

1 A bill to be entitled
2 An act relating to residential properties; amending s.
3 509.013, F.S.; replacing reference to timeshare plan
4 with timeshare project; amending s. 509.032, F.S.;
5 providing that timeshare projects are not subject to
6 annual inspection requirements; amending s. 509.221,
7 F.S.; providing that certain public lodging
8 establishment requirements shall not apply to
9 timeshare projects; amending s. 509.241, F.S.;
10 providing a condominium association that does not
11 include any units classified as a timeshare project is
12 not required to apply for or receive a public lodging
13 establishment license; amending s. 509.242, F.S.;
14 providing a definition of timeshare project; deleting
15 the reference to timeshare plans in definition of
16 vacation rental; providing that timeshare projects
17 within separate buildings or at separate locations but
18 managed by one licensed agent may be combined in a
19 single license application; An act relating to
20 residential properties; amending s. 712.05, F.S.;
21 clarifying existing law relating to marketable record
22 title; amending s. 718.110, F.S.; providing that an
23 amendment to a declaration relating to rental
24 condominium units does not apply to unit owners who
25 vote against the amendment; amending s. 718.111, F.S.;
26 providing authority to an association to inspect and

27 repair abandoned condominium units; providing
 28 conditions to determine if a unit is abandoned;
 29 providing a mechanism for an association to recover
 30 costs associated with maintaining an abandoned unit;
 31 providing that in the absence of an insurable event,
 32 the association or unit owners are responsible for
 33 repairs; providing that an owner may consent in
 34 writing to the disclosure of certain contact
 35 information; requiring an outgoing condominium
 36 association board or committee member to relinquish
 37 all official records and property of the association
 38 within a specified time; providing a civil penalty for
 39 failing to relinquish such records and property;
 40 amending s. 718.112, F.S.; providing that a board or
 41 committee member's participation in a meeting via
 42 real-time videoconferencing, Internet-enabled
 43 videoconferencing, or similar electronic or video
 44 communication counts toward a quorum and that such
 45 member may vote as if physically present; prohibiting
 46 the board from voting via e-mail; amending s. 718.707,
 47 F.S.; extending the date by which a condominium parcel
 48 must be acquired in order for a person to be
 49 classified as a bulk assignee or bulk buyer; amending
 50 s. 719.104, F.S.; providing that an owner may consent
 51 in writing to the disclosure of certain contact
 52 information; requiring an outgoing cooperative

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

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

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

509.013 Definitions.—As used in this chapter, the term:
(4)

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

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

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

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

4. Any unit or group of units in a condominium, cooperative, or timeshare project plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar

105 month, provided that no more than four rental units within a
 106 single complex of buildings are available for rent.

107 5. Any migrant labor camp or residential migrant housing
 108 permitted by the Department of Health under ss. 381.008-
 109 381.00895.

110 6. Any establishment inspected by the Department of Health
 111 and regulated by chapter 513.

112 7. Any nonprofit organization that operates a facility
 113 providing housing only to patients, patients' families, and
 114 patients' caregivers and not to the general public.

115 8. Any apartment building inspected by the United States
 116 Department of Housing and Urban Development or other entity
 117 acting on the department's behalf that is designated primarily
 118 as housing for persons at least 62 years of age. The division
 119 may require the operator of the apartment building to attest in
 120 writing that such building meets the criteria provided in this
 121 subparagraph. The division may adopt rules to implement this
 122 requirement.

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

127 Section 2. Paragraph (a) of subsection (2) of section
 128 509.032, Florida Statutes, is amended to read:

129 509.032 Duties.—

130 (2) INSPECTION OF PREMISES.—

131 (a) The division has responsibility and jurisdiction for
 132 all inspections required by this chapter. The division has
 133 responsibility for quality assurance. Each licensed
 134 establishment shall be inspected at least biannually, except for
 135 transient and nontransient apartments, which shall be inspected
 136 at least annually, and shall be inspected at such other times as
 137 the division determines is necessary to ensure the public's
 138 health, safety, and welfare. The division shall establish a
 139 system to determine inspection frequency. Public lodging units
 140 classified as vacation rentals or as a timeshare project are not
 141 subject to this requirement but shall be made available to the
 142 division upon request. If, during the inspection of a public
 143 lodging establishment classified for renting to transient or
 144 nontransient tenants, an inspector identifies vulnerable adults
 145 who appear to be victims of neglect, as defined in s. 415.102,
 146 or, in the case of a building that is not equipped with
 147 automatic sprinkler systems, tenants or clients who may be
 148 unable to self-preserve in an emergency, the division shall
 149 convene meetings with the following agencies as appropriate to
 150 the individual situation: the Department of Health, the
 151 Department of Elderly Affairs, the area agency on aging, the
 152 local fire marshal, the landlord and affected tenants and
 153 clients, and other relevant organizations, to develop a plan
 154 which improves the prospects for safety of affected residents
 155 and, if necessary, identifies alternative living arrangements
 156 such as facilities licensed under part II of chapter 400 or

157 under chapter 429.

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

160 509.221 Sanitary regulations.—

161 (9) Subsections (2), (5), and (6) do not apply to any
 162 facility or unit classified as a vacation rental, ~~or~~
 163 nontransient apartment, or timeshare project as described in s.
 164 509.242(1)(c) -(e) and ~~(d)~~.

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

167 509.241 Licenses required; exceptions.—

168 (2) APPLICATION FOR LICENSE.—Each person who plans to open
 169 a public lodging establishment or a public food service
 170 establishment shall apply for and receive a license from the
 171 division prior to the commencement of operation. A condominium
 172 association, as defined in s. 718.103, which does not own any
 173 units classified as a timeshare project or vacation rentals
 174 under s. 509.242(1)(c) and (d) is not required to apply for or
 175 receive a public lodging establishment license.

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

178 509.242 Public lodging establishments; classifications.—

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

183 (a) Hotel.—A hotel is any public lodging establishment
 184 containing sleeping room accommodations for 25 or more guests
 185 and providing the services generally provided by a hotel and
 186 recognized as a hotel in the community in which it is situated
 187 or by the industry.

188 (b) Motel.—A motel is any public lodging establishment
 189 which offers rental units with an exit to the outside of each
 190 rental unit, daily or weekly rates, offstreet parking for each
 191 unit, a central office on the property with specified hours of
 192 operation, a bathroom or connecting bathroom for each rental
 193 unit, and at least six rental units, and which is recognized as
 194 a motel in the community in which it is situated or by the
 195 industry.

196 (c) Vacation rental.—A vacation rental is any unit or
 197 group of units in a condominium, or cooperative, ~~or timeshare~~
 198 ~~plan~~ or any individually or collectively owned single-family,
 199 two-family, three-family, or four-family house or dwelling unit
 200 that is also a transient public lodging establishment and that
 201 is not a timeshare project.

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

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

209 (f) Bed and breakfast inn.—A bed and breakfast inn is a
 210 family home structure, with no more than 15 sleeping rooms,
 211 which has been modified to serve as a transient public lodging
 212 establishment, which provides the accommodation and meal
 213 services generally offered by a bed and breakfast inn, and which
 214 is recognized as a bed and breakfast inn in the community in
 215 which it is situated or by the hospitality industry.

