

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 1065-1171 and insert:

5 Section 15. Paragraph (a) of subsection (2) and paragraph  
6 (c) of subsection (5) of section 720.303, Florida Statutes, are  
7 amended to read:

8 720.303 Association powers and duties; meetings of board;  
9 official records; budgets; financial reporting; association  
10 funds; recalls.—

11 (2) BOARD MEETINGS.—

12 (a) A meeting of the board of directors of an association  
13 occurs whenever a quorum of the board gathers to conduct  
14 association business. ~~All~~ Meetings of the board must be open to

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15 all members, except for meetings between the board and its  
16 attorney with respect to proposed or pending litigation where  
17 the contents of the discussion would otherwise be governed by  
18 the attorney-client privilege. A meeting of the board must be  
19 held at a location that is accessible to a physically  
20 handicapped person if requested by a physically handicapped  
21 person who has a right to attend the meeting. The provisions of  
22 this subsection shall also apply to the meetings of any  
23 committee or other similar body when a final decision will be  
24 made regarding the expenditure of association funds and to  
25 meetings of any body vested with the power to approve or  
26 disapprove architectural decisions with respect to a specific  
27 parcel of residential property owned by a member of the  
28 community.

29 (5) INSPECTION AND COPYING OF RECORDS.—The official  
30 records shall be maintained within the state for at least 7  
31 years and shall be made available to a parcel owner for  
32 inspection or photocopying within 45 miles of the community or  
33 within the county in which the association is located within 10  
34 business days after receipt by the board or its designee of a  
35 written request. This subsection may be complied with by having  
36 a copy of the official records available for inspection or  
37 copying in the community or, at the option of the association,  
38 by making the records available to a parcel owner electronically  
39 via the Internet or by allowing the records to be viewed in  
40 electronic format on a computer screen and printed upon request.

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41 If the association has a photocopy machine available where the  
42 records are maintained, it must provide parcel owners with  
43 copies on request during the inspection if the entire request is  
44 limited to no more than 25 pages. An association shall allow a  
45 member or his or her authorized representative to use a portable  
46 device, including a smartphone, tablet, portable scanner, or any  
47 other technology capable of scanning or taking photographs, to  
48 make an electronic copy of the official records in lieu of the  
49 association's providing the member or his or her authorized  
50 representative with a copy of such records. The association may  
51 not charge a fee to a member or his or her authorized  
52 representative for the use of a portable device.

53 (c) The association may adopt reasonable written rules  
54 governing the frequency, time, location, notice, records to be  
55 inspected, and manner of inspections, but may not require a  
56 parcel owner to demonstrate any proper purpose for the  
57 inspection, state any reason for the inspection, or limit a  
58 parcel owner's right to inspect records to less than one 8-hour  
59 business day per month. The association may impose fees to cover  
60 the costs of providing copies of the official records, including  
61 the costs of copying and the costs required for personnel to  
62 retrieve and copy the records if the time spent retrieving and  
63 copying the records exceeds one-half hour and if the personnel  
64 costs do not exceed \$20 per hour. Personnel costs may not be  
65 charged for records requests that result in the copying of 25 or  
66 fewer pages. The association may charge up to 25 cents per page

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67 for copies made on the association's photocopier. If the  
68 association does not have a photocopy machine available where  
69 the records are kept, or if the records requested to be copied  
70 exceed 25 pages in length, the association may have copies made  
71 by an outside duplicating service and may charge the actual cost  
72 of copying, as supported by the vendor invoice. The association  
73 shall maintain an adequate number of copies of the recorded  
74 governing documents, to ensure their availability to members and  
75 prospective members. Notwithstanding this paragraph, the  
76 following records are not accessible to members or parcel  
77 owners:

78 1. Any record protected by the lawyer-client privilege as  
79 described in s. 90.502 and any record protected by the work-  
80 product privilege, including, but not limited to, a record  
81 prepared by an association attorney or prepared at the  
82 attorney's express direction which reflects a mental impression,  
83 conclusion, litigation strategy, or legal theory of the attorney  
84 or the association and which was prepared exclusively for civil  
85 or criminal litigation or for adversarial administrative  
86 proceedings or which was prepared in anticipation of such  
87 litigation or proceedings until the conclusion of the litigation  
88 or proceedings.

89 2. Information obtained by an association in connection  
90 with the approval of the lease, sale, or other transfer of a  
91 parcel.

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92 3. Personnel records of association or management company  
93 employees, including, but not limited to, disciplinary, payroll,  
94 health, and insurance records. For purposes of this  
95 subparagraph, the term "personnel records" does not include  
96 written employment agreements with an association or management  
97 company employee or budgetary or financial records that indicate  
98 the compensation paid to an association or management company  
99 employee.

100 4. Medical records of parcel owners or community  
101 residents.

102 5. Social security numbers, driver license numbers, credit  
103 card numbers, electronic mailing addresses, telephone numbers,  
104 facsimile numbers, emergency contact information, any addresses  
105 for a parcel owner other than as provided for association notice  
106 requirements, and other personal identifying information of any  
107 person, excluding the person's name, parcel designation, mailing  
108 address, and property address. Notwithstanding the restrictions  
109 in this subparagraph, an association may print and distribute to  
110 parcel owners a directory containing the name, parcel address,  
111 and all telephone numbers ~~number~~ of each parcel owner. However,  
112 an owner may exclude his or her telephone numbers ~~number~~ from  
113 the directory by so requesting in writing to the association. An  
114 owner may consent in writing to the disclosure of other contact  
115 information described in this subparagraph. The association is  
116 not liable for the disclosure of information that is protected  
117 under this subparagraph if the information is included in an

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118 official record of the association and is voluntarily provided  
119 by an owner and not requested by the association.

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

122 7. The software and operating system used by the  
123 association which allows the manipulation of data, even if the  
124 owner owns a copy of the same software used by the association.  
125 The data is part of the official records of the association.

126 Section 16. Paragraphs (a) and (b) of subsection (1) of  
127 section 720.306, Florida Statutes, are amended to read:

128 720.306 Meetings of members; voting and election  
129 procedures; amendments.—

130 (1) QUORUM; AMENDMENTS.—

131 (a) Unless a lower number is provided in the bylaws, the  
132 percentage of voting interests required to constitute a quorum  
133 at a meeting of the members shall be 30 percent of the total  
134 voting interests. Unless otherwise provided in this chapter or  
135 in the articles of incorporation or bylaws, decisions that  
136 require a vote of the members must be made by the concurrence of  
137 at least a majority of the voting interests present, in person  
138 or by proxy, at a meeting at which a quorum has been attained. A  
139 meeting of the members must be held at a location that is  
140 accessible to a physically handicapped person if requested by a  
141 physically handicapped person who has a right to attend the  
142 meeting.

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**T I T L E   A M E N D M E N T**

Remove lines 73-75 and insert:  
amending s. 720.303, F.S.; requiring a board meeting  
to be held at a location accessible to physically  
handicapped persons upon request of certain authorized  
persons; providing that an owner may consent in  
writing to the disclosure of certain contact  
information; amending s. 720.306, F.S.; requiring a  
meeting of the members to be held at a location  
accessible to physically handicapped persons upon  
request of certain authorized persons;

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