

1 A bill to be entitled
2 An act relating to residential properties; amending s.
3 399.02, F.S.; exempting certain elevators from
4 specific code update requirements; amending s.
5 514.0115, F.S.; revising specified supervision and
6 regulation exemptions for homeowners' association
7 swimming pools; amending s. 718.111, F.S.; revising
8 requirements for an association's approval of land
9 purchases and recreational leases; revising
10 reconstruction costs for which unit owners are
11 responsible and authorizing the costs to be collected
12 in a specified manner; requiring an association to
13 repair or replace as a common expense certain
14 condominium property damaged by an insurable event;
15 requiring an association to allow a member or the
16 member's representative to use certain portable
17 devices to make electronic copies of association
18 records; prohibiting the association from charging the
19 member or representative for using the portable
20 device; revising requirements for the preparation of
21 an association's annual financial statement; amending
22 s. 718.112, F.S.; revising terms of members of an
23 association's board of administrators and revising
24 eligibility criteria for candidates; revising
25 condominium unit owner meeting notice requirements;
26 providing for nonapplicability to associations
27 governing timeshare condominiums of certain provisions
28 relating to elections of board members; revising

29 recordkeeping requirements of a condominium
30 association board; requiring commencement of
31 challenges to an election within a specified period;
32 providing requirements for challenging the failure of
33 a board to duly notice and hold the required board
34 meeting or to file the required petition for a recall;
35 providing requirements for recalled board members to
36 challenge the recall; prohibiting the Division of
37 Florida Condominiums, Timeshares, and Mobile Homes of
38 the Department of Business and Professional Regulation
39 from accepting recall petitions for filing under
40 certain circumstances; amending s. 718.113, F.S.;
41 providing requirements for a condominium association
42 board relating to the installation of hurricane
43 shutters, impact glass, code-compliant windows or
44 doors, and other types of code-compliant hurricane
45 protection under certain circumstances; amending s.
46 718.115, F.S.; conforming provisions to changes made
47 by the act; amending s. 718.303, F.S.; revising
48 provisions relating to imposing remedies against a
49 noncompliant or delinquent condominium unit owner or
50 member; amending s. 718.403, F.S.; providing
51 requirements for the completion of phase condominiums;
52 creating s. 718.406, F.S.; providing definitions;
53 providing requirements for condominiums created within
54 condominium parcels; providing for the establishment
55 of primary condominium and secondary condominium
56 units; providing requirements for association

57 | declarations; authorizing a primary condominium
58 | association to provide insurance and adopt hurricane
59 | shutter or hurricane protection specifications under
60 | certain conditions; providing requirements relating to
61 | assessments; providing for resolution of conflicts
62 | between primary condominium declarations and secondary
63 | condominium declarations; providing requirements
64 | relating to common expenses due the primary
65 | condominium association; amending s. 718.5011, F.S.;
66 | revising the restriction on officers and full-time
67 | employees of the ombudsman from engaging in other
68 | businesses or professions; amending s. 719.104, F.S.;
69 | requiring an association to allow a member or the
70 | member's representative to use certain portable
71 | devices to make electronic copies of association
72 | records; prohibiting the association from charging the
73 | member or representative for using the portable
74 | device; specifying additional records that are not
75 | accessible to unit owners; amending s. 719.1055, F.S.;
76 | revising provisions relating to the amendment of
77 | cooperative documents; providing legislative findings
78 | and a finding of compelling state interest; providing
79 | criteria for consent or joinder to an amendment;
80 | requiring notice regarding proposed amendments to
81 | mortgagees; providing criteria for notification;
82 | providing for voiding certain amendments; amending s.
83 | 719.106, F.S.; revising applicability of certain board
84 | of administration meeting requirements; requiring

85 commencement of challenges to an election within a
86 specified period; specifying certification or
87 educational requirements for a newly elected or
88 appointed cooperative board director; providing
89 requirements for challenging the failure of a board to
90 duly notice and hold the required board meeting or to
91 file the required petition for a recall; providing
92 requirements for recalled board members to challenge
93 the recall; prohibiting the division from accepting
94 recall petitions for filing under certain
95 circumstances; providing education requirements for
96 board members; amending s. 719.303, F.S.; revising
97 provisions relating to imposing remedies against a
98 noncompliant or delinquent cooperative unit owner or
99 member; amending s. 719.501, F.S.; authorizing the
100 division to provide training and educational programs
101 for cooperative association board members and unit
102 owners; amending s. 720.303, F.S.; requiring an
103 association to allow a member or the member's
104 representative to use certain portable devices to make
105 electronic copies of association records; prohibiting
106 the association from charging the member or
107 representative for using the portable device; revising
108 requirements for the preparation of an association's
109 annual financial statement; revising the types of
110 records that are not accessible to homeowners'
111 association members and parcel owners; providing
112 requirements for challenging the failure of a board to

113 | duly notice and hold the required board meeting or to
114 | file the required petition for a recall; providing
115 | requirements for recalled board members to challenge
116 | the recall; prohibiting the division from accepting
117 | recall petitions for filing under certain
118 | circumstances; amending s. 720.305, F.S.; revising
119 | provisions relating to imposing remedies against a
120 | noncompliant or delinquent homeowners' association
121 | member and parcel owner; amending s. 720.306, F.S.;
122 | revising provisions relating to the amendment of
123 | homeowners' association declarations; providing
124 | legislative findings and a finding of compelling state
125 | interest; providing criteria for consent or joinder to
126 | an amendment; requiring notice to mortgagees regarding
127 | proposed amendments; providing criteria for
128 | notification; providing for voiding certain
129 | amendments; revising provisions relating to right to
130 | speak at a homeowners' association meeting; requiring
131 | commencement of challenges to an election within a
132 | specified period; providing an effective date.

133 |

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

135 |

136 | Section 1. Subsection (9) of section 399.02, Florida
137 | Statutes, is amended to read:

138 | 399.02 General requirements.—

139 | (9) Updates to the Safety Code for Existing Elevators and
140 | Escalators, ASME A17.1 and A17.3, which require Phase II

CS/CS/HB 73

2013

141 Firefighters' Service on elevators may not be enforced ~~until~~
142 ~~July 1, 2015, or~~ until the elevator is replaced or requires
143 major modification, ~~whichever occurs first,~~ on elevators in
144 condominiums or multifamily residential buildings, including
145 those that are part of a continuing care facility licensed under
146 chapter 651, or similar retirement community with apartments,
147 having a certificate of occupancy by the local building
148 authority that was issued before July 1, 2008. This exception
149 does not prevent an elevator owner from requesting a variance
150 from the applicable codes ~~before or after July 1, 2015.~~ This
151 subsection does not prohibit the division from granting
152 variances pursuant to s. 120.542 and subsection (8). The
153 division shall adopt rules to administer this subsection.

154 Section 2. Subsection (2) of section 514.0115, Florida
155 Statutes, is amended to read:

156 514.0115 Exemptions from supervision or regulation;
157 variances.—

158 (2) (a) Pools serving no more than 32 condominium units, ~~or~~
159 cooperative units, or parcels in a homeowners' association as
160 defined in s. 720.301, which are not operated as a transient
161 public lodging establishment, ~~are~~ ~~shall be~~ exempt from
162 supervision under this chapter, except for water quality.

163 (b) Pools serving more than 32 condominium units, ~~or~~
164 cooperative units, or parcels in a homeowners' association as
165 defined in s. 720.301, ~~associations of more than 32 units~~ and
166 whose recorded documents prohibit the rental or sublease of the
167 units or parcels for periods of less than 60 days are exempt
168 from supervision under this chapter, except that the

169 condominium, ~~or~~ cooperative, or parcel owner or association must
 170 file applications with the department and obtain construction
 171 plans approval and receive an initial operating permit. The
 172 department shall inspect the swimming pools at such places
 173 annually, at the fee set forth in s. 514.033(3), or upon request
 174 by a unit owner, to determine compliance with department rules
 175 relating to water quality and lifesaving equipment. The
 176 department may not require compliance with rules relating to
 177 swimming pool lifeguard standards.

178 Section 3. Subsection (8), paragraphs (g) and (j) of
 179 subsection (11), paragraph (c) of subsection (12), and
 180 paragraphs (a) and (b) of subsection (13) of section 718.111,
 181 Florida Statutes, are amended to read:

182 718.111 The association.—

183 (8) PURCHASE OF LEASES.—The association has the power to
 184 purchase any land or recreation lease, subject to the same
 185 manner of approval as in s. 718.114 for the acquisition of
 186 leaseholds ~~upon the approval of such voting interest as is~~
 187 ~~required by the declaration. If the declaration makes no~~
 188 ~~provision for acquisition of the land or recreation lease, the~~
 189 ~~vote required shall be that required to amend the declaration to~~
 190 ~~permit the acquisition.~~

191 (11) INSURANCE.—In order to protect the safety, health,
 192 and welfare of the people of the State of Florida and to ensure
 193 consistency in the provision of insurance coverage to
 194 condominiums and their unit owners, this subsection applies to
 195 every residential condominium in the state, regardless of the
 196 date of its declaration of condominium. It is the intent of the

197 Legislature to encourage lower or stable insurance premiums for
198 associations described in this subsection.

199 (g) A condominium unit owner's policy must conform to the
200 requirements of s. 627.714.

201 1. All reconstruction work after a property loss must be
202 undertaken by the association except as otherwise authorized in
203 this section. A unit owner may undertake reconstruction work on
204 portions of the unit with the prior written consent of the board
205 of administration. However, such work may be conditioned upon
206 the approval of the repair methods, the qualifications of the
207 proposed contractor, or the contract that is used for that
208 purpose. A unit owner must obtain all required governmental
209 permits and approvals before commencing reconstruction.

210 2. Unit owners are responsible for the cost of
211 reconstruction of any portions of the condominium property for
212 which the unit owner is required to carry property insurance, or
213 for which the unit owner is responsible under subsection (j),
214 and the cost of any such reconstruction work undertaken by the
215 association is chargeable to the unit owner and enforceable as
216 an assessment and may be collected in the manner provided for
217 the collection of assessments pursuant to s. 718.116.

218 3. A multicondominium association may elect, by a majority
219 vote of the collective members of the condominiums operated by
220 the association, to operate the condominiums as a single
221 condominium for purposes of insurance matters, including, but
222 not limited to, the purchase of the property insurance required
223 by this section and the apportionment of deductibles and damages
224 in excess of coverage. The election to aggregate the treatment

225 of insurance premiums, deductibles, and excess damages
226 constitutes an amendment to the declaration of all condominiums
227 operated by the association, and the costs of insurance must be
228 stated in the association budget. The amendments must be
229 recorded as required by s. 718.110.

230 (j) Any portion of the condominium property that must be
231 insured by the association against property loss pursuant to
232 paragraph (f) which is damaged by an insurable event shall be
233 reconstructed, repaired, or replaced as necessary by the
234 association as a common expense. All property insurance
235 deductibles, uninsured losses, and other damages in excess of
236 property insurance coverage under the property insurance
237 policies maintained by the association are a common expense of
238 the condominium, except that:

239 1. A unit owner is responsible for the costs of repair or
240 replacement of any portion of the condominium property not paid
241 by insurance proceeds if such damage is caused by intentional
242 conduct, negligence, or failure to comply with the terms of the
243 declaration or the rules of the association by a unit owner, the
244 members of his or her family, unit occupants, tenants, guests,
245 or invitees, without compromise of the subrogation rights of the
246 insurer.

247 2. The provisions of subparagraph 1. regarding the
248 financial responsibility of a unit owner for the costs of
249 repairing or replacing other portions of the condominium
250 property also apply to the costs of repair or replacement of
251 personal property of other unit owners or the association, as
252 well as other property, whether real or personal, which the unit

253 owners are required to insure.

254 3. To the extent the cost of repair or reconstruction for
255 which the unit owner is responsible under this paragraph is
256 reimbursed to the association by insurance proceeds, and the
257 association has collected the cost of such repair or
258 reconstruction from the unit owner, the association shall
259 reimburse the unit owner without the waiver of any rights of
260 subrogation.

261 4. The association is not obligated to pay for
262 reconstruction or repairs of property losses as a common expense
263 if the property losses were known or should have been known to a
264 unit owner and were not reported to the association until after
265 the insurance claim of the association for that property was
266 settled or resolved with finality, or denied because it was
267 untimely filed.

