1076 whose behalf the board has contracted is responsible for
1077 reimbursing the association for the actual costs of the items or
1078 services, and the association may use its lien authority
1079 provided by s. 719.108 to enforce collection of the charges.
1080 Such items or services may include the drying of the unit, the
1081 boarding of broken windows or doors, and the replacement of a
1082 damaged air conditioner or air handler to provide climate
1083 control in the unit or other portions of the property.

1084 (l) Notwithstanding a provision to the contrary, and
1085 regardless of whether such authority does not specifically
1086 appear in the cooperative documents, levy special assessments
1087 without a vote of the owners.

1088 (m) Without unit owners' approval, borrow money and pledge
1089 association assets as collateral to fund emergency repairs and
1090 carry out the duties of the association if operating funds are
1091 insufficient. This paragraph does not limit the general
1092 authority of the association to borrow money, subject to such
1093 restrictions contained in the cooperative documents.

1094 (2) The authority granted under subsection (1) is limited
1095 to that time reasonably necessary to protect the health, safety,
1096 and welfare of the association and the unit owners and their
1097 family members, tenants, guests, agents, or invitees, and to
1098 mitigate further damage and make emergency repairs.

1099 Section 16. Paragraph (c) of subsection (5) of section
1100 720.303, Florida Statutes, is amended to read:

1101 720.303 Association powers and duties; meetings of board;
1102 official records; budgets; financial reporting; association

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1103 funds; recalls.—

1104 (5) INSPECTION AND COPYING OF RECORDS.—The official records
1105 shall be maintained within the state for at least 7 years and
1106 shall be made available to a parcel owner for inspection or
1107 photocopying within 45 miles of the community or within the
1108 county in which the association is located within 10 business
1109 days after receipt by the board or its designee of a written
1110 request. This subsection may be complied with by having a copy
1111 of the official records available for inspection or copying in
1112 the community or, at the option of the association, by making
1113 the records available to a parcel owner electronically via the
1114 Internet or by allowing the records to be viewed in electronic
1115 format on a computer screen and printed upon request. If the
1116 association has a photocopy machine available where the records
1117 are maintained, it must provide parcel owners with copies on
1118 request during the inspection if the entire request is limited
1119 to no more than 25 pages. An association shall allow a member or
1120 his or her authorized representative to use a portable device,
1121 including a smartphone, tablet, portable scanner, or any other
1122 technology capable of scanning or taking photographs, to make an
1123 electronic copy of the official records in lieu of the
1124 association's providing the member or his or her authorized
1125 representative with a copy of such records. The association may
1126 not charge a fee to a member or his or her authorized
1127 representative for the use of a portable device.

1128 (c) The association may adopt reasonable written rules
1129 governing the frequency, time, location, notice, records to be
1130 inspected, and manner of inspections, but may not require a
1131 parcel owner to demonstrate any proper purpose for the

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1132 inspection, state any reason for the inspection, or limit a
1133 parcel owner's right to inspect records to less than one 8-hour
1134 business day per month. The association may impose fees to cover
1135 the costs of providing copies of the official records, including
1136 the costs of copying and the costs required for personnel to
1137 retrieve and copy the records if the time spent retrieving and
1138 copying the records exceeds one-half hour and if the personnel
1139 costs do not exceed \$20 per hour. Personnel costs may not be
1140 charged for records requests that result in the copying of 25 or
1141 fewer pages. The association may charge up to 25 cents per page
1142 for copies made on the association's photocopier. If the
1143 association does not have a photocopy machine available where
1144 the records are kept, or if the records requested to be copied
1145 exceed 25 pages in length, the association may have copies made
1146 by an outside duplicating service and may charge the actual cost
1147 of copying, as supported by the vendor invoice. The association
1148 shall maintain an adequate number of copies of the recorded
1149 governing documents, to ensure their availability to members and
1150 prospective members. Notwithstanding this paragraph, the
1151 following records are not accessible to members or parcel
1152 owners:

1153 1. Any record protected by the lawyer-client privilege as
1154 described in s. 90.502 and any record protected by the work-
1155 product privilege, including, but not limited to, a record
1156 prepared by an association attorney or prepared at the
1157 attorney's express direction which reflects a mental impression,
1158 conclusion, litigation strategy, or legal theory of the attorney
1159 or the association and which was prepared exclusively for civil
1160 or criminal litigation or for adversarial administrative

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1161 proceedings or which was prepared in anticipation of such
1162 litigation or proceedings until the conclusion of the litigation
1163 or proceedings.

1164 2. Information obtained by an association in connection
1165 with the approval of the lease, sale, or other transfer of a
1166 parcel.

1167 3. Personnel records of association or management company
1168 employees, including, but not limited to, disciplinary, payroll,
1169 health, and insurance records. For purposes of this
1170 subparagraph, the term "personnel records" does not include
1171 written employment agreements with an association or management
1172 company employee or budgetary or financial records that indicate
1173 the compensation paid to an association or management company
1174 employee.

1175 4. Medical records of parcel owners or community residents.

