

FL Statute 718 Legislative Changes 2020

Detail Information Provided by Paul St. Clair

During the 2020 Legislative session, the following bills effecting condominiums were approved:

- Senate Bill 476 – Law Enforcement Vehicles
- Senate Bill 838 – Business Organizations
- Senate Bill 886 – Errors in Deeds
- Senate Bill 1084 – Emotional Support Animals
- Senate Bill 1362 – Rental Agreements
- House Bill 469 – Real Estate Conveyances
- Senate Bill 664 – Verification of Employment Eligibility
- House Bill 255 – Florida Commission of Human Relations
- House Bill 529 – Insurance Guaranty Associations
- Senate Bill 374 – Housing Discrimination

Senate Bill 476 – Law Enforcement Vehicles

718.129 Law Enforcement Vehicles was added: An association may not prohibit a law enforcement officer, as defined in s. 943.10(1), who is a unit owner, or who is a tenant, guest, or invitee of a unit owner, from parking his or her assigned law enforcement vehicle in an area where the unit owner, or the tenant, guest, or invitee of the unit owner, otherwise has a right to park.

Senate Bill 838 – Business Organizations

Technical changes were made to 607.0120, specifying that certain documents accepted by the Department of State for filing are effective on the date the documents are accepted by the department.

Changes were made to chapter 617.0825 of the Not For Profit Corporation Act to address Board (Executive) and advisory committees, specifically how they are appointed and the powers and duties of a committee.

Executive Committees: Unless the articles of incorporation or the bylaws otherwise provide, the board of directors, by resolution adopted by a majority of the full board of directors, may create an executive committee and one or more other committees of the board and appoint directors or such other persons as the board of directors designates to serve on such committee or committees. The majority of the persons on each committee must be directors. Each such committee shall have and may exercise powers and all the authority of the board of directors, except that no such committee shall have the power or authority to:

- a) Approve or recommend to members actions or proposals required by this act to be approved by members,
- b) Fill vacancies on the board of directors or any committee thereof, or
- c) Adopt, amend, or repeal the bylaws.

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Each committee must have two or more members who serve at the pleasure of the board of directors. The board may designate one or more directors as alternate members of any such committee who may act in the place and stead of any absent member or members at any meeting of such committee. A committee member who is not a director has the same responsibility and fiduciary duties with respect to activities of such committee, and the same liability protections, as a committee member who is a director.

Advisory Committees: A corporation may create or authorize the creation of one or more advisory committees with any number of persons on the committee being non-directors. An advisory committee:

- a) Is not a committee of the board of directors; and
- b) May not act on behalf of or exercise any of the powers or authority of the board of directors or bind the corporation to any action, but may make recommendations to the board of directors, to the officers, or to the members.

Senate Bill 886 – Errors in Deeds

Changes to chapter 689.041 relate to errors in deeds and provide that a deed containing errors conveys title as if there were no errors as long as certain curative actions are taken. A curative notice must be filed in the county where the property is located.

Senate Bill 1084 – Emotional Support Animals

The new law (Florida Statute 760.27):

- Amends Florida's Fair Housing Act by prohibiting a housing provider from denying housing to a person with a disability or a disability-related need who has an emotional support animal. It defines emotional support animal as an animal that is not required to be trained to assist a person with a disability but, by virtue of its presence, provides support to alleviate one or more identified symptoms or effects of a person's disability.
- Prohibits a housing provider from charging a person with an emotional support animal additional fees. It does allow a housing provider to prohibit the animal if it poses a direct threat to the safety, health, or property of others and to request written documentation that reasonably supports that the person has a disability. If a person requests to keep more than one emotional support animal, the housing provider may request information regarding the specific need for each animal and may require proof of licensing and vaccination requirements for each animal.
- Prohibits a housing provider from requesting information that discloses the diagnosis or severity of a person's disability or any medical records relating to the disability. The housing provider is authorized to develop a routine process for reasonable accommodation requests.

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- Specifies that an identification card, patch, certificate, or similar registration obtained from the Internet is not, by itself, sufficient information to reliably establish that a person has a disability or a disability-related need for an emotional support animal.
- Creates a new cause for disciplinary action against a health care practitioner's license for providing supporting information for an emotional support animal, without personal knowledge of the patient's disability or disability-related need.

Senate Bill 1362 – Rental Agreements

Establishes 83.5615, the Protecting Tenants at Foreclosure Act, which provides protections for tenants where there is foreclosure on the owner of the property they occupy.

The bill established the rights of any bona fide tenant:

1. With a lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the tenant receiving the 90-day notice; or
2. Without a lease or with a lease terminable at will, subject to the tenant receiving the 90-day notice.

House Bill 469 – Real Estate Conveyances

Chapter 689.01 removes the requirement for witnesses on the lease or rental agreement for real property.

Senate Bill 664 – Verification of Employment Eligibility

Beginning January 1, 2021, chapter 288.061 requires public employers to use E-Verify to determine a potential employee's eligibility to be employed in the state of Florida. The law defines public employer as well. Private employers (nongovernmental) may use E-Verify but can use other means of verification as used in the past.

House Bill 255 – Florida Commission on Human Relations

Chapter 760.03 is amended, removing the requirement that communities operating as housing for older person register with the Florida Commission on Human Relations.

House Bill 529 – Insurance Guaranty Associations

Chapter 631.57 address the coverage provided for condominiums under the Florida Insurance Guaranty Association, Incorporated.

Senate Bill 374 – Housing Discrimination

Chapter 712.065 addresses discriminatory provisions of community association documents and authorizes the board of directors to remove such provisions which no longer have any applications under today's laws.