268 (12) OFFICIAL RECORDS.—

269 (c) The official records of the association are open to
270 inspection by any association member or the authorized
271 representative of such member at all reasonable times. The right
272 to inspect the records includes the right to make or obtain
273 copies, at the reasonable expense, if any, of the member. The
274 association may adopt reasonable rules regarding the frequency,
275 time, location, notice, and manner of record inspections and
276 copying. The failure of an association to provide the records
277 within 10 working days after receipt of a written request
278 creates a rebuttable presumption that the association willfully
279 failed to comply with this paragraph. A unit owner who is denied
280 access to official records is entitled to the actual damages or

281 minimum damages for the association's willful failure to comply.
282 Minimum damages are \$50 per calendar day for up to 10 days,
283 beginning on the 11th working day after receipt of the written
284 request. The failure to permit inspection entitles any person
285 prevailing in an enforcement action to recover reasonable
286 attorney ~~attorney's~~ fees from the person in control of the
287 records who, directly or indirectly, knowingly denied access to
288 the records. Any person who knowingly or intentionally defaces
289 or destroys accounting records that are required by this chapter
290 to be maintained during the period for which such records are
291 required to be maintained, or who knowingly or intentionally
292 fails to create or maintain accounting records that are required
293 to be created or maintained, with the intent of causing harm to
294 the association or one or more of its members, is personally
295 subject to a civil penalty pursuant to s. 718.501(1)(d). The
296 association shall maintain an adequate number of copies of the
297 declaration, articles of incorporation, bylaws, and rules, and
298 all amendments to each of the foregoing, as well as the question
299 and answer sheet as described in s. 718.504 and year-end
300 financial information required under this section, on the
301 condominium property to ensure their availability to unit owners
302 and prospective purchasers, and may charge its actual costs for
303 preparing and furnishing these documents to those requesting the
304 documents. An association shall allow a member or his or her
305 authorized representative to use a portable device, including a
306 smartphone, tablet, portable scanner, or any other technology
307 capable of scanning or taking photographs, to make an electronic
308 copy of the official records in lieu of the association's

309 providing the member or his or her authorized representative
310 with a copy of such records. The association may not charge a
311 member or his or her authorized representative for the use of a
312 portable device. Notwithstanding this paragraph, the following
313 records are not accessible to unit owners:

314 1. Any record protected by the lawyer-client privilege as
315 described in s. 90.502 and any record protected by the work-
316 product privilege, including a record prepared by an association
317 attorney or prepared at the attorney's express direction, which
318 reflects a mental impression, conclusion, litigation strategy,
319 or legal theory of the attorney or the association, and which
320 was prepared exclusively for civil or criminal litigation or for
321 adversarial administrative proceedings, or which was prepared in
322 anticipation of such litigation or proceedings until the
323 conclusion of the litigation or proceedings.

324 2. Information obtained by an association in connection
325 with the approval of the lease, sale, or other transfer of a
326 unit.

327 3. Personnel records of association or management company
328 employees, including, but not limited to, disciplinary, payroll,
329 health, and insurance records. For purposes of this
330 subparagraph, the term "personnel records" does not include
331 written employment agreements with an association employee or
332 management company, or budgetary or financial records that
333 indicate the compensation paid to an association employee.

334 4. Medical records of unit owners.

335 5. Social security numbers, driver's license numbers,
336 credit card numbers, e-mail addresses, telephone numbers,

337 facsimile numbers, emergency contact information, addresses of a
338 unit owner other than as provided to fulfill the association's
339 notice requirements, and other personal identifying information
340 of any person, excluding the person's name, unit designation,
341 mailing address, property address, and any address, e-mail
342 address, or facsimile number provided to the association to
343 fulfill the association's notice requirements. However, an owner
344 may consent in writing to the disclosure of protected
345 information described in this subparagraph. The association is
346 not liable for the inadvertent disclosure of information that is
347 protected under this subparagraph if the information is included
348 in an official record of the association and is voluntarily
349 provided by an owner and not requested by the association.

350 6. Electronic security measures that are used by the
351 association to safeguard data, including passwords.

352 7. The software and operating system used by the
353 association which allow the manipulation of data, even if the
354 owner owns a copy of the same software used by the association.
355 The data is part of the official records of the association.

356 (13) FINANCIAL REPORTING.—Within 90 days after the end of
357 the fiscal year, or annually on a date provided in the bylaws,
358 the association shall prepare and complete, or contract for the
359 preparation and completion of, a financial report for the
360 preceding fiscal year. Within 21 days after the final financial
361 report is completed by the association or received from the
362 third party, but not later than 120 days after the end of the
363 fiscal year or other date as provided in the bylaws, the
364 association shall mail to each unit owner at the address last

365 furnished to the association by the unit owner, or hand deliver
366 to each unit owner, a copy of the financial report or a notice
367 that a copy of the financial report will be mailed or hand
368 delivered to the unit owner, without charge, upon receipt of a
369 written request from the unit owner. The division shall adopt
370 rules setting forth uniform accounting principles and standards
371 to be used by all associations and addressing the financial
372 reporting requirements for multicondominium associations. The
373 rules must include, but not be limited to, standards for
374 presenting a summary of association reserves, including a good
375 faith estimate disclosing the annual amount of reserve funds
376 that would be necessary for the association to fully fund
377 reserves for each reserve item based on the straight-line
378 accounting method. This disclosure is not applicable to reserves
379 funded via the pooling method. In adopting such rules, the
380 division shall consider the number of members and annual
381 revenues of an association. Financial reports shall be prepared
382 as follows:

383 (a) An association that meets the criteria of this
384 paragraph shall prepare a complete set of financial statements
385 in accordance with generally accepted accounting principles. The
386 financial statements must be based upon the association's total
387 annual revenues, as follows:

388 1. An association with total annual revenues of \$200,000
389 ~~\$100,000~~ or more, but less than \$300,000 ~~\$200,000~~, shall prepare
390 compiled financial statements.

391 2. An association with total annual revenues of at least
392 \$300,000 ~~\$200,000~~, but less than \$500,000 ~~\$400,000~~, shall

393 | prepare reviewed financial statements.

394 | 3. An association with total annual revenues of \$500,000
 395 | ~~\$400,000~~ or more shall prepare audited financial statements.

396 | (b)1. An association with total annual revenues of less
 397 | than \$200,000 ~~\$100,000~~ shall prepare a report of cash receipts
 398 | and expenditures.

399 | 2. An association that operates fewer than 50 ~~75~~ units,
 400 | regardless of the association's annual revenues, shall prepare a
 401 | report of cash receipts and expenditures in lieu of financial
 402 | statements required by paragraph (a).

403 | 3. A report of cash receipts and disbursements must
 404 | disclose the amount of receipts by accounts and receipt
 405 | classifications and the amount of expenses by accounts and
 406 | expense classifications, including, but not limited to, the
 407 | following, as applicable: costs for security, professional and
 408 | management fees and expenses, taxes, costs for recreation
 409 | facilities, expenses for refuse collection and utility services,
 410 | expenses for lawn care, costs for building maintenance and
 411 | repair, insurance costs, administration and salary expenses, and
 412 | reserves accumulated and expended for capital expenditures,
 413 | deferred maintenance, and any other category for which the
 414 | association maintains reserves.

415 | Section 4. Paragraphs (d) and (j) of subsection (2) of
 416 | section 718.112, Florida Statutes, are amended to read:

417 | 718.112 Bylaws.—

418 | (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
 419 | following and, if they do not do so, shall be deemed to include
 420 | the following:

421 (d) Unit owner meetings.—

422 1. An annual meeting of the unit owners shall be held at
423 the location provided in the association bylaws and, if the
424 bylaws are silent as to the location, the meeting shall be held
425 within 45 miles of the condominium property. However, such
426 distance requirement does not apply to an association governing
427 a timeshare condominium.

428 2. Unless the bylaws provide otherwise, a vacancy on the
429 board caused by the expiration of a director's term shall be
430 filled by electing a new board member, and the election must be
431 by secret ballot. An election is not required if the number of
432 vacancies equals or exceeds the number of candidates. For
433 purposes of this paragraph, the term "candidate" means an
434 eligible person who has timely submitted the written notice, as
435 described in sub-subparagraph 4.a., of his or her intention to
436 become a candidate. Except in a timeshare condominium, or if the
437 staggered term of a board member does not expire until a later
438 annual meeting, or if all members' terms would otherwise expire
439 but there are no candidates, the terms of all board members
440 expire at the annual meeting, and such members may stand for
441 reelection unless prohibited by the bylaws. If the bylaws or
442 articles of incorporation permit ~~staggered~~ terms of no more than
443 2 years ~~and upon approval of a majority of the total voting~~
444 ~~interests~~, the association board members may serve 2-year
445 ~~staggered~~ terms. If the number of board members whose terms
446 expire at the annual meeting equals or exceeds the number of
447 candidates, the candidates become members of the board effective
448 upon the adjournment of the annual meeting. Unless the bylaws

449 provide otherwise, any remaining vacancies shall be filled by
450 the affirmative vote of the majority of the directors making up
451 the newly constituted board even if the directors constitute
452 less than a quorum or there is only one director. In a
453 condominium association of more than 10 units or in a
454 condominium association that does not include timeshare units or
455 timeshare interests, coowners of a unit may not serve as members
456 of the board of directors at the same time unless they own more
457 than one unit or unless there are not enough eligible candidates
458 to fill the vacancies on the board at the time of the vacancy.
459 Any unit owner desiring to be a candidate for board membership
460 must comply with sub-subparagraph 4.a. and must be eligible to
461 be a candidate to serve on the board of directors at the time of
462 the deadline for submitting a notice of intent to run in order
463 to have his or her name listed as a proper candidate on the
464 ballot or to serve on the board. A person who has been suspended
465 or removed by the division under this chapter, or who is
466 delinquent in the payment of any monetary obligation due to the
467 association fee, fine, or special or regular assessment as
468 provided in paragraph (n), is not eligible to be a candidate for
469 board membership and may not be listed on the ballot. A person
470 who has been convicted of any felony in this state or in a
471 United States District or Territorial Court, or who has been
472 convicted of any offense in another jurisdiction which would be
473 considered a felony if committed in this state, is not eligible
474 for board membership unless such felon's civil rights have been
475 restored for at least 5 years as of the date such person seeks
476 election to the board. The validity of an action by the board is

477 not affected if it is later determined that a board member is
478 ineligible for board membership due to having been convicted of
479 a felony.

480 3. The bylaws must provide the method of calling meetings
481 of unit owners, including annual meetings. Written notice must
482 include an agenda, must be mailed, hand delivered, or
483 electronically transmitted to each unit owner at least 14 days
484 before the annual meeting, and must be posted in a conspicuous
485 place on the condominium property at least 14 continuous days
486 before the annual meeting. Upon notice to the unit owners, the
487 board shall, by duly adopted rule, designate a specific location
488 on the condominium property or association property where all
489 notices of unit owner meetings shall be posted. This requirement
490 does not apply if there is no condominium property or
491 association property for posting notices. In lieu of, or in
492 addition to, the physical posting of meeting notices, the
493 association may, by reasonable rule, adopt a procedure for
494 conspicuously posting and repeatedly broadcasting the notice and
495 the agenda on a closed-circuit cable television system serving
496 the condominium association. However, if broadcast notice is
497 used in lieu of a notice posted physically on the condominium
498 property, the notice and agenda must be broadcast at least four
499 times every broadcast hour of each day that a posted notice is
500 otherwise required under this section. If broadcast notice is
501 provided, the notice and agenda must be broadcast in a manner
502 and for a sufficient continuous length of time so as to allow an
503 average reader to observe the notice and read and comprehend the
504 entire content of the notice and the agenda. Unless a unit owner

505 waives in writing the right to receive notice of the annual
506 meeting, such notice must be hand delivered, mailed, or
507 electronically transmitted to each unit owner. Notice for
508 meetings and notice for all other purposes must be mailed to
509 each unit owner at the address last furnished to the association
510 by the unit owner, or hand delivered to each unit owner.
511 However, if a unit is owned by more than one person, the
512 association must provide notice to the address that the
513 developer identifies for that purpose and thereafter as one or
514 more of the owners of the unit advise the association in
515 writing, or if no address is given or the owners of the unit do
516 not agree, to the address provided on the deed of record. An
517 officer of the association, or the manager or other person
518 providing notice of the association meeting, must provide an
519 affidavit or United States Postal Service certificate of
520 mailing, to be included in the official records of the
521 association affirming that the notice was mailed or hand
522 delivered in accordance with this provision.

523 4. The members of the board shall be elected by written
524 ballot or voting machine. Proxies may not be used in electing
525 the board in general elections or elections to fill vacancies
526 caused by recall, resignation, or otherwise, unless otherwise
527 provided in this chapter. This subparagraph does not apply to an
528 association governing a timeshare condominium.