216 (g) Timeshare project.—A timeshare project is any
 217 timeshare property as defined in chapter 721 that is located in
 218 this state and that is also a transient public lodging
 219 establishment.

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

222 509.251 License fees.—

223 (1) The division shall adopt, by rule, a schedule of fees
 224 to be paid by each public lodging establishment as a
 225 prerequisite to issuance or renewal of a license. Such fees
 226 shall be based on the number of rental units in the
 227 establishment. The aggregate fee per establishment charged any
 228 public lodging establishment shall not exceed \$1,000; however,
 229 the fees described in paragraphs (a) and (b) may not be included
 230 as part of the aggregate fee subject to this cap. Vacation
 231 rental units or timeshare projects within separate buildings or
 232 at separate locations but managed by one licensed agent may be
 233 combined in a single license application, and the division shall
 234 charge a license fee as if all units in the application are in a

235 single licensed establishment. The fee schedule shall require an
 236 establishment which applies for an initial license to pay the
 237 full license fee if application is made during the annual
 238 renewal period or more than 6 months prior to the next such
 239 renewal period and one-half of the fee if application is made 6
 240 months or less prior to such period. The fee schedule shall
 241 include fees collected for the purpose of funding the
 242 Hospitality Education Program, pursuant to s. 509.302, which are
 243 payable in full for each application regardless of when the
 244 application is submitted.

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

250 (b) A license renewal filed with the division within 30
 251 days after the expiration date shall be accompanied by a
 252 delinquent fee as prescribed by rule, not to exceed \$50, in
 253 addition to the renewal fee and any other fees required by law.
 254 A license renewal filed with the division more than 30 but not
 255 more than 60 days after the expiration date shall be accompanied
 256 by a delinquent fee as prescribed by rule, not to exceed \$100,
 257 in addition to the renewal fee and any other fees required by
 258 law.

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

261 712.05 Effect of filing notice.-

262 (1) A ~~Any~~ person claiming an interest in land or a

263 homeowners' association desiring to preserve a ~~any~~ covenant or

264 restriction may preserve and protect the same from

265 extinguishment by the operation of this act by filing for

266 record, during the 30-year period immediately following the

267 effective date of the root of title, a written notice, ~~in~~

268 ~~writing,~~ in accordance with this chapter. ~~Such the provisions~~

269 ~~hereof, which notice preserves shall have the effect of so~~

270 ~~preserving~~ such claim of right or such covenant or restriction

271 or portion of such covenant or restriction for up to ~~a period of~~

272 ~~not longer than~~ 30 years after filing the notice ~~same~~ unless the

273 notice is filed again ~~filed~~ as required in this chapter ~~herein~~.

274 A person's ~~No~~ disability or lack of knowledge of any kind may

275 ~~not on the part of anyone shall~~ delay the commencement of or

276 suspend the running of the ~~said~~ 30-year period. Such notice may

277 be filed for record by the claimant or by any other person

278 acting on behalf of a ~~any~~ claimant who is:

279 (a) Under a disability;;

280 (b) Unable to assert a claim on his or her behalf;; or

281 (c) One of a class, but whose identity cannot be

282 established or is uncertain at the time of filing such notice of

283 claim for record.

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285 Such notice may be filed by a homeowners' association only if

286 the preservation of such covenant or restriction or portion of

287 such covenant or restriction is approved by at least two-thirds
 288 of the members of the board of directors of an incorporated
 289 homeowners' association at a meeting for which a notice, stating
 290 the meeting's time and place and containing the statement of
 291 marketable title action described in s. 712.06(1)(b), was mailed
 292 or hand delivered to members of the homeowners' association at
 293 least not less than 7 days before ~~prior to~~ such meeting. The
 294 homeowners' association or clerk of the circuit court is not
 295 required to provide notice other than as provided under s.
 296 712.06(3). The preceding sentence is intended to clarify
 297 existing law.

298 Section 8. Subsection (13) of section 718.110, Florida
 299 Statutes, is amended to read:

300 718.110 Amendment of declaration; correction of error or
 301 omission in declaration by circuit court.—

302 (13) An amendment that prohibits ~~prohibiting~~ unit owners
 303 from renting their units or altering the duration of the rental
 304 term or that specifies or limits ~~specifying or limiting~~ the
 305 number of times unit owners are entitled to rent their units
 306 during a specified period does not apply ~~applies only~~ to unit
 307 owners who voted against ~~consent to~~ the amendment. However, such
 308 amendment applies to unit owners who consented to the amendment,
 309 who failed to cast a vote, or ~~and unit owners~~ who acquired
 310 ~~acquire~~ title to their units after the effective date of the
 311 ~~that~~ amendment.

312 Section 9. Subsection (5), paragraph (j) of subsection

313 (11), and paragraph (c) of subsection (12) of section 718.111,
 314 Florida Statutes, are amended, and paragraph (f) of subsection
 315 (12) of section 718.111 is added to read:

316 718.111 The association.—

317 (5) RIGHT OF ACCESS TO UNITS.—

318 (a) The association has the irrevocable right of access to
 319 each unit during reasonable hours, when necessary for the
 320 maintenance, repair, or replacement of any common elements or of
 321 any portion of a unit to be maintained by the association
 322 pursuant to the declaration or as necessary to prevent damage to
 323 the common elements or to a unit ~~or units~~.

324 (b)1. In addition to the association's right of access in
 325 paragraph (a) and regardless of whether authority is provided in
 326 the declaration or other recorded condominium documents, an
 327 association, at the sole discretion of the board, may enter an
 328 abandoned unit to inspect the unit and adjoining common
 329 elements; make repairs to the unit or to the common elements
 330 -serving the unit, as needed; repair the unit if mold or
 331 deterioration is present; turn on the utilities for the unit; or
 332 otherwise maintain, preserve, or protect the unit and adjoining
 333 common elements. For purposes of this paragraph, a unit is
 334 presumed to be abandoned if:

335 a. The unit is the subject of a foreclosure action and no
 336 tenant appears to have resided in the unit for at least 4
 337 continuous weeks without prior written notice to the
 338 association; or

339 b. No tenant appears to have resided in the unit for 2
340 consecutive months without prior written notice to the
341 association, and the association is unable to contact the owner
342 or determine the whereabouts of the owner after reasonable
343 inquiry.

344 2. Except in the case of an emergency, an association may
345 not enter an abandoned unit until 2 days after notice of the
346 association's intent to enter the unit has been mailed or hand-
347 delivered to the owner at the address of the owner as reflected
348 in the records of the association. The notice may be given by
349 electronic transmission to a unit owner who has consented to
350 receive notice by electronic transmission.

351 3. Any expense incurred by an association pursuant to this
352 paragraph is chargeable to the unit owner and enforceable as an
353 assessment pursuant to s. 718.116, and the association may use
354 its lien authority provided by s. 718.116 to enforce collection
355 of the expense.

356 4. The association may petition a court of competent
357 jurisdiction to appoint a receiver and may lease out an
358 abandoned unit for the benefit of the association to offset
359 against the rental income the association's costs and expenses
360 of maintaining, preserving, and protecting the unit and the
361 adjoining common elements, including the costs of the
362 receivership and all unpaid assessments, interest,
363 administrative late fees, costs, and reasonable attorney fees.

