

Amendment No. 1.

1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER

2 Committee/Subcommittee hearing bill: Careers & Competition
 3 Subcommittee

4 Representative Moraitis offered the following:

5

6 **Amendment (with title amendment)**

7 Remove everything after the enacting clause and insert:

8 Section 1. Subsection (3), paragraphs (a), (b), and (g) of
 9 subsection (12), and paragraph (e) of subsection (13) of section
 10 718.111, Florida Statutes, are amended to read:

11 718.111 The association.—

12 (3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT,
 13 SUE, AND BE SUED; ~~CONFLICT OF INTEREST.~~—

14 ~~(a)~~ The association may contract, sue, or be sued with
 15 respect to the exercise or nonexercise of its powers. For these
 16 purposes, the powers of the association include, but are not
 17 limited to, the maintenance, management, and operation of the

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18 condominium property. After control of the association is
19 obtained by unit owners other than the developer, the
20 association may institute, maintain, settle, or appeal actions
21 or hearings in its name on behalf of all unit owners concerning
22 matters of common interest to most or all unit owners,
23 including, but not limited to, the common elements; the roof and
24 structural components of a building or other improvements;
25 mechanical, electrical, and plumbing elements serving an
26 improvement or a building; representations of the developer
27 pertaining to any existing or proposed commonly used facilities;
28 and protesting ad valorem taxes on commonly used facilities and
29 on units; and may defend actions in eminent domain or bring
30 inverse condemnation actions. If the association has the
31 authority to maintain a class action, the association may be
32 joined in an action as representative of that class with
33 reference to litigation and disputes involving the matters for
34 which the association could bring a class action. Nothing herein
35 limits any statutory or common-law right of any individual unit
36 owner or class of unit owners to bring any action without
37 participation by the association which may otherwise be
38 available.

39 ~~(b) An association may not hire an attorney who represents~~
40 ~~the management company of the association.~~

41 (12) OFFICIAL RECORDS.-

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42 (a) From the inception of the association, the association
43 shall maintain each of the following items, if applicable, which
44 constitutes the official records of the association:

45 1. A copy of the plans, permits, warranties, and other
46 items provided by the developer pursuant to s. 718.301(4).

47 2. A photocopy of the recorded declaration of condominium
48 of each condominium operated by the association and each
49 amendment to each declaration.

50 3. A photocopy of the recorded bylaws of the association
51 and each amendment to the bylaws.

52 4. A certified copy of the articles of incorporation of
53 the association, or other documents creating the association,
54 and each amendment thereto.

55 5. A copy of the current rules of the association.

56 6. A book or books that contain the minutes of all
57 meetings of the association, the board of administration, and
58 the unit owners, ~~which minutes must be retained for at least 7~~
59 ~~years.~~

60 7. A current roster of all unit owners and their mailing
61 addresses, unit identifications, voting certifications, and, if
62 known, telephone numbers. The association shall also maintain
63 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
64 unit owners consenting to receive notice by electronic
65 transmission. The e-mail ~~electronic mailing~~ addresses and
66 facsimile numbers are not accessible to unit owners if consent

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67 to receive notice by electronic transmission is not provided in
68 accordance with sub-subparagraph (c)3.e. However, the
69 association is not liable for an inadvertent disclosure of the
70 e-mail ~~electronic mail~~ address or facsimile number for receiving
71 electronic transmission of notices.

72 8. All current insurance policies of the association and
73 condominiums operated by the association.

74 9. A current copy of any management agreement, lease, or
75 other contract to which the association is a party or under
76 which the association or the unit owners have an obligation or
77 responsibility.

78 10. Bills of sale or transfer for all property owned by
79 the association.

80 11. Accounting records for the association and separate
81 accounting records for each condominium that the association
82 operates. ~~All accounting records must be maintained for at least~~
83 ~~7 years.~~ Any person who knowingly or intentionally defaces or
84 destroys such records, or who knowingly or intentionally fails
85 to create or maintain such records, with the intent of causing
86 harm to the association or one or more of its members, is
87 personally subject to a civil penalty pursuant to s.

88 718.501(1)(d). The accounting records must include, but are not
89 limited to:

90 a. Accurate, itemized, and detailed records of all
91 receipts and expenditures.

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92 b. A current account and a monthly, bimonthly, or
93 quarterly statement of the account for each unit designating the
94 name of the unit owner, the due date and amount of each
95 assessment, the amount paid on the account, and the balance due.

96 c. All audits, reviews, accounting statements, and
97 financial reports of the association or condominium.

98 d. All contracts for work to be performed. Bids for work
99 to be performed are also considered official records and must be
100 maintained by the association.

101 12. Ballots, sign-in sheets, voting proxies, and all other
102 papers and electronic records relating to voting by unit owners,
103 which must be maintained for 1 year from the date of the
104 election, vote, or meeting to which the document relates,
105 notwithstanding paragraph (b).

106 13. All rental records if the association is acting as
107 agent for the rental of condominium units.

108 14. A copy of the current question and answer sheet as
109 described in s. 718.504.

110 15. All other written records of the association not
111 specifically included in the foregoing which are related to the
112 operation of the association.

113 16. A copy of the inspection report as described in s.
114 718.301(4)(p).

115 17. Bids for materials, equipment, or services.

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116 (b) The official records specified in subparagraphs (a)1.-
117 6. must be permanently maintained from the inception of the
118 association. All other official records of the association must
119 be maintained within the state for at least 7 years, unless
120 otherwise provided by general law. The records of the
121 association shall be made available to a unit owner within 45
122 miles of the condominium property or within the county in which
123 the condominium property is located within 10 ~~5~~ working days
124 after receipt of a written request by the board or its designee.
125 However, such distance requirement does not apply to an
126 association governing a timeshare condominium. This paragraph
127 may be complied with by having a copy of the official records of
128 the association available for inspection or copying on the
129 condominium property or association property, or the association
130 may offer the option of making the records available to a unit
131 owner electronically via the Internet or by allowing the records
132 to be viewed in electronic format on a computer screen and
133 printed upon request. The association is not responsible for the
134 use or misuse of the information provided to an association
135 member or his or her authorized representative pursuant to the
136 compliance requirements of this chapter unless the association
137 has an affirmative duty not to disclose such information
138 pursuant to this chapter.

139 (g)1. By January ~~July 1, 2019 2018,~~ an association
140 managing a condominium with 150 or more units which does not

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141 contain ~~manage~~ timeshare units shall post digital copies of the
142 documents specified in subparagraph 2. on its website.

143 a. The association's website must be:

144 (I) An independent website or web portal wholly owned and
145 operated by the association; or

146 (II) A website or web portal operated by a third-party
147 provider with whom the association owns, leases, rents, or
148 otherwise obtains the right to operate a web page, subpage, web
149 portal, or collection of subpages or web portals dedicated to
150 the association's activities and on which required notices,
151 records, and documents may be posted by the association.

152 b. The association's website must be accessible through
153 the Internet and must contain a subpage, web portal, or other
154 protected electronic location that is inaccessible to the
155 general public and accessible only to unit owners and employees
156 of the association.

157 c. Upon a unit owner's written request, the association
158 must provide the unit owner with a username and password and
159 access to the protected sections of the association's website
160 that contain any notices, records, or documents that must be
161 electronically provided.

162 2. A current copy of the following documents must be
163 posted in digital format on the association's website:

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164 a. The recorded declaration of condominium of each
165 condominium operated by the association and each amendment to
166 each declaration.

167 b. The recorded bylaws of the association and each
168 amendment to the bylaws.

169 c. The articles of incorporation of the association, or
170 other documents creating the association, and each amendment
171 thereto. The copy posted pursuant to this sub-subparagraph must
172 be a copy of the articles of incorporation filed with the
173 Department of State.

174 d. The rules of the association.

175 e. Any management agreement, lease, or other contract to
176 which the association is a party or under which the association
177 or the unit owners have an obligation or responsibility and,
178 after bidding for the related materials, equipment, or services
179 has closed, a list of bids received by the association within
180 the past year. Summaries of bids for materials, equipment, or
181 services must be maintained on the website for 1 year. In lieu
182 of summaries, complete copies of the bids may be posted.

183 f. The annual budget required by s. 718.112(2)(f) and any
184 proposed budget to be considered at the annual meeting.

185 g. The financial report required by subsection (13) and
186 any proposed financial report to be considered at a meeting.

187 h. The certification of each director required by s.
188 718.112(2)(d)4.b.

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189 i. All contracts or transactions between the association
190 and any director, officer, corporation, firm, or association
191 that is not an affiliated condominium association or any other
192 entity in which an association director is also a director or
193 officer and financially interested.

194 j. Any contract or document regarding a conflict of
195 interest or possible conflict of interest as provided in ss.
196 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

197 k. The notice of any unit owner meeting and the agenda for
198 the meeting, as required by s. 718.112(2)(d)3., no later than 14
199 days before the meeting. The notice must be posted in plain view
200 on the front page of the website, or on a separate subpage of
201 the website labeled "Notices" which is conspicuously visible and
202 linked from the front page. The association must also post on
203 its website any document to be considered and voted on by the
204 owners during the meeting or any document listed on the agenda
205 at least 7 days before the meeting at which the document or the
206 information within the document will be considered.