529 a. At least 60 days before a scheduled election, the
530 association shall mail, deliver, or electronically transmit, by
531 separate association mailing or included in another association
532 mailing, delivery, or transmission, including regularly

533 published newsletters, to each unit owner entitled to a vote, a
534 first notice of the date of the election. Any unit owner or
535 other eligible person desiring to be a candidate for the board
536 must give written notice of his or her intent to be a candidate
537 to the association at least 40 days before a scheduled election.
538 Together with the written notice and agenda as set forth in
539 subparagraph 3., the association shall mail, deliver, or
540 electronically transmit a second notice of the election to all
541 unit owners entitled to vote, together with a ballot that lists
542 all candidates. Upon request of a candidate, an information
543 sheet, no larger than 8 1/2 inches by 11 inches, which must be
544 furnished by the candidate at least 35 days before the election,
545 must be included with the mailing, delivery, or transmission of
546 the ballot, with the costs of mailing, delivery, or electronic
547 transmission and copying to be borne by the association. The
548 association is not liable for the contents of the information
549 sheets prepared by the candidates. In order to reduce costs, the
550 association may print or duplicate the information sheets on
551 both sides of the paper. The division shall by rule establish
552 voting procedures consistent with this sub-subparagraph,
553 including rules establishing procedures for giving notice by
554 electronic transmission and rules providing for the secrecy of
555 ballots. Elections shall be decided by a plurality of ballots
556 cast. There is no quorum requirement; however, at least 20
557 percent of the eligible voters must cast a ballot in order to
558 have a valid election. A unit owner may not permit any other
559 person to vote his or her ballot, and any ballots improperly
560 cast are invalid. A unit owner who violates this provision may

561 be fined by the association in accordance with s. 718.303. A
562 unit owner who needs assistance in casting the ballot for the
563 reasons stated in s. 101.051 may obtain such assistance. The
564 regular election must occur on the date of the annual meeting.
565 Notwithstanding this sub-subparagraph, an election is not
566 required unless more candidates file notices of intent to run or
567 are nominated than board vacancies exist.

568 b. Within 90 days after being elected or appointed to the
569 board, each newly elected or appointed director shall certify in
570 writing to the secretary of the association that he or she has
571 read the association's declaration of condominium, articles of
572 incorporation, bylaws, and current written policies; that he or
573 she will work to uphold such documents and policies to the best
574 of his or her ability; and that he or she will faithfully
575 discharge his or her fiduciary responsibility to the
576 association's members. In lieu of this written certification,
577 within 90 days after being elected or appointed to the board,
578 the newly elected or appointed director may submit a certificate
579 of having satisfactorily completed the educational curriculum
580 administered by a division-approved condominium education
581 provider within 1 year before or 90 days after the date of
582 election or appointment. The written certification or
583 educational certificate is valid and does not have to be
584 resubmitted as long as the director serves on the board without
585 interruption. A director who fails to timely file the written
586 certification or educational certificate is suspended from
587 service on the board until he or she complies with this sub-
588 subparagraph. The board may temporarily fill the vacancy during

589 the period of suspension. The secretary shall cause the
590 association to retain a director's written certification or
591 educational certificate for inspection by the members for 5
592 years after a director's election or the duration of the
593 director's uninterrupted tenure, whichever is longer. Failure to
594 have such written certification or educational certificate on
595 file does not affect the validity of any board action.

596 c. Any challenge to the election process must be commenced
597 within 60 days after the election results are announced.

598 5. Any approval by unit owners called for by this chapter
599 or the applicable declaration or bylaws, including, but not
600 limited to, the approval requirement in s. 718.111(8), must be
601 made at a duly noticed meeting of unit owners and is subject to
602 all requirements of this chapter or the applicable condominium
603 documents relating to unit owner decisionmaking, except that
604 unit owners may take action by written agreement, without
605 meetings, on matters for which action by written agreement
606 without meetings is expressly allowed by the applicable bylaws
607 or declaration or any law that provides for such action.

608 6. Unit owners may waive notice of specific meetings if
609 allowed by the applicable bylaws or declaration or any law. If
610 authorized by the bylaws, notice of meetings of the board of
611 administration, unit owner meetings, except unit owner meetings
612 called to recall board members under paragraph (j), and
613 committee meetings may be given by electronic transmission to
614 unit owners who consent to receive notice by electronic
615 transmission.

616 7. Unit owners have the right to participate in meetings

617 of unit owners with reference to all designated agenda items.
618 However, the association may adopt reasonable rules governing
619 the frequency, duration, and manner of unit owner participation.

620 8. A unit owner may tape record or videotape a meeting of
621 the unit owners subject to reasonable rules adopted by the
622 division.

623 9. Unless otherwise provided in the bylaws, any vacancy
624 occurring on the board before the expiration of a term may be
625 filled by the affirmative vote of the majority of the remaining
626 directors, even if the remaining directors constitute less than
627 a quorum, or by the sole remaining director. In the alternative,
628 a board may hold an election to fill the vacancy, in which case
629 the election procedures must conform to sub-subparagraph 4.a.
630 unless the association governs 10 units or fewer and has opted
631 out of the statutory election process, in which case the bylaws
632 of the association control. Unless otherwise provided in the
633 bylaws, a board member appointed or elected under this section
634 shall fill the vacancy for the unexpired term of the seat being
635 filled. Filling vacancies created by recall is governed by
636 paragraph (j) and rules adopted by the division.

637 10. This chapter does not limit the use of general or
638 limited proxies, require the use of general or limited proxies,
639 or require the use of a written ballot or voting machine for any
640 agenda item or election at any meeting of a timeshare
641 condominium association.

642
643 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
644 association of 10 or fewer units may, by affirmative vote of a

645 majority of the total voting interests, provide for different
646 voting and election procedures in its bylaws, which may be by a
647 proxy specifically delineating the different voting and election
648 procedures. The different voting and election procedures may
649 provide for elections to be conducted by limited or general
650 proxy.

651 (j) Recall of board members.—Subject to ~~the provisions of~~
652 s. 718.301, any member of the board of administration may be
653 recalled and removed from office with or without cause by the
654 vote or agreement in writing by a majority of all the voting
655 interests. A special meeting of the unit owners to recall a
656 member or members of the board of administration may be called
657 by 10 percent of the voting interests giving notice of the
658 meeting as required for a meeting of unit owners, and the notice
659 shall state the purpose of the meeting. Electronic transmission
660 may not be used as a method of giving notice of a meeting called
661 in whole or in part for this purpose.

662 1. If the recall is approved by a majority of all voting
663 interests by a vote at a meeting, the recall will be effective
664 as provided in this paragraph herein. The board shall duly
665 notice and hold a board meeting within 5 full business days
666 after ~~of~~ the adjournment of the unit owner meeting to recall one
667 or more board members. At the meeting, the board shall either
668 certify the recall, in which case such member or members shall
669 be recalled effective immediately and shall turn over to the
670 board within 5 full business days any and all records and
671 property of the association in their possession, or shall
672 proceed as set forth in subparagraph 3.

673 2. If the proposed recall is by an agreement in writing by
674 a majority of all voting interests, the agreement in writing or
675 a copy thereof shall be served on the association by certified
676 mail or by personal service in the manner authorized by chapter
677 48 and the Florida Rules of Civil Procedure. The board of
678 administration shall duly notice and hold a meeting of the board
679 within 5 full business days after receipt of the agreement in
680 writing. At the meeting, the board shall either certify the
681 written agreement to recall a member or members of the board, in
682 which case such member or members shall be recalled effective
683 immediately and shall turn over to the board within 5 full
684 business days any and all records and property of the
685 association in their possession, or proceed as described in
686 subparagraph 3.

687 3. If the board determines not to certify the written
688 agreement to recall a member or members of the board, or does
689 not certify the recall by a vote at a meeting, the board shall,
690 within 5 full business days after the meeting, file with the
691 division a petition for arbitration pursuant to the procedures
692 in s. 718.1255. For the purposes of this section, the unit
693 owners who voted at the meeting or who executed the agreement in
694 writing shall constitute one party under the petition for
695 arbitration. If the arbitrator certifies the recall as to any
696 member or members of the board, the recall will be effective
697 upon mailing of the final order of arbitration to the
698 association. If the association fails to comply with the order
699 of the arbitrator, the division may take action pursuant to s.
700 718.501. Any member or members so recalled shall deliver to the

701 board any and all records of the association in their possession
702 within 5 full business days after ~~of~~ the effective date of the
703 recall.

704 4. If the board fails to duly notice and hold a board
705 meeting within 5 full business days after ~~of~~ service of an
706 agreement in writing or within 5 full business days after ~~of~~ the
707 adjournment of the unit owner recall meeting, the recall shall
708 be deemed effective and the board members so recalled shall
709 immediately turn over to the board any and all records and
710 property of the association.

711 5. If the board fails to duly notice and hold the required
712 meeting or fails to file the required petition, the unit owner
713 representative may file a petition pursuant to s. 718.1255
714 challenging the board's failure to act. The petition must be
715 filed within 60 days after the expiration of the applicable 5-
716 full-business-day period. The review of a petition under this
717 subparagraph is limited to the sufficiency of service on the
718 board and the facial validity of the written agreement or
719 ballots filed.

720 ~~6.5.~~ If a vacancy occurs on the board as a result of a
721 recall or removal and less than a majority of the board members
722 are removed, the vacancy may be filled by the affirmative vote
723 of a majority of the remaining directors, notwithstanding any
724 provision to the contrary contained in this subsection. If
725 vacancies occur on the board as a result of a recall and a
726 majority or more of the board members are removed, the vacancies
727 shall be filled in accordance with procedural rules to be
728 adopted by the division, which rules need not be consistent with

729 | this subsection. The rules must provide procedures governing the
730 | conduct of the recall election as well as the operation of the
731 | association during the period after a recall but before ~~prior to~~
732 | the recall election.

733 | 7. A board member who has been recalled may file a
734 | petition pursuant to s. 718.1255 challenging the validity of the
735 | recall. The petition must be filed within 60 days after the
736 | recall is deemed certified. The association and the unit owner
737 | representative shall be named as the respondents.

738 | 8. The division may not accept for filing a recall
739 | petition, whether filed pursuant to subparagraph 1.,
740 | subparagraph 2., subparagraph 5., or subparagraph 7. and
741 | regardless of whether the recall was certified, when there are
742 | 60 or fewer days until the scheduled reelection of the board
743 | member sought to be recalled or when 60 or fewer days have
744 | elapsed since the election of the board member sought to be
745 | recalled.

746 | Section 5. Subsection (5) of section 718.113, Florida
747 | Statutes, is amended to read:

748 | 718.113 Maintenance; limitation upon improvement; display
749 | of flag; hurricane shutters and protection; display of religious
750 | decorations.—

751 | (5) Each board of administration shall adopt hurricane
752 | shutter specifications for each building within each condominium
753 | operated by the association which shall include color, style,
754 | and other factors deemed relevant by the board. All
755 | specifications adopted by the board must comply with the
756 | applicable building code.

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757 (a) The board may, subject to ~~the provisions of s.~~
758 718.3026~~7~~, and the approval of a majority of voting interests of
759 the condominium, install hurricane shutters, impact glass, ~~or~~
760 ~~either~~ code-compliant windows or doors, or other types of code-
761 compliant hurricane protection that comply ~~complies~~ with or
762 exceed ~~exceeds~~ the applicable building code. However, a vote of
763 the owners is not required if the maintenance, repair, and
764 replacement of hurricane shutters, impact glass, ~~or other~~ code-
765 compliant windows or doors, or other types of code-compliant
766 hurricane protection are the responsibility of the association
767 pursuant to the declaration of condominium. If hurricane
768 protection or laminated glass or window film architecturally
769 designed to function as hurricane protection that ~~which~~ complies
770 with or exceeds the current applicable building code has been
771 previously installed, the board may not install hurricane
772 shutters, ~~hurricane protection, or~~ impact glass, ~~or other~~ code-
773 compliant windows or doors, or other types of code-compliant
774 hurricane protection except upon approval by a majority vote of
775 the voting interests.

776 (b) The association is responsible for the maintenance,
777 repair, and replacement of the hurricane shutters, impact glass,
778 code-compliant windows or doors, or other types of code-
779 compliant hurricane protection authorized by this subsection if
780 such property ~~hurricane shutters or other hurricane protection~~
781 is the responsibility of the association pursuant to the
782 declaration of condominium. If the hurricane shutters, impact
783 glass, code-compliant windows or doors, or other types of code-
784 compliant hurricane protection ~~authorized by this subsection~~ are

785 the responsibility of the unit owners pursuant to the
786 declaration of condominium, the maintenance, repair, and
787 replacement of such items are the responsibility of the unit
788 owner.

