

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;
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; repealing s.
46 | 718.50151, F.S., relating to the Community Association
47 | Living Study Council and membership functions;
48 | amending s. 718.707, F.S.; extending the date by which
49 | a condominium parcel must be acquired in order for a
50 | person to be classified as a bulk assignee or bulk
51 | buyer; amending s. 719.104, F.S.; providing that an
52 | owner may consent in writing to the disclosure of

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

79 association; providing an effective date.

80

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

82

83 Section 1. Paragraph (b) of subsection (4) of section
84 509.013, Florida Statutes, is amended to read:

85 509.013 Definitions.—As used in this chapter, the term:

86 (4) (a) "Public lodging establishment" includes a transient
87 public lodging establishment as defined in subparagraph 1. and a
88 nontransient public lodging establishment as defined in
89 subparagraph 2.

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

97 2. "Nontransient public lodging establishment" means any
98 unit, group of units, dwelling, building, or group of buildings
99 within a single complex of buildings which is rented to guests
100 for periods of at least 30 days or 1 calendar month, whichever
101 is less, or which is advertised or held out to the public as a
102 place regularly rented to guests for periods of at least 30 days
103 or 1 calendar month.

104

105 License classifications of public lodging establishments, and
106 the definitions therefor, are set out in s. 509.242. For the
107 purpose of licensure, the term does not include condominium
108 common elements as defined in s. 718.103.

109 (b) The following are excluded from the definitions in
110 paragraph (a):

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

114 2. Any facility certified or licensed and regulated by the
115 Agency for Health Care Administration or the Department of
116 Children and Family Services or other similar place regulated
117 under s. 381.0072.

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

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

130 5. Any migrant labor camp or residential migrant housing

131 permitted by the Department of Health under ss. 381.008-
 132 381.00895.

133 6. Any establishment inspected by the Department of Health
 134 and regulated by chapter 513.

135 7. Any nonprofit organization that operates a facility
 136 providing housing only to patients, patients' families, and
 137 patients' caregivers and not to the general public.

138 8. Any apartment building inspected by the United States
 139 Department of Housing and Urban Development or other entity
 140 acting on the department's behalf that is designated primarily
 141 as housing for persons at least 62 years of age. The division
 142 may require the operator of the apartment building to attest in
 143 writing that such building meets the criteria provided in this
 144 subparagraph. The division may adopt rules to implement this
 145 requirement.

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

150 Section 2. Paragraph (a) of subsection (2) of section
 151 509.032, Florida Statutes, is amended to read:

152 509.032 Duties.—

153 (2) INSPECTION OF PREMISES.—

154 (a) The division has responsibility and jurisdiction for
 155 all inspections required by this chapter. The division has
 156 responsibility for quality assurance. Each licensed

157 establishment shall be inspected at least biannually, except for
158 transient and nontransient apartments, which shall be inspected
159 at least annually, and shall be inspected at such other times as
160 the division determines is necessary to ensure the public's
161 health, safety, and welfare. The division shall establish a
162 system to determine inspection frequency. Public lodging units
163 classified as vacation rentals or timeshare projects are not
164 subject to this requirement but shall be made available to the
165 division upon request. If, during the inspection of a public
166 lodging establishment classified for renting to transient or
167 nontransient tenants, an inspector identifies vulnerable adults
168 who appear to be victims of neglect, as defined in s. 415.102,
169 or, in the case of a building that is not equipped with
170 automatic sprinkler systems, tenants or clients who may be
171 unable to self-preserve in an emergency, the division shall
172 convene meetings with the following agencies as appropriate to
173 the individual situation: the Department of Health, the
174 Department of Elderly Affairs, the area agency on aging, the
175 local fire marshal, the landlord and affected tenants and
176 clients, and other relevant organizations, to develop a plan
177 which improves the prospects for safety of affected residents
178 and, if necessary, identifies alternative living arrangements
179 such as facilities licensed under part II of chapter 400 or
180 under chapter 429.

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

183 509.221 Sanitary regulations.—

184 (9) Subsections (2), (5), and (6) do not apply to any
 185 facility or unit classified as a vacation rental, ~~or~~
 186 nontransient apartment, or timeshare project as described in s.
 187 509.242(1)(c), ~~and~~ (d), and (g).

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

190 509.241 Licenses required; exceptions.—

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

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

201 509.242 Public lodging establishments; classifications.—

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

206 (a) Hotel.—A hotel is any public lodging establishment
 207 containing sleeping room accommodations for 25 or more guests
 208 and providing the services generally provided by a hotel and

209 recognized as a hotel in the community in which it is situated
 210 or by the industry.

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

219 (c) Vacation rental.—A vacation rental is any unit or
 220 group of units in a condominium or, cooperative, ~~or timeshare~~
 221 ~~plan~~ or any individually or collectively owned single-family,
 222 two-family, three-family, or four-family house or dwelling unit
 223 that is also a transient public lodging establishment but that
 224 is not a timeshare project.

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

228 (e) Transient apartment.—A transient apartment is a
 229 building or complex of buildings in which more than 25 percent
 230 of the units are advertised or held out to the public as
 231 available for transient occupancy.

232 (f) Bed and breakfast inn.—A bed and breakfast inn is a
 233 family home structure, with no more than 15 sleeping rooms,
 234 which has been modified to serve as a transient public lodging

235 establishment, which provides the accommodation and meal
236 services generally offered by a bed and breakfast inn, and which
237 is recognized as a bed and breakfast inn in the community in
238 which it is situated or by the hospitality industry.

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

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

244 509.251 License fees.—

245 (1) The division shall adopt, by rule, a schedule of fees
246 to be paid by each public lodging establishment as a
247 prerequisite to issuance or renewal of a license. Such fees
248 shall be based on the number of rental units in the
249 establishment. The aggregate fee per establishment charged any
250 public lodging establishment shall not exceed \$1,000; however,
251 the fees described in paragraphs (a) and (b) may not be included
252 as part of the aggregate fee subject to this cap. Vacation
253 rental units or timeshare projects within separate buildings or
254 at separate locations but managed by one licensed agent may be
255 combined in a single license application, and the division shall
256 charge a license fee as if all units in the application are in a
257 single licensed establishment. The fee schedule shall require an
258 establishment which applies for an initial license to pay the
259 full license fee if application is made during the annual
260 renewal period or more than 6 months prior to the next such

261 renewal period and one-half of the fee if application is made 6
 262 months or less prior to such period. The fee schedule shall
 263 include fees collected for the purpose of funding the
 264 Hospitality Education Program, pursuant to s. 509.302, which are
 265 payable in full for each application regardless of when the
 266 application is submitted.

