

1 A bill to be entitled
 2 An act relating to real property; amending s. 695.03,
 3 F.S.; providing that the Secretary of State appoints
 4 commissioners of deeds; amending s. 721.13, F.S.;
 5 broadening the powers of certain boards of
 6 administration with respect to timeshare plans;
 7 providing that managers and managing entities of
 8 certain timeshare projects have the same rights and
 9 remedies as operators of certain establishments and
 10 may have law enforcement take certain actions against
 11 individuals who engage in certain conduct; amending s.
 12 721.15, F.S.; requiring a managing entity of a
 13 timeshare condominium or timeshare cooperative to
 14 provide a specified certificate to certain interested
 15 parties in lieu of an estoppel certificate; amending
 16 s. 721.97, F.S.; providing that the Secretary of State
 17 appoints commissioners of deeds; providing an
 18 effective date.

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

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

24 695.03 Acknowledgment and proof; validation of certain
 25 acknowledgments; legalization or authentication before foreign
 26 officials.—To entitle any instrument concerning real property to

27 | be recorded, the execution must be acknowledged by the party
 28 | executing it, proved by a subscribing witness to it, or
 29 | legalized or authenticated in one of the following forms:

30 | (2) OUTSIDE THIS STATE BUT WITHIN THE UNITED STATES.—An
 31 | acknowledgment or a proof taken, administered, or made outside
 32 | of this state but within the United States may be taken,
 33 | administered, or made by or before a civil-law notary of this
 34 | state or a commissioner of deeds appointed by the Secretary of
 35 | State ~~Governor of this state~~; by a judge or clerk of any court
 36 | of the United States or of any state, territory, or district; by
 37 | or before a United States commissioner or magistrate; or by or
 38 | before any notary public, justice of the peace, master in
 39 | chancery, or registrar or recorder of deeds of any state,
 40 | territory, or district having a seal, and the certificate of
 41 | acknowledgment or proof must be under the seal of the court or
 42 | officer, as the case may be. If the acknowledgment or proof is
 43 | taken, administered, or made by or before a notary public who
 44 | does not affix a seal, it is sufficient for the notary public to
 45 | type, print, or write by hand on the instrument, "I am a Notary
 46 | Public of the State of ...(state)..., and my commission expires
 47 | on ...(date)...."

48 | (3) OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN
 49 | COUNTRIES.—An acknowledgment, an affidavit, an oath, a
 50 | legalization, an authentication, or a proof taken, administered,
 51 | or made outside the United States or in a foreign country may be
 52 | taken, administered, or made by or before a commissioner of

53 | deeds appointed by the Secretary of State ~~Governor of this state~~
54 | to act in such country; before a notary public of such foreign
55 | country or a civil-law notary of this state or of such foreign
56 | country who has an official seal; before an ambassador, envoy
57 | extraordinary, minister plenipotentiary, minister, commissioner,
58 | charge d'affaires, consul general, consul, vice consul, consular
59 | agent, or other diplomatic or consular officer of the United
60 | States appointed to reside in such country; or before a military
61 | or naval officer authorized by 10 U.S.C. s. 1044a to perform the
62 | duties of notary public, and the certificate of acknowledgment,
63 | legalization, authentication, or proof must be under the seal of
64 | the officer. A certificate legalizing or authenticating the
65 | signature of a person executing an instrument concerning real
66 | property and to which a civil-law notary or notary public of
67 | that country has affixed her or his official seal is sufficient
68 | as an acknowledgment. For the purposes of this section, the term
69 | "civil-law notary" means a civil-law notary as defined in
70 | chapter 118 or an official of a foreign country who has an
71 | official seal and who is authorized to make legal or lawful the
72 | execution of any document in that jurisdiction, in which
73 | jurisdiction the affixing of her or his official seal is deemed
74 | proof of the execution of the document or deed in full
75 | compliance with the laws of that jurisdiction.