1176 5. Social security numbers, driver license numbers, credit
1177 card numbers, electronic mailing addresses, telephone numbers,
1178 facsimile numbers, emergency contact information, any addresses
1179 for a parcel owner other than as provided for association notice
1180 requirements, and other personal identifying information of any
1181 person, excluding the person's name, parcel designation, mailing
1182 address, and property address. Notwithstanding the restrictions
1183 in this subparagraph, an association may print and distribute to
1184 parcel owners a directory containing the name, parcel address,
1185 and all telephone numbers ~~number~~ of each parcel owner. However,
1186 an owner may exclude his or her telephone numbers ~~number~~ from
1187 the directory by so requesting in writing to the association. An
1188 owner may consent in writing to the disclosure of other contact
1189 information described in this subparagraph. The association is

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1190 not liable for the disclosure of information that is protected
1191 under this subparagraph if the information is included in an
1192 official record of the association and is voluntarily provided
1193 by an owner and not requested by the association.

1194 6. Any electronic security measure that is used by the
1195 association to safeguard data, including passwords.

1196 7. The software and operating system used by the
1197 association which allows the manipulation of data, even if the
1198 owner owns a copy of the same software used by the association.
1199 The data is part of the official records of the association.

1200 Section 17. Paragraph (b) of subsection (1) of section
1201 720.306, Florida Statutes, is amended to read:

1202 720.306 Meetings of members; voting and election
1203 procedures; amendments.—

1204 (1) QUORUM; AMENDMENTS.—

1205 (b) Unless otherwise provided in the governing documents or
1206 required by law, and other than those matters set forth in
1207 paragraph (c), any governing document of an association may be
1208 amended by the affirmative vote of two-thirds of the voting
1209 interests of the association. Within 30 days after recording an
1210 amendment to the governing documents, the association shall
1211 provide copies of the amendment to the members. However, if a
1212 copy of the proposed amendment is provided to the members before
1213 they vote on the amendment and the proposed amendment is not
1214 changed before the vote, the association, in lieu of providing a
1215 copy of the amendment, may provide notice to the members that
1216 the amendment was adopted, identifying the official book and
1217 page number or instrument number of the recorded amendment and
1218 that a copy of the amendment is available at no charge to the

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1219 member upon written request to the association. The copies and
1220 notice described in this paragraph may be provided
1221 electronically to those owners who previously consented to
1222 receive notice electronically.

1223 Section 18. Section 720.316, Florida Statutes, is created
1224 to read:

1225 720.316 Association emergency powers.-

1226 (1) To the extent allowed by law, unless specifically
1227 prohibited by the declaration or other recorded governing
1228 documents, and consistent with s. 617.0830, the board of
1229 directors, in response to damage caused by an event for which a
1230 state of emergency is declared pursuant to s. 252.36 in the area
1231 encompassed by the association, may exercise the following
1232 powers:

1233 (a) Conduct board or membership meetings after notice of
1234 the meetings and board decisions is provided in as practicable a
1235 manner as possible, including via publication, radio, United
1236 States mail, the Internet, public service announcements,
1237 conspicuous posting on the association property, or any other
1238 means the board deems appropriate under the circumstances.

1239 (b) Cancel and reschedule an association meeting.

1240 (c) Designate assistant officers who are not directors. If
1241 the executive officer is incapacitated or unavailable, the
1242 assistant officer has the same authority during the state of
1243 emergency as the executive officer he or she assists.

1244 (d) Relocate the association's principal office or
1245 designate an alternative principal office.

1246 (e) Enter into agreements with counties and municipalities
1247 to assist counties and municipalities with debris removal.

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1248 (f) Implement a disaster plan before or immediately
1249 following the event for which a state of emergency is declared,
1250 which may include, but is not limited to, turning on or shutting
1251 off elevators; electricity; water, sewer, or security systems;
1252 or air conditioners for association buildings.

1253 (g) Based upon the advice of emergency management officials
1254 or upon the advice of licensed professionals retained by the
1255 board, determine any portion of the association property
1256 unavailable for entry or occupancy by owners or their family
1257 members, tenants, guests, agents, or invitees to protect their
1258 health, safety, or welfare.

1259 (h) Based upon the advice of emergency management officials
1260 or upon the advice of licensed professionals retained by the
1261 board, determine whether the association property can be safely
1262 inhabited or occupied. However, such determination is not
1263 conclusive as to any determination of habitability pursuant to
1264 the declaration.

1265 (i) Mitigate further damage, including taking action to
1266 contract for the removal of debris and to prevent or mitigate
1267 the spread of fungus, including mold or mildew, by removing and
1268 disposing of wet drywall, insulation, carpet, cabinetry, or
1269 other fixtures on or within the association property.

1270 (j) Notwithstanding a provision to the contrary, and
1271 regardless of whether such authority does not specifically
1272 appear in the declaration or other recorded governing documents,
1273 levy special assessments without a vote of the owners.

1274 (k) Without owners' approval, borrow money and pledge
1275 association assets as collateral to fund emergency repairs and
1276 carry out the duties of the association if operating funds are

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1277 insufficient. This paragraph does not limit the general
1278 authority of the association to borrow money, subject to such
1279 restrictions contained in the declaration or other recorded
1280 governing documents.

1281 (2) The authority granted under subsection (1) is limited
1282 to that time reasonably necessary to protect the health, safety,
1283 and welfare of the association and the parcel owners and their
1284 family members, tenants, guests, agents, or invitees, and to
1285 mitigate further damage and make emergency repairs.

1286 Section 19. This act shall take effect July 1, 2014.