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

272 (b) A license renewal filed with the division within 30
 273 days after the expiration date shall be accompanied by a
 274 delinquent fee as prescribed by rule, not to exceed \$50, in
 275 addition to the renewal fee and any other fees required by law.
 276 A license renewal filed with the division more than 30 but not
 277 more than 60 days after the expiration date shall be accompanied
 278 by a delinquent fee as prescribed by rule, not to exceed \$100,
 279 in addition to the renewal fee and any other fees required by
 280 law.

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

283 712.05 Effect of filing notice.—

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

287 extinguishment by the operation of this act by filing for
 288 record, during the 30-year period immediately following the
 289 effective date of the root of title, a written notice, ~~in~~
 290 ~~writing,~~ in accordance with this chapter. ~~Such the provisions~~
 291 ~~hereof, which~~ notice preserves ~~shall have the effect of so~~
 292 ~~preserving~~ such claim of right or such covenant or restriction
 293 or portion of such covenant or restriction for up to a period of
 294 ~~not longer than~~ 30 years after filing the notice ~~same~~ unless the
 295 notice is filed again ~~filed~~ as required in this chapter ~~herein~~.
 296 A person's ~~No~~ disability or lack of knowledge of any kind may
 297 not ~~on the part of anyone shall~~ delay the commencement of or
 298 suspend the running of the ~~said~~ 30-year period. Such notice may
 299 be filed for record by the claimant or by any other person
 300 acting on behalf of a ~~any~~ claimant who is:

- 301 (a) Under a disability;;
- 302 (b) Unable to assert a claim on his or her behalf;; or
- 303 (c) One of a class, but whose identity cannot be
- 304 established or is uncertain at the time of filing such notice of
- 305 claim for record.

306
 307 Such notice may be filed by a homeowners' association only if
 308 the preservation of such covenant or restriction or portion of
 309 such covenant or restriction is approved by at least two-thirds
 310 of the members of the board of directors of an incorporated
 311 homeowners' association at a meeting for which a notice, stating
 312 the meeting's time and place and containing the statement of

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

319 Section 8. Subsection (5), paragraph (j) of subsection
 320 (11), and paragraph (c) of subsection (12) of section 718.111,
 321 Florida Statutes, are amended, and paragraph (f) is added to
 322 subsection (12) of that section, to read:

323 718.111 The association.—

324 (5) RIGHT OF ACCESS TO UNITS.—

325 (a) The association has the irrevocable right of access to
 326 each unit during reasonable hours, when necessary for the
 327 maintenance, repair, or replacement of any common elements or of
 328 any portion of a unit to be maintained by the association
 329 pursuant to the declaration or as necessary to prevent damage to
 330 the common elements or to a unit ~~or units~~.

331 (b)1. In addition to the association's right of access in
 332 paragraph (a) and regardless of whether authority is provided in
 333 the declaration or other recorded condominium documents, an
 334 association, at the sole discretion of the board, may enter an
 335 abandoned unit to inspect the unit and adjoining common
 336 elements; make repairs to the unit or to the common elements
 337 -serving the unit, as needed; repair the unit if mold or
 338 deterioration is present; turn on the utilities for the unit; or

339 otherwise maintain, preserve, or protect the unit and adjoining
340 common elements. For purposes of this paragraph, a unit is
341 presumed to be abandoned if:

342 a. The unit is the subject of a foreclosure action and no
343 tenant appears to have resided in the unit for at least 4
344 continuous weeks without prior written notice to the
345 association; or

346 b. No tenant appears to have resided in the unit for 2
347 consecutive months without prior written notice to the
348 association, and the association is unable to contact the owner
349 or determine the whereabouts of the owner after reasonable
350 inquiry.

351 2. Except in the case of an emergency, an association may
352 not enter an abandoned unit until 2 days after notice of the
353 association's intent to enter the unit has been mailed or hand-
354 delivered to the owner at the address of the owner as reflected
355 in the records of the association. The notice may be given by
356 electronic transmission to unit owners who previously consented
357 to receive notice by electronic transmission.

358 3. Any expense incurred by an association pursuant to this
359 paragraph is chargeable to the unit owner and enforceable as an
360 assessment pursuant to s. 718.116, and the association may use
361 its lien authority provided by s. 718.116 to enforce collection
362 of the expense.

363 4. The association may petition a court of competent
364 jurisdiction to appoint a receiver and may lease out an

365 abandoned unit for the benefit of the association to offset
366 against the rental income the association's costs and expenses
367 of maintaining, preserving, and protecting the unit and the
368 adjoining common elements, including the costs of the
369 receivership and all unpaid assessments, interest,
370 administrative late fees, costs, and reasonable attorney fees.

371 (11) INSURANCE.—In order to protect the safety, health,
372 and welfare of the people of the State of Florida and to ensure
373 consistency in the provision of insurance coverage to
374 condominiums and their unit owners, this subsection applies to
375 every residential condominium in the state, regardless of the
376 date of its declaration of condominium. It is the intent of the
377 Legislature to encourage lower or stable insurance premiums for
378 associations described in this subsection.

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

391 1. A unit owner is responsible for the costs of repair or
392 replacement of any portion of the condominium property not paid
393 by insurance proceeds if such damage is caused by intentional
394 conduct, negligence, or failure to comply with the terms of the
395 declaration or the rules of the association by a unit owner, the
396 members of his or her family, unit occupants, tenants, guests,
397 or invitees, without compromise of the subrogation rights of the
398 insurer.

399 2. The provisions of subparagraph 1. regarding the
400 financial responsibility of a unit owner for the costs of
401 repairing or replacing other portions of the condominium
402 property also apply to the costs of repair or replacement of
403 personal property of other unit owners or the association, as
404 well as other property, whether real or personal, which the unit
405 owners are required to insure.

406 3. To the extent the cost of repair or reconstruction for
407 which the unit owner is responsible under this paragraph is
408 reimbursed to the association by insurance proceeds, and the
409 association has collected the cost of such repair or
410 reconstruction from the unit owner, the association shall
411 reimburse the unit owner without the waiver of any rights of
412 subrogation.

413 4. The association is not obligated to pay for
414 reconstruction or repairs of property losses as a common expense
415 if the property losses were known or should have been known to a
416 unit owner and were not reported to the association until after

417 the insurance claim of the association for that property was
418 settled or resolved with finality, or denied because it was
419 untimely filed.