789 (c) The board may operate shutters, impact glass, code-
790 compliant windows or doors, or other types of code-compliant
791 hurricane protection installed pursuant to this subsection
792 without permission of the unit owners only if such operation is
793 necessary to preserve and protect the condominium property and
794 association property. The installation, replacement, operation,
795 repair, and maintenance of such shutters, impact glass, code-
796 compliant windows or doors, or other types of code-compliant
797 hurricane protection in accordance with the procedures set forth
798 in this paragraph are not a material alteration to the common
799 elements or association property within the meaning of this
800 section.

801 (d) Notwithstanding any other provision in the condominium
802 documents, if approval is required by the documents, a board may
803 not refuse to approve the installation or replacement of
804 hurricane shutters, impact glass, code-compliant windows or
805 doors, or other types of code-compliant hurricane protection by
806 a unit owner conforming to the specifications adopted by the
807 board.

808 Section 6. Paragraph (e) of subsection (1) of section
809 718.115, Florida Statutes, is amended to read:

810 718.115 Common expenses and common surplus.—

811 (1)

812 (e) The expense of installation, replacement, operation,

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813 repair, and maintenance of hurricane shutters, impact glass,
814 code-compliant windows or doors, or other types of code-
815 compliant hurricane protection by the board pursuant to s.
816 718.113(5) constitutes ~~shall constitute~~ a common expense ~~as~~
817 ~~defined herein~~ and shall be collected as provided in this
818 section if the association is responsible for the maintenance,
819 repair, and replacement of the hurricane shutters, impact glass,
820 code-compliant windows or doors, or other types of code-
821 compliant hurricane protection pursuant to the declaration of
822 condominium. However, if the maintenance, repair, and
823 replacement of the hurricane shutters, impact glass, code-
824 compliant windows or doors, or other types of code-compliant
825 hurricane protection are ~~is~~ the responsibility of the unit
826 owners pursuant to the declaration of condominium, the cost of
827 the installation of the hurricane shutters, impact glass, code-
828 compliant windows or doors, or other types of code-compliant
829 hurricane protection is ~~shall not be~~ a common expense and, ~~but~~
830 shall be charged individually to the unit owners based on the
831 cost of installation of the hurricane shutters, impact glass,
832 code-compliant windows or doors, or other types of code-
833 compliant hurricane protection appurtenant to the unit.
834 Notwithstanding ~~the provisions of~~ s. 718.116(9), and regardless
835 of whether or not the declaration requires the association or
836 unit owners to maintain, repair, or replace hurricane shutters,
837 impact glass, code-compliant windows or doors, or other types of
838 code-compliant hurricane protection, a unit owner who has
839 previously installed hurricane shutters in accordance with s.
840 718.113(5) that comply with the current applicable building code

841 shall receive a credit when the shutters are installed; a unit
842 owner who has previously installed impact glass or code-
843 compliant windows or doors that comply with the current
844 applicable building code shall receive a credit when the impact
845 glass or code-compliant windows or doors are installed; and a
846 unit owner who has installed, other types of code-compliant
847 hurricane protection that comply with the current applicable
848 building code shall receive a credit when the same type of other
849 code-compliant hurricane protection is installed, and the ~~or~~
850 ~~laminated glass architecturally designed to function as~~
851 ~~hurricane protection, which hurricane shutters or other~~
852 ~~hurricane protection or laminated glass comply with the current~~
853 ~~applicable building code, shall receive a credit shall be equal~~
854 to the pro rata portion of the assessed installation cost
855 assigned to each unit. However, such unit owner remains ~~shall~~
856 ~~remain~~ responsible for the pro rata share of expenses for
857 hurricane shutters, impact glass, code-compliant windows or
858 doors, or other types of code-compliant hurricane protection
859 installed on common elements and association property by the
860 board pursuant to s. 718.113(5), and remains ~~shall remain~~
861 responsible for a pro rata share of the expense of the
862 replacement, operation, repair, and maintenance of such
863 shutters, impact glass, code-compliant windows or doors, or
864 other types of code-compliant hurricane protection.

865 Section 7. Paragraph (a) of subsection (3) of section
866 718.303, Florida Statutes, is amended to read:

867 718.303 Obligations of owners and occupants; remedies.—

868 (3) The association may levy reasonable fines for the

869 failure of the owner of the unit or its occupant, licensee, or
870 invitee to comply with any provision of the declaration, the
871 association bylaws, or reasonable rules of the association. A
872 fine may not become a lien against a unit. A fine may be levied
873 on the basis of each day of a continuing violation, with a
874 single notice and opportunity for hearing. However, the fine may
875 not exceed \$100 per violation, or \$1,000 in the aggregate.

876 (a) An association may suspend, for a reasonable period of
877 time, the right of a unit owner, or a unit owner's tenant,
878 guest, or invitee, to use the common elements, common
879 facilities, or any other association property for failure to
880 comply with any provision of the declaration, the association
881 bylaws, or reasonable rules of the association. This paragraph
882 does not apply to limited common elements intended to be used
883 only by that unit, common elements needed to access the unit,
884 utility services provided to the unit, parking spaces, or
885 elevators.

886 Section 8. Subsection (1) of section 718.403, Florida
887 Statutes, is amended to read:

888 718.403 Phase condominiums.—

889 (1) Notwithstanding ~~the provisions of~~ s. 718.110, a
890 developer may develop a condominium in phases, if the original
891 declaration of condominium submitting the initial phase to
892 condominium ownership or an amendment to the declaration which
893 has been approved by all of the unit owners and unit mortgagees
894 provides for and describes in detail all anticipated phases; the
895 impact, if any, which the completion of subsequent phases would
896 have upon the initial phase; and the time period ~~(which may not~~

897 ~~exceed 7 years from the date of recording the declaration of~~
898 ~~condominium)~~ within which all phases must be added to the
899 condominium and comply with the requirements of this section and
900 at the end of which the right to add additional phases expires.

901 (a) All phases must be added to the condominium within 7
902 years after the date of recording the original declaration of
903 condominium submitting the initial phase to condominium
904 ownership unless an amendment extending the 7-year period is
905 approved by the unit owners.

906 (b) An amendment to extend the 7-year period requires the
907 approval of the owners necessary to amend the declaration of
908 condominium consistent with s. 718.110(1)(a). An extension of
909 the 7-year period may be submitted for approval only during the
910 last 3 years of the 7-year period.

911 (c) An amendment must describe the period within which all
912 phases must be added to the condominium and such period may not
913 exceed 10 years after the date of recording the original
914 declaration of condominium submitting the initial phase to
915 condominium ownership.

916 (d) Notwithstanding s. 718.110, an amendment extending the
917 7-year period is not an amendment subject to s. 718.110(4).

918 Section 9. Section 718.406, Florida Statutes, is created
919 to read:

920 718.406 Condominiums created within condominium parcels.-

921 (1) Unless otherwise expressed in the declaration of
922 condominium, if a condominium is created within a condominium
923 parcel, the term:

924 (a) "Primary condominium" means any condominium that is

925 not a secondary condominium and contains one or more subdivided
926 parcels.

927 (b) "Primary condominium association" means any entity
928 that operates a primary condominium.

929 (c) "Primary condominium declaration" means the instrument
930 or instruments by which a primary condominium is created, as
931 they are from time to time amended.

932 (d) "Secondary condominium" means one or more condominium
933 parcels that have been submitted to condominium ownership
934 pursuant to a secondary condominium declaration.

935 (e) "Secondary condominium association" means any entity
936 responsible for the operation of a secondary condominium.

937 (f) "Secondary condominium declaration" means the
938 instrument or instruments by which a secondary condominium is
939 created, as they are from time to time amended.

940 (g) "Secondary unit" means a unit that is part of a
941 secondary condominium.

942 (h) "Subdivided parcel" means a condominium parcel in a
943 primary condominium that has been submitted to condominium
944 ownership pursuant to a secondary condominium declaration.

945 (2) Unless otherwise provided in the primary condominium
946 declaration, if a condominium parcel is a subdivided parcel, the
947 secondary condominium association responsible for operating the
948 secondary condominium upon the subdivided parcel shall act on
949 behalf of all of the unit owners of secondary units in the
950 secondary condominium and shall exercise all rights of the
951 secondary unit owners in the primary condominium association,
952 other than the right of possession of the secondary unit. The

953 secondary condominium association shall designate a
954 representative who shall cast the vote of the subdivided parcel
955 in the primary condominium association and, if no person is
956 designated by the secondary condominium association to cast such
957 vote, the vote shall be cast by the president of the secondary
958 condominium association or the designee of the president.

959 (3) Unless otherwise provided in the primary condominium
960 declaration as originally recorded, no secondary condominium may
961 be created upon any condominium parcel in the primary
962 condominium, and no amendment to the primary condominium
963 declaration may permit secondary condominiums to be created upon
964 parcels in the primary condominium, unless the record owners of
965 a majority of the condominium parcels join in the execution of
966 the amendment.

967 (4) If the primary condominium declaration permits the
968 creation of a secondary condominium and a condominium parcel in
969 the primary condominium is being submitted for condominium
970 ownership to create a secondary condominium upon the primary
971 condominium parcel, the approval of the board of administration
972 of the primary condominium association is required in order to
973 create the secondary condominium on the primary condominium
974 parcel. Unless otherwise provided in the primary condominium
975 declaration, the owners of condominium parcels in the primary
976 condominium that will not be part of the proposed secondary
977 condominium and the holders of liens upon such primary
978 condominium parcels shall not have approval rights regarding the
979 creation of the secondary condominium or the contents of the
980 secondary condominium declaration being submitted. Only the

981 board of administration of the primary condominium association,
982 the owner of the subdivided parcel, and the holders of liens
983 upon the subdivided parcel shall have approval rights regarding
984 the creation of the secondary condominium and the contents of
985 the secondary condominium declaration. In order for the
986 recording of the secondary condominium declaration to be
987 effective to create the secondary condominium, the board of
988 administration of the primary condominium association, the owner
989 of the subdivided parcel, and all holders of liens on the
990 subdivided parcel must execute the secondary condominium
991 declaration for the purpose of evidencing their approval.

992 (5) An owner of a secondary unit is subject to both the
993 primary condominium declaration and the secondary condominium
994 declaration.

995 (6) The primary condominium association may provide
996 insurance required by s. 718.111(11) for common elements and
997 other improvements within the secondary condominium if the
998 primary condominium declaration permits the primary condominium
999 association to provide such insurance for the benefit of the
1000 condominium property included in the subdivided parcel, in lieu
1001 of such insurance being provided by the secondary condominium
1002 association.

1003 (7) Unless otherwise provided in the primary condominium
1004 declaration, the board of administration of the primary
1005 condominium association may adopt hurricane shutter or hurricane
1006 protection specifications for each building within which
1007 subdivided parcels are located and govern any subdivided parcels
1008 in the primary condominium.

1009 (8) Any unit owner of, or holder of a first mortgage on, a
1010 secondary unit may register such unit owner's or mortgagee's
1011 interest in the secondary unit with the primary condominium
1012 association by delivering written notice to the primary
1013 condominium association. Once registered, the primary
1014 condominium association must provide written notice to such
1015 secondary unit owner and his, her, or its first mortgagee at
1016 least 30 days before instituting any foreclosure action against
1017 the subdivided parcel in which the secondary unit owner and his,
1018 her, or its first mortgagee hold an interest for failure of the
1019 subdivided parcel owner to pay any assessments or other amounts
1020 due to the primary condominium association. A foreclosure action
1021 against a subdivided parcel is not effective without an
1022 affidavit indicating that written notice of the foreclosure was
1023 timely sent to the names and addresses of secondary unit owners
1024 and first mortgagees registered with the primary condominium
1025 association pursuant to this subsection. The registered
1026 secondary unit owner or mortgagee has a right to pay the
1027 proportionate amount of the delinquent assessment attributable
1028 to the secondary unit in which the registered unit owner or
1029 mortgagee holds an interest. Upon such payment, the primary
1030 condominium association is obligated to promptly modify or
1031 partially release the record of lien on the primary condominium
1032 association so that the lien no longer encumbers such secondary
1033 unit. Alternatively, a registered secondary unit owner or
1034 mortgagee may pay the amount of all delinquent assessments
1035 attributed to the subdivided parcel and seek reimbursement for
1036 all such amounts paid and all costs incurred from the secondary

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1037 condominium association, including, without limitation, the
1038 costs of collection other than the share allocable to the
1039 secondary unit on behalf of which such payment was made.

1040 (9) In the event of a conflict between the primary
1041 condominium declaration and the secondary condominium
1042 declaration, the primary condominium declaration controls.