207 l. Notice of any board meeting, the agenda, and any other
208 document required for the meeting as required by s.
209 718.112(2)(c), which must be posted no later than the date
210 required for notice pursuant to s. 718.112(2)(c).

211 3. The association shall ensure that the information and
212 records described in paragraph (c), which are not allowed
213 ~~permitted~~ to be accessible to unit owners, are not posted on the

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214 association's website. If protected information or information
215 restricted from being accessible to unit owners is included in
216 documents that are required to be posted on the association's
217 website, the association shall ensure the information is
218 redacted before posting the documents online. Notwithstanding
219 the foregoing, the association or its agent is not liable for
220 disclosing information that is protected or restricted pursuant
221 to this paragraph unless such disclosure was made with a knowing
222 or intentional disregard of the protected or restricted nature
223 of such information.

224 (13) FINANCIAL REPORTING.—Within 90 days after the end of
225 the fiscal year, or annually on a date provided in the bylaws,
226 the association shall prepare and complete, or contract for the
227 preparation and completion of, a financial report for the
228 preceding fiscal year. Within 21 days after the final financial
229 report is completed by the association or received from the
230 third party, but not later than 120 days after the end of the
231 fiscal year or other date as provided in the bylaws, the
232 association shall mail to each unit owner at the address last
233 furnished to the association by the unit owner, or hand deliver
234 to each unit owner, a copy of the most recent financial report
235 or a notice that a copy of the most recent financial report will
236 be mailed or hand delivered to the unit owner, without charge,
237 within 5 business days after receipt of a written request from
238 the unit owner. The division shall adopt rules setting forth

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239 uniform accounting principles and standards to be used by all
240 associations and addressing the financial reporting requirements
241 for multicondominium associations. The rules must include, but
242 not be limited to, standards for presenting a summary of
243 association reserves, including a good faith estimate disclosing
244 the annual amount of reserve funds that would be necessary for
245 the association to fully fund reserves for each reserve item
246 based on the straight-line accounting method. This disclosure is
247 not applicable to reserves funded via the pooling method. In
248 adopting such rules, the division shall consider the number of
249 members and annual revenues of an association. Financial reports
250 shall be prepared as follows:

251 (e) A unit owner may provide written notice to the
252 division of the association's failure to mail or hand deliver
253 him or her a copy of the most recent financial report within 5
254 business days after he or she submitted a written request to the
255 association for a copy of such report. If the division
256 determines that the association failed to mail or hand deliver a
257 copy of the most recent financial report to the unit owner, the
258 division shall provide written notice to the association that
259 the association must mail or hand deliver a copy of the most
260 recent financial report to the unit owner and the division
261 within 5 business days after it receives such notice from the
262 division. An association that fails to comply with the
263 division's request may not waive the financial reporting

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264 requirement provided in paragraph (d) for the fiscal year in
265 which the unit owner's request was made and the following fiscal
266 year. A financial report received by the division pursuant to
267 this paragraph shall be maintained, and the division shall
268 provide a copy of such report to an association member upon his
269 or her request.

270 Section 2. Paragraphs (a), (c), (d), and (j) of subsection
271 (2) of section 718.112, Florida Statutes, are amended to read:

272 718.112 Bylaws.—

273 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
274 following and, if they do not do so, shall be deemed to include
275 the following:

276 (a) Administration.—

277 1. The form of administration of the association shall be
278 described indicating the title of the officers and board of
279 administration and specifying the powers, duties, manner of
280 selection and removal, and compensation, if any, of officers and
281 boards. In the absence of such a provision, the board of
282 administration shall be composed of five members, unless the
283 ~~except in the case of a condominium which~~ has five or fewer
284 units. The board shall consist of not fewer than three members
285 in condominiums with five or fewer units that are not-for-profit
286 corporations, ~~in which case in a not for profit corporation the~~
287 ~~board shall consist of not fewer than three members.~~ In the
288 absence of provisions to the contrary in the bylaws, the board

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289 of administration shall have a president, a secretary, and a
290 treasurer, who shall perform the duties of such officers
291 customarily performed by officers of corporations. Unless
292 prohibited in the bylaws, the board of administration may
293 appoint other officers and grant them the duties it deems
294 appropriate. Unless otherwise provided in the bylaws, the
295 officers shall serve without compensation and at the pleasure of
296 the board of administration. Unless otherwise provided in the
297 bylaws, the members of the board shall serve without
298 compensation.

299 2. When a unit owner of a residential condominium files a
300 written inquiry by certified mail with the board of
301 administration, the board shall respond in writing to the unit
302 owner within 30 days after receipt of the inquiry. The board's
303 response shall either give a substantive response to the
304 inquirer, notify the inquirer that a legal opinion has been
305 requested, or notify the inquirer that advice has been requested
306 from the division. If the board requests advice from the
307 division, the board shall, within 10 days after its receipt of
308 the advice, provide in writing a substantive response to the
309 inquirer. If a legal opinion is requested, the board shall,
310 within 60 days after the receipt of the inquiry, provide in
311 writing a substantive response to the inquiry. The failure to
312 provide a substantive response to the inquiry as provided herein
313 precludes the board from recovering attorney fees and costs in

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314 any subsequent litigation, administrative proceeding, or
315 arbitration arising out of the inquiry. The association may
316 through its board of administration adopt reasonable rules and
317 regulations regarding the frequency and manner of responding to
318 unit owner inquiries, one of which may be that the association
319 is only obligated to respond to one written inquiry per unit in
320 any given 30-day period. In such a case, any additional inquiry
321 or inquiries must be responded to in the subsequent 30-day
322 period, or periods, as applicable.

323 (c) Board of administration meetings.—Meetings of the
324 board of administration at which a quorum of the members is
325 present are open to all unit owners. Members of the board of
326 administration may use e-mail as a means of communication but
327 may not cast a vote on an association matter via e-mail. A unit
328 owner may tape record or videotape the meetings. The right to
329 attend such meetings includes the right to speak at such
330 meetings with reference to all designated agenda items. The
331 division shall adopt reasonable rules governing the tape
332 recording and videotaping of the meeting. The association may
333 adopt written reasonable rules governing the frequency,
334 duration, and manner of unit owner statements.

335 1. Adequate notice of all board meetings, which must
336 specifically identify all agenda items, must be posted
337 conspicuously on the condominium property at least 48 continuous
338 hours before the meeting except in an emergency. If 20 percent

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339 of the voting interests petition the board to address an item of
340 business, the board, within 60 days after receipt of the
341 petition, shall place the item on the agenda at its next regular
342 board meeting or at a special meeting called for that purpose.
343 An item not included on the notice may be taken up on an
344 emergency basis by a vote of at least a majority plus one of the
345 board members. Such emergency action must be noticed and
346 ratified at the next regular board meeting. ~~However,~~ Written
347 notice of a meeting at which a nonemergency special assessment
348 or an amendment to rules regarding unit use will be considered
349 must be mailed, delivered, or electronically transmitted to the
350 unit owners and posted conspicuously on the condominium property
351 at least 14 days before the meeting. Evidence of compliance with
352 this 14-day notice requirement must be made by an affidavit
353 executed by the person providing the notice and filed with the
354 official records of the association. Notice of any meeting in
355 which regular or special assessments against unit owners are to
356 be considered must specifically state that assessments will be
357 considered and provide the estimated cost and description of the
358 purposes for such assessments. Upon notice to the unit owners,
359 the board shall, by duly adopted rule, designate a specific
360 location on the condominium ~~or association~~ property where all
361 notices of board meetings must be posted. If there is no
362 condominium property ~~or association property~~ where notices can
363 be posted, notices shall be mailed, delivered, or electronically

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364 transmitted to each unit owner at least 14 days before the
365 meeting. In lieu of or in addition to the physical posting of
366 the notice on the condominium property, the association may, by
367 reasonable rule, adopt a procedure for conspicuously posting and
368 repeatedly broadcasting the notice and the agenda on a closed-
369 circuit cable television system serving the condominium
370 association. However, if broadcast notice is used in lieu of a
371 notice physically posted on condominium property, the notice and
372 agenda must be broadcast at least four times every broadcast
373 hour of each day that a posted notice is otherwise required
374 under this section. If broadcast notice is provided, the notice
375 and agenda must be broadcast in a manner and for a sufficient
376 continuous length of time so as to allow an average reader to
377 observe the notice and read and comprehend the entire content of
378 the notice and the agenda. In addition to any of the authorized
379 means of providing notice of a meeting of the board, the
380 association may, by rule, adopt a procedure for conspicuously
381 posting the meeting notice and the agenda on a website serving
382 the condominium association for at least the minimum period of
383 time for which a notice of a meeting is also required to be
384 physically posted on the condominium property. Any rule adopted
385 shall, in addition to other matters, include a requirement that
386 the association send an electronic notice in the same manner as
387 a notice for a meeting of the members, which must include a
388 hyperlink to the website where the notice is posted, to unit

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389 owners whose e-mail addresses are included in the association's
390 official records. ~~Notice of any meeting in which regular or~~
391 ~~special assessments against unit owners are to be considered~~
392 ~~must specifically state that assessments will be considered and~~
393 ~~provide the nature, estimated cost, and description of the~~
394 ~~purposes for such assessments.~~

395 2. Meetings of a committee to take final action on behalf
396 of the board or make recommendations to the board regarding the
397 association budget are subject to this paragraph. Meetings of a
398 committee that does not take final action on behalf of the board
399 or make recommendations to the board regarding the association
400 budget are subject to this section, unless those meetings are
401 exempted from this section by the bylaws of the association.