364 (11) INSURANCE.—In order to protect the safety, health,

365 and welfare of the people of the State of Florida and to ensure
 366 consistency in the provision of insurance coverage to
 367 condominiums and their unit owners, this subsection applies to
 368 every residential condominium in the state, regardless of the
 369 date of its declaration of condominium. It is the intent of the
 370 Legislature to encourage lower or stable insurance premiums for
 371 associations described in this subsection.

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

384 1. A unit owner is responsible for the costs of repair or
 385 replacement of any portion of the condominium property not paid
 386 by insurance proceeds if such damage is caused by intentional
 387 conduct, negligence, or failure to comply with the terms of the
 388 declaration or the rules of the association by a unit owner, the
 389 members of his or her family, unit occupants, tenants, guests,
 390 or invitees, without compromise of the subrogation rights of the

391 insurer.

392 2. The provisions of subparagraph 1. regarding the
 393 financial responsibility of a unit owner for the costs of
 394 repairing or replacing other portions of the condominium
 395 property also apply to the costs of repair or replacement of
 396 personal property of other unit owners or the association, as
 397 well as other property, whether real or personal, which the unit
 398 owners are required to insure.

399 3. To the extent the cost of repair or reconstruction for
 400 which the unit owner is responsible under this paragraph is
 401 reimbursed to the association by insurance proceeds, and the
 402 association has collected the cost of such repair or
 403 reconstruction from the unit owner, the association shall
 404 reimburse the unit owner without the waiver of any rights of
 405 subrogation.

406 4. The association is not obligated to pay for
 407 reconstruction or repairs of property losses as a common expense
 408 if the property losses were known or should have been known to a
 409 unit owner and were not reported to the association until after
 410 the insurance claim of the association for that property was
 411 settled or resolved with finality, or denied because it was
 412 untimely filed.

413 (12) OFFICIAL RECORDS.—

414 (c) The official records of the association are open to
 415 inspection by any association member or the authorized
 416 representative of such member at all reasonable times. The right

417 to inspect the records includes the right to make or obtain
418 copies, at the reasonable expense, if any, of the member. The
419 association may adopt reasonable rules regarding the frequency,
420 time, location, notice, and manner of record inspections and
421 copying. The failure of an association to provide the records
422 within 10 working days after receipt of a written request
423 creates a rebuttable presumption that the association willfully
424 failed to comply with this paragraph. A unit owner who is denied
425 access to official records is entitled to the actual damages or
426 minimum damages for the association's willful failure to comply.
427 Minimum damages are \$50 per calendar day for up to 10 days,
428 beginning on the 11th working day after receipt of the written
429 request. The failure to permit inspection entitles any person
430 prevailing in an enforcement action to recover reasonable
431 attorney fees from the person in control of the records who,
432 directly or indirectly, knowingly denied access to the records.
433 Any person who knowingly or intentionally defaces or destroys
434 accounting records that are required by this chapter to be
435 maintained during the period for which such records are required
436 to be maintained, or who knowingly or intentionally fails to
437 create or maintain accounting records that are required to be
438 created or maintained, with the intent of causing harm to the
439 association or one or more of its members, is personally subject
440 to a civil penalty pursuant to s. 718.501(1)(d). The association
441 shall maintain an adequate number of copies of the declaration,
442 articles of incorporation, bylaws, and rules, and all amendments

443 to each of the foregoing, as well as the question and answer
444 sheet as described in s. 718.504 and year-end financial
445 information required under this section, on the condominium
446 property to ensure their availability to unit owners and
447 prospective purchasers, and may charge its actual costs for
448 preparing and furnishing these documents to those requesting the
449 documents. An association shall allow a member or his or her
450 authorized representative to use a portable device, including a
451 smartphone, tablet, portable scanner, or any other technology
452 capable of scanning or taking photographs, to make an electronic
453 copy of the official records in lieu of the association's
454 providing the member or his or her authorized representative
455 with a copy of such records. The association may not charge a
456 member or his or her authorized representative for the use of a
457 portable device. Notwithstanding this paragraph, the following
458 records are not accessible to unit owners:

459 1. Any record protected by the lawyer-client privilege as
460 described in s. 90.502 and any record protected by the work-
461 product privilege, including a record prepared by an association
462 attorney or prepared at the attorney's express direction, which
463 reflects a mental impression, conclusion, litigation strategy,
464 or legal theory of the attorney or the association, and which
465 was prepared exclusively for civil or criminal litigation or for
466 adversarial administrative proceedings, or which was prepared in
467 anticipation of such litigation or proceedings until the
468 conclusion of the litigation or proceedings.

469 2. Information obtained by an association in connection
 470 with the approval of the lease, sale, or other transfer of a
 471 unit.

472 3. Personnel records of association or management company
 473 employees, including, but not limited to, disciplinary, payroll,
 474 health, and insurance records. For purposes of this
 475 subparagraph, the term "personnel records" does not include
 476 written employment agreements with an association employee or
 477 management company, or budgetary or financial records that
 478 indicate the compensation paid to an association employee.

479 4. Medical records of unit owners.

480 5. Social security numbers, driver's license numbers,
 481 credit card numbers, e-mail addresses, telephone numbers,
 482 facsimile numbers, emergency contact information, addresses of a
 483 unit owner other than as provided to fulfill the association's
 484 notice requirements, and other personal identifying information
 485 of any person, excluding the person's name, unit designation,
 486 mailing address, property address, and any address, e-mail
 487 address, or facsimile number provided to the association to
 488 fulfill the association's notice requirements. Notwithstanding
 489 the restrictions in this subparagraph, an association may print
 490 and distribute to parcel owners a directory containing the name,
 491 parcel address, and all telephone numbers ~~number~~ of each parcel
 492 owner. However, an owner may exclude his or her telephone
 493 numbers ~~number~~ from the directory by so requesting in writing to
 494 the association. An owner may consent in writing to the

495 disclosure of other contact information described in this
 496 subparagraph. The association is not liable for the inadvertent
 497 disclosure of information that is protected under this
 498 subparagraph if the information is included in an official
 499 record of the association and is voluntarily provided by an
 500 owner and not requested by the association.

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

503 7. The software and operating system used by the
 504 association which allow the manipulation of data, even if the
 505 owner owns a copy of the same software used by the association.
 506 The data is part of the official records of the association.

507 (f) An outgoing board or committee member must relinquish
 508 all official records and property of the association in his or
 509 her possession or under his or her control to the incoming board
 510 within 5 days after the election. The division shall impose a
 511 civil penalty as set forth in s. 718.501(1)(d)6. against an
 512 outgoing board or committee member who willfully and knowingly
 513 fails to relinquish such records and property.

514 Section 10. Paragraphs (b) and (c) of subsection (2) of
 515 section 718.112, Florida Statutes, are amended to read:

516 718.112 Bylaws.—

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

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

521 1. Unless a lower number is provided in the bylaws, the
 522 percentage of voting interests required to constitute a quorum
 523 at a meeting of the members is a majority of the voting
 524 interests. Unless otherwise provided in this chapter or in the
 525 declaration, articles of incorporation, or bylaws, and except as
 526 provided in subparagraph (d)4., decisions shall be made by a
 527 majority of the voting interests represented at a meeting at
 528 which a quorum is present.

