



257688

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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The Committee on Judiciary (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (2) and (3) of section 695.03,
Florida Statutes, are amended to read:

695.03 Acknowledgment and proof; validation of certain
acknowledgments; legalization or authentication before foreign
officials.—To entitle any instrument concerning real property to
be recorded, the execution must be acknowledged by the party
executing it, proved by a subscribing witness to it, or



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12 legalized or authenticated in one of the following forms:

13 (2) OUTSIDE THIS STATE BUT WITHIN THE UNITED STATES.—An
14 acknowledgment or a proof taken, administered, or made outside
15 of this state but within the United States may be taken,
16 administered, or made by or before a civil-law notary of this
17 state or a commissioner of deeds appointed by the Secretary of
18 State ~~Governor of this state~~; by a judge or clerk of any court
19 of the United States or of any state, territory, or district; by
20 or before a United States commissioner or magistrate; or by or
21 before any notary public, justice of the peace, master in
22 chancery, or registrar or recorder of deeds of any state,
23 territory, or district having a seal, and the certificate of
24 acknowledgment or proof must be under the seal of the court or
25 officer, as the case may be. If the acknowledgment or proof is
26 taken, administered, or made by or before a notary public who
27 does not affix a seal, it is sufficient for the notary public to
28 type, print, or write by hand on the instrument, "I am a Notary
29 Public of the State of ...(state)..., and my commission expires
30 on ...(date)...."

31 (3) OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN
32 COUNTRIES.—An acknowledgment, an affidavit, an oath, a
33 legalization, an authentication, or a proof taken, administered,
34 or made outside the United States or in a foreign country may be
35 taken, administered, or made by or before a commissioner of
36 deeds appointed by the Secretary of State ~~Governor of this state~~
37 to act in such country; before a notary public of such foreign
38 country or a civil-law notary of this state or of such foreign
39 country who has an official seal; before an ambassador, envoy
40 extraordinary, minister plenipotentiary, minister, commissioner,



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41 charge d'affaires, consul general, consul, vice consul, consular
42 agent, or other diplomatic or consular officer of the United
43 States appointed to reside in such country; or before a military
44 or naval officer authorized by 10 U.S.C. s. 1044a to perform the
45 duties of notary public, and the certificate of acknowledgment,
46 legalization, authentication, or proof must be under the seal of
47 the officer. A certificate legalizing or authenticating the
48 signature of a person executing an instrument concerning real
49 property and to which a civil-law notary or notary public of
50 that country has affixed her or his official seal is sufficient
51 as an acknowledgment. For the purposes of this section, the term
52 "civil-law notary" means a civil-law notary as defined in
53 chapter 118 or an official of a foreign country who has an
54 official seal and who is authorized to make legal or lawful the
55 execution of any document in that jurisdiction, in which
56 jurisdiction the affixing of her or his official seal is deemed
57 proof of the execution of the document or deed in full
58 compliance with the laws of that jurisdiction.

59 Section 2. Subsection (8) of section 721.13, Florida
60 Statutes, is amended, and subsection (14) is added to that
61 section, to read:

62 721.13 Management.—

63 (8) Notwithstanding anything to the contrary in s. 718.110,
64 s. 718.113, s. 718.114, or s. 719.1055, the board of
65 administration of any owners' association that operates a
66 timeshare plan, including a timeshare condominium pursuant to s.
67 718.111, or a timeshare cooperative pursuant to s. 719.104,
68 shall have the power to make material alterations or substantial
69 additions, or any deletion, to the accommodations or facilities



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70 of such timeshare plan ~~condominium or timeshare cooperative~~
71 without the approval of the members of the owners' association.
72 However, if the timeshare condominium or timeshare cooperative
73 contains any residential units that are not subject to the
74 timeshare plan, such action by the board of administration must
75 be approved by a majority of the owners of such residential
76 units. Unless otherwise provided in the timeshare instrument as
77 originally recorded, no such amendment may change the
78 configuration or size of any accommodation in any material
79 fashion, or change the proportion or percentage by which a
80 member of the owners' association shares the common expenses,
81 unless the record owners of the affected units or timeshare
82 interests and all record owners of liens on the affected units
83 or timeshare interests join in the execution of the amendment.

