

Committee on Regulated Industries

CS/HB 429 — Real Property

by Commerce Committee and Rep. Robinson, W. (CS/CS/SB 756 by Rules Committee; Judiciary Committee; and Senator Perry)

The bill authorizes the board of administration for a condominium or cooperative association operating a timeshare plan to delete facilities of the timeshare plan without the approval of the members of the association if the deletion is approved by a two-thirds vote of the board of administration and the deletion is consistent with the fiduciary duties of the managing entity to the purchasers of the timeshare plan set forth in s. 721.13(2), F.S. However, the bill maintains the requirement in current law that, if the timeshare condominium or timeshare cooperative contains any residential units that are not subject to the timeshare plan, the board of administration for the condominium or cooperative must obtain the approval of a majority of the owners of such residential units before it can make any material alterations or substantial additions to the accommodations or facilities of such timeshare condominium or timeshare cooperative.

The bill provides that the managing entity of a timeshare project has all of the rights and remedies of an operator of any public lodging establishment or public food service establishment as set forth in several provisions in ch. 509, F.S., which authorizes the operator of a public lodging establishment or public food service establishment to remove a person from these establishments. The operator may also have a law enforcement officer remove a person if the person engages in certain activities, including the possession and use of controlled substances and engaging in disorderly conduct.

The bill requires the managing entity of a timeshare condominium or timeshare cooperative to provide the assessment certificate required under s. 721.15(7), F.S., in lieu of the estoppel certificate required by s. 718.116(8), F.S., or s. 719.108(6), F.S., relating to condominium and cooperative associations, respectively. The assessment certificate states the amount of moneys owed or due within 90 days to the managing entity on a consumer resale of a timeshare interest.

The bill also changes the appointing authority for appointment of a commissioner of deeds from the Governor to the Secretary of State. A commissioner of deeds is a person appointed to act in a foreign state or country to acknowledge that a person executing a real property instrument is the person named in the instrument. A real property instrument must be acknowledged as a condition of recording.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 37-0; House 118-0