1043 (10) All common expenses due to the primary condominium
1044 association with respect to a subdivided parcel are a common
1045 expense of the secondary condominium association and shall be
1046 collected by the secondary condominium association from its
1047 members and paid to the primary condominium association.

1048 Section 10. Subsection (2) of section 718.5011, Florida
1049 Statutes, is amended to read:

1050 718.5011 Ombudsman; appointment; administration.—

1051 (2) The Governor shall appoint the ombudsman. The
1052 ombudsman must be an attorney admitted to practice before the
1053 Florida Supreme Court and shall serve at the pleasure of the
1054 Governor. A vacancy in the office shall be filled in the same
1055 manner as the original appointment. An officer or full-time
1056 employee of the ombudsman's office may not actively engage in
1057 any other business or profession that directly or indirectly
1058 relates to or conflicts with his or her work in the ombudsman's
1059 office; serve as the representative of any political party,
1060 executive committee, or other governing body of a political
1061 party; serve as an executive, officer, or employee of a
1062 political party; receive remuneration for activities on behalf
1063 of any candidate for public office; or engage in soliciting
1064 votes or other activities on behalf of a candidate for public

1065 office. The ombudsman or any employee of his or her office may
 1066 not become a candidate for election to public office unless he
 1067 or she first resigns from his or her office or employment.

1068 Section 11. Paragraphs (b) and (c) of subsection (2) of
 1069 section 719.104, Florida Statutes, are amended to read:

1070 719.104 Cooperatives; access to units; records; financial
 1071 reports; assessments; purchase of leases.—

1072 (2) OFFICIAL RECORDS.—

1073 (b) The official records of the association shall be
 1074 maintained within the state. The records of the association
 1075 shall be made available to a unit owner within 5 working days
 1076 after receipt of written request by the board or its designee.
 1077 This paragraph may be complied with by having a copy of the
 1078 official records available for inspection or copying on the
 1079 cooperative property. An association shall allow a member or his
 1080 or her authorized representative to use a portable device,
 1081 including a smartphone, tablet, portable scanner, or any other
 1082 technology capable of scanning or taking photographs, to make an
 1083 electronic copy of the official records in lieu of the
 1084 association's providing the member or his or her authorized
 1085 representative with a copy of such records. The association may
 1086 not charge a member or his or her authorized representative for
 1087 the use of a portable device.

1088 (c) The official records of the association shall be open
 1089 to inspection by any association member or the authorized
 1090 representative of such member at all reasonable times. Failure
 1091 to permit inspection of the association records as provided in
 1092 this subsection ~~herein~~ entitles any person prevailing in an

1093 enforcement action to recover reasonable attorney ~~attorney's~~
 1094 fees from the person in control of the records who, directly or
 1095 indirectly, knowingly denies access to the records for
 1096 inspection. The right to inspect the records includes the right
 1097 to make or obtain copies, at the reasonable expense, if any, of
 1098 the association member. The association may adopt reasonable
 1099 rules regarding the frequency, time, location, notice, and
 1100 manner of record inspections and copying. The failure of an
 1101 association to provide the records within 10 working days after
 1102 receipt of a written request creates a rebuttable presumption
 1103 that the association willfully failed to comply with this
 1104 paragraph. A unit owner who is denied access to official records
 1105 is entitled to the actual damages or minimum damages for the
 1106 association's willful failure to comply with this paragraph. The
 1107 minimum damages shall be \$50 per calendar day up to 10 days, the
 1108 calculation to begin on the 11th day after receipt of the
 1109 written request. The association shall maintain an adequate
 1110 number of copies of the declaration, articles of incorporation,
 1111 bylaws, and rules, and all amendments to each of the foregoing,
 1112 as well as the question and answer sheet provided for in s.
 1113 719.504, on the cooperative property to ensure their
 1114 availability to unit owners and prospective purchasers, and may
 1115 charge its actual costs for preparing and furnishing these
 1116 documents to those requesting the same. Notwithstanding ~~the~~
 1117 ~~provisions of~~ this paragraph, the following records shall not be
 1118 accessible to unit owners:

- 1119 1. Any record protected by the lawyer-client privilege as
 1120 provided in s. 90.502; protected by the work-product privilege,

1121 including any record ~~A record that was~~ prepared by an
1122 association attorney or prepared at the attorney's express
1123 direction; reflecting ~~that reflects~~ a mental impression,
1124 conclusion, litigation strategy, or legal theory of the attorney
1125 or the association; or ~~that was~~ prepared exclusively for civil
1126 or criminal litigation or for adversarial administrative
1127 proceedings or in anticipation of imminent civil or criminal
1128 litigation or imminent adversarial administrative proceedings,
1129 until the conclusion of the litigation or adversarial
1130 administrative proceedings.

1131 2. Information obtained by an association in connection
1132 with the approval of the lease, sale, or other transfer of a
1133 unit.

1134 3. Medical records of unit owners.

1135 4. Personnel records of association employees, including,
1136 but not limited to, disciplinary, payroll, health, and insurance
1137 records. For purposes of this subparagraph, the term "personnel
1138 records" does not include written employment agreements with an
1139 association employee or budgetary or financial records that
1140 indicate the compensation paid to an association employee.

1141 5. Social security numbers, driver license numbers, credit
1142 card numbers, e-mail addresses, telephone numbers, emergency
1143 contact information, any addresses of a unit owner other than
1144 addresses provided to fulfill the association's notice
1145 requirements, and other personal identifying information of any
1146 person, excluding the person's name, unit designation, mailing
1147 address, and property address.

1148 6. Any electronic security measures that are used by the

1149 association to safeguard data, including passwords.

1150 7. The software and operating system used by the
1151 association which allows manipulation of data, even if the owner
1152 owns a copy of the same software used by the association. The
1153 data is part of the official records of the association.

1154 Section 12. Subsection (7) is added to section 719.1055,
1155 Florida Statutes, to read:

1156 719.1055 Amendment of cooperative documents; alteration
1157 and acquisition of property.—

1158 (7) The Legislature finds that the procurement of
1159 mortgagee consent to amendments that do not affect the rights or
1160 interests of mortgagees is an unreasonable and substantial
1161 logistical and financial burden on the unit owners and that
1162 there is a compelling state interest in enabling the members of
1163 an association to approve amendments to the association's
1164 cooperative documents through legal means. Accordingly, and
1165 notwithstanding any provision of this subsection to the
1166 contrary:

1167 (a) As to any mortgage recorded on or after July 1, 2013,
1168 any provision in the association's cooperative documents that
1169 requires the consent or joinder of some or all mortgagees of
1170 units or any other portion of the association's common areas to
1171 amend the association's cooperative documents or for any other
1172 matter is enforceable only as to amendments to the association's
1173 cooperative documents that adversely affect the priority of the
1174 mortgagee's lien or the mortgagee's rights to foreclose its lien
1175 or that otherwise materially affect the rights and interests of
1176 the mortgagees.

1177 (b) As to mortgages recorded before July 1, 2013, any
1178 existing provisions in the association's cooperative documents
1179 requiring mortgagee consent are enforceable.

1180 (c) In securing consent or joinder, the association is
1181 entitled to rely upon the public records to identify the holders
1182 of outstanding mortgages. The association may use the address
1183 provided in the original recorded mortgage document, unless
1184 there is a different address for the holder of the mortgage in a
1185 recorded assignment or modification of the mortgage, which
1186 recorded assignment or modification must reference the official
1187 records book and page on which the original mortgage was
1188 recorded. Once the association has identified the recorded
1189 mortgages of record, the association shall, in writing, request
1190 of each unit owner whose unit is encumbered by a mortgage of
1191 record any information that the owner has in his or her
1192 possession regarding the name and address of the person to whom
1193 mortgage payments are currently being made. Notice shall be sent
1194 to such person if the address provided in the original recorded
1195 mortgage document is different from the name and address of the
1196 mortgagee or assignee of the mortgage as shown by the public
1197 record. The association is deemed to have complied with this
1198 requirement by making the written request of the unit owners
1199 required under this paragraph. Any notices required to be sent
1200 to the mortgagees under this paragraph shall be sent to all
1201 available addresses provided to the association.

1202 (d) Any notice to the mortgagees required under paragraph
1203 (c) may be sent by a method that establishes proof of delivery,

1204 and any mortgagee who fails to respond within 60 days after the
 1205 date of mailing is deemed to have consented to the amendment.

1206 (e) For those amendments requiring mortgagee consent on or
 1207 after July 1, 2013, in the event mortgagee consent is provided
 1208 other than by properly recorded joinder, such consent shall be
 1209 evidenced by affidavit of the association recorded in the public
 1210 records of the county in which the declaration is recorded.

1211 (f) Any amendment adopted without the required consent of
 1212 a mortgagee is voidable only by a mortgagee who was entitled to
 1213 notice and an opportunity to consent. An action to void an
 1214 amendment is subject to the statute of limitations beginning 5
 1215 years after the date of discovery as to the amendments described
 1216 in paragraph (a) and 5 years after the date of recordation of
 1217 the certificate of amendment for all other amendments. This
 1218 paragraph applies to all mortgages, regardless of the date of
 1219 recordation of the mortgage.

1220 Section 13. Paragraphs (c), (d), and (f) of subsection (1)
 1221 of section 719.106, Florida Statutes, are amended to read:

1222 719.106 Bylaws; cooperative ownership.—

1223 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 1224 documents shall provide for the following, and if they do not,
 1225 they shall be deemed to include the following:

1226 (c) Board of administration meetings.—Meetings of the
 1227 board of administration at which a quorum of the members is
 1228 present shall be open to all unit owners. Any unit owner may
 1229 tape record or videotape meetings of the board of
 1230 administration. The right to attend such meetings includes the
 1231 right to speak at such meetings with reference to all designated

1232 agenda items. The division shall adopt reasonable rules
 1233 governing the tape recording and videotaping of the meeting. The
 1234 association may adopt reasonable written rules governing the
 1235 frequency, duration, and manner of unit owner statements.
 1236 Adequate notice of all meetings shall be posted in a conspicuous
 1237 place upon the cooperative property at least 48 continuous hours
 1238 preceding the meeting, except in an emergency. Any item not
 1239 included on the notice may be taken up on an emergency basis by
 1240 at least a majority plus one of the members of the board. Such
 1241 emergency action shall be noticed and ratified at the next
 1242 regular meeting of the board. However, written notice of any
 1243 meeting at which nonemergency special assessments, or at which
 1244 amendment to rules regarding unit use, will be considered shall
 1245 be mailed, delivered, or electronically transmitted to the unit
 1246 owners and posted conspicuously on the cooperative property not
 1247 less than 14 days before ~~prior to~~ the meeting. Evidence of
 1248 compliance with this 14-day notice shall be made by an affidavit
 1249 executed by the person providing the notice and filed among the
 1250 official records of the association. Upon notice to the unit
 1251 owners, the board shall by duly adopted rule designate a
 1252 specific location on the cooperative property upon which all
 1253 notices of board meetings shall be posted. In lieu of or in
 1254 addition to the physical posting of notice of any meeting of the
 1255 board of administration on the cooperative property, the
 1256 association may, by reasonable rule, adopt a procedure for
 1257 conspicuously posting and repeatedly broadcasting the notice and
 1258 the agenda on a closed-circuit cable television system serving
 1259 the cooperative association. However, if broadcast notice is

1260 used in lieu of a notice posted physically on the cooperative
 1261 property, the notice and agenda must be broadcast at least four
 1262 times every broadcast hour of each day that a posted notice is
 1263 otherwise required under this section. When broadcast notice is
 1264 provided, the notice and agenda must be broadcast in a manner
 1265 and for a sufficient continuous length of time so as to allow an
 1266 average reader to observe the notice and read and comprehend the
 1267 entire content of the notice and the agenda. Notice of any
 1268 meeting in which regular assessments against unit owners are to
 1269 be considered for any reason shall specifically contain a
 1270 statement that assessments will be considered and the nature of
 1271 any such assessments. Meetings of a committee to take final
 1272 action on behalf of the board or to make recommendations to the
 1273 board regarding the association budget are subject to the
 1274 provisions of this paragraph. Meetings of a committee that does
 1275 not take final action on behalf of the board or make
 1276 recommendations to the board regarding the association budget
 1277 are subject to the provisions of this section, unless those
 1278 meetings are exempted from this section by the bylaws of the
 1279 association. Notwithstanding any other law to the contrary, the
 1280 requirement that board meetings and committee meetings be open
 1281 to the unit owners does not apply ~~is inapplicable~~ to board or
 1282 committee meetings held for the purpose of discussing personnel
 1283 matters or meetings between the board or a committee and the
 1284 association's attorney, with respect to proposed or pending
 1285 litigation, if ~~when~~ the meeting is held for the purpose of
 1286 seeking or rendering legal advice.