420 (12) OFFICIAL RECORDS.—

421 (c) The official records of the association are open to
422 inspection by any association member or the authorized
423 representative of such member at all reasonable times. The right
424 to inspect the records includes the right to make or obtain
425 copies, at the reasonable expense, if any, of the member. The
426 association may adopt reasonable rules regarding the frequency,
427 time, location, notice, and manner of record inspections and
428 copying. The failure of an association to provide the records
429 within 10 working days after receipt of a written request
430 creates a rebuttable presumption that the association willfully
431 failed to comply with this paragraph. A unit owner who is denied
432 access to official records is entitled to the actual damages or
433 minimum damages for the association's willful failure to comply.
434 Minimum damages are \$50 per calendar day for up to 10 days,
435 beginning on the 11th working day after receipt of the written
436 request. The failure to permit inspection entitles any person
437 prevailing in an enforcement action to recover reasonable
438 attorney fees from the person in control of the records who,
439 directly or indirectly, knowingly denied access to the records.
440 Any person who knowingly or intentionally defaces or destroys
441 accounting records that are required by this chapter to be
442 maintained during the period for which such records are required

443 to be maintained, or who knowingly or intentionally fails to
444 create or maintain accounting records that are required to be
445 created or maintained, with the intent of causing harm to the
446 association or one or more of its members, is personally subject
447 to a civil penalty pursuant to s. 718.501(1)(d). The association
448 shall maintain an adequate number of copies of the declaration,
449 articles of incorporation, bylaws, and rules, and all amendments
450 to each of the foregoing, as well as the question and answer
451 sheet as described in s. 718.504 and year-end financial
452 information required under this section, on the condominium
453 property to ensure their availability to unit owners and
454 prospective purchasers, and may charge its actual costs for
455 preparing and furnishing these documents to those requesting the
456 documents. An association shall allow a member or his or her
457 authorized representative to use a portable device, including a
458 smartphone, tablet, portable scanner, or any other technology
459 capable of scanning or taking photographs, to make an electronic
460 copy of the official records in lieu of the association's
461 providing the member or his or her authorized representative
462 with a copy of such records. The association may not charge a
463 member or his or her authorized representative for the use of a
464 portable device. Notwithstanding this paragraph, the following
465 records are not accessible to unit owners:

466 1. Any record protected by the lawyer-client privilege as
467 described in s. 90.502 and any record protected by the work-
468 product privilege, including a record prepared by an association

469 attorney or prepared at the attorney's express direction, which
470 reflects a mental impression, conclusion, litigation strategy,
471 or legal theory of the attorney or the association, and which
472 was prepared exclusively for civil or criminal litigation or for
473 adversarial administrative proceedings, or which was prepared in
474 anticipation of such litigation or proceedings until the
475 conclusion of the litigation or proceedings.

476 2. Information obtained by an association in connection
477 with the approval of the lease, sale, or other transfer of a
478 unit.

479 3. Personnel records of association or management company
480 employees, including, but not limited to, disciplinary, payroll,
481 health, and insurance records. For purposes of this
482 subparagraph, the term "personnel records" does not include
483 written employment agreements with an association employee or
484 management company, or budgetary or financial records that
485 indicate the compensation paid to an association employee.

486 4. Medical records of unit owners.

487 5. Social security numbers, driver's license numbers,
488 credit card numbers, e-mail addresses, telephone numbers,
489 facsimile numbers, emergency contact information, addresses of a
490 unit owner other than as provided to fulfill the association's
491 notice requirements, and other personal identifying information
492 of any person, excluding the person's name, unit designation,
493 mailing address, property address, and any address, e-mail
494 address, or facsimile number provided to the association to

495 fulfill the association's notice requirements. Notwithstanding
496 the restrictions in this subparagraph, an association may print
497 and distribute to parcel owners a directory containing the name,
498 parcel address, and all telephone numbers ~~number~~ of each parcel
499 owner. However, an owner may exclude his or her telephone
500 numbers ~~number~~ from the directory by so requesting in writing to
501 the association. An owner may consent in writing to the
502 disclosure of other contact information described in this
503 subparagraph. The association is not liable for the inadvertent
504 disclosure of information that is protected under this
505 subparagraph if the information is included in an official
506 record of the association and is voluntarily provided by an
507 owner and not requested by the association.

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

510 7. The software and operating system used by the
511 association which allow the manipulation of data, even if the
512 owner owns a copy of the same software used by the association.
513 The data is part of the official records of the association.

514 (f) An outgoing board or committee member must relinquish
515 all official records and property of the association in his or
516 her possession or under his or her control to the incoming board
517 within 5 days after the election. The division shall impose a
518 civil penalty as set forth in s. 718.501(1)(d)6. against an
519 outgoing board or committee member who willfully and knowingly
520 fails to relinquish such records and property.

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

523 718.112 Bylaws.—

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

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

528 1. Unless a lower number is provided in the bylaws, the
529 percentage of voting interests required to constitute a quorum
530 at a meeting of the members is a majority of the voting
531 interests. Unless otherwise provided in this chapter or in the
532 declaration, articles of incorporation, or bylaws, and except as
533 provided in subparagraph (d)4., decisions shall be made by a
534 majority of the voting interests represented at a meeting at
535 which a quorum is present.

536 2. Except as specifically otherwise provided herein, unit
537 owners may not vote by general proxy, but may vote by limited
538 proxies substantially conforming to a limited proxy form adopted
539 by the division. A voting interest or consent right allocated to
540 a unit owned by the association may not be exercised or
541 considered for any purpose, whether for a quorum, an election,
542 or otherwise. Limited proxies and general proxies may be used to
543 establish a quorum. Limited proxies shall be used for votes
544 taken to waive or reduce reserves in accordance with
545 subparagraph (f)2.; for votes taken to waive the financial
546 reporting requirements of s. 718.111(13); for votes taken to

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

561 3. Any proxy given is effective only for the specific
562 meeting for which originally given and any lawfully adjourned
563 meetings thereof. A proxy is not valid longer than 90 days after
564 the date of the first meeting for which it was given and may be
565 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of
566 the unit owner executing it.

567 4. A member of the board of administration or a committee
568 may submit in writing his or her agreement or disagreement with
569 any action taken at a meeting that the member did not attend.
570 This agreement or disagreement may not be used as a vote for or
571 against the action taken or to create a quorum.