402 3. Notwithstanding any other law, the requirement that
403 board meetings and committee meetings be open to the unit owners
404 does not apply to:

405 a. Meetings between the board or a committee and the
406 association's attorney, with respect to proposed or pending
407 litigation, if the meeting is held for the purpose of seeking or
408 rendering legal advice; or

409 b. Board meetings held for the purpose of discussing
410 personnel matters.

411 (d) Unit owner meetings.—

412 1. An annual meeting of the unit owners must ~~shall~~ be held
413 at the location provided in the association bylaws and, if the

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414 bylaws are silent as to the location, the meeting must ~~shall~~ be
415 held within 45 miles of the condominium property. However, such
416 distance requirement does not apply to an association governing
417 a timeshare condominium.

418 2. Unless the bylaws provide otherwise, a vacancy on the
419 board caused by the expiration of a director's term must ~~shall~~
420 be filled by electing a new board member, and the election must
421 be by secret ballot. An election is not required if the number
422 of vacancies equals or exceeds the number of candidates. For
423 purposes of this paragraph, the term "candidate" means an
424 eligible person who has timely submitted the written notice, as
425 described in sub-subparagraph 4.a., of his or her intention to
426 become a candidate. Except in a timeshare or nonresidential
427 condominium, or if the staggered term of a board member does not
428 expire until a later annual meeting, or if all members' terms
429 would otherwise expire but there are no candidates, the terms of
430 all board members expire at the annual meeting, and such members
431 may stand for reelection unless prohibited by the bylaws. Each
432 term may not exceed 2 years, unless a shorter term is specified
433 ~~Board members may serve 2-year terms if permitted by the bylaws~~
434 ~~or articles of incorporation. A board member may not serve more~~
435 ~~than four consecutive 2-year terms, unless approved by an~~
436 ~~affirmative vote of two-thirds of the total voting interests of~~
437 ~~the association or unless there are not enough eligible~~
438 ~~candidates to fill the vacancies on the board at the time of the~~

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439 ~~vacancy.~~ If the number of board members whose terms expire at
440 the annual meeting equals or exceeds the number of candidates,
441 the candidates become members of the board effective upon the
442 adjournment of the annual meeting. Unless the bylaws provide
443 otherwise, any remaining vacancies shall be filled by the
444 affirmative vote of the majority of the directors making up the
445 newly constituted board even if the directors constitute less
446 than a quorum or there is only one director. In a residential
447 condominium association of more than 10 units or in a
448 residential condominium association that does not include
449 timeshare units or timeshare interests, coowners of a unit may
450 not serve as members of the board of directors at the same time
451 unless they own more than one unit or unless there are not
452 enough eligible candidates to fill the vacancies on the board at
453 the time of the vacancy. A unit owner in a residential
454 condominium desiring to be a candidate for board membership must
455 comply with sub-subparagraph 4.a. and must be eligible to be a
456 candidate to serve on the board of directors at the time of the
457 deadline for submitting a notice of intent to run in order to
458 have his or her name listed as a proper candidate on the ballot
459 or to serve on the board. A person who has been suspended or
460 removed by the division under this chapter, or who is delinquent
461 in the payment of any monetary obligation due to the
462 association, is not eligible to be a candidate for board
463 membership and may not be listed on the ballot. A person who has

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464 | been convicted of any felony in this state or in a United States
465 | District or Territorial Court, or who has been convicted of any
466 | offense in another jurisdiction which would be considered a
467 | felony if committed in this state, is not eligible for board
468 | membership unless such felon's civil rights have been restored
469 | for at least 5 years as of the date such person seeks election
470 | to the board. The validity of an action by the board is not
471 | affected if it is later determined that a board member is
472 | ineligible for board membership due to having been convicted of
473 | a felony. This subparagraph does not limit the term of a member
474 | of the board of a nonresidential or timeshare condominium.

475 | 3. The bylaws must provide the method of calling meetings
476 | of unit owners, including annual meetings. Written notice must
477 | include an agenda, must be mailed, hand delivered, or
478 | electronically transmitted to each unit owner at least 14 days
479 | before the annual meeting, and must be posted in a conspicuous
480 | place on the condominium property at least 14 continuous days
481 | before the annual meeting. Upon notice to the unit owners, the
482 | board shall, by duly adopted rule, designate a specific location
483 | on the condominium property ~~or association property~~ where all
484 | notices of unit owner meetings must ~~shall~~ be posted. This
485 | requirement does not apply if there is no condominium property
486 | ~~or association property~~ for posting notices. In lieu of, or in
487 | addition to, the physical posting of meeting notices, the
488 | association may, by reasonable rule, adopt a procedure for

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489 conspicuously posting and repeatedly broadcasting the notice and
490 the agenda on a closed-circuit cable television system serving
491 the condominium association. However, if broadcast notice is
492 used in lieu of a notice posted physically on the condominium
493 property, the notice and agenda must be broadcast at least four
494 times every broadcast hour of each day that a posted notice is
495 otherwise required under this section. If broadcast notice is
496 provided, the notice and agenda must be broadcast in a manner
497 and for a sufficient continuous length of time so as to allow an
498 average reader to observe the notice and read and comprehend the
499 entire content of the notice and the agenda. In addition to any
500 of the authorized means of providing notice of a meeting of the
501 board, the association may, by rule, adopt a procedure for
502 conspicuously posting the meeting notice and the agenda on a
503 website serving the condominium association for at least the
504 minimum period of time for which a notice of a meeting is also
505 required to be physically posted on the condominium property.
506 Any rule adopted shall, in addition to other matters, include a
507 requirement that the association send an electronic notice in
508 the same manner as a notice for a meeting of the members, which
509 must include a hyperlink to the website where the notice is
510 posted, to unit owners whose e-mail addresses are included in
511 the association's official records. Unless a unit owner waives
512 in writing the right to receive notice of the annual meeting,
513 such notice must be hand delivered, mailed, or electronically

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

529 4. The members of the board of a residential condominium
530 shall be elected by written ballot or voting machine. Proxies
531 may not be used in electing the board in general elections or
532 elections to fill vacancies caused by recall, resignation, or
533 otherwise, unless otherwise provided in this chapter. This
534 subparagraph does not apply to an association governing a
535 timeshare condominium.

536 a. At least 60 days before a scheduled election, the
537 association shall mail, deliver, or electronically transmit, by
538 separate association mailing or included in another association

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

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564 percent of the eligible voters must cast a ballot in order to
565 have a valid election. A unit owner may not authorize ~~permit~~ any
566 other person to vote his or her ballot, and any ballots
567 improperly cast are invalid. A unit owner who violates this
568 provision may be fined by the association in accordance with s.
569 718.303. A unit owner who needs assistance in casting the ballot
570 for the reasons stated in s. 101.051 may obtain such assistance.
571 The regular election must occur on the date of the annual
572 meeting. Notwithstanding this sub-subparagraph, an election is
573 not required unless more candidates file notices of intent to
574 run or are nominated than board vacancies exist.

575 b. Within 90 days after being elected or appointed to the
576 board of an association of a residential condominium, each newly
577 elected or appointed director shall certify in writing to the
578 secretary of the association that he or she has read the
579 association's declaration of condominium, articles of
580 incorporation, bylaws, and current written policies; that he or
581 she will work to uphold such documents and policies to the best
582 of his or her ability; and that he or she will faithfully
583 discharge his or her fiduciary responsibility to the
584 association's members. In lieu of this written certification,
585 within 90 days after being elected or appointed to the board,
586 the newly elected or appointed director may submit a certificate
587 of having satisfactorily completed the educational curriculum
588 administered by a division-approved condominium education

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589 provider within 1 year before or 90 days after the date of
590 election or appointment. The written certification or
591 educational certificate is valid and does not have to be
592 resubmitted as long as the director serves on the board without
593 interruption. A director of an association of a residential
594 condominium who fails to timely file the written certification
595 or educational certificate is suspended from service on the
596 board until he or she complies with this sub-subparagraph. The
597 board may temporarily fill the vacancy during the period of
598 suspension. The secretary shall cause the association to retain
599 a director's written certification or educational certificate
600 for inspection by the members for 5 years after a director's
601 election or the duration of the director's uninterrupted tenure,
602 whichever is longer. Failure to have such written certification
603 or educational certificate on file does not affect the validity
604 of any board action.