1287 (d) Shareholder meetings.—There shall be an annual meeting

1288 of the shareholders. All members of the board of administration
1289 shall be elected at the annual meeting unless the bylaws provide
1290 for staggered election terms or for their election at another
1291 meeting. Any unit owner desiring to be a candidate for board
1292 membership must comply with subparagraph 1. The bylaws must
1293 provide the method for calling meetings, including annual
1294 meetings. Written notice, which must incorporate an
1295 identification of agenda items, shall be given to each unit
1296 owner at least 14 days before the annual meeting and posted in a
1297 conspicuous place on the cooperative property at least 14
1298 continuous days preceding the annual meeting. Upon notice to the
1299 unit owners, the board must by duly adopted rule designate a
1300 specific location on the cooperative property upon which all
1301 notice of unit owner meetings are posted. In lieu of or in
1302 addition to the physical posting of the meeting notice, the
1303 association may, by reasonable rule, adopt a procedure for
1304 conspicuously posting and repeatedly broadcasting the notice and
1305 the agenda on a closed-circuit cable television system serving
1306 the cooperative association. However, if broadcast notice is
1307 used in lieu of a posted notice, the notice and agenda must be
1308 broadcast at least four times every broadcast hour of each day
1309 that a posted notice is otherwise required under this section.
1310 If broadcast notice is provided, the notice and agenda must be
1311 broadcast in a manner and for a sufficient continuous length of
1312 time to allow an average reader to observe the notice and read
1313 and comprehend the entire content of the notice and the agenda.
1314 Unless a unit owner waives in writing the right to receive
1315 notice of the annual meeting, the notice of the annual meeting

1316 must be sent by mail, hand delivered, or electronically
1317 transmitted to each unit owner. An officer of the association
1318 must provide an affidavit or United States Postal Service
1319 certificate of mailing, to be included in the official records
1320 of the association, affirming that notices of the association
1321 meeting were mailed, hand delivered, or electronically
1322 transmitted, in accordance with this provision, to each unit
1323 owner at the address last furnished to the association.

1324 1. The board of administration shall be elected by written
1325 ballot or voting machine. A proxy may not be used in electing
1326 the board of administration in general elections or elections to
1327 fill vacancies caused by recall, resignation, or otherwise
1328 unless otherwise provided in this chapter.

1329 a. At least 60 days before a scheduled election, the
1330 association shall mail, deliver, or transmit, whether by
1331 separate association mailing, delivery, or electronic
1332 transmission or included in another association mailing,
1333 delivery, or electronic transmission, including regularly
1334 published newsletters, to each unit owner entitled to vote, a
1335 first notice of the date of the election. Any unit owner or
1336 other eligible person desiring to be a candidate for the board
1337 of administration must give written notice to the association at
1338 least 40 days before a scheduled election. Together with the
1339 written notice and agenda as set forth in this section, the
1340 association shall mail, deliver, or electronically transmit a
1341 second notice of election to all unit owners entitled to vote,
1342 together with a ballot that ~~which~~ lists all candidates. Upon
1343 request of a candidate, the association shall include an

1344 information sheet, no larger than 8 1/2 inches by 11 inches,
1345 which must be furnished by the candidate at least 35 days before
1346 the election, to be included with the mailing, delivery, or
1347 electronic transmission of the ballot, with the costs of
1348 mailing, delivery, or transmission and copying to be borne by
1349 the association. The association is not liable for the contents
1350 of the information sheets provided by the candidates. In order
1351 to reduce costs, the association may print or duplicate the
1352 information sheets on both sides of the paper. The division
1353 shall by rule establish voting procedures consistent with this
1354 subparagraph, including rules establishing procedures for giving
1355 notice by electronic transmission and rules providing for the
1356 secrecy of ballots. Elections shall be decided by a plurality of
1357 those ballots cast. There is no quorum requirement. However, at
1358 least 20 percent of the eligible voters must cast a ballot in
1359 order to have a valid election. A unit owner may not permit any
1360 other person to vote his or her ballot, and any such ballots
1361 improperly cast are invalid. A unit owner who needs assistance
1362 in casting the ballot for the reasons stated in s. 101.051 may
1363 obtain assistance in casting the ballot. Any unit owner
1364 violating this provision may be fined by the association in
1365 accordance with s. 719.303. The regular election must occur on
1366 the date of the annual meeting. This subparagraph does not apply
1367 to timeshare cooperatives. Notwithstanding this subparagraph, an
1368 election and balloting are not required unless more candidates
1369 file a notice of intent to run or are nominated than vacancies
1370 exist on the board. Any challenge to the election process must
1371 be commenced within 60 days after the election results are

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1372 announced.

1373 b. Within 90 days after being elected or appointed to the

1374 board, each new director shall certify in writing to the

1375 secretary of the association that he or she has read the

1376 association's bylaws, articles of incorporation, proprietary

1377 lease, and current written policies; that he or she will work to

1378 uphold such documents and policies to the best of his or her

1379 ability; and that he or she will faithfully discharge his or her

1380 fiduciary responsibility to the association's members. Within 90

1381 days after being elected or appointed to the board, in lieu of

1382 this written certification, the newly elected or appointed

1383 director may submit a certificate of having satisfactorily

1384 completed the educational curriculum administered by an

1385 education provider as approved by the division pursuant to the

1386 requirements established in chapter 718 within 1 year before or

1387 90 days after the date of election or appointment. The

1388 educational certificate is valid and does not have to be

1389 resubmitted as long as the director serves on the board without

1390 interruption. A director who fails to timely file the written

1391 certification or educational certificate is suspended from

1392 service on the board until he or she complies with this sub-

1393 subparagraph. The board may temporarily fill the vacancy during

1394 the period of suspension. The secretary of the association shall

1395 cause the association to retain a director's written

1396 certification or educational certificate for inspection by the

1397 members for 5 years after a director's election or the duration

1398 of the director's uninterrupted tenure, whichever is longer.

1399 Failure to have such written certification or educational

1400 certificate on file does not affect the validity of any board
1401 action.

1402 2. Any approval by unit owners called for by this chapter,
1403 or the applicable cooperative documents, must be made at a duly
1404 noticed meeting of unit owners and is subject to this chapter or
1405 the applicable cooperative documents relating to unit owner
1406 decisionmaking, except that unit owners may take action by
1407 written agreement, without meetings, on matters for which action
1408 by written agreement without meetings is expressly allowed by
1409 the applicable cooperative documents or law which provides for
1410 the unit owner action.

1411 3. Unit owners may waive notice of specific meetings if
1412 allowed by the applicable cooperative documents or law. If
1413 authorized by the bylaws, notice of meetings of the board of
1414 administration, shareholder meetings, except shareholder
1415 meetings called to recall board members under paragraph (f), and
1416 committee meetings may be given by electronic transmission to
1417 unit owners who consent to receive notice by electronic
1418 transmission.

1419 4. Unit owners have the right to participate in meetings
1420 of unit owners with reference to all designated agenda items.
1421 However, the association may adopt reasonable rules governing
1422 the frequency, duration, and manner of unit owner participation.

1423 5. Any unit owner may tape record or videotape meetings of
1424 the unit owners subject to reasonable rules adopted by the
1425 division.

1426 6. Unless otherwise provided in the bylaws, a vacancy
1427 occurring on the board before the expiration of a term may be

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1428 filled by the affirmative vote of the majority of the remaining
1429 directors, even if the remaining directors constitute less than
1430 a quorum, or by the sole remaining director. In the alternative,
1431 a board may hold an election to fill the vacancy, in which case
1432 the election procedures must conform to the requirements of
1433 subparagraph 1. unless the association has opted out of the
1434 statutory election process, in which case the bylaws of the
1435 association control. Unless otherwise provided in the bylaws, a
1436 board member appointed or elected under this subparagraph shall
1437 fill the vacancy for the unexpired term of the seat being
1438 filled. Filling vacancies created by recall is governed by
1439 paragraph (f) and rules adopted by the division.

1440
1441 Notwithstanding subparagraphs (b)2. and (d)1., an association
1442 may, by the affirmative vote of a majority of the total voting
1443 interests, provide for a different voting and election procedure
1444 in its bylaws, which vote may be by a proxy specifically
1445 delineating the different voting and election procedures. The
1446 different voting and election procedures may provide for
1447 elections to be conducted by limited or general proxy.

1448 (f) Recall of board members.—Subject to ~~the provisions of~~
1449 s. 719.301, any member of the board of administration may be
1450 recalled and removed from office with or without cause by the
1451 vote or agreement in writing by a majority of all the voting
1452 interests. A special meeting of the voting interests to recall
1453 any member of the board of administration may be called by 10
1454 percent of the unit owners giving notice of the meeting as
1455 required for a meeting of unit owners, and the notice shall

1456 state the purpose of the meeting. Electronic transmission may
1457 not be used as a method of giving notice of a meeting called in
1458 whole or in part for this purpose.

1459 1. If the recall is approved by a majority of all voting
1460 interests by a vote at a meeting, the recall shall be effective
1461 as provided in this paragraph ~~herein~~. The board shall duly
1462 notice and hold a board meeting within 5 full business days
1463 after ~~of~~ the adjournment of the unit owner meeting to recall one
1464 or more board members. At the meeting, the board shall either
1465 certify the recall, in which case such member or members shall
1466 be recalled effective immediately and shall turn over to the
1467 board within 5 full business days any and all records and
1468 property of the association in their possession, or shall
1469 proceed as set forth in subparagraph 3.

1470 2. If the proposed recall is by an agreement in writing by
1471 a majority of all voting interests, the agreement in writing or
1472 a copy thereof shall be served on the association by certified
1473 mail or by personal service in the manner authorized by chapter
1474 48 and the Florida Rules of Civil Procedure. The board of
1475 administration shall duly notice and hold a meeting of the board
1476 within 5 full business days after receipt of the agreement in
1477 writing. At the meeting, the board shall either certify the
1478 written agreement to recall members of the board, in which case
1479 such members shall be recalled effective immediately and shall
1480 turn over to the board, within 5 full business days, any and all
1481 records and property of the association in their possession, or
1482 proceed as described in subparagraph 3.

1483 3. If the board determines not to certify the written

1484 agreement to recall members of the board, or does not certify
1485 the recall by a vote at a meeting, the board shall, within 5
1486 full business days after the board meeting, file with the
1487 division a petition for binding arbitration pursuant to the
1488 procedures of s. 719.1255. For purposes of this paragraph, the
1489 unit owners who voted at the meeting or who executed the
1490 agreement in writing shall constitute one party under the
1491 petition for arbitration. If the arbitrator certifies the recall
1492 as to any member of the board, the recall shall be effective
1493 upon mailing of the final order of arbitration to the
1494 association. If the association fails to comply with the order
1495 of the arbitrator, the division may take action pursuant to s.
1496 719.501. Any member so recalled shall deliver to the board any
1497 and all records and property of the association in the member's
1498 possession within 5 full business days after ~~of~~ the effective
1499 date of the recall.

1500 4. If the board fails to duly notice and hold a board
1501 meeting within 5 full business days after ~~of~~ service of an
1502 agreement in writing or within 5 full business days after ~~of~~ the
1503 adjournment of the unit owner recall meeting, the recall shall
1504 be deemed effective and the board members so recalled shall
1505 immediately turn over to the board any and all records and
1506 property of the association.

1507 5. If the board fails to duly notice and hold the required
1508 meeting or fails to file the required petition, the unit owner
1509 representative may file a petition pursuant to s. 719.1255
1510 challenging the board's failure to act. The petition must be
1511 filed within 60 days after the expiration of the applicable 5-

1512 full-business-day period. The review of a petition under this
1513 subparagraph is limited to the sufficiency of service on the
1514 board and the facial validity of the written agreement or
1515 ballots filed.

1516 6.5. If a vacancy occurs on the board as a result of a
1517 recall and less than a majority of the board members are
1518 removed, the vacancy may be filled by the affirmative vote of a
1519 majority of the remaining directors, notwithstanding any
1520 provision to the contrary contained in this chapter. If
1521 vacancies occur on the board as a result of a recall and a
1522 majority or more of the board members are removed, the vacancies
1523 shall be filled in accordance with procedural rules to be
1524 adopted by the division, which rules need not be consistent with
1525 this chapter. The rules must provide procedures governing the
1526 conduct of the recall election as well as the operation of the
1527 association during the period after a recall but before ~~prior to~~
1528 the recall election.