529 2. Except as specifically otherwise provided herein, unit
 530 owners may not vote by general proxy, but may vote by limited
 531 proxies substantially conforming to a limited proxy form adopted
 532 by the division. A voting interest or consent right allocated to
 533 a unit owned by the association may not be exercised or
 534 considered for any purpose, whether for a quorum, an election,
 535 or otherwise. Limited proxies and general proxies may be used to
 536 establish a quorum. Limited proxies shall be used for votes
 537 taken to waive or reduce reserves in accordance with
 538 subparagraph (f)2.; for votes taken to waive the financial
 539 reporting requirements of s. 718.111(13); for votes taken to
 540 amend the declaration pursuant to s. 718.110; for votes taken to
 541 amend the articles of incorporation or bylaws pursuant to this
 542 section; and for any other matter for which this chapter
 543 requires or permits a vote of the unit owners. Except as
 544 provided in paragraph (d), a proxy, limited or general, may not
 545 be used in the election of board members. General proxies may be
 546 used for other matters for which limited proxies are not

547 required, and may be used in voting for nonsubstantive changes
 548 to items for which a limited proxy is required and given.
 549 Notwithstanding this subparagraph, unit owners may vote in
 550 person at unit owner meetings. This subparagraph does not limit
 551 the use of general proxies or require the use of limited proxies
 552 for any agenda item or election at any meeting of a timeshare
 553 condominium association.

554 3. Any proxy given is effective only for the specific
 555 meeting for which originally given and any lawfully adjourned
 556 meetings thereof. A proxy is not valid longer than 90 days after
 557 the date of the first meeting for which it was given and may be
 558 revoked. ~~Every proxy is revocable~~ at any time at the pleasure of
 559 the unit owner executing it.

560 4. A member of the board of administration or a committee
 561 may submit in writing his or her agreement or disagreement with
 562 any action taken at a meeting that the member did not attend.
 563 This agreement or disagreement may not be used as a vote for or
 564 against the action taken or to create a quorum.

565 5. ~~A If any of the~~ board or committee member's
 566 participation in a meeting via telephone, real-time
 567 videoconferencing, or similar real-time electronic or video
 568 communication counts toward a quorum, and such member may vote
 569 as if physically present ~~members meet by telephone conference,~~
 570 ~~those board or committee members may be counted toward obtaining~~
 571 ~~a quorum and may vote by telephone.~~ A telephone speaker must be
 572 used so that the conversation of such ~~those~~ members may be heard

573 | by the board or committee members attending in person as well as
 574 | by any unit owners present at a meeting.

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

587 | 1. Adequate notice of all board meetings, which must
 588 | specifically identify all agenda items, must be posted
 589 | conspicuously on the condominium property at least 48 continuous
 590 | hours before the meeting except in an emergency. If 20 percent
 591 | of the voting interests petition the board to address an item of
 592 | business, the board, within 60 days after receipt of the
 593 | petition, shall place the item on the agenda at its next regular
 594 | board meeting or at a special meeting called for that purpose ~~of~~
 595 | ~~the board, but not later than 60 days after the receipt of the~~
 596 | ~~petition, shall place the item on the agenda.~~ An Any item not
 597 | included on the notice may be taken up on an emergency basis by
 598 | a vote of at least a majority plus one of the board members.

599 Such emergency action must be noticed and ratified at the next
 600 regular board meeting. However, written notice of a ~~any~~ meeting
 601 at which a nonemergency special assessment ~~assessments~~, or an ~~at~~
 602 ~~which~~ amendment to rules regarding unit use~~,~~ will be considered
 603 must be mailed, delivered, or electronically transmitted to the
 604 unit owners and posted conspicuously on the condominium property
 605 at least 14 days before the meeting. Evidence of compliance with
 606 this 14-day notice requirement must be made by an affidavit
 607 executed by the person providing the notice and filed with the
 608 official records of the association. Upon notice to the unit
 609 owners, the board shall, by duly adopted rule, designate a
 610 specific location on the condominium or association property
 611 where all notices of board meetings must ~~are to~~ be posted. If
 612 there is no condominium property or association property where
 613 notices can be posted, notices shall be mailed, delivered, or
 614 electronically transmitted to each unit owner at least 14 days
 615 before the meeting ~~to the owner of each unit~~. In lieu of or in
 616 addition to the physical posting of the notice on the
 617 condominium property, the association may, by reasonable rule,
 618 adopt a procedure for conspicuously posting and repeatedly
 619 broadcasting the notice and the agenda on a closed-circuit cable
 620 television system serving the condominium association. However,
 621 if broadcast notice is used in lieu of a notice physically
 622 posted on condominium property, the notice and agenda must be
 623 broadcast at least four times every broadcast hour of each day
 624 that a posted notice is otherwise required under this section.

625 If broadcast notice is provided, the notice and agenda must be
 626 broadcast in a manner and for a sufficient continuous length of
 627 time so as to allow an average reader to observe the notice and
 628 read and comprehend the entire content of the notice and the
 629 agenda. Notice of any meeting in which regular or special
 630 assessments against unit owners are to be considered ~~for any~~
 631 ~~reason~~ must specifically state that assessments will be
 632 considered and provide the nature, estimated cost, and
 633 description of the purposes for such assessments.

634 2. Meetings of a committee to take final action on behalf
 635 of the board or make recommendations to the board regarding the
 636 association budget are subject to this paragraph. Meetings of a
 637 committee that does not take final action on behalf of the board
 638 or make recommendations to the board regarding the association
 639 budget are subject to this section, unless those meetings are
 640 exempted from this section by the bylaws of the association.

641 3. Notwithstanding any other law, the requirement that
 642 board meetings and committee meetings be open to the unit owners
 643 does not apply to:

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

648 b. Board meetings held for the purpose of discussing
 649 personnel matters.

650 Section 11. Section 718.707, Florida Statutes, is amended

651 to read:

652 718.707 Time limitation for classification as bulk
 653 assignee or bulk buyer.—A person acquiring condominium parcels
 654 may not be classified as a bulk assignee or bulk buyer unless
 655 the condominium parcels were acquired on or after July 1, 2010,
 656 but before July 1, 2016 ~~2015~~. The date of such acquisition shall
 657 be determined by the date of recording a deed or other
 658 instrument of conveyance for such parcels in the public records
 659 of the county in which the condominium is located, or by the
 660 date of issuing a certificate of title in a foreclosure
 661 proceeding with respect to such condominium parcels.