572 5. A ~~If any of the~~ board or committee member's

573 participation in a meeting via telephone, real-time
574 videoconferencing, or similar real-time electronic or video
575 communication counts toward a quorum, and such member may vote
576 as if physically present ~~members meet by telephone conference,~~
577 ~~those board or committee members may be counted toward obtaining~~
578 ~~a quorum and may vote by telephone.~~ A telephone speaker must be
579 used so that the conversation of such ~~those~~ members may be heard
580 by the board or committee members attending in person as well as
581 by any unit owners present at a meeting.

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

594 1. Adequate notice of all board meetings, which must
595 specifically identify all agenda items, must be posted
596 conspicuously on the condominium property at least 48 continuous
597 hours before the meeting except in an emergency. If 20 percent
598 of the voting interests petition the board to address an item of

599 business, the board, within 60 days after receipt of the
 600 petition, shall place the item on the agenda at its next regular
 601 board meeting or at a special meeting called for that purpose ~~of~~
 602 ~~the board, but not later than 60 days after the receipt of the~~
 603 ~~petition, shall place the item on the agenda.~~ An Any item not
 604 included on the notice may be taken up on an emergency basis by
 605 a vote of at least a majority plus one of the board members.
 606 Such emergency action must be noticed and ratified at the next
 607 regular board meeting. However, written notice of a ~~any~~ meeting
 608 at which a nonemergency special assessment assessments, or an ~~at~~
 609 ~~which~~ amendment to rules regarding unit use, will be considered
 610 must be mailed, delivered, or electronically transmitted to the
 611 unit owners and posted conspicuously on the condominium property
 612 at least 14 days before the meeting. Evidence of compliance with
 613 this 14-day notice requirement must be made by an affidavit
 614 executed by the person providing the notice and filed with the
 615 official records of the association. Upon notice to the unit
 616 owners, the board shall, by duly adopted rule, designate a
 617 specific location on the condominium or association property
 618 where all notices of board meetings must ~~are to~~ be posted. If
 619 there is no condominium property or association property where
 620 notices can be posted, notices shall be mailed, delivered, or
 621 electronically transmitted to each unit owner at least 14 days
 622 before the meeting ~~to the owner of each unit~~. In lieu of or in
 623 addition to the physical posting of the notice on the
 624 condominium property, the association may, by reasonable rule,

625 adopt a procedure for conspicuously posting and repeatedly
626 broadcasting the notice and the agenda on a closed-circuit cable
627 television system serving the condominium association. However,
628 if broadcast notice is used in lieu of a notice physically
629 posted on condominium property, the notice and agenda must be
630 broadcast at least four times every broadcast hour of each day
631 that a posted notice is otherwise required under this section.
632 If broadcast notice is provided, the notice and agenda must be
633 broadcast in a manner and for a sufficient continuous length of
634 time so as to allow an average reader to observe the notice and
635 read and comprehend the entire content of the notice and the
636 agenda. Notice of any meeting in which regular or special
637 assessments against unit owners are to be considered ~~for any~~
638 ~~reason~~ must specifically state that assessments will be
639 considered and provide the nature, estimated cost, and
640 description of the purposes for such assessments.

641 2. Meetings of a committee to take final action on behalf
642 of the board or make recommendations to the board regarding the
643 association budget are subject to this paragraph. Meetings of a
644 committee that does not take final action on behalf of the board
645 or make recommendations to the board regarding the association
646 budget are subject to this section, unless those meetings are
647 exempted from this section by the bylaws of the association.

648 3. Notwithstanding any other law, the requirement that
649 board meetings and committee meetings be open to the unit owners
650 does not apply to:

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

655 b. Board meetings held for the purpose of discussing
 656 personnel matters.

657 Section 10. Section 718.50151, Florida Statutes, is
 658 repealed.

659 Section 11. Section 718.707, Florida Statutes, is amended
 660 to read:

661 718.707 Time limitation for classification as bulk
 662 assignee or bulk buyer.—A person acquiring condominium parcels
 663 may not be classified as a bulk assignee or bulk buyer unless
 664 the condominium parcels were acquired on or after July 1, 2010,
 665 but before July 1, 2016 ~~2015~~. The date of such acquisition shall
 666 be determined by the date of recording a deed or other
 667 instrument of conveyance for such parcels in the public records
 668 of the county in which the condominium is located, or by the
 669 date of issuing a certificate of title in a foreclosure
 670 proceeding with respect to such condominium parcels.

671 Section 12. Paragraph (c) of subsection (2) and subsection
 672 (4) of section 719.104, Florida Statutes, are amended, and
 673 paragraph (e) is added to subsection (2) of that section, to
 674 read:

675 719.104 Cooperatives; access to units; records; financial
 676 reports; assessments; purchase of leases.—

677 (2) OFFICIAL RECORDS.—

678 (c) The official records of the association are open to
679 inspection by any association member or the authorized
680 representative of such member at all reasonable times. The right
681 to inspect the records includes the right to make or obtain
682 copies, at the reasonable expense, if any, of the association
683 member. The association may adopt reasonable rules regarding the
684 frequency, time, location, notice, and manner of record
685 inspections and copying. The failure of an association to
686 provide the records within 10 working days after receipt of a
687 written request creates a rebuttable presumption that the
688 association willfully failed to comply with this paragraph. A
689 unit owner who is denied access to official records is entitled
690 to the actual damages or minimum damages for the association's
691 willful failure to comply. The minimum damages are \$50 per
692 calendar day for up to 10 days, beginning on the 11th working
693 day after receipt of the written request. The failure to permit
694 inspection entitles any person prevailing in an enforcement
695 action to recover reasonable attorney fees from the person in
696 control of the records who, directly or indirectly, knowingly
697 denied access to the records. Any person who knowingly or
698 intentionally defaces or destroys accounting records that are
699 required by this chapter to be maintained during the period for
700 which such records are required to be maintained, or who
701 knowingly or intentionally fails to create or maintain
702 accounting records that are required to be created or

703 maintained, with the intent of causing harm to the association
704 or one or more of its members, is personally subject to a civil
705 penalty pursuant to s. 719.501(1)(d). The association shall
706 maintain an adequate number of copies of the declaration,
707 articles of incorporation, bylaws, and rules, and all amendments
708 to each of the foregoing, as well as the question and answer
709 sheet as described in s. 719.504 and year-end financial
710 information required by the department, on the cooperative
711 property to ensure their availability to unit owners and
712 prospective purchasers, and may charge its actual costs for
713 preparing and furnishing these documents to those requesting the
714 same. An association shall allow a member or his or her
715 authorized representative to use a portable device, including a
716 smartphone, tablet, portable scanner, or any other technology
717 capable of scanning or taking photographs, to make an electronic
718 copy of the official records in lieu of the association
719 providing the member or his or her authorized representative
720 with a copy of such records. The association may not charge a
721 member or his or her authorized representative for the use of a
722 portable device. Notwithstanding this paragraph, the following
723 records shall not be accessible to unit owners:

724 1. Any record protected by the lawyer-client privilege as
725 described in s. 90.502 and any record protected by the work-
726 product privilege, including any record prepared by an
727 association attorney or prepared at the attorney's express
728 direction which reflects a mental impression, conclusion,

729 litigation strategy, or legal theory of the attorney or the
730 association, and which was prepared exclusively for civil or
731 criminal litigation or for adversarial administrative
732 proceedings, or which was prepared in anticipation of such
733 litigation or proceedings until the conclusion of the litigation
734 or proceedings.