1529 7. A board member who has been recalled may file a
1530 petition pursuant to s. 719.1255 challenging the validity of the
1531 recall. The petition must be filed within 60 days after the
1532 recall is deemed certified. The association and the unit owner
1533 representative shall be named as the respondents.

1534 8. The division may not accept for filing a recall
1535 petition, whether filed pursuant to subparagraph 1.,
1536 subparagraph 2., subparagraph 5., or subparagraph 7. and
1537 regardless of whether the recall was certified, when there are
1538 60 or fewer days until the scheduled reelection of the board
1539 member sought to be recalled or when 60 or fewer days have not

1540 elapsed since the election of the board member sought to be
1541 recalled.

1542 Section 14. Paragraph (a) of subsection (3) of section
1543 719.303, Florida Statutes, is amended to read:

1544 719.303 Obligations of owners.—

1545 (3) The association may levy reasonable fines for failure
1546 of the unit owner or the unit's occupant, licensee, or invitee
1547 to comply with any provision of the cooperative documents or
1548 reasonable rules of the association. A fine may not become a
1549 lien against a unit. A fine may be levied on the basis of each
1550 day of a continuing violation, with a single notice and
1551 opportunity for hearing. However, the fine may not exceed \$100
1552 per violation, or \$1,000 in the aggregate.

1553 (a) An association may suspend, for a reasonable period of
1554 time, the right of a unit owner, or a unit owner's tenant,
1555 guest, or invitee, to use the common elements, common
1556 facilities, or any other association property for failure to
1557 comply with any provision of the cooperative documents or
1558 reasonable rules of the association. This paragraph does not
1559 apply to limited common elements intended to be used only by
1560 that unit, common elements needed to access the unit, utility
1561 services provided to the unit, parking spaces, or elevators.

1562 Section 15. Paragraph (k) of subsection (1) of section
1563 719.501, Florida Statutes, is amended to read:

1564 719.501 Powers and duties of Division of Florida
1565 Condominiums, Timeshares, and Mobile Homes.—

1566 (1) The Division of Florida Condominiums, Timeshares, and
1567 Mobile Homes of the Department of Business and Professional

1568 Regulation, referred to as the "division" in this part, in
1569 addition to other powers and duties prescribed by chapter 718,
1570 has the power to enforce and ensure compliance with this chapter
1571 and adopted rules relating to the development, construction,
1572 sale, lease, ownership, operation, and management of residential
1573 cooperative units. In performing its duties, the division shall
1574 have the following powers and duties:

1575 (k) The division shall provide training and educational
1576 programs for cooperative association board members and unit
1577 owners. The training may, in the division's discretion, include
1578 web-based electronic media, and live training and seminars in
1579 various locations throughout the state. The division may review
1580 and approve education and training programs for board members
1581 and unit owners offered by providers and shall maintain a
1582 current list of approved programs and providers and make such
1583 list available to board members and unit owners in a reasonable
1584 and cost-effective manner.

1585 Section 16. Subsection (5), paragraphs (a) and (b) of
1586 subsection (7), and subsection (10) of section 720.303, Florida
1587 Statutes, are amended to read:

1588 720.303 Association powers and duties; meetings of board;
1589 official records; budgets; financial reporting; association
1590 funds; recalls.—

1591 (5) INSPECTION AND COPYING OF RECORDS.—The official
1592 records shall be maintained within the state and must be open to
1593 inspection and available for photocopying by members or their
1594 authorized agents at reasonable times and places within 10
1595 business days after receipt of a written request for access.

1596 This subsection may be complied with by having a copy of the
1597 official records available for inspection or copying in the
1598 community. If the association has a photocopy machine available
1599 where the records are maintained, it must provide parcel owners
1600 with copies on request during the inspection if the entire
1601 request is limited to no more than 25 pages. An association
1602 shall allow a member or his or her authorized representative to
1603 use a portable device, including a smartphone, tablet, portable
1604 scanner, or any other technology capable of scanning or taking
1605 photographs, to make an electronic copy of the official records
1606 in lieu of the association's providing the member or his or her
1607 authorized representative with a copy of such records. The
1608 association may not charge a member or his or her authorized
1609 representative for the use of a portable device.

1610 (a) The failure of an association to provide access to the
1611 records within 10 business days after receipt of a written
1612 request submitted by certified mail, return receipt requested,
1613 creates a rebuttable presumption that the association willfully
1614 failed to comply with this subsection.

1615 (b) A member who is denied access to official records is
1616 entitled to the actual damages or minimum damages for the
1617 association's willful failure to comply with this subsection.
1618 The minimum damages are to be \$50 per calendar day up to 10
1619 days, the calculation to begin on the 11th business day after
1620 receipt of the written request.

1621 (c) The association may adopt reasonable written rules
1622 governing the frequency, time, location, notice, records to be
1623 inspected, and manner of inspections, but may not require a

1624 parcel owner to demonstrate any proper purpose for the
1625 inspection, state any reason for the inspection, or limit a
1626 parcel owner's right to inspect records to less than one 8-hour
1627 business day per month. The association may impose fees to cover
1628 the costs of providing copies of the official records,
1629 including, without limitation, the costs of copying. The
1630 association may charge up to 50 cents per page for copies made
1631 on the association's photocopier. If the association does not
1632 have a photocopy machine available where the records are kept,
1633 or if the records requested to be copied exceed 25 pages in
1634 length, the association may have copies made by an outside
1635 vendor or association management company personnel and may
1636 charge the actual cost of copying, including any reasonable
1637 costs involving personnel fees and charges at an hourly rate for
1638 vendor or employee time to cover administrative costs to the
1639 vendor or association. The association shall maintain an
1640 adequate number of copies of the recorded governing documents,
1641 to ensure their availability to members and prospective members.
1642 Notwithstanding this paragraph, the following records are not
1643 accessible to members or parcel owners:

1644 1. Any record protected by the lawyer-client privilege as
1645 described in s. 90.502 and any record protected by the work-
1646 product privilege, including, but not limited to, a record
1647 prepared by an association attorney or prepared at the
1648 attorney's express direction which reflects a mental impression,
1649 conclusion, litigation strategy, or legal theory of the attorney
1650 or the association and which was prepared exclusively for civil
1651 or criminal litigation or for adversarial administrative

1652 | proceedings or which was prepared in anticipation of such
 1653 | litigation or proceedings until the conclusion of the litigation
 1654 | or proceedings.

1655 | 2. Information obtained by an association in connection
 1656 | with the approval of the lease, sale, or other transfer of a
 1657 | parcel.

1658 | 3. Personnel records of association or management company
 1659 | ~~the association's~~ employees, including, but not limited to,
 1660 | disciplinary, payroll, health, and insurance records. For
 1661 | purposes of this subparagraph, the term "personnel records" does
 1662 | not include written employment agreements with an association or
 1663 | management company employee or budgetary or financial records
 1664 | that indicate the compensation paid to an association or
 1665 | management company employee.

1666 | 4. Medical records of parcel owners or community
 1667 | residents.

1668 | 5. Social security numbers, driver ~~driver's~~ license
 1669 | numbers, credit card numbers, electronic mailing addresses,
 1670 | telephone numbers, facsimile numbers, emergency contact
 1671 | information, any addresses for a parcel owner other than as
 1672 | provided for association notice requirements, and other personal
 1673 | identifying information of any person, excluding the person's
 1674 | name, parcel designation, mailing address, and property address.
 1675 | However, an owner may consent in writing to the disclosure of
 1676 | protected information described in this subparagraph. The
 1677 | association is not liable for the disclosure of information that
 1678 | is protected under this subparagraph if the information is
 1679 | included in an official record of the association and is

1680 voluntarily provided by an owner and not requested by the
1681 association.

1682 6. Any electronic security measure that is used by the
1683 association to safeguard data, including passwords.

1684 7. The software and operating system used by the
1685 association which allows the manipulation of data, even if the
1686 owner owns a copy of the same software used by the association.
1687 The data is part of the official records of the association.

1688 (d) The association or its authorized agent is not
1689 required to provide a prospective purchaser or lienholder with
1690 information about the residential subdivision or the association
1691 other than information or documents required by this chapter to
1692 be made available or disclosed. The association or its
1693 authorized agent may charge a reasonable fee to the prospective
1694 purchaser or lienholder or the current parcel owner or member
1695 for providing good faith responses to requests for information
1696 by or on behalf of a prospective purchaser or lienholder, other
1697 than that required by law, if the fee does not exceed \$150 plus
1698 the reasonable cost of photocopying and any attorney ~~attorney's~~
1699 fees incurred by the association in connection with the
1700 response.

1701 (7) FINANCIAL REPORTING.—Within 90 days after the end of
1702 the fiscal year, or annually on the date provided in the bylaws,
1703 the association shall prepare and complete, or contract with a
1704 third party for the preparation and completion of, a financial
1705 report for the preceding fiscal year. Within 21 days after the
1706 final financial report is completed by the association or
1707 received from the third party, but not later than 120 days after

1708 the end of the fiscal year or other date as provided in the
1709 bylaws, the association shall, within the time limits set forth
1710 in subsection (5), provide each member with a copy of the annual
1711 financial report or a written notice that a copy of the
1712 financial report is available upon request at no charge to the
1713 member. Financial reports shall be prepared as follows:

1714 (a) An association that meets the criteria of this
1715 paragraph shall prepare or cause to be prepared a complete set
1716 of financial statements in accordance with generally accepted
1717 accounting principles as adopted by the Board of Accountancy.
1718 The financial statements shall be based upon the association's
1719 total annual revenues, as follows:

1720 1. An association with total annual revenues of \$200,000
1721 ~~\$100,000~~ or more, but less than \$300,000 ~~\$200,000~~, shall prepare
1722 compiled financial statements.

1723 2. An association with total annual revenues of at least
1724 \$300,000 ~~\$200,000~~, but less than \$500,000 ~~\$400,000~~, shall
1725 prepare reviewed financial statements.

1726 3. An association with total annual revenues of \$500,000
1727 ~~\$400,000~~ or more shall prepare audited financial statements.

1728 (b)1. An association with total annual revenues of less
1729 than \$200,000 ~~\$100,000~~ shall prepare a report of cash receipts
1730 and expenditures.

1731 2. An association in a community of fewer than 50 parcels,
1732 regardless of the association's annual revenues, may prepare a
1733 report of cash receipts and expenditures in lieu of financial
1734 statements required by paragraph (a) unless the governing
1735 documents provide otherwise.

1736 3. A report of cash receipts and disbursement must
1737 disclose the amount of receipts by accounts and receipt
1738 classifications and the amount of expenses by accounts and
1739 expense classifications, including, but not limited to, the
1740 following, as applicable: costs for security, professional, and
1741 management fees and expenses; taxes; costs for recreation
1742 facilities; expenses for refuse collection and utility services;
1743 expenses for lawn care; costs for building maintenance and
1744 repair; insurance costs; administration and salary expenses; and
1745 reserves if maintained by the association.

1746 (10) RECALL OF DIRECTORS.—

1747 (a)1. Regardless of any provision to the contrary
1748 contained in the governing documents, subject to the provisions
1749 of s. 720.307 regarding transition of association control, any
1750 member of the board of directors may be recalled and removed
1751 from office with or without cause by a majority of the total
1752 voting interests.

1753 2. When the governing documents, including the
1754 declaration, articles of incorporation, or bylaws, provide that
1755 only a specific class of members is entitled to elect a board
1756 director or directors, only that class of members may vote to
1757 recall those board directors so elected.

1758 (b)1. Board directors may be recalled by an agreement in
1759 writing or by written ballot without a membership meeting. The
1760 agreement in writing or the written ballots, or a copy thereof,
1761 shall be served on the association by certified mail or by
1762 personal service in the manner authorized by chapter 48 and the
1763 Florida Rules of Civil Procedure.

1764 2. The board shall duly notice and hold a meeting of the
1765 board within 5 full business days after receipt of the agreement
1766 in writing or written ballots. At the meeting, the board shall
1767 either certify the written ballots or written agreement to
1768 recall a director or directors of the board, in which case such
1769 director or directors shall be recalled effective immediately
1770 and shall turn over to the board within 5 full business days any
1771 and all records and property of the association in their
1772 possession, or proceed as described in paragraph (d).

1773 3. When it is determined by the department pursuant to
1774 binding arbitration proceedings that an initial recall effort
1775 was defective, written recall agreements or written ballots used
1776 in the first recall effort and not found to be defective may be
1777 reused in one subsequent recall effort. However, in no event is
1778 a written agreement or written ballot valid for more than 120
1779 days after it has been signed by the member.