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

607 5. Any approval by unit owners called for by this chapter
608 or the applicable declaration or bylaws, including, but not
609 limited to, the approval requirement in s. 718.111(8), must be
610 made at a duly noticed meeting of unit owners and is subject to
611 all requirements of this chapter or the applicable condominium
612 documents relating to unit owner decisionmaking, except that
613 unit owners may take action by written agreement, without

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614 meetings, on matters for which action by written agreement
615 without meetings is expressly allowed by the applicable bylaws
616 or declaration or any law that provides for such action.

617 6. Unit owners may waive notice of specific meetings if
618 allowed by the applicable bylaws or declaration or any law.
619 Notice of meetings of the board of administration, unit owner
620 meetings, except unit owner meetings called to recall board
621 members under paragraph (j), and committee meetings may be given
622 by electronic transmission to unit owners who consent to receive
623 notice by electronic transmission. A unit owner who consents to
624 receiving notices by electronic transmission is solely
625 responsible for removing or bypassing filters that block receipt
626 of mass emails sent to members on behalf of the association in
627 the course of giving electronic notices.

628 7. Unit owners have the right to participate in meetings
629 of unit owners with reference to all designated agenda items.
630 However, the association may adopt reasonable rules governing
631 the frequency, duration, and manner of unit owner participation.

632 8. A unit owner may tape record or videotape a meeting of
633 the unit owners subject to reasonable rules adopted by the
634 division.

635 9. Unless otherwise provided in the bylaws, any vacancy
636 occurring on the board before the expiration of a term may be
637 filled by the affirmative vote of the majority of the remaining
638 directors, even if the remaining directors constitute less than

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639 a quorum, or by the sole remaining director. In the alternative,
640 a board may hold an election to fill the vacancy, in which case
641 the election procedures must conform to sub-subparagraph 4.a.
642 unless the association governs 10 units or fewer and has opted
643 out of the statutory election process, in which case the bylaws
644 of the association control. Unless otherwise provided in the
645 bylaws, a board member appointed or elected under this section
646 shall fill the vacancy for the unexpired term of the seat being
647 filled. Filling vacancies created by recall is governed by
648 paragraph (j) and rules adopted by the division.

649 10. This chapter does not limit the use of general or
650 limited proxies, require the use of general or limited proxies,
651 or require the use of a written ballot or voting machine for any
652 agenda item or election at any meeting of a timeshare
653 condominium association or nonresidential condominium
654 association.

655
656 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
657 association of 10 or fewer units may, by affirmative vote of a
658 majority of the total voting interests, provide for different
659 voting and election procedures in its bylaws, which may be by a
660 proxy specifically delineating the different voting and election
661 procedures. The different voting and election procedures may
662 provide for elections to be conducted by limited or general
663 proxy.

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664 (j) Recall of board members.—Subject to s. 718.301, any
665 member of the board of administration may be recalled and
666 removed from office with or without cause by the vote or
667 agreement in writing by a majority of all the voting interests.
668 A special meeting of the unit owners to recall a member or
669 members of the board of administration may be called by 10
670 percent of the voting interests giving notice of the meeting as
671 required for a meeting of unit owners, and the notice shall
672 state the purpose of the meeting. Electronic transmission may
673 not be used as a method of giving notice of a meeting called in
674 whole or in part for this purpose.

675 1. If the recall is approved by a majority of all voting
676 interests by a vote at a meeting, the recall will be effective
677 as provided in this paragraph. The board shall duly notice and
678 hold a board meeting within 5 full business days after the
679 adjournment of the unit owner meeting to recall one or more
680 board members. Such member or members shall be recalled
681 effective immediately upon conclusion of the board meeting
682 provided that the recall is facially valid. A recalled member
683 must ~~and shall~~ turn over to the board, within 10 full business
684 days after the vote, any and all records and property of the
685 association in their possession.

686 2. If the proposed recall is by an agreement in writing by
687 a majority of all voting interests, the agreement in writing or
688 a copy thereof shall be served on the association by certified

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689 mail or by personal service in the manner authorized by chapter
690 48 and the Florida Rules of Civil Procedure. The board of
691 administration shall duly notice and hold a meeting of the board
692 within 5 full business days after receipt of the agreement in
693 writing. Such member or members shall be recalled effective
694 immediately upon the conclusion of the board meeting provided
695 that the recall is facially valid. A recalled member must ~~and~~
696 ~~shall~~ turn over to the board, within 10 full business days, any
697 and all records and property of the association in their
698 possession.

699 3. If the board fails to duly notice and hold a board
700 meeting within 5 full business days after service of an
701 agreement in writing or within 5 full business days after the
702 adjournment of the unit owner recall meeting, the recall shall
703 be deemed effective and the board members so recalled shall turn
704 over to the board within 10 full business days after the vote
705 any and all records and property of the association.

706 4. If the board fails to duly notice and hold the required
707 meeting ~~or fails to file the required petition,~~ the unit owner
708 representative may file a petition pursuant to s. 718.1255
709 challenging the board's failure to act. The petition must be
710 filed within 60 days after the expiration of the applicable 5-
711 full-business-day period. The review of a petition under this
712 subparagraph is limited to the sufficiency of service on the

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713 board and the facial validity of the written agreement or
714 ballots filed.

715 5. If a vacancy occurs on the board as a result of a
716 recall or removal and less than a majority of the board members
717 are removed, the vacancy may be filled by the affirmative vote
718 of a majority of the remaining directors, notwithstanding any
719 provision to the contrary contained in this subsection. If
720 vacancies occur on the board as a result of a recall and a
721 majority or more of the board members are removed, the vacancies
722 shall be filled in accordance with procedural rules to be
723 adopted by the division, which rules need not be consistent with
724 this subsection. The rules must provide procedures governing the
725 conduct of the recall election as well as the operation of the
726 association during the period after a recall but before the
727 recall election.

728 6. A board member who has been recalled may file a
729 petition pursuant to s. 718.1255 challenging the validity of the
730 recall. The petition must be filed within 60 days after the
731 recall. The association and the unit owner representative shall
732 be named as the respondents. The petition may challenge the
733 facial validity of the written agreement or ballots filed or the
734 substantial compliance with the procedural requirements for the
735 recall. If the arbitrator determines the recall was invalid, the
736 petitioning board member shall immediately be reinstated and the
737 recall is null and void. A board member who is successful in

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738 challenging a recall is entitled to recover reasonable attorney
739 fees and costs from the respondents. The arbitrator may award
740 reasonable attorney fees and costs to the respondents if they
741 prevail, if the arbitrator makes a finding that the petitioner's
742 claim is frivolous.

743 7. The division may not accept for filing a recall
744 petition, whether filed pursuant to subparagraph 1.,
745 subparagraph 2., subparagraph 4., or subparagraph 6. when there
746 are 60 or fewer days until the scheduled reelection of the board
747 member sought to be recalled or when 60 or fewer days have
748 elapsed since the election of the board member sought to be
749 recalled.

750 Section 3. Subsection (2) of section 718.113, Florida
751 Statutes, is amended to read:

752 718.113 Maintenance; limitation upon improvement; display
753 of flag; hurricane shutters and protection; display of religious
754 decorations.—

755 (2) (a) Except as otherwise provided in this section, there
756 shall be no material alteration or substantial additions to the
757 common elements or to real property which is association
758 property, except in a manner provided in the declaration as
759 originally recorded or as amended under the procedures provided
760 therein. If the declaration as originally recorded or as amended
761 under the procedures provided therein does not specify the
762 procedure for approval of material alterations or substantial

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763 additions, 75 percent of the total voting interests of the
764 association must approve the alterations or additions before the
765 material alterations or substantial additions are commenced.

766 This paragraph is intended to clarify existing law and applies
767 to associations existing on July 1, 2018 ~~October 1, 2008~~.

768 (b) There shall not be any material alteration of, or
769 substantial addition to, the common elements of any condominium
770 operated by a multicondominium association unless approved in
771 the manner provided in the declaration of the affected
772 condominium or condominiums as originally recorded or as amended
773 under the procedures provided therein. If a declaration as
774 originally recorded or as amended under the procedures provided
775 therein does not specify a procedure for approving such an
776 alteration or addition, the approval of 75 percent of the total
777 voting interests of each affected condominium is required before
778 the material alterations or substantial additions are commenced.

779 This subsection does not prohibit a provision in any
780 declaration, articles of incorporation, or bylaws as originally
781 recorded or as amended under the procedures provided therein
782 requiring the approval of unit owners in any condominium
783 operated by the same association or requiring board approval
784 before a material alteration or substantial addition to the
785 common elements is permitted. This paragraph is intended to
786 clarify existing law and applies to associations existing on
787 July 1, 2018 ~~the effective date of this act.~~

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788 (c) There shall not be any material alteration or
789 substantial addition made to association real property operated
790 by a multicondominium association, except as provided in the
791 declaration, articles of incorporation, or bylaws as originally
792 recorded or as amended under the procedures provided therein. If
793 the declaration, articles of incorporation, or bylaws as
794 originally recorded or as amended under the procedures provided
795 therein do not specify the procedure for approving an alteration
796 or addition to association real property, the approval of 75
797 percent of the total voting interests of the association is
798 required before the material alterations or substantial
799 additions are commenced. This paragraph is intended to clarify
800 existing law and applies to associations existing on July 1,
801 2018 ~~the effective date of this act.~~

802 Section 4. Subsection (3) of section 718.3026, Florida
803 Statutes, is amended to read:

804 718.3026 Contracts for products and services; in writing;
805 bids; exceptions.—Associations with 10 or fewer units may opt
806 out of the provisions of this section if two-thirds of the unit
807 owners vote to do so, which opt-out may be accomplished by a
808 proxy specifically setting forth the exception from this
809 section.