735 2. Information obtained by an association in connection
736 with the approval of the lease, sale, or other transfer of a
737 unit.

738 3. Personnel records of association or management company
739 employees, including, but not limited to, disciplinary, payroll,
740 health, and insurance records. For purposes of this
741 subparagraph, the term "personnel records" does not include
742 written employment agreements with an association employee or
743 management company, or budgetary or financial records that
744 indicate the compensation paid to an association employee.

745 4. Medical records of unit owners.

746 5. Social security numbers, driver license numbers, credit
747 card numbers, e-mail addresses, telephone numbers, facsimile
748 numbers, emergency contact information, addresses of a unit
749 owner other than as provided to fulfill the association's notice
750 requirements, and other personal identifying information of any
751 person, excluding the person's name, unit designation, mailing
752 address, property address, and any address, e-mail address, or
753 facsimile number provided to the association to fulfill the
754 association's notice requirements. Notwithstanding the

755 restrictions in this subparagraph, an association may print and
756 distribute to parcel owners a directory containing the name,
757 parcel address, and all telephone numbers ~~number~~ of each parcel
758 owner. However, an owner may exclude his or her telephone
759 numbers ~~number~~ from the directory by so requesting in writing to
760 the association. An owner may consent in writing to the
761 disclosure of other contact information described in this
762 subparagraph. The association is not liable for the inadvertent
763 disclosure of information that is protected under this
764 subparagraph if the information is included in an official
765 record of the association and is voluntarily provided by an
766 owner and not requested by the association.

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

769 7. The software and operating system used by the
770 association which allow the manipulation of data, even if the
771 owner owns a copy of the same software used by the association.
772 The data is part of the official records of the association.

773 (e) An outgoing board or committee member must relinquish
774 all official records and property of the association in his or
775 her possession or under his or her control to the incoming board
776 within 5 days after the election. The division shall impose a
777 civil penalty as set forth in s. 719.501(1)(d) against an
778 outgoing board or committee member who willfully and knowingly
779 fails to relinquish such records and property.

780 (4) FINANCIAL REPORT.—

781 (a) Within 90 ~~60~~ days following the end of the fiscal or
782 calendar year or annually on such date as ~~is otherwise~~ provided
783 in the bylaws of the association, the board of administration ~~of~~
784 ~~the association~~ shall prepare and complete, or contract with a
785 third party to prepare and complete, a financial report covering
786 the preceding fiscal or calendar year. Within 21 days after the
787 financial report is completed by the association or received
788 from the third party, but no later than 120 days after the end
789 of the fiscal year, calendar year, or other date provided in the
790 bylaws, the association shall provide each member with a copy of
791 the annual financial report or a written notice that a copy of
792 the financial report is available upon request at no charge to
793 the member. The division shall adopt rules setting forth uniform
794 accounting principles, standards, and reporting requirements.
795 ~~mail or furnish by personal delivery to each unit owner a~~
796 ~~complete financial report of actual receipts and expenditures~~
797 ~~for the previous 12 months, or a complete set of financial~~
798 ~~statements for the preceding fiscal year prepared in accordance~~
799 ~~with generally accepted accounting procedures. The report shall~~
800 ~~show the amounts of receipts by accounts and receipt~~
801 ~~classifications and shall show the amounts of expenses by~~
802 ~~accounts and expense classifications including, if applicable,~~
803 ~~but not limited to, the following:~~
804 1. ~~Costs for security;~~
805 2. ~~Professional and management fees and expenses;~~
806 3. ~~Taxes;~~

- 807 ~~4. Costs for recreation facilities;~~
808 ~~5. Expenses for refuse collection and utility services;~~
809 ~~6. Expenses for lawn care;~~
810 ~~7. Costs for building maintenance and repair;~~
811 ~~8. Insurance costs;~~
812 ~~9. Administrative and salary expenses; and~~
813 ~~10. Reserves for capital expenditures, deferred~~

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

816 (b) Except as provided in paragraph (c), an association
817 whose total annual revenues meet the criteria of this paragraph
818 shall prepare or cause to be prepared a complete set of
819 financial statements according to the generally accepted
820 accounting principles adopted by the Board of Accountancy. The
821 financial statements shall be as follows:

822 1. An association with total annual revenues between
823 \$150,000 and \$299,999 shall prepare a compiled financial
824 statement.

825 2. An association with total annual revenues between
826 \$300,000 and \$499,999 shall prepare a reviewed financial
827 statement.

828 3. An association with total annual revenues of \$500,000
829 or more shall prepare an audited financial statement. The
830 ~~division shall adopt rules that may require that the association~~
831 ~~deliver to the unit owners, in lieu of the financial report~~
832 ~~required by this section, a complete set of financial statements~~

833 ~~for the preceding fiscal year. The financial statements shall be~~
834 ~~delivered within 90 days following the end of the previous~~
835 ~~fiscal year or annually on such other date as provided in the~~
836 ~~bylaws. The rules of the division may require that the financial~~
837 ~~statements be compiled, reviewed, or audited, and the rules~~
838 ~~shall take into consideration the criteria set forth in s.~~
839 ~~719.501(1)(j).~~

840 4. The requirement to have the financial statements
841 compiled, reviewed, or audited does not apply to an association
842 ~~associations~~ if a majority of the voting interests of the
843 association present at a duly called meeting of the association
844 have voted ~~determined for a fiscal year~~ to waive this
845 requirement for the fiscal year. In an association in which
846 turnover of control by the developer has not occurred, the
847 developer may vote to waive the audit requirement for the first
848 2 years of ~~the~~ operation of the association, after which time
849 waiver of an applicable audit requirement shall be by a majority
850 of voting interests other than the developer. The meeting shall
851 be held prior to the end of the fiscal year, and the waiver
852 shall be effective for only one fiscal year. An association may
853 not waive the financial reporting requirements of this section
854 for more than 3 consecutive years. ~~This subsection does not~~
855 ~~apply to a cooperative that consists of 50 or fewer units.~~

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

859 2. An association in a community of fewer than 50 units,
860 regardless of the association's annual revenues, shall prepare a
861 report of cash receipts and expenditures in lieu of the
862 financial statements required by paragraph (b), unless the
863 declaration or other recorded governing documents provide
864 otherwise.