662 Section 12. Paragraph (c) of subsection (2) is amended,
 663 paragraph (e) of subsection (2) is added, and subsection (4) of
 664 section 719.104, Florida Statutes, is amended to read:

665 719.104 Cooperatives; access to units; records; financial
 666 reports; assessments; purchase of leases.—

667 (2) OFFICIAL RECORDS.—

668 (c) The official records of the association are open to
 669 inspection by any association member or the authorized
 670 representative of such member at all reasonable times. The right
 671 to inspect the records includes the right to make or obtain
 672 copies, at the reasonable expense, if any, of the association
 673 member. The association may adopt reasonable rules regarding the
 674 frequency, time, location, notice, and manner of record
 675 inspections and copying. The failure of an association to
 676 provide the records within 10 working days after receipt of a

677 written request creates a rebuttable presumption that the
 678 association willfully failed to comply with this paragraph. A
 679 unit owner who is denied access to official records is entitled
 680 to the actual damages or minimum damages for the association's
 681 willful failure to comply. The minimum damages are \$50 per
 682 calendar day for up to 10 days, beginning on the 11th working
 683 day after receipt of the written request. The failure to permit
 684 inspection entitles any person prevailing in an enforcement
 685 action to recover reasonable attorney fees from the person in
 686 control of the records who, directly or indirectly, knowingly
 687 denied access to the records. Any person who knowingly or
 688 intentionally defaces or destroys accounting records that are
 689 required by this chapter to be maintained during the period for
 690 which such records are required to be maintained, or who
 691 knowingly or intentionally fails to create or maintain
 692 accounting records that are required to be created or
 693 maintained, with the intent of causing harm to the association
 694 or one or more of its members, is personally subject to a civil
 695 penalty pursuant to s. 719.501(1)(d). The association shall
 696 maintain an adequate number of copies of the declaration,
 697 articles of incorporation, bylaws, and rules, and all amendments
 698 to each of the foregoing, as well as the question and answer
 699 sheet as described in s. 719.504 and year-end financial
 700 information required by the department, on the cooperative
 701 property to ensure their availability to unit owners and
 702 prospective purchasers, and may charge its actual costs for

703 preparing and furnishing these documents to those requesting the
704 same. An association shall allow a member or his or her
705 authorized representative to use a portable device, including a
706 smartphone, tablet, portable scanner, or any other technology
707 capable of scanning or taking photographs, to make an electronic
708 copy of the official records in lieu of the association
709 providing the member or his or her authorized representative
710 with a copy of such records. The association may not charge a
711 member or his or her authorized representative for the use of a
712 portable device. Notwithstanding this paragraph, the following
713 records shall not be accessible to unit owners:

714 1. Any record protected by the lawyer-client privilege as
715 described in s. 90.502 and any record protected by the work-
716 product privilege, including any record prepared by an
717 association attorney or prepared at the attorney's express
718 direction which reflects a mental impression, conclusion,
719 litigation strategy, or legal theory of the attorney or the
720 association, and which was prepared exclusively for civil or
721 criminal litigation or for adversarial administrative
722 proceedings, or which was prepared in anticipation of such
723 litigation or proceedings until the conclusion of the litigation
724 or proceedings.

725 2. Information obtained by an association in connection
726 with the approval of the lease, sale, or other transfer of a
727 unit.

728 3. Personnel records of association or management company

729 employees, including, but not limited to, disciplinary, payroll,
 730 health, and insurance records. For purposes of this
 731 subparagraph, the term "personnel records" does not include
 732 written employment agreements with an association employee or
 733 management company, or budgetary or financial records that
 734 indicate the compensation paid to an association employee.

735 4. Medical records of unit owners.

736 5. Social security numbers, driver license numbers, credit
 737 card numbers, e-mail addresses, telephone numbers, facsimile
 738 numbers, emergency contact information, addresses of a unit
 739 owner other than as provided to fulfill the association's notice
 740 requirements, and other personal identifying information of any
 741 person, excluding the person's name, unit designation, mailing
 742 address, property address, and any address, e-mail address, or
 743 facsimile number provided to the association to fulfill the
 744 association's notice requirements. Notwithstanding the
 745 restrictions in this subparagraph, an association may print and
 746 distribute to parcel owners a directory containing the name,
 747 parcel address, and all telephone numbers ~~number~~ of each parcel
 748 owner. However, an owner may exclude his or her telephone
 749 numbers ~~number~~ from the directory by so requesting in writing to
 750 the association. An owner may consent in writing to the
 751 disclosure of other contact information described in this
 752 subparagraph. The association is not liable for the inadvertent
 753 disclosure of information that is protected under this
 754 subparagraph if the information is included in an official

755 record of the association and is voluntarily provided by an
 756 owner and not requested by the association.

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

759 7. The software and operating system used by the
 760 association which allow the manipulation of data, even if the
 761 owner owns a copy of the same software used by the association.
 762 The data is part of the official records of the association.

763 (e) An outgoing board or committee member must relinquish
 764 all official records and property of the association in his or
 765 her possession or under his or her control to the incoming board
 766 within 5 days after the election. The division shall impose a
 767 civil penalty as set forth in s. 719.501(1)(d) against an
 768 outgoing board or committee member who willfully and knowingly
 769 fails to relinquish such records and property.

770 (4) FINANCIAL REPORT.—

771 (a) Within 90 ~~60~~ days following the end of the fiscal or
 772 calendar year or annually on such date as ~~is otherwise~~ provided
 773 in the bylaws of the association, the board of administration ~~of~~
 774 ~~the association~~ shall prepare and complete, or contract with a
 775 third party to prepare and complete, a financial report covering
 776 the preceding fiscal or calendar year. Within 21 days after the
 777 financial report is completed by the association or received
 778 from the third party, but no later than 120 days after the end
 779 of the fiscal year, calendar year, or other date provided in the
 780 bylaws, the association shall provide each member with a copy of

781 the annual financial report or a written notice that a copy of
 782 the financial report is available upon request at no charge to
 783 the member. The division shall adopt rules setting forth uniform
 784 accounting principles, standards, and reporting requirements.
 785 ~~mail or furnish by personal delivery to each unit owner a~~
 786 ~~complete financial report of actual receipts and expenditures~~
 787 ~~for the previous 12 months, or a complete set of financial~~
 788 ~~statements for the preceding fiscal year prepared in accordance~~
 789 ~~with generally accepted accounting procedures. The report shall~~
 790 ~~show the amounts of receipts by accounts and receipt~~
 791 ~~classifications and shall show the amounts of expenses by~~
 792 ~~accounts and expense classifications including, if applicable,~~
 793 ~~but not limited to, the following:~~

- 794 ~~1. Costs for security;~~
- 795 ~~2. Professional and management fees and expenses;~~
- 796 ~~3. Taxes;~~
- 797 ~~4. Costs for recreation facilities;~~
- 798 ~~5. Expenses for refuse collection and utility services;~~
- 799 ~~6. Expenses for lawn care;~~
- 800 ~~7. Costs for building maintenance and repair;~~
- 801 ~~8. Insurance costs;~~
- 802 ~~9. Administrative and salary expenses; and~~
- 803 ~~10. Reserves for capital expenditures, deferred~~
 804 ~~maintenance, and any other category for which the association~~
 805 ~~maintains a reserve account or accounts.~~

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

807 whose total annual revenues meet the criteria of this paragraph
 808 shall prepare or cause to be prepared a complete set of
 809 financial statements according to the generally accepted
 810 accounting principles adopted by the Board of Accountancy. The
 811 financial statements shall be as follows:

812 1. An association with total annual revenues between
 813 \$150,000 and \$299,999 shall prepare a compiled financial
 814 statement.