810 ~~(3) As to any contract or other transaction between an~~
811 ~~association and one or more of its directors or any other~~
812 ~~corporation, firm, association, or entity in which one or more~~

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813 ~~of its directors are directors or officers or are financially~~
814 ~~interested:~~

815 ~~(a) The association shall comply with the requirements of~~
816 ~~s. 617.0832.~~

817 ~~(b) The disclosures required by s. 617.0832 shall be~~
818 ~~entered into the written minutes of the meeting.~~

819 ~~(c) Approval of the contract or other transaction shall~~
820 ~~require an affirmative vote of two thirds of the directors~~
821 ~~present.~~

822 ~~(d) At the next regular or special meeting of the members,~~
823 ~~the existence of the contract or other transaction shall be~~
824 ~~disclosed to the members. Upon motion of any member, the~~
825 ~~contract or transaction shall be brought up for a vote and may~~
826 ~~be canceled by a majority vote of the members present. Should~~
827 ~~the members cancel the contract, the association shall only be~~
828 ~~liable for the reasonable value of goods and services provided~~
829 ~~up to the time of cancellation and shall not be liable for any~~
830 ~~termination fee, liquidated damages, or other form of penalty~~
831 ~~for such cancellation.~~

832 Section 5. Section 718.3027, Florida Statutes, is amended
833 to read:

834 718.3027 Conflicts of interest.—

835 (1) Directors and officers of a board of an association
836 that is not a timeshare condominium association, and the
837 relatives of such directors and officers, must disclose to the

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838 board any activity that may reasonably be construed to be a
839 conflict of interest. A rebuttable presumption of a conflict of
840 interest exists if any of the following occurs without prior
841 notice, as required in subsection (5)~~(4)~~:

842 (a) A director or an officer, or a relative of a director
843 or an officer, enters into a contract for goods or services with
844 the association.

845 (b) A director or an officer, or a relative of a director
846 or an officer, holds an interest in a corporation, limited
847 liability corporation, partnership, limited liability
848 partnership, or other business entity that conducts business
849 with the association or proposes to enter into a contract or
850 other transaction with the association.

851 (2) If a director or an officer, or a relative of a
852 director or an officer, proposes to engage in an activity that
853 is a conflict of interest, as described in subsection (1), the
854 proposed activity must be listed on, and all contracts and
855 transactional documents related to the proposed activity must be
856 attached to, the meeting agenda. The association shall comply
857 with the requirements of s. 617.0832, and the disclosures
858 required by s. 617.0832 shall be entered into the written
859 minutes of the meeting. Approval of the contract or other
860 transaction requires an affirmative vote of two-thirds of all
861 other directors present. At the next regular or special meeting
862 of the members, the existence of the contract or other

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863 transaction shall be disclosed to the members. Upon motion of
864 any member, the contract or transaction shall be brought up for
865 a vote and may be canceled by a majority vote of the members
866 present. If the contract is canceled, the association is only
867 liable for the reasonable value of the goods and services
868 provided up to the time of cancellation and is not liable for
869 any termination fee, liquidated damages, or other form of
870 penalty for such cancellation.

871 (3) If the board votes against the proposed activity, the
872 director or officer, or the relative of the director or officer,
873 must notify the board in writing of his or her intention not to
874 pursue the proposed activity or to withdraw from office. If the
875 board finds that an officer or a director has violated this
876 subsection, the officer or director shall be deemed removed from
877 office. The vacancy shall be filled according to general law.

878 (4)~~(3)~~ A director or an officer, or a relative of a
879 director or an officer, who is a party to, or has an interest
880 in, an activity that is a possible conflict of interest, as
881 described in subsection (1), may attend the meeting at which the
882 activity is considered by the board and is authorized to make a
883 presentation to the board regarding the activity. After the
884 presentation, the director or officer, or the relative of the
885 director or officer, must leave the meeting during the
886 discussion of, and the vote on, the activity. A director or an

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887 officer who is a party to, or has an interest in, the activity
888 must recuse himself or herself from the vote.

889 ~~(5)-(4)~~ A contract entered into between a director or an
890 officer, or a relative of a director or an officer, and the
891 association, which is not a timeshare condominium association,
892 that has not been properly disclosed as a conflict of interest
893 or potential conflict of interest as required by s.

894 718.111(12)(g) is voidable and terminates upon the filing of a
895 written notice terminating the contract with the board of
896 directors which contains the consent of at least 20 percent of
897 the voting interests of the association.

898 ~~(6)-(5)~~ As used in this section, the term "relative" means
899 a relative within the third degree of consanguinity by blood or
900 marriage.

901 Section 6. Paragraph (b) of subsection (3) of section
902 718.303, Florida Statutes, is amended to read:

903 718.303 Obligations of owners and occupants; remedies.—

904 (3) The association may levy reasonable fines for the
905 failure of the owner of the unit or its occupant, licensee, or
906 invitee to comply with any provision of the declaration, the
907 association bylaws, or reasonable rules of the association. A
908 fine may not become a lien against a unit. A fine may be levied
909 by the board on the basis of each day of a continuing violation,
910 with a single notice and opportunity for hearing before a

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911 committee as provided in paragraph (b). However, the fine may
912 not exceed \$100 per violation, or \$1,000 in the aggregate.

913 (b) A fine or suspension levied by the board of
914 administration may not be imposed unless the board first
915 provides at least 14 days' written notice ~~and an opportunity for~~
916 ~~a hearing~~ to the unit owner and, if applicable, any its
917 occupant, licensee, or invitee of the unit owner sought to be
918 fined or suspended and an opportunity for a hearing. The hearing
919 must be held before a committee of at least three members
920 appointed by the board who are not officers, directors, or
921 employees of the association, or the spouse, parent, child,
922 brother, or sister of an officer, director, or employee other
923 unit owners who are neither board members nor persons residing
924 in a board member's household. The role of the committee is
925 limited to determining whether to confirm or reject the fine or
926 suspension levied by the board. If the committee does not
927 approve agree, the proposed fine or suspension by majority vote,
928 the fine or suspension may not be imposed. If the proposed fine
929 or suspension is approved by the committee, the fine payment is
930 due 5 days after the date of the committee meeting at which the
931 fine is approved. The association must provide written notice of
932 such fine or suspension by mail or hand delivery to the unit
933 owner and, if applicable, to any tenant, licensee, or invitee of
934 the unit owner.

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935 Section 7. Section 718.707, Florida Statutes, is amended
936 to read:

937 718.707 Time limitation for classification as bulk
938 assignee or bulk buyer.—A person acquiring condominium parcels
939 may not be classified as a bulk assignee or bulk buyer unless
940 the condominium parcels were acquired on or after July 1, 2010,
941 ~~but before July 1, 2018~~. The date of such acquisition shall be
942 determined by the date of recording a deed or other instrument
943 of conveyance for such parcels in the public records of the
944 county in which the condominium is located, or by the date of
945 issuing a certificate of title in a foreclosure proceeding with
946 respect to such condominium parcels.

947 Section 8. Paragraphs (a) and (b) of subsection (2) of
948 section 719.104, Florida Statutes, are amended to read:

949 719.104 Cooperatives; access to units; records; financial
950 reports; assessments; purchase of leases.—

951 (2) OFFICIAL RECORDS.—

952 (a) From the inception of the association, the association
953 shall maintain a copy of each of the following, where
954 applicable, which shall constitute the official records of the
955 association:

956 1. The plans, permits, warranties, and other items
957 provided by the developer pursuant to s. 719.301(4).

958 2. A photocopy of the cooperative documents.

959 3. A copy of the current rules of the association.

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960 4. A book or books containing the minutes of all meetings
961 of the association, of the board of directors, and of the unit
962 owners, ~~which minutes shall be retained for a period of not less~~
963 ~~than 7 years.~~

964 5. A current roster of all unit owners and their mailing
965 addresses, unit identifications, voting certifications, and, if
966 known, telephone numbers. The association shall also maintain
967 the e-mail ~~electronic mailing~~ addresses and the numbers
968 designated by unit owners for receiving notice sent by
969 electronic transmission of those unit owners consenting to
970 receive notice by electronic transmission. The e-mail ~~electronic~~
971 ~~mailing~~ addresses and numbers provided by unit owners to receive
972 notice by electronic transmission shall be removed from
973 association records when consent to receive notice by electronic
974 transmission is revoked. However, the association is not liable
975 for an erroneous disclosure of the e-mail ~~electronic mail~~
976 address or the number for receiving electronic transmission of
977 notices.

978 6. All current insurance policies of the association.

979 7. A current copy of any management agreement, lease, or
980 other contract to which the association is a party or under
981 which the association or the unit owners have an obligation or
982 responsibility.