865 3. A report of cash receipts and expenditures must
866 disclose the amount of receipts by accounts and receipt
867 classifications and the amount of expenses by accounts and
868 expense classifications, including the following, as applicable:
869 costs for security, professional, and management fees and
870 expenses; taxes; costs for recreation facilities; expenses for
871 refuse collection and utility services; expenses for lawn care;
872 costs for building maintenance and repair; insurance costs;
873 administration and salary expenses; and reserves, if maintained
874 by the association.

875 (d) If at least 20 percent of the unit owners petition the
876 board for a greater level of financial reporting than that
877 required by this section, the association shall duly notice and
878 hold a membership meeting within 30 days after receipt of the
879 petition to vote on raising the level of reporting for that
880 fiscal year. Upon approval by a majority of the voting interests
881 represented at a meeting at which a quorum of unit owners is
882 present, the association shall prepare an amended budget or
883 shall adopt a special assessment to pay for the financial report
884 regardless of any provision to the contrary in the declaration

885 or other recorded governing documents. In addition, the
 886 association shall provide within 90 days after the meeting or
 887 the end of the fiscal year, whichever occurs later:

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

891 2. Reviewed or audited financial statements, if the
 892 association is otherwise required to prepare compiled financial
 893 statements; or

894 3. Audited financial statements, if the association is
 895 otherwise required to prepare reviewed financial statements.

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

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

901 2. A report of cash receipts and expenditures or a
 902 compiled financial statement in lieu of a reviewed or audited
 903 financial statement; or

904 3. A report of cash receipts and expenditures, a compiled
 905 financial statement, or a reviewed financial statement in lieu
 906 of an audited financial statement.

907 Section 13. Paragraph (a) of subsection (1) of section
 908 719.106, Florida Statutes, is amended to read:

909 719.106 Bylaws; cooperative ownership.—

910 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative

911 documents shall provide for the following, and if they do not,
912 they shall be deemed to include the following:

913 (a) Administration.—

914 1. The form of administration of the association shall be
915 described, indicating the titles of the officers and board of
916 administration and specifying the powers, duties, manner of
917 selection and removal, and compensation, if any, of officers and
918 board members. In the absence of such a provision, the board of
919 administration shall be composed of five members, except in the
920 case of cooperatives having five or fewer units, in which case
921 in not-for-profit corporations, the board shall consist of not
922 fewer than three members. In the absence of provisions to the
923 contrary, the board of administration shall have a president, a
924 secretary, and a treasurer, who shall perform the duties of
925 those offices customarily performed by officers of corporations.
926 Unless prohibited in the bylaws, the board of administration may
927 appoint other officers and grant them those duties it deems
928 appropriate. Unless otherwise provided in the bylaws, the
929 officers shall serve without compensation and at the pleasure of
930 the board. Unless otherwise provided in the bylaws, the members
931 of the board shall serve without compensation.

932 2. A person who has been suspended or removed by the
933 division under this chapter, or who is delinquent in the payment
934 of any monetary obligation due to the association, is not
935 eligible to be a candidate for board membership and may not be
936 listed on the ballot. A director or officer charged by

937 information or indictment with a felony theft or embezzlement
938 offense involving the association's funds or property is
939 suspended from office. The board shall fill the vacancy
940 according to general law until the end of the period of the
941 suspension or the end of the director's term of office,
942 whichever occurs first. However, if the charges are resolved
943 without a finding of guilt or without acceptance of a plea of
944 guilty or nolo contendere, the director or officer shall be
945 reinstated for any remainder of his or her term of office. A
946 member who has such criminal charges pending may not be
947 appointed or elected to a position as a director or officer. A
948 person who has been convicted of any felony in this state or in
949 any United States District Court, or who has been convicted of
950 any offense in another jurisdiction which would be considered a
951 felony if committed in this state, is not eligible for board
952 membership unless such felon's civil rights have been restored
953 for at least 5 years as of the date such person seeks election
954 to the board. The validity of an action by the board is not
955 affected if it is later determined that a board member is
956 ineligible for board membership due to having been convicted of
957 a felony.

958 3.2- When a unit owner files a written inquiry by
959 certified mail with the board of administration, the board shall
960 respond in writing to the unit owner within 30 days of receipt
961 of the inquiry. The board's response shall either give a
962 substantive response to the inquirer, notify the inquirer that a

963 legal opinion has been requested, or notify the inquirer that
 964 advice has been requested from the division. If the board
 965 requests advice from the division, the board shall, within 10
 966 days of its receipt of the advice, provide in writing a
 967 substantive response to the inquirer. If a legal opinion is
 968 requested, the board shall, within 60 days after the receipt of
 969 the inquiry, provide in writing a substantive response to the
 970 inquirer. The failure to provide a substantive response to the
 971 inquirer as provided herein precludes the board from recovering
 972 attorney's fees and costs in any subsequent litigation,
 973 administrative proceeding, or arbitration arising out of the
 974 inquiry. The association may, through its board of
 975 administration, adopt reasonable rules and regulations regarding
 976 the frequency and manner of responding to the unit owners'
 977 inquiries, one of which may be that the association is obligated
 978 to respond to only one written inquiry per unit in any given 30-
 979 day period. In such case, any additional inquiry or inquiries
 980 must be responded to in the subsequent 30-day period, or
 981 periods, as applicable.

982 Section 14. Section 719.128, Florida Statutes, is created
 983 to read:

984 719.128 Association emergency powers.—

985 (1) To the extent allowed by law, unless specifically
 986 prohibited by the cooperative documents, and consistent with s.
 987 617.0830, the board of administration, in response to damage
 988 caused by an event for which a state of emergency is declared

989 pursuant to s. 252.36 in the area encompassed by the
 990 cooperative, may exercise the following powers:

991 (a) Conduct board or membership meetings after notice of
 992 the meetings and board decisions is provided in as practicable a
 993 manner as possible, including via publication, radio, United
 994 States mail, the Internet, public service announcements,
 995 conspicuous posting on the cooperative property, or any other
 996 means the board deems appropriate under the circumstances.