84 (14) With regard to any timeshare project as defined in s.
85 509.242(1)(g), the managing entity or manager has all of the
86 rights and remedies of an operator of any public lodging
87 establishment or public food service establishment as set forth
88 in ss. 509.141, 509.142, 509.143, and 509.162 and is entitled to
89 have a law enforcement officer take any action, including arrest
90 or removal from the timeshare property, against any purchaser,
91 including a deeded owner, or guest or invitee of such purchaser
92 or owner who engages in conduct described in s. 509.141, s.
93 509.142, s. 509.143, or s. 509.162 or conduct in violation of
94 the timeshare instrument.

95 Section 3. Paragraph (b) of subsection (7) of section
96 721.15, Florida Statutes, is amended to read:

97 721.15 Assessments for common expenses.—

98 (7)



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99 (b) Within 30 days after receiving a written request from a
100 timeshare interest owner, an agent designated in writing by the
101 timeshare interest owner, or a person providing resale transfer
102 services for a consumer timeshare reseller pursuant to s.
103 721.17(3), a managing entity must provide a certificate, signed
104 by an officer or agent of the managing entity, to the person
105 requesting the certificate, that states the amount of any
106 assessment, transfer fee, or other moneys currently owed to the
107 managing entity, and of any assessment, transfer fee, or other
108 moneys approved by the managing entity that will be due within
109 the next 90 days, with respect to the designated consumer resale
110 timeshare interest, as well as any information contained in the
111 books and records of the timeshare plan regarding the legal
112 description and use plan related to the designated consumer
113 resale timeshare interest. The managing entity of a timeshare
114 condominium or timeshare cooperative must provide such a
115 certificate in lieu of the estoppel certificate required by s.
116 718.116(8) or s. 719.108(6).

117 1. A person who relies upon such certificate shall be
118 protected thereby.

119 2. A summary proceeding pursuant to s. 51.011 may be
120 brought to compel compliance with this paragraph, and in such an
121 action the prevailing party may recover reasonable attorney fees
122 and court costs.

123 3. The managing entity may charge a fee not to exceed \$150
124 for the preparation and delivery of the certificate. The amount
125 of the fee must be included on the certificate.

126 Section 4. Subsection (1) of section 721.97, Florida
127 Statutes, is amended to read:



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128 721.97 Timeshare commissioner of deeds.-
129 (1) The Secretary of State ~~Governor~~ may appoint
130 commissioners of deeds to take acknowledgments, proofs of
131 execution, or oaths in any foreign country, in international
132 waters, or in any possession, territory, or commonwealth of the
133 United States outside the 50 states. The term of office is 4
134 years. Commissioners of deeds shall have authority to take
135 acknowledgments, proofs of execution, and oaths in connection
136 with the execution of any deed, mortgage, deed of trust,
137 contract, power of attorney, or any other writing to be used or
138 recorded in connection with a timeshare estate, personal
139 property timeshare interest, timeshare license, any property
140 subject to a timeshare plan, or the operation of a timeshare
141 plan located within this state; provided such instrument or
142 writing is executed outside the United States. Such
143 acknowledgments, proofs of execution, and oaths must be taken or
144 made in the manner directed by the laws of this state,
145 including, but not limited to, s. 117.05(4), (5) (a), and (6),
146 Florida Statutes 1997, and certified by a commissioner of deeds.
147 The certification must be endorsed on or annexed to the
148 instrument or writing aforesaid and has the same effect as if
149 made or taken by a notary public licensed in this state.
150 Section 5. This act shall take effect July 1, 2024.

151
152 ===== T I T L E A M E N D M E N T =====

153 And the title is amended as follows:
154 Delete everything before the enacting clause
155 and insert:

156 A bill to be entitled



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157 An act relating to timeshare properties; amending s.
158 695.03, F.S.; revising that a commissioner of deeds is
159 appointed by the Secretary of State, rather than by
160 the Governor, for a certain acknowledgement or proof
161 taken, administered, or made outside this state but
162 within the United States or within a foreign country;
163 amending s. 721.13, F.S.; providing that the board of
164 any timeshare condominium has certain powers regarding
165 the accommodations or facilities of a timeshare plan
166 without the approval of the members of the owners'
167 association; providing that the managing entity of any
168 timeshare project has all the rights and remedies of
169 an operator of any public lodging establishment or
170 public food service establishment for certain
171 purposes; authorizing such managing entities to have
172 law enforcement take certain actions; amending s.
173 721.15, F.S.; requiring the managing entity of certain
174 timeshares to provide a specific certificate in lieu
175 of an estoppel certificate; amending s. 721.97, F.S.;
176 conforming a provision to changes made by the act;
177 providing an effective date.