

# FLORIDA

## Basic Information on community association operations in this state

1. Is UCA the legal basis for community associations?	YES	NO
2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally? <ul style="list-style-type: none"> <li>Florida Title XL Real and Personal Property, chapters 689-723</li> <li>Chapter 468 Part 8, Florida Statutes, The Community Association Management (CAM) Law</li> </ul>	YES	NO
3. What state agency regulates community associations? <p style="margin-left: 40px;"><b>DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION - DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES, AND MOBILE HOMES</b></p> <ul style="list-style-type: none"> <li><a href="http://www.myfloridalicense.com/dbpr/lsc/index.html">http://www.myfloridalicense.com/dbpr/lsc/index.html</a></li> </ul> <p style="margin-left: 40px;"><b>REGULATORY COUNCIL OF COMMUNITY ASSOCIATION MANAGERS</b></p> <ul style="list-style-type: none"> <li><a href="https://www.flrules.org/gateway/Division.asp?DivID=835">https://www.flrules.org/gateway/Division.asp?DivID=835</a></li> </ul>		
4. Are community associations, HOAs registered as business entities or nonprofit corporations? <p style="margin-left: 40px;"><b>BOTH</b></p> <ul style="list-style-type: none"> <li>Chapter 617, Florida Statutes The Florida Not-For-Profit Corporations Act</li> <li>Chapter 607, Florida Statutes The Florida Corporations Act</li> <li>Associations pre-1977 were not required to incorporate</li> </ul>		
5. How many community associations in this state?  <i>(Source: CAI Fact Book 2016 Statistics)</i>	<b>47,900 est'd</b>	
6. Does this state have laws that regulate use of technology? If Yes, do these laws impact: <ul style="list-style-type: none"> <li>Information privacy;</li> <li>Data access;</li> <li>Identity Theft;</li> <li>Data breaches?</li> </ul>	YES	NO
<b>Key Statutes - Association/CID specific Cyber Security, Data Access and Privacy</b>		
<ul style="list-style-type: none"> <li>On June 26, 2017 Governor Rick Scott approved HB 1237*, amending Florida Statutes 718, and requiring that an association with 150 units or more to have a website and post digital copies of official records on it.</li> </ul>		

## Relevant Legislative Trends

ABOVE, PLUS

- **H.B. 1025** Status: March 24, 2016; Signed by Governor. Chap. 95 Relates to public records; defines the term utility; provides an exemption from the public records requirements for information related to the security of information technology systems or industrial control technology systems of a utility owned or operated by a unit of local government.
- **H.B. 1033** Status: March 25, 2016; Signed by Governor. Chap. 138 Relates to information technology security; provides Technology Advisory Council requirements; relates to the council's membership; authorizes Agency for State Technology to impose service charges upon state agencies ...

## Statutes related to Data Security/retention/protection/disposal and penalties

Focus is electronic documents only

**Fla Statute 501.171 The Florida Information Protection Act** applies to businesses (replaced prior identity theft/data breach notification statute 817.5681 in 2014)

The new statute made several significant modifications to Florida law that can reach businesses, government and other entities far beyond the state's borders.

FIPA also expands the definition of personal information to include any personal login information that would permit access to a person's online account. Notably, this expansion, which may be the first of its kind in any state data breach notification law, would include login information to social media sites or applications, regardless of whether such sites include more traditional forms of personal information.

The new statute no longer has language limiting its application to those who "conduct business" in Florida.

Accordingly, although this is a Florida statute, companies in other jurisdictions, including international entities, should assume this statute will apply in the event they experience a breach of security affecting any individuals in Florida, regardless of their number.

It is important to note that the foregoing penalties could be assessed for any violation of FIPA's notice requirements. This includes scenarios of incomplete or insufficient notice, as well as late notice. Furthermore, the above penalties are assigned on a per-incident basis, without regard to the number of individuals affected by a breach

Fla Statute **501.171** as described above

- Requires reasonable measures to protect and secure personal information
- Requires secure disposal of personal information
- Require notices to the State Attorney general even if no risk of harm if >500 people
- Penalties are assessed per incident per day
- Include encryption safe harbor

## Identity theft statutes and penalties

Above

## Related General Business/Organization Statutes (non-specific to Associations)

Above

### Relevant Case Studies

COMPUTER THEFT PUTS HOA RESIDENTS' PERSONAL INFO IN UNKNOWN HANDS  
Feb. 28, 2013 (Kissimmee, FL)

Kissimmee police said a thief now has the bank account information for thousands of people who belong to a homeowners' association. A property management company for six communities in Osceola, Orange and Polk counties had its computer server stolen Monday, police said.

See video: <http://www.wftv.com/news/local/computer-theft-hoa-management-company-puts-residen/271226031>

#### VALIDATION FINDINGS:

SRP has validated the computer theft by contacting the law firm representing the HOA. The firm related the following information on this case:

"Yes we put out the notice on behalf of Florida Association Management for the various associations they represent (and some that we represent as their legal counsel). There were no follow ups and there have been (to the best of my knowledge) no incidents reported related to this event. There were no other follow ups from media that I am aware of at this time."

#### VALIDATED TAKEAWAY FROM THE CASE:

Associations, like any private or public business, are subject to computer theft. In this case no further harm was realized.