997 (b) Cancel and reschedule an association meeting.

998 (c) Designate assistant officers who are not directors. If
 999 the executive officer is incapacitated or unavailable, the
 1000 assistant officer has the same authority during the state of
 1001 emergency as the executive officer he or she assists.

1002 (d) Relocate the association's principal office or
 1003 designate an alternative principal office.

1004 (e) Enter into agreements with counties and municipalities
 1005 to assist counties and municipalities with debris removal.

1006 (f) Implement a disaster plan before or immediately
 1007 following the event for which a state of emergency is declared,
 1008 which may include turning on or shutting off elevators;
 1009 electricity; water, sewer, or security systems; or air
 1010 conditioners for association buildings.

1011 (g) Based upon the advice of emergency management
 1012 officials or upon the advice of licensed professionals retained
 1013 by the board of administration, determine any portion of the
 1014 cooperative property unavailable for entry or occupancy by unit

1015 owners or their family members, tenants, guests, agents, or
1016 invitees to protect their health, safety, or welfare.

1017 (h) Based upon the advice of emergency management
1018 officials or upon the advice of licensed professionals retained
1019 by the board of administration, determine whether the
1020 cooperative property can be safely inhabited or occupied.
1021 However, such determination is not conclusive as to any
1022 determination of habitability pursuant to the declaration.

1023 (i) Require the evacuation of the cooperative property in
1024 the event of a mandatory evacuation order in the area where the
1025 cooperative is located. If a unit owner or other occupant of a
1026 cooperative fails to evacuate the cooperative property for which
1027 the board has required evacuation, the association is immune
1028 from liability for injury to persons or property arising from
1029 such failure.

1030 (j) Mitigate further damage, including taking action to
1031 contract for the removal of debris and to prevent or mitigate
1032 the spread of fungus, including mold or mildew, by removing and
1033 disposing of wet drywall, insulation, carpet, cabinetry, or
1034 other fixtures on or within the cooperative property, regardless
1035 of whether the unit owner is obligated by the declaration or law
1036 to insure or replace those fixtures and to remove personal
1037 property from a unit.

1038 (k) Contract, on behalf of a unit owner, for items or
1039 services for which the owner is otherwise individually
1040 responsible, but which are necessary to prevent further damage

1041 to the cooperative property. In such event, the unit owner on
1042 whose behalf the board has contracted is responsible for
1043 reimbursing the association for the actual costs of the items or
1044 services, and the association may use its lien authority
1045 provided by s. 719.108 to enforce collection of the charges.
1046 Such items or services may include the drying of the unit, the
1047 boarding of broken windows or doors, and the replacement of a
1048 damaged air conditioner or air handler to provide climate
1049 control in the unit or other portions of the property.

1050 (1) Notwithstanding a provision to the contrary, and
1051 regardless of whether such authority does not specifically
1052 appear in the cooperative documents, levy special assessments
1053 without a vote of the owners.

1054 (m) Without unit owners' approval, borrow money and pledge
1055 association assets as collateral to fund emergency repairs and
1056 carry out the duties of the association if operating funds are
1057 insufficient. This paragraph does not limit the general
1058 authority of the association to borrow money, subject to such
1059 restrictions contained in the cooperative documents.

1060 (2) The authority granted under subsection (1) is limited
1061 to that time reasonably necessary to protect the health, safety,
1062 and welfare of the association and the unit owners and their
1063 family members, tenants, guests, agents, or invitees, and to
1064 mitigate further damage and make emergency repairs.

1065 Section 15. Paragraph (c) of subsection (5) of section
1066 720.303, Florida Statutes, is amended to read:

1067 720.303 Association powers and duties; meetings of board;
1068 official records; budgets; financial reporting; association
1069 funds; recalls.—

1070 (5) INSPECTION AND COPYING OF RECORDS.—The official
1071 records shall be maintained within the state for at least 7
1072 years and shall be made available to a parcel owner for
1073 inspection or photocopying within 45 miles of the community or
1074 within the county in which the association is located within 10
1075 business days after receipt by the board or its designee of a
1076 written request. This subsection may be complied with by having
1077 a copy of the official records available for inspection or
1078 copying in the community or, at the option of the association,
1079 by making the records available to a parcel owner electronically
1080 via the Internet or by allowing the records to be viewed in
1081 electronic format on a computer screen and printed upon request.
1082 If the association has a photocopy machine available where the
1083 records are maintained, it must provide parcel owners with
1084 copies on request during the inspection if the entire request is
1085 limited to no more than 25 pages. An association shall allow a
1086 member or his or her authorized representative to use a portable
1087 device, including a smartphone, tablet, portable scanner, or any
1088 other technology capable of scanning or taking photographs, to
1089 make an electronic copy of the official records in lieu of the
1090 association's providing the member or his or her authorized
1091 representative with a copy of such records. The association may
1092 not charge a fee to a member or his or her authorized

1093 representative for the use of a portable device.

1094 (c) The association may adopt reasonable written rules
1095 governing the frequency, time, location, notice, records to be
1096 inspected, and manner of inspections, but may not require a
1097 parcel owner to demonstrate any proper purpose for the
1098 inspection, state any reason for the inspection, or limit a
1099 parcel owner's right to inspect records to less than one 8-hour
1100 business day per month. The association may impose fees to cover
1101 the costs of providing copies of the official records, including
1102 the costs of copying and the costs required for personnel to
1103 retrieve and copy the records if the time spent retrieving and
1104 copying the records exceeds one-half hour and if the personnel
1105 costs do not exceed \$20 per hour. Personnel costs may not be
1106 charged for records requests that result in the copying of 25 or
1107 fewer pages. The association may charge up to 25 cents per page
1108 for copies made on the association's photocopier. If the
1109 association does not have a photocopy machine available where
1110 the records are kept, or if the records requested to be copied
1111 exceed 25 pages in length, the association may have copies made
1112 by an outside duplicating service and may charge the actual cost
1113 of copying, as supported by the vendor invoice. The association
1114 shall maintain an adequate number of copies of the recorded
1115 governing documents, to ensure their availability to members and
1116 prospective members. Notwithstanding this paragraph, the
1117 following records are not accessible to members or parcel
1118 owners:

1119 | 1. Any record protected by the lawyer-client privilege as
1120 | described in s. 90.502 and any record protected by the work-
1121 | product privilege, including, but not limited to, a record
1122 | prepared by an association attorney or prepared at the
1123 | attorney's express direction which reflects a mental impression,
1124 | conclusion, litigation strategy, or legal theory of the attorney
1125 | or the association and which was prepared exclusively for civil
1126 | or criminal litigation or for adversarial administrative
1127 | proceedings or which was prepared in anticipation of such
1128 | litigation or proceedings until the conclusion of the litigation
1129 | or proceedings.