1780 4. Any rescission or revocation of a member's written
1781 recall ballot or agreement must be in writing and, in order to
1782 be effective, must be delivered to the association before the
1783 association is served with the written recall agreements or
1784 ballots.

1785 5. The agreement in writing or ballot shall list at least
1786 as many possible replacement directors as there are directors
1787 subject to the recall, when at least a majority of the board is
1788 sought to be recalled; the person executing the recall
1789 instrument may vote for as many replacement candidates as there
1790 are directors subject to the recall.

1791 (c)1. If the declaration, articles of incorporation, or

1792 bylaws specifically provide, the members may also recall and
1793 remove a board director or directors by a vote taken at a
1794 meeting. If so provided in the governing documents, a special
1795 meeting of the members to recall a director or directors of the
1796 board of administration may be called by 10 percent of the
1797 voting interests giving notice of the meeting as required for a
1798 meeting of members, and the notice shall state the purpose of
1799 the meeting. Electronic transmission may not be used as a method
1800 of giving notice of a meeting called in whole or in part for
1801 this purpose.

1802 2. The board shall duly notice and hold a board meeting
1803 within 5 full business days after the adjournment of the member
1804 meeting to recall one or more directors. At the meeting, the
1805 board shall certify the recall, in which case such member or
1806 members shall be recalled effective immediately and shall turn
1807 over to the board within 5 full business days any and all
1808 records and property of the association in their possession, or
1809 shall proceed as set forth in subparagraph (d).

1810 (d) If the board determines not to certify the written
1811 agreement or written ballots to recall a director or directors
1812 of the board or does not certify the recall by a vote at a
1813 meeting, the board shall, within 5 full business days after the
1814 meeting, file with the department a petition for binding
1815 arbitration pursuant to the applicable procedures in ss.
1816 718.112(2)(j) and 718.1255 and the rules adopted thereunder. For
1817 the purposes of this section, the members who voted at the
1818 meeting or who executed the agreement in writing shall
1819 constitute one party under the petition for arbitration. If the

1820 arbitrator certifies the recall as to any director or directors
1821 of the board, the recall will be effective upon mailing of the
1822 final order of arbitration to the association. The director or
1823 directors so recalled shall deliver to the board any and all
1824 records of the association in their possession within 5 full
1825 business days after the effective date of the recall.

1826 (e) If a vacancy occurs on the board as a result of a
1827 recall and less than a majority of the board directors are
1828 removed, the vacancy may be filled by the affirmative vote of a
1829 majority of the remaining directors, notwithstanding any
1830 provision to the contrary contained in this subsection or in the
1831 association documents. If vacancies occur on the board as a
1832 result of a recall and a majority or more of the board directors
1833 are removed, the vacancies shall be filled by members voting in
1834 favor of the recall; if removal is at a meeting, any vacancies
1835 shall be filled by the members at the meeting. If the recall
1836 occurred by agreement in writing or by written ballot, members
1837 may vote for replacement directors in the same instrument in
1838 accordance with procedural rules adopted by the division, which
1839 rules need not be consistent with this subsection.

1840 (f) If the board fails to duly notice and hold a board
1841 meeting within 5 full business days after service of an
1842 agreement in writing or within 5 full business days after the
1843 adjournment of the member recall meeting, the recall shall be
1844 deemed effective and the board directors so recalled shall
1845 immediately turn over to the board all records and property of
1846 the association.

1847 (g) If the board fails to duly notice and hold the

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1848 required meeting or fails to file the required petition, the
1849 unit owner representative may file a petition pursuant to s.
1850 718.1255 challenging the board's failure to act. The petition
1851 must be filed within 60 days after the expiration of the
1852 applicable 5-full-business-day period. The review of a petition
1853 under this paragraph is limited to the sufficiency of service on
1854 the board and the facial validity of the written agreement or
1855 ballots filed.

1856 (h)~~(g)~~ If a director who is removed fails to relinquish
1857 his or her office or turn over records as required under this
1858 section, the circuit court in the county where the association
1859 maintains its principal office may, upon the petition of the
1860 association, summarily order the director to relinquish his or
1861 her office and turn over all association records upon
1862 application of the association.

1863 (i)~~(h)~~ The minutes of the board meeting at which the board
1864 decides whether to certify the recall are an official
1865 association record. The minutes must record the date and time of
1866 the meeting, the decision of the board, and the vote count taken
1867 on each board member subject to the recall. In addition, when
1868 the board decides not to certify the recall, as to each vote
1869 rejected, the minutes must identify the parcel number and the
1870 specific reason for each such rejection.

1871 (j)~~(i)~~ When the recall of more than one board director is
1872 sought, the written agreement, ballot, or vote at a meeting
1873 shall provide for a separate vote for each board director sought
1874 to be recalled.

1875 (k) A board member who has been recalled may file a

1876 petition pursuant to ss. 718.112(2)(j) and 718.1255 and the
1877 rules adopted challenging the validity of the recall. The
1878 petition must be filed within 60 days after the recall is deemed
1879 certified. The association and the unit owner representative
1880 shall be named as respondents.

1881 (1) The division may not accept for filing a recall
1882 petition, whether filed pursuant to paragraph (b), paragraph
1883 (c), paragraph (g), or paragraph (k) and regardless of whether
1884 the recall was certified, when there are 60 or fewer days until
1885 the scheduled reelection of the board member sought to be
1886 recalled or when 60 or fewer days have not elapsed since the
1887 election of the board member sought to be recalled.

1888 Section 17. Subsection (2) of section 720.305, Florida
1889 Statutes, is amended to read:

1890 720.305 Obligations of members; remedies at law or in
1891 equity; levy of fines and suspension of use rights.—

1892 (2) The association may levy reasonable fines of up to
1893 \$100 per violation against any member or any member's tenant,
1894 guest, or invitee for the failure of the owner of the parcel or
1895 its occupant, licensee, or invitee to comply with any provision
1896 of the declaration, the association bylaws, or reasonable rules
1897 of the association. A fine may be levied for each day of a
1898 continuing violation, with a single notice and opportunity for
1899 hearing, except that the fine may not exceed \$1,000 in the
1900 aggregate unless otherwise provided in the governing documents.
1901 A fine of less than \$1,000 may not become a lien against a
1902 parcel. In any action to recover a fine, the prevailing party is
1903 entitled to reasonable attorney ~~attorney's~~ fees and costs from

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1904 the nonprevailing party as determined by the court.

1905 (a) An association may suspend, for a reasonable period of
1906 time, the right of a member, or a member's tenant, guest, or
1907 invitee, to use common areas and facilities for the failure of
1908 the owner of the parcel or its occupant, licensee, or invitee to
1909 comply with any provision of the declaration, the association
1910 bylaws, or reasonable rules of the association. This paragraph
1911 does not apply to that portion of common areas used to provide
1912 access or utility services to the parcel. A suspension may not
1913 impair the right of an owner or tenant of a parcel to have
1914 vehicular and pedestrian ingress to and egress from the parcel,
1915 including, but not limited to, the right to park.

1916 (b) A fine or suspension may not be imposed without at
1917 least 14 days' notice to the person sought to be fined or
1918 suspended and an opportunity for a hearing before a committee of
1919 at least three members appointed by the board who are not
1920 officers, directors, or employees of the association, or the
1921 spouse, parent, child, brother, or sister of an officer,
1922 director, or employee. If the committee, by majority vote, does
1923 not approve a proposed fine or suspension, it may not be
1924 imposed. If the association imposes a fine or suspension, the
1925 association must provide written notice of such fine or
1926 suspension by mail or hand delivery to the parcel owner and, if
1927 applicable, to any tenant, licensee, or invitee of the parcel
1928 owner.

1929 Section 18. Paragraph (d) is added to subsection (1) of
1930 section 720.306, Florida Statutes, and subsection (6) and

1931 paragraph (a) of subsection (9) of that section are amended, to
 1932 read:

1933 720.306 Meetings of members; voting and election
 1934 procedures; amendments.—

1935 (1) QUORUM; AMENDMENTS.—

1936 (d) The Legislature finds that the procurement of
 1937 mortgagee consent to amendments that do not affect the rights or
 1938 interests of mortgagees is an unreasonable and substantial
 1939 logistical and financial burden on the parcel owners and that
 1940 there is a compelling state interest in enabling the members of
 1941 an association to approve amendments to the association's
 1942 governing documents through legal means. Accordingly, and
 1943 notwithstanding any provision of this paragraph to the contrary:

1944 1. As to any mortgage recorded on or after July 1, 2013,
 1945 any provision in the association's governing documents that
 1946 requires the consent or joinder of some or all mortgagees of
 1947 parcels or any other portion of the association's common areas
 1948 to amend the association's governing documents or for any other
 1949 matter is enforceable only as to amendments to the association's
 1950 governing documents that adversely affect the priority of the
 1951 mortgagee's lien or the mortgagee's rights to foreclose its lien
 1952 or that otherwise materially affect the rights and interests of
 1953 the mortgagees.

1954 2. As to mortgages recorded before July 1, 2013, any
 1955 existing provisions in the association's governing documents
 1956 requiring mortgagee consent are enforceable.

1957 3. In securing consent or joinder, the association is
 1958 entitled to rely upon the public records to identify the holders

1959 of outstanding mortgages. The association may use the address
1960 provided in the original recorded mortgage document, unless
1961 there is a different address for the holder of the mortgage in a
1962 recorded assignment or modification of the mortgage, which
1963 recorded assignment or modification must reference the official
1964 records book and page on which the original mortgage was
1965 recorded. Once the association has identified the recorded
1966 mortgages of record, the association shall, in writing, request
1967 of each parcel owner whose parcel is encumbered by a mortgage of
1968 record any information that the owner has in his or her
1969 possession regarding the name and address of the person to whom
1970 mortgage payments are currently being made. Notice shall be sent
1971 to such person if the address provided in the original recorded
1972 mortgage document is different from the name and address of the
1973 mortgagee or assignee of the mortgage as shown by the public
1974 record. The association is deemed to have complied with this
1975 requirement by making the written request of the parcel owners
1976 required under this subparagraph. Any notices required to be
1977 sent to the mortgagees under this subparagraph shall be sent to
1978 all available addresses provided to the association.

1979 4. Any notice to the mortgagees required under
1980 subparagraph 3. may be sent by a method that establishes proof
1981 of delivery, and any mortgagee who fails to respond within 60
1982 days after the date of mailing is deemed to have consented to
1983 the amendment.

1984 5. For those amendments requiring mortgagee consent on or
1985 after July 1, 2013, in the event mortgagee consent is provided
1986 other than by properly recorded joinder, such consent shall be

1987 | evidenced by affidavit of the association recorded in the public
 1988 | records of the county in which the declaration is recorded.

1989 | 6. Any amendment adopted without the required consent of a
 1990 | mortgagee is voidable only by a mortgagee who was entitled to
 1991 | notice and an opportunity to consent. An action to void an
 1992 | amendment is subject to the statute of limitations beginning 5
 1993 | years after the date of discovery as to the amendments described
 1994 | in subparagraph 1. and 5 years after the date of recordation of
 1995 | the certificate of amendment for all other amendments. This
 1996 | subparagraph applies to all mortgages, regardless of the date of
 1997 | recordation of the mortgage.

1998 | (6) RIGHT TO SPEAK.—Members and parcel owners have the
 1999 | right to attend all membership meetings and to speak at any
 2000 | meeting with reference to all items opened for discussion or
 2001 | included on the agenda. Notwithstanding any provision to the
 2002 | contrary in the governing documents or any rules adopted by the
 2003 | board or by the membership, a member and a parcel owner have the
 2004 | right to speak for at least 3 minutes on any item, ~~provided that~~
 2005 | ~~the member or parcel owner submits a written request to speak~~
 2006 | ~~prior to the meeting.~~ The association may adopt written
 2007 | reasonable rules governing the frequency, duration, and other
 2008 | manner of member and parcel owner statements, which rules must
 2009 | be consistent with this subsection.

2010 | (9) ~~(a)~~ ELECTIONS AND BOARD VACANCIES.—

2011 | (a) Elections of directors must be conducted in accordance
 2012 | with the procedures set forth in the governing documents of the
 2013 | association. All members of the association are eligible to
 2014 | serve on the board of directors, and a member may nominate

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2015 | himself or herself as a candidate for the board at a meeting
2016 | where the election is to be held or, if the election process
2017 | allows voting by absentee ballot, in advance of the balloting.
2018 | Except as otherwise provided in the governing documents, boards
2019 | of directors must be elected by a plurality of the votes cast by
2020 | eligible voters. Any challenge to the election process must be
2021 | commenced within 60 days after the election results are
2022 | announced.

2023 | Section 19. This act shall take effect July 1, 2013.