

CHAPTER 2024-259

Committee Substitute for House Bill No. 429

An act relating to real property; amending s. 695.03, F.S.; providing that the Secretary of State, rather than the Governor, appoints commissioners of deeds; amending s. 721.13, F.S.; broadening the powers of certain boards of administration with respect to timeshare plans; providing that managers and managing entities of certain timeshare projects have the same rights and remedies as operators of certain establishments and may have law enforcement take certain actions against individuals who engage in certain conduct; amending s. 721.15, F.S.; requiring a managing entity of a timeshare condominium or timeshare cooperative to provide a specified certificate to certain interested parties in lieu of an estoppel certificate; amending s. 721.97, F.S.; providing that the Secretary of State, rather than the Governor, appoints commissioners of deeds; providing an effective date.

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

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 legalized or authenticated in one of the following forms:

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

(3) **OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN COUNTRIES.**—An acknowledgment, an affidavit, an oath, a legalization, an authentication, or a proof taken, administered, or made outside the United States or in a foreign country may be taken, administered, or made

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

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

721.13 Management.—

(8) Notwithstanding anything to the contrary in s. 718.110, s. 718.113, s. 718.114, or s. 719.1055, the board of administration of any owners' association that operates a timeshare plan including a timeshare condominium pursuant to s. 718.111, or a timeshare cooperative pursuant to s. 719.104, shall have the power to make material alterations or substantial additions to the accommodations or facilities of such timeshare plan and deletions to the facilities of such timeshare plan ~~condominium or timeshare cooperative~~ without the approval of the members of the owners' association, provided that the deletion of any facilities is approved by a two-thirds vote of the board of administration and is consistent with the fiduciary duties set forth in subsection (2). However, if the timeshare condominium or timeshare cooperative contains any residential units that are not subject to the timeshare plan, such action by the board of administration must be approved by a majority of the owners of such residential units. Unless otherwise provided in the timeshare instrument as originally recorded, no such amendment may change the configuration or size of any accommodation in any material fashion, or change the proportion or percentage by which a member of the owners' association shares the common expenses, unless the record owners of the affected units or timeshare interests and all record owners of liens on the affected units or timeshare interests join in the execution of the amendment.

(14) With regard to any timeshare project as defined in s. 509.242(1)(g), the managing entity or manager has all of the rights and remedies of an

operator of any public lodging establishment or public food service establishment as set forth in ss. 509.141, 509.142, 509.143, and 509.162 and is entitled to have a law enforcement officer take any action, including arrest or removal from the timeshare property, against any purchaser, including a deeded owner, or guest or invitee of such purchaser or owner who engages in conduct described in s. 509.141, s. 509.142, s. 509.143, or s. 509.162 or conduct in violation of the timeshare instrument.

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

721.15 Assessments for common expenses.—

(7)

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

1. A person who relies upon such certificate shall be protected thereby.
2. A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this paragraph, and in such an action the prevailing party may recover reasonable attorney fees and court costs.
3. The managing entity may charge a fee not to exceed \$150 for the preparation and delivery of the certificate. The amount of the fee must be included on the certificate.

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

721.97 Timeshare commissioner of deeds.—

(1) The Secretary of State ~~Governor~~ may appoint commissioners of deeds to take acknowledgments, proofs of execution, or oaths in any foreign country, in international waters, or in any possession, territory, or commonwealth of the United States outside the 50 states. The term of office is 4 years. Commissioners of deeds shall have authority to take

acknowledgments, proofs of execution, and oaths in connection with the execution of any deed, mortgage, deed of trust, contract, power of attorney, or any other writing to be used or recorded in connection with a timeshare estate, personal property timeshare interest, timeshare license, any property subject to a timeshare plan, or the operation of a timeshare plan located within this state; provided such instrument or writing is executed outside the United States. Such acknowledgments, proofs of execution, and oaths must be taken or made in the manner directed by the laws of this state, including but not limited to s. 117.05(4), (5)(a), and (6), Florida Statutes 1997, and certified by a commissioner of deeds. The certification must be endorsed on or annexed to the instrument or writing aforesaid and has the same effect as if made or taken by a notary public licensed in this state.

Section 5. This act shall take effect July 1, 2024.

Approved by the Governor June 21, 2024.

Filed in Office Secretary of State June 21, 2024.