

1 A bill to be entitled

2 An act relating to homeowners associations; amending s. 720.309, F.S., to authorize  
3 homeowners associations to enter into bulk rate communications and internet services  
4 contracts; providing an effective date.

5  
6 Section 1. The existing text of section 720.309 is renumbered to be subsection  
7 (1) and subsection (2) of section 720.309 is created to read as follows:

8 (1) Any grant or reservation made by any document, and any contract with a  
9 term in excess of 10 years made by an association before control of the association is  
10 turned over to the members other than the developer, which provide for operation,  
11 maintenance, or management of the association or common areas must be fair and  
12 reasonable.

13 (2) (a) If so provided in the governing documents, the cost communication  
14 services as defined under ch. 202, information services or Internet services obtained  
15 pursuant to a bulk contract shall be deemed an operating expense of the association. If  
16 the governing documents do not provide for the cost of communication services as  
17 defined under ch. 202, information services or Internet services obtained under a bulk  
18 contract as an operating expense of the association, the board may enter into such a  
19 contract, and the cost of the service will be an operating expense of the association but  
20 allocated on a per-parcel basis rather than a percentage basis if the governing  
21 documents provide for other than an equal sharing of operating expenses. Any contract  
22 entered into before July 1, 2011, in which the cost of the service is not equally divided

23 among all parcel owners may be changed by vote of a majority of the voting interests  
24 present at a regular or special meeting of the association, to allocate the cost equally  
25 among all parcels.

26 (b) Any contract entered into pursuant to this subsection (2) may be canceled  
27 by a majority of the voting interests present at the next regular or special meeting of the  
28 association membership. Any member may make a motion to cancel such contract, but  
29 if no motion is made or if such motion fails to obtain the required vote at the next regular  
30 or special meeting of the association membership, whichever is sooner, following the  
31 making of the contract, then such contract shall be deemed ratified for the term therein  
32 expressed.

33 (c) Any contract entered into pursuant to this subsection (2) shall provide, and  
34 shall be deemed to provide if not expressly set forth, that any hearing-impaired or  
35 legally blind parcel owner who does not occupy the parcel with a non-hearing-impaired  
36 or sighted person, or any parcel owner receiving supplemental security income under  
37 Title XVI of the Social Security Act or food stamps as administered by the Department  
38 of Children and Family Services pursuant to s. 414.31, may discontinue the service  
39 without incurring disconnect fees, penalties, or subsequent service charges, and, as to  
40 such parcels, the parcel owners shall not be required to pay any operating expenses  
41 charge related to such service. If less than all parcel owners share the expenses of  
42 communication services as defined under ch. 202, information services or Internet  
43 services, the expense shall be shared by all participating parcel owners. The  
44 association may use the provisions of s. 720.3085 to enforce payment of the shares of

45 such costs by the parcel owners receiving communication services, information services  
46 or Internet services.

47 (3) No resident of any parcel, whether tenant or parcel owner, shall be denied  
48 access to any available franchised or licensed cable television service, nor shall such  
49 resident or cable television service be required to pay anything of value in order to  
50 obtain or provide such service except those charges normally paid for like services by  
51 other residents of single-family homes not located in the community but which are within  
52 the same franchised or licensed area and except for installation charges as such  
53 charges may be agreed to between such resident and the provider of such services.

54 Section 2. This Act shall take effect July 1, 2011.