983 8. Bills of sale or transfer for all property owned by the
984 association.

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985 9. Accounting records for the association and separate
986 accounting records for each unit it operates, according to good
987 accounting practices. ~~All accounting records shall be maintained~~
988 ~~for a period of not less than 7 years.~~ The accounting records
989 shall include, but not be limited to:

990 a. Accurate, itemized, and detailed records of all
991 receipts and expenditures.

992 b. A current account and a monthly, bimonthly, or
993 quarterly statement of the account for each unit designating the
994 name of the unit owner, the due date and amount of each
995 assessment, the amount paid upon the account, and the balance
996 due.

997 c. All audits, reviews, accounting statements, and
998 financial reports of the association.

999 d. All contracts for work to be performed. Bids for work
1000 to be performed shall also be considered official records and
1001 shall be maintained for a period of 1 year.

1002 10. Ballots, sign-in sheets, voting proxies, and all other
1003 papers and electronic records relating to voting by unit owners,
1004 which shall be maintained for a period of 1 year after the date
1005 of the election, vote, or meeting to which the document relates.

1006 11. All rental records where the association is acting as
1007 agent for the rental of units.

1008 12. A copy of the current question and answer sheet as
1009 described in s. 719.504.

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1010 13. All other written records of the association not
1011 specifically included in the foregoing which are related to the
1012 operation of the association.

1013 (b) The official records of the association must be
1014 maintained within the state for at least 7 years. The records of
1015 the association shall be made available to a unit owner within
1016 45 miles of the cooperative property or within the county in
1017 which the cooperative property is located within 10 ~~5~~ working
1018 days after receipt of written request by the board or its
1019 designee. This paragraph may be complied with by having a copy
1020 of the official records of the association available for
1021 inspection or copying on the cooperative property or the
1022 association may offer the option of making the records available
1023 to a unit owner electronically via the Internet or by allowing
1024 the records to be viewed in an electronic format on a computer
1025 screen and printed upon request. The association is not
1026 responsible for the use or misuse of the information provided to
1027 an association member or his or her authorized representative
1028 pursuant to the compliance requirements of this chapter unless
1029 the association has an affirmative duty not to disclose such
1030 information pursuant to this chapter.

1031 Section 9. Paragraphs (a), (c), and (d) of subsection (1)
1032 of section 719.106, Florida Statutes, are amended, and paragraph
1033 (m) is added to that subsection, to read:

1034 719.106 Bylaws; cooperative ownership.—

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1035 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1036 documents shall provide for the following, and if they do not,
1037 they shall be deemed to include the following:

1038 (a) Administration.—

1039 1. The form of administration of the association shall be
1040 described, indicating the titles of the officers and board of
1041 administration and specifying the powers, duties, manner of
1042 selection and removal, and compensation, if any, of officers and
1043 board members. In the absence of such a provision, the board of
1044 administration shall be composed of five members, unless the
1045 cooperative ~~except in the case of cooperatives~~ has having five
1046 or fewer units., ~~in which case in not-for-profit corporations,~~
1047 The board shall consist of not fewer than three members in
1048 cooperatives with five or fewer units that are not-for-profit
1049 corporations. In a residential cooperative association of more
1050 than 10 units, co-owners of a unit may not serve as members of
1051 the board of directors at the same time unless the co-owners own
1052 more than one unit or unless there are not enough eligible
1053 candidates to fill the vacancies on the board at the time of the
1054 vacancy. In the absence of provisions to the contrary, the board
1055 of administration shall have a president, a secretary, and a
1056 treasurer, who shall perform the duties of those offices
1057 customarily performed by officers of corporations. Unless
1058 prohibited in the bylaws, the board of administration may
1059 appoint other officers and grant them those duties it deems

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1060 appropriate. Unless otherwise provided in the bylaws, the
1061 officers shall serve without compensation and at the pleasure of
1062 the board. Unless otherwise provided in the bylaws, the members
1063 of the board shall serve without compensation.

1064 2. A person who has been suspended or removed by the
1065 division under this chapter, or who is delinquent in the payment
1066 of any monetary obligation due to the association, is not
1067 eligible to be a candidate for board membership and may not be
1068 listed on the ballot. A director or officer charged by
1069 information or indictment with a felony theft or embezzlement
1070 offense involving the association's funds or property is
1071 suspended from office. The board shall fill the vacancy
1072 according to general law until the end of the period of the
1073 suspension or the end of the director's term of office,
1074 whichever occurs first. However, if the charges are resolved
1075 without a finding of guilt or without acceptance of a plea of
1076 guilty or nolo contendere, the director or officer shall be
1077 reinstated for any remainder of his or her term of office. A
1078 member who has such criminal charges pending may not be
1079 appointed or elected to a position as a director or officer. A
1080 person who has been convicted of any felony in this state or in
1081 any United States District Court, or who has been convicted of
1082 any offense in another jurisdiction which would be considered a
1083 felony if committed in this state, is not eligible for board
1084 membership unless such felon's civil rights have been restored

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1085 for at least 5 years as of the date such person seeks election
1086 to the board. The validity of an action by the board is not
1087 affected if it is later determined that a board member is
1088 ineligible for board membership due to having been convicted of
1089 a felony.

1090 3. When a unit owner files a written inquiry by certified
1091 mail with the board of administration, the board shall respond
1092 in writing to the unit owner within 30 days of receipt of the
1093 inquiry. The board's response shall either give a substantive
1094 response to the inquirer, notify the inquirer that a legal
1095 opinion has been requested, or notify the inquirer that advice
1096 has been requested from the division. If the board requests
1097 advice from the division, the board shall, within 10 days of its
1098 receipt of the advice, provide in writing a substantive response
1099 to the inquirer. If a legal opinion is requested, the board
1100 shall, within 60 days after the receipt of the inquiry, provide
1101 in writing a substantive response to the inquirer. The failure
1102 to provide a substantive response to the inquirer as provided
1103 herein precludes the board from recovering attorney's fees and
1104 costs in any subsequent litigation, administrative proceeding,
1105 or arbitration arising out of the inquiry. The association may,
1106 through its board of administration, adopt reasonable rules and
1107 regulations regarding the frequency and manner of responding to
1108 the unit owners' inquiries, one of which may be that the
1109 association is obligated to respond to only one written inquiry

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1110 per unit in any given 30-day period. In such case, any
1111 additional inquiry or inquiries must be responded to in the
1112 subsequent 30-day period, or periods, as applicable.

1113 (c) Board of administration meetings. Members of the board
1114 of administration may use e-mail as a means of communication but
1115 may not cast a vote on an association matter via e-mail.

1116 Meetings of the board of administration at which a quorum of the
1117 members is present shall be open to all unit owners. Any unit
1118 owner may tape record or videotape meetings of the board of
1119 administration. The right to attend such meetings includes the
1120 right to speak at such meetings with reference to all designated
1121 agenda items. The division shall adopt reasonable rules
1122 governing the tape recording and videotaping of the meeting. The
1123 association may adopt reasonable written rules governing the
1124 frequency, duration, and manner of unit owner statements.

1125 Adequate notice of all meetings shall be posted in a conspicuous
1126 place upon the cooperative property at least 48 continuous hours
1127 preceding the meeting, except in an emergency. Any item not
1128 included on the notice may be taken up on an emergency basis by
1129 at least a majority plus one of the members of the board. Such
1130 emergency action shall be noticed and ratified at the next
1131 regular meeting of the board. Notice of any meeting in which
1132 regular or special assessments against unit owners are to be
1133 considered must specifically state that assessments will be
1134 considered and provide the estimated cost and description of the

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1135 purpose for such assessments. ~~However,~~ Written notice of any
1136 meeting at which nonemergency special assessments, or at which
1137 amendment to rules regarding unit use, will be considered shall
1138 be mailed, delivered, or electronically transmitted to the unit
1139 owners and posted conspicuously on the cooperative property not
1140 less than 14 days before the meeting. Evidence of compliance
1141 with this 14-day notice shall be made by an affidavit executed
1142 by the person providing the notice and filed among the official
1143 records of the association. Upon notice to the unit owners, the
1144 board shall by duly adopted rule designate a specific location
1145 on the cooperative property upon which all notices of board
1146 meetings shall be posted. In lieu of or in addition to the
1147 physical posting of notice of any meeting of the board of
1148 administration on the cooperative property, the association may,
1149 by reasonable rule, adopt a procedure for conspicuously posting
1150 and repeatedly broadcasting the notice and the agenda on a
1151 closed-circuit cable television system serving the cooperative
1152 association. However, if broadcast notice is used in lieu of a
1153 notice posted physically on the cooperative property, the notice
1154 and agenda must be broadcast at least four times every broadcast
1155 hour of each day that a posted notice is otherwise required
1156 under this section. When broadcast notice is provided, the
1157 notice and agenda must be broadcast in a manner and for a
1158 sufficient continuous length of time so as to allow an average
1159 reader to observe the notice and read and comprehend the entire