815 2. An association with total annual revenues between
 816 \$300,000 and \$499,999 shall prepare a reviewed financial
 817 statement.

818 3. An association with total annual revenues of \$500,000
 819 or more shall prepare an audited financial statement. The
 820 ~~division shall adopt rules that may require that the association~~
 821 ~~deliver to the unit owners, in lieu of the financial report~~
 822 ~~required by this section, a complete set of financial statements~~
 823 ~~for the preceding fiscal year. The financial statements shall be~~
 824 ~~delivered within 90 days following the end of the previous~~
 825 ~~fiscal year or annually on such other date as provided in the~~
 826 ~~bylaws. The rules of the division may require that the financial~~
 827 ~~statements be compiled, reviewed, or audited, and the rules~~
 828 ~~shall take into consideration the criteria set forth in s.~~
 829 ~~719.501(1)(j).~~

830 4. The requirement to have the financial statements
 831 compiled, reviewed, or audited does not apply to an association
 832 associations if a majority of the voting interests of the

833 association present at a duly called meeting of the association
 834 have voted ~~determined for a fiscal year~~ to waive this
 835 requirement for the fiscal year. In an association in which
 836 turnover of control by the developer has not occurred, the
 837 developer may vote to waive the audit requirement for the first
 838 2 years of ~~the~~ operation of the association, after which time
 839 waiver of an applicable audit requirement shall be by a majority
 840 of voting interests other than the developer. The meeting shall
 841 be held prior to the end of the fiscal year, and the waiver
 842 shall be effective for only one fiscal year. An association may
 843 not waive the financial reporting requirements of this section
 844 for more than 3 consecutive years. ~~This subsection does not~~
 845 ~~apply to a cooperative that consists of 50 or fewer units.~~
 846 (c)1. An association with total annual revenues of less
 847 than \$150,000 shall prepare a report of cash receipts and
 848 expenditures.
 849 2. An association in a community of fewer than 50 units,
 850 regardless of the association's annual revenues, shall prepare a
 851 report of cash receipts and expenditures in lieu of the
 852 financial statements required by paragraph (b), unless the
 853 declaration or other recorded governing documents provide
 854 otherwise.
 855 3. A report of cash receipts and expenditures must
 856 disclose the amount of receipts by accounts and receipt
 857 classifications and the amount of expenses by accounts and
 858 expense classifications, including the following, as applicable:

859 costs for security, professional, and management fees and
 860 expenses; taxes; costs for recreation facilities; expenses for
 861 refuse collection and utility services; expenses for lawn care;
 862 costs for building maintenance and repair; insurance costs;
 863 administration and salary expenses; and reserves, if maintained
 864 by the association.

865 (d) If at least 20 percent of the unit owners petition the
 866 board for a greater level of financial reporting than that
 867 required by this section, the association shall duly notice and
 868 hold a meeting of members within 30 days after receipt of the
 869 petition to vote on raising the level of reporting for that
 870 fiscal year. Upon approval by a majority of the voting interests
 871 represented at a meeting at which a quorum of unit owners is
 872 present, the association shall prepare an amended budget or
 873 shall adopt a special assessment to pay for the financial report
 874 regardless of any provision to the contrary in the declaration
 875 or other recorded governing documents. In addition, the
 876 association shall provide within 90 days after the meeting or
 877 the end of the fiscal year, whichever occurs later:

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

881 2. Reviewed or audited financial statements, if the
 882 association is otherwise required to prepare compiled financial
 883 statements; or

884 3. Audited financial statements, if the association is

885 otherwise required to prepare reviewed financial statements.

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

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

891 2. A report of cash receipts and expenditures or a
 892 compiled financial statement in lieu of a reviewed or audited
 893 financial statement; or

894 3. A report of cash receipts and expenditures, a compiled
 895 financial statement, or a reviewed financial statement in lieu
 896 of an audited financial statement.

897 Section 13. Paragraphs (a) and (d) of subsection (1) of
 898 section 719.106, Florida Statutes, are amended to read:

899 719.106 Bylaws; cooperative ownership.—

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

903 (a) Administration.—

904 1. The form of administration of the association shall be
 905 described, indicating the titles of the officers and board of
 906 administration and specifying the powers, duties, manner of
 907 selection and removal, and compensation, if any, of officers and
 908 board members. In the absence of such a provision, the board of
 909 administration shall be composed of five members, except in the
 910 case of cooperatives having five or fewer units, in which case

911 in not-for-profit corporations, the board shall consist of not
 912 fewer than three members. In the absence of provisions to the
 913 contrary, the board of administration shall have a president, a
 914 secretary, and a treasurer, who shall perform the duties of
 915 those offices customarily performed by officers of corporations.
 916 Unless prohibited in the bylaws, the board of administration may
 917 appoint other officers and grant them those duties it deems
 918 appropriate. Unless otherwise provided in the bylaws, the
 919 officers shall serve without compensation and at the pleasure of
 920 the board. Unless otherwise provided in the bylaws, the members
 921 of the board shall serve without compensation.

922 2. A person who has been suspended or removed by the
 923 division under this chapter, or who is delinquent in the payment
 924 of any monetary obligation due to the association, is not
 925 eligible to be a candidate for board membership and may not be
 926 listed on the ballot. A director or officer charged by
 927 information or indictment with a felony theft or embezzlement
 928 offense involving the association's funds or property is
 929 suspended from office. The board shall fill the vacancy
 930 according to general law until the end of the period of the
 931 suspension or the end of the director's term of office,
 932 whichever occurs first. However, if the charges are resolved
 933 without a finding of guilt or without acceptance of a plea of
 934 guilty or nolo contendere, the director or officer shall be
 935 reinstated for any remainder of his or her term of office. A
 936 member who has such criminal charges pending may not be

937 appointed or elected to a position as a director or officer. A
938 person who has been convicted of any felony in this state or in
939 any United States District Court, or who has been convicted of
940 any offense in another jurisdiction which would be considered a
941 felony if committed in this state, is not eligible for board
942 membership unless such felon's civil rights have been restored
943 for at least 5 years as of the date such person seeks election
944 to the board. The validity of an action by the board is not
945 affected if it is later determined that a board member is
946 ineligible for board membership due to having been convicted of
947 a felony.

948 ~~3.2.~~ When a unit owner files a written inquiry by
949 certified mail with the board of administration, the board shall
950 respond in writing to the unit owner within 30 days of receipt
951 of the inquiry. The board's response shall either give a
952 substantive response to the inquirer, notify the inquirer that a
953 legal opinion has been requested, or notify the inquirer that
954 advice has been requested from the division. If the board
955 requests advice from the division, the board shall, within 10
956 days of its receipt of the advice, provide in writing a
957 substantive response to the inquirer. If a legal opinion is
958 requested, the board shall, within 60 days after the receipt of
959 the inquiry, provide in writing a substantive response to the
960 inquirer. The failure to provide a substantive response to the
961 inquirer as provided herein precludes the board from recovering
962 attorney's fees and costs in any subsequent litigation,

963 administrative proceeding, or arbitration arising out of the
 964 inquiry. The association may, through its board of
 965 administration, adopt reasonable rules and regulations regarding
 966 the frequency and manner of responding to the unit owners'
 967 inquiries, one of which may be that the association is obligated
 968 to respond to only one written inquiry per unit in any given 30-
 969 day period. In such case, any additional inquiry or inquiries
 970 must be responded to in the subsequent 30-day period, or
 971 periods, as applicable.