76 | Section 2. Subsection (8) of section 721.13, Florida
77 | Statutes, is amended, and subsection (14) is added to that
78 | section, to read:

79 721.13 Management.—

80 (8) Notwithstanding anything to the contrary in s.
 81 718.110, s. 718.113, s. 718.114, or s. 719.1055, the board of
 82 administration of any owners' association that operates a
 83 timeshare plan including a timeshare condominium pursuant to s.
 84 718.111, or a timeshare cooperative pursuant to s. 719.104,
 85 shall have the power to make material alterations or substantial
 86 additions, or any deletion, to the accommodations or facilities
 87 of such timeshare plan ~~condominium or timeshare cooperative~~
 88 without the approval of the members of the owners' association.
 89 However, if the timeshare condominium or timeshare cooperative
 90 contains any residential units that are not subject to the
 91 timeshare plan, such action by the board of administration must
 92 be approved by a majority of the owners of such residential
 93 units. Unless otherwise provided in the timeshare instrument as
 94 originally recorded, no such amendment may change the
 95 configuration or size of any accommodation in any material
 96 fashion, or change the proportion or percentage by which a
 97 member of the owners' association shares the common expenses,
 98 unless the record owners of the affected units or timeshare
 99 interests and all record owners of liens on the affected units
 100 or timeshare interests join in the execution of the amendment.

101 (14) With regard to any timeshare project as defined in s.
 102 509.242(1)(g), the managing entity or manager has all of the
 103 rights and remedies of an operator of any public lodging
 104 establishment or public food service establishment as set forth

105 in ss. 509.141, 509.142, 509.143, and 509.162 and is entitled to
 106 have a law enforcement officer take any action, including arrest
 107 or removal from the timeshare property, against any purchaser,
 108 including a deeded owner, or guest or invitee of such purchaser
 109 or owner who engages in conduct described in s. 509.141, s.
 110 509.142, s. 509.143, or s. 509.162 or conduct in violation of
 111 the timeshare instrument.

112 Section 3. Paragraph (b) of subsection (7) of section
 113 721.15, Florida Statutes, is amended to read:

114 721.15 Assessments for common expenses.—
 115 (7)

116 (b) Within 30 days after receiving a written request from
 117 a timeshare interest owner, an agent designated in writing by
 118 the timeshare interest owner, or a person providing resale
 119 transfer services for a consumer timeshare reseller pursuant to
 120 s. 721.17(3), a managing entity must provide a certificate,
 121 signed by an officer or agent of the managing entity, to the
 122 person requesting the certificate, that states the amount of any
 123 assessment, transfer fee, or other moneys currently owed to the
 124 managing entity, and of any assessment, transfer fee, or other
 125 moneys approved by the managing entity that will be due within
 126 the next 90 days, with respect to the designated consumer resale
 127 timeshare interest, as well as any information contained in the
 128 books and records of the timeshare plan regarding the legal
 129 description and use plan related to the designated consumer
 130 resale timeshare interest. The managing entity of a timeshare

131 condominium or timeshare cooperative must provide this
 132 certificate in lieu of the estoppel certificate required by s.
 133 718.116(8) or s. 719.108(6).

134 1. A person who relies upon such certificate shall be
 135 protected thereby.

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

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

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

145 721.97 Timeshare commissioner of deeds.—

146 (1) The Secretary of State ~~Governor~~ may appoint
 147 commissioners of deeds to take acknowledgments, proofs of
 148 execution, or oaths in any foreign country, in international
 149 waters, or in any possession, territory, or commonwealth of the
 150 United States outside the 50 states. The term of office is 4
 151 years. Commissioners of deeds shall have authority to take
 152 acknowledgments, proofs of execution, and oaths in connection
 153 with the execution of any deed, mortgage, deed of trust,
 154 contract, power of attorney, or any other writing to be used or
 155 recorded in connection with a timeshare estate, personal
 156 property timeshare interest, timeshare license, any property

157 | subject to a timeshare plan, or the operation of a timeshare
158 | plan located within this state; provided such instrument or
159 | writing is executed outside the United States. Such
160 | acknowledgments, proofs of execution, and oaths must be taken or
161 | made in the manner directed by the laws of this state,
162 | including but not limited to s. 117.05(4), (5)(a), and (6),
163 | Florida Statutes 1997, and certified by a commissioner of deeds.
164 | The certification must be endorsed on or annexed to the
165 | instrument or writing aforesaid and has the same effect as if
166 | made or taken by a notary public licensed in this state.
167 | Section 5. This act shall take effect July 1, 2024.