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1160 content of the notice and the agenda. In addition to any of the
1161 authorized means of providing notice of a meeting of the board,
1162 the association may, by rule, adopt a procedure for
1163 conspicuously posting the meeting notice and the agenda on a
1164 website serving the cooperative association for at least the
1165 minimum period of time for which a notice of a meeting is also
1166 required to be physically posted on the cooperative property.
1167 Any rule adopted shall, in addition to other matters, include a
1168 requirement that the association send an electronic notice in
1169 the same manner as a notice for a meeting of the members, which
1170 must include a hyperlink to the website where the notice is
1171 posted, to unit owners whose e-mail addresses are included in
1172 the association's official records. ~~Notice of any meeting in~~
1173 ~~which regular assessments against unit owners are to be~~
1174 ~~considered for any reason shall specifically contain a statement~~
1175 ~~that assessments will be considered and the nature of any such~~
1176 ~~assessments.~~ Meetings of a committee to take final action on
1177 behalf of the board or to make recommendations to the board
1178 regarding the association budget are subject to the provisions
1179 of this paragraph. Meetings of a committee that does not take
1180 final action on behalf of the board or make recommendations to
1181 the board regarding the association budget are subject to the
1182 provisions of this section, unless those meetings are exempted
1183 from this section by the bylaws of the association.
1184 Notwithstanding any other law to the contrary, the requirement

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1185 that board meetings and committee meetings be open to the unit
1186 owners does not apply to board or committee meetings held for
1187 the purpose of discussing personnel matters or meetings between
1188 the board or a committee and the association's attorney, with
1189 respect to proposed or pending litigation, if the meeting is
1190 held for the purpose of seeking or rendering legal advice.

1191 (d) Shareholder meetings.—There shall be an annual meeting
1192 of the shareholders. All members of the board of administration
1193 shall be elected at the annual meeting unless the bylaws provide
1194 for staggered election terms or for their election at another
1195 meeting. Any unit owner desiring to be a candidate for board
1196 membership must comply with subparagraph 1. The bylaws must
1197 provide the method for calling meetings, including annual
1198 meetings. Written notice, which must incorporate an
1199 identification of agenda items, shall be given to each unit
1200 owner at least 14 days before the annual meeting and posted in a
1201 conspicuous place on the cooperative property at least 14
1202 continuous days preceding the annual meeting. Upon notice to the
1203 unit owners, the board must by duly adopted rule designate a
1204 specific location on the cooperative property upon which all
1205 notice of unit owner meetings are posted. In lieu of or in
1206 addition to the physical posting of the meeting notice, the
1207 association may, by reasonable rule, adopt a procedure for
1208 conspicuously posting and repeatedly broadcasting the notice and
1209 the agenda on a closed-circuit cable television system serving

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1210 the cooperative association. However, if broadcast notice is
1211 used in lieu of a posted notice, the notice and agenda must be
1212 broadcast at least four times every broadcast hour of each day
1213 that a posted notice is otherwise required under this section.
1214 If broadcast notice is provided, the notice and agenda must be
1215 broadcast in a manner and for a sufficient continuous length of
1216 time to allow an average reader to observe the notice and read
1217 and comprehend the entire content of the notice and the agenda.
1218 In addition to any of the authorized means of providing notice
1219 of a meeting of the shareholders, the association may, by rule,
1220 adopt a procedure for conspicuously posting the meeting notice
1221 and the agenda on a website serving the cooperative association
1222 for at least the minimum period of time for which a notice of a
1223 meeting is also required to be physically posted on the
1224 cooperative property. Any rule adopted shall, in addition to
1225 other matters, include a requirement that the association send
1226 an electronic notice in the same manner as a notice for a
1227 meeting of the members, which must include a hyperlink to the
1228 website where the notice is posted, to unit owners whose e-mail
1229 addresses are included in the association's official records.
1230 Unless a unit owner waives in writing the right to receive
1231 notice of the annual meeting, the notice of the annual meeting
1232 must be sent by mail, hand delivered, or electronically
1233 transmitted to each unit owner. An officer of the association
1234 must provide an affidavit or United States Postal Service

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1235 certificate of mailing, to be included in the official records
1236 of the association, affirming that notices of the association
1237 meeting were mailed, hand delivered, or electronically
1238 transmitted, in accordance with this provision, to each unit
1239 owner at the address last furnished to the association.

1240 1. The board of administration shall be elected by written
1241 ballot or voting machine. A proxy may not be used in electing
1242 the board of administration in general elections or elections to
1243 fill vacancies caused by recall, resignation, or otherwise
1244 unless otherwise provided in this chapter.

1245 a. At least 60 days before a scheduled election, the
1246 association shall mail, deliver, or transmit, whether by
1247 separate association mailing, delivery, or electronic
1248 transmission or included in another association mailing,
1249 delivery, or electronic transmission, including regularly
1250 published newsletters, to each unit owner entitled to vote, a
1251 first notice of the date of the election. Any unit owner or
1252 other eligible person desiring to be a candidate for the board
1253 of administration must give written notice to the association at
1254 least 40 days before a scheduled election. Together with the
1255 written notice and agenda as set forth in this section, the
1256 association shall mail, deliver, or electronically transmit a
1257 second notice of election to all unit owners entitled to vote,
1258 together with a ballot that lists all candidates. Upon request
1259 of a candidate, the association shall include an information

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1260 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1261 furnished by the candidate at least 35 days before the election,
1262 to be included with the mailing, delivery, or electronic
1263 transmission of the ballot, with the costs of mailing, delivery,
1264 or transmission and copying to be borne by the association. The
1265 association is not liable for the contents of the information
1266 sheets provided by the candidates. In order to reduce costs, the
1267 association may print or duplicate the information sheets on
1268 both sides of the paper. The division shall by rule establish
1269 voting procedures consistent with this subparagraph, including
1270 rules establishing procedures for giving notice by electronic
1271 transmission and rules providing for the secrecy of ballots.
1272 Elections shall be decided by a plurality of those ballots cast.
1273 There is no quorum requirement. However, at least 20 percent of
1274 the eligible voters must cast a ballot in order to have a valid
1275 election. A unit owner may not permit any other person to vote
1276 his or her ballot, and any such ballots improperly cast are
1277 invalid. A unit owner who needs assistance in casting the ballot
1278 for the reasons stated in s. 101.051 may obtain assistance in
1279 casting the ballot. Any unit owner violating this provision may
1280 be fined by the association in accordance with s. 719.303. The
1281 regular election must occur on the date of the annual meeting.
1282 This subparagraph does not apply to timeshare cooperatives.
1283 Notwithstanding this subparagraph, an election and balloting are
1284 not required unless more candidates file a notice of intent to

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1285 run or are nominated than vacancies exist on the board. Any
1286 challenge to the election process must be commenced within 60
1287 days after the election results are announced.

1288 b. Within 90 days after being elected or appointed to the
1289 board, each new director shall certify in writing to the
1290 secretary of the association that he or she has read the
1291 association's bylaws, articles of incorporation, proprietary
1292 lease, and current written policies; that he or she will work to
1293 uphold such documents and policies to the best of his or her
1294 ability; and that he or she will faithfully discharge his or her
1295 fiduciary responsibility to the association's members. Within 90
1296 days after being elected or appointed to the board, in lieu of
1297 this written certification, the newly elected or appointed
1298 director may submit a certificate of having satisfactorily
1299 completed the educational curriculum administered by an
1300 education provider as approved by the division pursuant to the
1301 requirements established in chapter 718 within 1 year before or
1302 90 days after the date of election or appointment. The
1303 educational certificate is valid and does not have to be
1304 resubmitted as long as the director serves on the board without
1305 interruption. A director who fails to timely file the written
1306 certification or educational certificate is suspended from
1307 service on the board until he or she complies with this sub-
1308 subparagraph. The board may temporarily fill the vacancy during
1309 the period of suspension. The secretary of the association shall

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1310 cause the association to retain a director's written
1311 certification or educational certificate for inspection by the
1312 members for 5 years after a director's election or the duration
1313 of the director's uninterrupted tenure, whichever is longer.
1314 Failure to have such written certification or educational
1315 certificate on file does not affect the validity of any board
1316 action.

1317 2. Any approval by unit owners called for by this chapter,
1318 or the applicable cooperative documents, must be made at a duly
1319 noticed meeting of unit owners and is subject to this chapter or
1320 the applicable cooperative documents relating to unit owner
1321 decisionmaking, except that unit owners may take action by
1322 written agreement, without meetings, on matters for which action
1323 by written agreement without meetings is expressly allowed by
1324 the applicable cooperative documents or law which provides for
1325 the unit owner action.

1326 3. Unit owners may waive notice of specific meetings if
1327 allowed by the applicable cooperative documents or law. Notice
1328 of meetings of the board of administration, shareholder
1329 meetings, except shareholder meetings called to recall board
1330 members under paragraph (f), and committee meetings may be given
1331 by electronic transmission to unit owners who consent to receive
1332 notice by electronic transmission. A unit owner who consents to
1333 receiving notices by electronic transmission is solely
1334 responsible for removing or bypassing filters that may block

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1335 receipt of mass emails sent to members on behalf of the
1336 association in the course of giving electronic notices.