972 Section 14. Section 719.128, Florida Statutes, is created
 973 to read:

974 719.128 Association emergency powers.-

975 (1) To the extent allowed by law, unless specifically
 976 prohibited by the cooperative documents, and consistent with s.
 977 617.0830, the board of administration, in response to damage
 978 caused by an event for which a state of emergency is declared
 979 pursuant to s. 252.36 in the area encompassed by the
 980 cooperative, may exercise the following powers:

981 (a) Conduct board or membership meetings after notice of
 982 the meetings and board decisions is provided in as practicable a
 983 manner as possible, including via publication, radio, United
 984 States mail, the Internet, public service announcements,
 985 conspicuous posting on the cooperative property, or any other
 986 means the board deems appropriate under the circumstances.

987 (b) Cancel and reschedule an association meeting.

988 (c) Designate assistant officers who are not directors. If

989 the executive officer is incapacitated or unavailable, the
 990 assistant officer has the same authority during the state of
 991 emergency as the executive officer he or she assists.

992 (d) Relocate the association's principal office or
 993 designate an alternative principal office.

994 (e) Enter into agreements with counties and municipalities
 995 to assist counties and municipalities with debris removal.

996 (f) Implement a disaster plan before or immediately
 997 following the event for which a state of emergency is declared,
 998 which may include turning on or shutting off elevators;
 999 electricity; water, sewer, or security systems; or air
 1000 conditioners for association buildings.

1001 (g) Based upon the advice of emergency management
 1002 officials or upon the advice of licensed professionals retained
 1003 by the board of administration, determine any portion of the
 1004 cooperative property unavailable for entry or occupancy by unit
 1005 owners or their family members, tenants, guests, agents, or
 1006 invitees to protect their health, safety, or welfare.

1007 (h) Based upon the advice of emergency management
 1008 officials or upon the advice of licensed professionals retained
 1009 by the board of administration, determine whether the
 1010 cooperative property can be safely inhabited or occupied.
 1011 However, such determination is not conclusive as to any
 1012 determination of habitability pursuant to the declaration.

1013 (i) Require the evacuation of the cooperative property in
 1014 the event of a mandatory evacuation order in the area where the

1015 cooperative is located. If a unit owner or other occupant of a
 1016 cooperative fails to evacuate the cooperative property for which
 1017 the board has required evacuation, the association is immune
 1018 from liability for injury to persons or property arising from
 1019 such failure.

1020 (j) Mitigate further damage, including taking action to
 1021 contract for the removal of debris and to prevent or mitigate
 1022 the spread of fungus, including mold or mildew, by removing and
 1023 disposing of wet drywall, insulation, carpet, cabinetry, or
 1024 other fixtures on or within the cooperative property, regardless
 1025 of whether the unit owner is obligated by the declaration or law
 1026 to insure or replace those fixtures and to remove personal
 1027 property from a unit.

1028 (k) Contract, on behalf of a unit owner, for items or
 1029 services for which the owner is otherwise individually
 1030 responsible, but which are necessary to prevent further damage
 1031 to the cooperative property. In such event, the unit owner on
 1032 whose behalf the board has contracted is responsible for
 1033 reimbursing the association for the actual costs of the items or
 1034 services, and the association may use its lien authority
 1035 provided by s. 719.108 to enforce collection of the charges.
 1036 Such items or services may include the drying of the unit, the
 1037 boarding of broken windows or doors, and the replacement of a
 1038 damaged air conditioner or air handler to provide climate
 1039 control in the unit or other portions of the property.

1040 (l) Notwithstanding a provision to the contrary, and

1041 regardless of whether such authority does not specifically
 1042 appear in the cooperative documents, levy special assessments
 1043 without a vote of the owners.

1044 (m) Without unit owners' approval, borrow money and pledge
 1045 association assets as collateral to fund emergency repairs and
 1046 carry out the duties of the association if operating funds are
 1047 insufficient. This paragraph does not limit the general
 1048 authority of the association to borrow money, subject to such
 1049 restrictions contained in the cooperative documents.

1050 (2) The authority granted under subsection (1) is limited
 1051 to that time reasonably necessary to protect the health, safety,
 1052 and welfare of the association and the unit owners and their
 1053 family members, tenants, guests, agents, or invitees, and to
 1054 mitigate further damage and make emergency repairs.

1055 Section 15. Paragraph (c) of subsection (5) of section
 1056 720.303, Florida Statutes, is amended to read:

1057 720.303 Association powers and duties; meetings of board;
 1058 official records; budgets; financial reporting; association
 1059 funds; recalls.—

1060 (5) INSPECTION AND COPYING OF RECORDS.—The official
 1061 records shall be maintained within the state for at least 7
 1062 years and shall be made available to a parcel owner for
 1063 inspection or photocopying within 45 miles of the community or
 1064 within the county in which the association is located within 10
 1065 business days after receipt by the board or its designee of a
 1066 written request. This subsection may be complied with by having

1067 a copy of the official records available for inspection or
1068 copying in the community or, at the option of the association,
1069 by making the records available to a parcel owner electronically
1070 via the Internet or by allowing the records to be viewed in
1071 electronic format on a computer screen and printed upon request.
1072 If the association has a photocopy machine available where the
1073 records are maintained, it must provide parcel owners with
1074 copies on request during the inspection if the entire request is
1075 limited to no more than 25 pages. An association shall allow a
1076 member or his or her authorized representative to use a portable
1077 device, including a smartphone, tablet, portable scanner, or any
1078 other technology capable of scanning or taking photographs, to
1079 make an electronic copy of the official records in lieu of the
1080 association's providing the member or his or her authorized
1081 representative with a copy of such records. The association may
1082 not charge a fee to a member or his or her authorized
1083 representative for the use of a portable device.

1084 (c) The association may adopt reasonable written rules
1085 governing the frequency, time, location, notice, records to be
1086 inspected, and manner of inspections, but may not require a
1087 parcel owner to demonstrate any proper purpose for the
1088 inspection, state any reason for the inspection, or limit a
1089 parcel owner's right to inspect records to less than one 8-hour
1090 business day per month. The association may impose fees to cover
1091 the costs of providing copies of the official records, including
1092 the costs of copying and the costs required for personnel to

1093 retrieve and copy the records if the time spent retrieving and
 1094 copying the records exceeds one-half hour and if the personnel
 1095 costs do not exceed \$20 per hour. Personnel costs may not be
 1096 charged for records requests that result in the copying of 25 or
 1097 fewer pages. The association may charge up to 25 cents per page
 1098 for copies made on the association's photocopier. If the
 1099 association does not have a photocopy machine available where
 1100 the records are kept, or if the records requested to be copied
 1101 exceed 25 pages in length, the association may have copies made
 1102 by an outside duplicating service and may charge the actual cost
 1103 of copying, as supported by the vendor invoice. The association
 1104 shall maintain an adequate number of copies of the recorded
 1105 governing documents, to ensure their availability to members and
 1106 prospective members. Notwithstanding this paragraph, the
 1107 following records are not accessible to members or parcel
 1108 owners:

- 1109 1. Any record protected by the lawyer-client privilege as
 1110 described in s. 90.502 and any record protected by the work-
 1111 product privilege, including, but not limited to, a record
 1112 prepared by an association attorney or prepared at the
 1113 attorney's express direction which reflects a mental impression,
 1114 conclusion, litigation strategy, or legal theory of the attorney
 1115 or the association and which was prepared exclusively for civil
 1116 or criminal litigation or for adversarial administrative
 1117 proceedings or which was prepared in anticipation of such
 1118 litigation or proceedings until the conclusion of the litigation

1119 or proceedings.

