



CS/CS/CS/HB 807, Engrossed 1

2014

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; amending s. 718.116,
46 | F.S.; defining the term "previous owner" for purposes
47 | of provisions relating to the liability of condominium
48 | unit owners for assessments; limiting the present
49 | owner's liability for unpaid assessments under
50 | specified circumstances; amending s. 718.117, F.S.;



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



CS/CS/CS/HB 807, Engrossed 1

2014

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

94
95 Be It Enacted by the Legislature of the State of Florida:

96
97 Section 1. Paragraph (b) of subsection (4) of section
98 509.013, Florida Statutes, is amended to read:

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

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



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

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

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

118

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

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

125 1. Any dormitory or other living or sleeping facility



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

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

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

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

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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

151 patients' caregivers and not to the general public.

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

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

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

166 509.032 Duties.—

167 (2) INSPECTION OF PREMISES.—

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

197 509.221 Sanitary regulations.—

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

204 509.241 Licenses required; exceptions.—

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

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

215 509.242 Public lodging establishments; classifications.—

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

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

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



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

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

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

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

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



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

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

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

258 509.251 License fees.—

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

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

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

297 712.05 Effect of filing notice.—

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



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

- 315 | (a) Under a disability;~~;~~
- 316 | (b) Unable to assert a claim on his or her behalf;~~;~~ or
- 317 | (c) One of a class, but whose identity cannot be

318 | established or is uncertain at the time of filing such notice of
319 | claim for record.

320 |

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

337 718.111 The association.—

338 (5) RIGHT OF ACCESS TO UNITS.—

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

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



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

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

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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

376 of the expense.

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

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

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



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

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

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

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



426 subrogation.

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

434 (12) OFFICIAL RECORDS.—

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



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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

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

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

500 4. Medical records of unit owners.



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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

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

537 718.112 Bylaws.—

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

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

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

550 2. Except as specifically otherwise provided herein, unit



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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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



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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

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

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

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

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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

692 718.117 Termination of condominium.—

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

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

736 (2) OFFICIAL RECORDS.—

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



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



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

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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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



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

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

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

839 (4) FINANCIAL REPORT.—

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



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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

950 2. Reviewed or audited financial statements, if the



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

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

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

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

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

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

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

968 719.106 Bylaws; cooperative ownership.—

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

972 (a) Administration.—

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



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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

1043 719.128 Association emergency powers.-

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

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



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

1056 | (b) Cancel and reschedule an association meeting.

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

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

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

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

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



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

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

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

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



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

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

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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

1126 amended to read:

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

1130 (2) BOARD MEETINGS.—

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

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



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

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



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

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



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

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

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

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

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

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

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

1249 (1) QUORUM; AMENDMENTS.—

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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



CS/CS/CS/HB 807, Engrossed 1

2014

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

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

1282 720.316 Association emergency powers.—

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

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

1296 (b) Cancel and reschedule an association meeting.

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



1301 (d) Relocate the association's principal office or
1302 designate an alternative principal office.

1303 (e) Enter into agreements with counties and municipalities
1304 to assist counties and municipalities with debris removal.

1305 (f) Implement a disaster plan before or immediately
1306 following the event for which a state of emergency is declared,
1307 which may include, but is not limited to, turning on or shutting
1308 off elevators; electricity; water, sewer, or security systems;
1309 or air conditioners for association buildings.

1310 (g) Based upon the advice of emergency management
1311 officials or upon the advice of licensed professionals retained
1312 by the board, determine any portion of the association property
1313 unavailable for entry or occupancy by owners or their family
1314 members, tenants, guests, agents, or invitees to protect their
1315 health, safety, or welfare.

1316 (h) Based upon the advice of emergency management
1317 officials or upon the advice of licensed professionals retained
1318 by the board, determine whether the association property can be
1319 safely inhabited or occupied. However, such determination is not
1320 conclusive as to any determination of habitability pursuant to
1321 the declaration.

1322 (i) Mitigate further damage, including taking action to
1323 contract for the removal of debris and to prevent or mitigate
1324 the spread of fungus, including mold or mildew, by removing and
1325 disposing of wet drywall, insulation, carpet, cabinetry, or



1326 other fixtures on or within the association property.

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

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

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

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