1130 | 2. Information obtained by an association in connection
1131 | with the approval of the lease, sale, or other transfer of a
1132 | parcel.

1133 | 3. Personnel records of association or management company
1134 | employees, including, but not limited to, disciplinary, payroll,
1135 | health, and insurance records. For purposes of this
1136 | subparagraph, the term "personnel records" does not include
1137 | written employment agreements with an association or management
1138 | company employee or budgetary or financial records that indicate
1139 | the compensation paid to an association or management company
1140 | employee.

1141 | 4. Medical records of parcel owners or community
1142 | residents.

1143 | 5. Social security numbers, driver license numbers, credit
1144 | card numbers, electronic mailing addresses, telephone numbers,

1145 facsimile numbers, emergency contact information, any addresses
1146 for a parcel owner other than as provided for association notice
1147 requirements, and other personal identifying information of any
1148 person, excluding the person's name, parcel designation, mailing
1149 address, and property address. Notwithstanding the restrictions
1150 in this subparagraph, an association may print and distribute to
1151 parcel owners a directory containing the name, parcel address,
1152 and all telephone numbers ~~number~~ of each parcel owner. However,
1153 an owner may exclude his or her telephone numbers ~~number~~ from
1154 the directory by so requesting in writing to the association. An
1155 owner may consent in writing to the disclosure of other contact
1156 information described in this subparagraph. The association is
1157 not liable for the disclosure of information that is protected
1158 under this subparagraph if the information is included in an
1159 official record of the association and is voluntarily provided
1160 by an owner and not requested by the association.

1161 6. Any electronic security measure that is used by the
1162 association to safeguard data, including passwords.

1163 7. The software and operating system used by the
1164 association which allows the manipulation of data, even if the
1165 owner owns a copy of the same software used by the association.
1166 The data is part of the official records of the association.

1167 Section 16. Paragraph (b) of subsection (1) of section
1168 720.306, Florida Statutes, is amended to read:

1169 720.306 Meetings of members; voting and election
1170 procedures; amendments.—

1171 (1) QUORUM; AMENDMENTS.—

1172 (b) Unless otherwise provided in the governing documents
1173 or required by law, and other than those matters set forth in
1174 paragraph (c), any governing document of an association may be
1175 amended by the affirmative vote of two-thirds of the voting
1176 interests of the association. Within 30 days after recording an
1177 amendment to the governing documents, the association shall
1178 provide copies of the amendment to the members. However, if a
1179 copy of the proposed amendment is provided to the members before
1180 they vote on the amendment and the proposed amendment is not
1181 changed before the vote, the association, in lieu of providing a
1182 copy of the amendment, may provide notice to the members that
1183 the amendment was adopted, identifying the official book and
1184 page number or instrument number of the recorded amendment and
1185 that a copy of the amendment is available at no charge to the
1186 member upon written request to the association. The copies and
1187 notice described in this paragraph may be provided
1188 electronically to those owners who previously consented to
1189 receive notice electronically.

1190 Section 17. Section 720.316, Florida Statutes, is created
1191 to read:

1192 720.316 Association emergency powers.—

1193 (1) To the extent allowed by law, unless specifically
1194 prohibited by the declaration or other recorded governing
1195 documents, and consistent with s. 617.0830, the board of
1196 directors, in response to damage caused by an event for which a

1197 state of emergency is declared pursuant to s. 252.36 in the area
 1198 encompassed by the association, may exercise the following
 1199 powers:

1200 (a) Conduct board or membership meetings after notice of
 1201 the meetings and board decisions is provided in as practicable a
 1202 manner as possible, including via publication, radio, United
 1203 States mail, the Internet, public service announcements,
 1204 conspicuous posting on the association property, or any other
 1205 means the board deems appropriate under the circumstances.

1206 (b) Cancel and reschedule an association meeting.

1207 (c) Designate assistant officers who are not directors. If
 1208 the executive officer is incapacitated or unavailable, the
 1209 assistant officer has the same authority during the state of
 1210 emergency as the executive officer he or she assists.

1211 (d) Relocate the association's principal office or
 1212 designate an alternative principal office.

1213 (e) Enter into agreements with counties and municipalities
 1214 to assist counties and municipalities with debris removal.

1215 (f) Implement a disaster plan before or immediately
 1216 following the event for which a state of emergency is declared,
 1217 which may include, but is not limited to, turning on or shutting
 1218 off elevators; electricity; water, sewer, or security systems;
 1219 or air conditioners for association buildings.

1220 (g) Based upon the advice of emergency management
 1221 officials or upon the advice of licensed professionals retained
 1222 by the board, determine any portion of the association property

1223 unavailable for entry or occupancy by owners or their family
1224 members, tenants, guests, agents, or invitees to protect their
1225 health, safety, or welfare.

1226 (h) Based upon the advice of emergency management
1227 officials or upon the advice of licensed professionals retained
1228 by the board, determine whether the association property can be
1229 safely inhabited or occupied. However, such determination is not
1230 conclusive as to any determination of habitability pursuant to
1231 the declaration.

1232 (i) Mitigate further damage, including taking action to
1233 contract for the removal of debris and to prevent or mitigate
1234 the spread of fungus, including mold or mildew, by removing and
1235 disposing of wet drywall, insulation, carpet, cabinetry, or
1236 other fixtures on or within the association property.

1237 (j) Notwithstanding a provision to the contrary, and
1238 regardless of whether such authority does not specifically
1239 appear in the declaration or other recorded governing documents,
1240 levy special assessments without a vote of the owners.

1241 (k) Without owners' approval, borrow money and pledge
1242 association assets as collateral to fund emergency repairs and
1243 carry out the duties of the association if operating funds are
1244 insufficient. This paragraph does not limit the general
1245 authority of the association to borrow money, subject to such
1246 restrictions contained in the declaration or other recorded
1247 governing documents.

1248 (2) The authority granted under subsection (1) is limited

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1249 to that time reasonably necessary to protect the health, safety,
1250 and welfare of the association and the parcel owners and their
1251 family members, tenants, guests, agents, or invitees, and to
1252 mitigate further damage and make emergency repairs.

1253 Section 18. This act shall take effect July 1, 2014.