1120 2. Information obtained by an association in connection
 1121 with the approval of the lease, sale, or other transfer of a
 1122 parcel.

1123 3. Personnel records of association or management company
 1124 employees, including, but not limited to, disciplinary, payroll,
 1125 health, and insurance records. For purposes of this
 1126 subparagraph, the term "personnel records" does not include
 1127 written employment agreements with an association or management
 1128 company employee or budgetary or financial records that indicate
 1129 the compensation paid to an association or management company
 1130 employee.

1131 4. Medical records of parcel owners or community
 1132 residents.

1133 5. Social security numbers, driver license numbers, credit
 1134 card numbers, electronic mailing addresses, telephone numbers,
 1135 facsimile numbers, emergency contact information, any addresses
 1136 for a parcel owner other than as provided for association notice
 1137 requirements, and other personal identifying information of any
 1138 person, excluding the person's name, parcel designation, mailing
 1139 address, and property address. Notwithstanding the restrictions
 1140 in this subparagraph, an association may print and distribute to
 1141 parcel owners a directory containing the name, parcel address,
 1142 and all telephone numbers ~~number~~ of each parcel owner. However,
 1143 an owner may exclude his or her telephone numbers ~~number~~ from
 1144 the directory by so requesting in writing to the association. An

1145 owner may consent in writing to the disclosure of other contact
 1146 information described in this subparagraph. The association is
 1147 not liable for the disclosure of information that is protected
 1148 under this subparagraph if the information is included in an
 1149 official record of the association and is voluntarily provided
 1150 by an owner and not requested by the association.

1151 6. Any electronic security measure that is used by the
 1152 association to safeguard data, including passwords.

1153 7. The software and operating system used by the
 1154 association which allows the manipulation of data, even if the
 1155 owner owns a copy of the same software used by the association.
 1156 The data is part of the official records of the association.

1157 Section 16. Paragraph (b) of subsection (1) of section
 1158 720.306, Florida Statutes, is amended to read:

1159 720.306 Meetings of members; voting and election
 1160 procedures; amendments.—

1161 (1) QUORUM; AMENDMENTS.—

1162 (b) Unless otherwise provided in the governing documents
 1163 or required by law, and other than those matters set forth in
 1164 paragraph (c), any governing document of an association may be
 1165 amended by the affirmative vote of two-thirds of the voting
 1166 interests of the association. Within 30 days after recording an
 1167 amendment to the governing documents, the association shall
 1168 provide copies of the amendment to the members. Further, if a
 1169 copy of the proposed amendment had been previously provided to
 1170 the members prior to the vote of the members on the amendment

1171 and the proposed amendment was not changed prior to the vote of
 1172 the members, the association may, in lieu of providing a copy of
 1173 the amendment, provide notice that the amendment was adopted,
 1174 the official book and page number or instrument number of the
 1175 recorded amendment, and that a copy of the amendment is
 1176 available at no charge to the member upon written request to the
 1177 association. The copies and notice described herein may be
 1178 provided electronically to those owners who have consented to
 1179 receive notice electronically.

1180 Section 17. Section 720.316, Florida Statutes, is created
 1181 to read:

1182 720.316 Association emergency powers.-

1183 (1) To the extent allowed by law, unless specifically
 1184 prohibited by the declaration or other recorded governing
 1185 documents, and consistent with s. 617.0830, the board of
 1186 directors, in response to damage caused by an event for which a
 1187 state of emergency is declared pursuant to s. 252.36 in the area
 1188 encompassed by the association, may exercise the following
 1189 powers:

1190 (a) Conduct board or membership meetings after notice of
 1191 the meetings and board decisions is provided in as practicable a
 1192 manner as possible, including via publication, radio, United
 1193 States mail, the Internet, public service announcements,
 1194 conspicuous posting on the association property, or any other
 1195 means the board deems appropriate under the circumstances.

1196 (b) Cancel and reschedule an association meeting.

1197 (c) Designate assistant officers who are not directors. If
 1198 the executive officer is incapacitated or unavailable, the
 1199 assistant officer has the same authority during the state of
 1200 emergency as the executive officer he or she assists.

1201 (d) Relocate the association's principal office or
 1202 designate an alternative principal office.

1203 (e) Enter into agreements with counties and municipalities
 1204 to assist counties and municipalities with debris removal.

1205 (f) Implement a disaster plan before or immediately
 1206 following the event for which a state of emergency is declared,
 1207 which may include, but is not limited to, turning on or shutting
 1208 off elevators; electricity; water, sewer, or security systems;
 1209 or air conditioners for association buildings.

1210 (g) Based upon the advice of emergency management
 1211 officials or upon the advice of licensed professionals retained
 1212 by the board, determine any portion of the association property
 1213 unavailable for entry or occupancy by owners or their family
 1214 members, tenants, guests, agents, or invitees to protect their
 1215 health, safety, or welfare.

1216 (h) Based upon the advice of emergency management
 1217 officials or upon the advice of licensed professionals retained
 1218 by the board, determine whether the association property can be
 1219 safely inhabited or occupied. However, such determination is not
 1220 conclusive as to any determination of habitability pursuant to
 1221 the declaration.

1222 (i) Mitigate further damage, including taking action to

1223 contract for the removal of debris and to prevent or mitigate
 1224 the spread of fungus, including mold or mildew, by removing and
 1225 disposing of wet drywall, insulation, carpet, cabinetry, or
 1226 other fixtures on or within the association property.

1227 (j) Notwithstanding a provision to the contrary, and
 1228 regardless of whether such authority does not specifically
 1229 appear in the declaration or other recorded governing documents,
 1230 levy special assessments without a vote of the owners.

1231 (k) Without owners' approval, borrow money and pledge
 1232 association assets as collateral to fund emergency repairs and
 1233 carry out the duties of the association if operating funds are
 1234 insufficient. This paragraph does not limit the general
 1235 authority of the association to borrow money, subject to such
 1236 restrictions contained in the declaration or other recorded
 1237 governing documents.

1238 (2) The authority granted under subsection (1) is limited
 1239 to that time reasonably necessary to protect the health, safety,
 1240 and welfare of the association and the parcel owners and their
 1241 family members, tenants, guests, agents, or invitees, and to
 1242 mitigate further damage and make emergency repairs.

1243 Section 18. This act shall take effect July 1, 2014.