1337 4. Unit owners have the right to participate in meetings
1338 of unit owners with reference to all designated agenda items.
1339 However, the association may adopt reasonable rules governing
1340 the frequency, duration, and manner of unit owner participation.

1341 5. Any unit owner may tape record or videotape meetings of
1342 the unit owners subject to reasonable rules adopted by the
1343 division.

1344 6. Unless otherwise provided in the bylaws, a vacancy
1345 occurring on the board before the expiration of a term may be
1346 filled by the affirmative vote of the majority of the remaining
1347 directors, even if the remaining directors constitute less than
1348 a quorum, or by the sole remaining director. In the alternative,
1349 a board may hold an election to fill the vacancy, in which case
1350 the election procedures must conform to the requirements of
1351 subparagraph 1. unless the association has opted out of the
1352 statutory election process, in which case the bylaws of the
1353 association control. Unless otherwise provided in the bylaws, a
1354 board member appointed or elected under this subparagraph shall
1355 fill the vacancy for the unexpired term of the seat being
1356 filled. Filling vacancies created by recall is governed by
1357 paragraph (f) and rules adopted by the division.

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1359 Notwithstanding subparagraphs (b)2. and (d)1., an association
1360 may, by the affirmative vote of a majority of the total voting
1361 interests, provide for a different voting and election procedure
1362 in its bylaws, which vote may be by a proxy specifically
1363 delineating the different voting and election procedures. The
1364 different voting and election procedures may provide for
1365 elections to be conducted by limited or general proxy.

1366 (m) Director or officer delinquencies.—A director or
1367 officer more than 90 days delinquent in the payment of any
1368 monetary obligation due the association shall be deemed to have
1369 abandoned the office, creating a vacancy in the office to be
1370 filled according to law.

1371 Section 10. Paragraph (b) of subsection (1) of section
1372 719.107, Florida Statutes, is amended to read:

1373 719.107 Common expenses; assessment.—

1374 (1)

1375 (b) If so provided in the bylaws, the cost of
1376 communications services as defined in chapter 202, information
1377 services or Internet services ~~a master antenna television system~~
1378 ~~or duly franchised cable television service~~ obtained pursuant to
1379 a bulk contract shall be deemed a common expense, and if not
1380 obtained pursuant to a bulk contract, such cost shall be
1381 considered common expense if it is designated as such in a
1382 written contract between the board of administration and the
1383 company providing the communications services as defined in

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1384 chapter 202, information services or Internet services ~~master~~
1385 ~~television antenna system or the cable television service.~~ The
1386 contract shall be for a term of not less than 2 years.

1387 1. Any contract made by the board after April 2, 1992, for
1388 a community antenna system or duly franchised cable television
1389 service, communications services as defined in chapter 202,
1390 information services or Internet services may be canceled by a
1391 majority of the voting interests present at the next regular or
1392 special meeting of the association. Any member may make a motion
1393 to cancel the contract, but if no motion is made or if such
1394 motion fails to obtain the required majority at the next regular
1395 or special meeting, whichever is sooner, following the making of
1396 the contract, then such contract shall be deemed ratified for
1397 the term therein expressed.

1398 2. Any such contract shall provide, and shall be deemed to
1399 provide if not expressly set forth, that any hearing impaired or
1400 legally blind unit owner who does not occupy the unit with a
1401 nonhearing impaired or sighted person may discontinue the
1402 service without incurring disconnect fees, penalties, or
1403 subsequent service charges, and as to such units, the owners
1404 shall not be required to pay any common expenses charge related
1405 to such service. If less than all members of an association
1406 share the expenses of cable television, the expense shall be
1407 shared equally by all participating unit owners. The association
1408 may use the provisions of s. 719.108 to enforce payment of the

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1409 shares of such costs by the unit owners receiving cable
1410 television.

1411 Section 11. Paragraph (b) of subsection (3) of section
1412 719.303, Florida Statutes, is amended to read:

1413 719.303 Obligations of owners.—

1414 (3) The association may levy reasonable fines for failure
1415 of the unit owner or the unit's occupant, licensee, or invitee
1416 to comply with any provision of the cooperative documents or
1417 reasonable rules of the association. A fine may not become a
1418 lien against a unit. A fine may be levied by the board on the
1419 basis of each day of a continuing violation, with a single
1420 notice and opportunity for hearing before a committee as
1421 provided in paragraph (b). However, the fine may not exceed \$100
1422 per violation, or \$1,000 in the aggregate.

1423 (b) A fine or suspension levied by the board of
1424 administration may not be imposed unless the board first
1425 provides at least 14 days' written notice ~~and an opportunity for~~
1426 ~~a hearing~~ to the unit owner and, if applicable, any its
1427 occupant, licensee, or invitee of the unit owner sought to be
1428 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1429 ~~must be held~~ before a committee of at least three members
1430 appointed by the board who are not officers, directors, or
1431 employees of the association, or the spouse, parent, child,
1432 brother, or sister of an officer, director, or employee ~~other~~
1433 ~~unit owners who are neither board members nor persons residing~~

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1434 ~~in a board member's household.~~ The role of the committee is
1435 limited to determining whether to confirm or reject the fine or
1436 suspension levied by the board. If the committee does not
1437 approve ~~agree with~~ the proposed fine or suspension by majority
1438 vote, the fine or suspension ~~it~~ may not be imposed. If the
1439 proposed fine or suspension is approved by the committee, the
1440 fine payment is due 5 days after the date of the committee
1441 meeting at which the fine is approved. The association must
1442 provide written notice of such fine or suspension by mail or
1443 hand delivery to the unit owner and, if applicable, to any
1444 tenant, licensee, or invitee of the unit owner.

1445 Section 12. Paragraphs (a) and (c) of subsection (2) of
1446 section 720.303, Florida Statutes, are amended, to read:

1447 720.303 Association powers and duties; meetings of board;
1448 official records; budgets; financial reporting; association
1449 funds; recalls.—

1450 (2) BOARD MEETINGS.—

1451 (a) Members of the board of administration may use e-mail
1452 as a means of communication, but may not cast a vote on an
1453 association matter via e-mail. A meeting of the board of
1454 directors of an association occurs whenever a quorum of the
1455 board gathers to conduct association business. Meetings of the
1456 board must be open to all members, except for meetings between
1457 the board and its attorney with respect to proposed or pending
1458 litigation where the contents of the discussion would otherwise

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1459 be governed by the attorney-client privilege. A meeting of the
1460 board must be held at a location that is accessible to a
1461 physically handicapped person if requested by a physically
1462 handicapped person who has a right to attend the meeting. The
1463 provisions of this subsection shall also apply to the meetings
1464 of any committee or other similar body when a final decision
1465 will be made regarding the expenditure of association funds and
1466 to meetings of any body vested with the power to approve or
1467 disapprove architectural decisions with respect to a specific
1468 parcel of residential property owned by a member of the
1469 community.

1470 (c) The bylaws shall provide the following for giving
1471 notice to parcel owners and members of all board meetings and,
1472 if they do not do so, shall be deemed to include ~~provide~~ the
1473 following:

1474 1. Notices of all board meetings must be posted in a
1475 conspicuous place in the community at least 48 hours in advance
1476 of a meeting, except in an emergency. In the alternative, if
1477 notice is not posted in a conspicuous place in the community,
1478 notice of each board meeting must be mailed or delivered to each
1479 member at least 7 days before the meeting, except in an
1480 emergency. Notwithstanding this general notice requirement, for
1481 communities with more than 100 members, the association bylaws
1482 may provide for a reasonable alternative to posting or mailing
1483 of notice for each board meeting, including publication of

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1484 notice, provision of a schedule of board meetings, or the
1485 conspicuous posting and repeated broadcasting of the notice on a
1486 closed-circuit cable television system serving the homeowners'
1487 association. However, if broadcast notice is used in lieu of a
1488 notice posted physically in the community, the notice must be
1489 broadcast at least four times every broadcast hour of each day
1490 that a posted notice is otherwise required. When broadcast
1491 notice is provided, the notice and agenda must be broadcast in a
1492 manner and for a sufficient continuous length of time so as to
1493 allow an average reader to observe the notice and read and
1494 comprehend the entire content of the notice and the agenda. The
1495 association may provide notice by electronic transmission in a
1496 manner authorized by law for meetings of the board of directors,
1497 committee meetings requiring notice under this section, and
1498 annual and special meetings of the members to any member who has
1499 provided a facsimile number or e-mail address to the association
1500 to be used for such purposes; however, a member must consent in
1501 writing to receiving notice by electronic transmission.

1502 2. An assessment may not be levied at a board meeting
1503 unless the notice of the meeting includes a statement that
1504 assessments will be considered and the nature of the
1505 assessments. Written notice of any meeting at which special
1506 assessments will be considered or at which amendments to rules
1507 regarding parcel use will be considered must be mailed,
1508 delivered, or electronically transmitted to the members and

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1509 parcel owners and posted conspicuously on the property or
1510 broadcast on closed-circuit cable television not less than 14
1511 days before the meeting.

1512 3. Directors may not vote by proxy or by secret ballot at
1513 board meetings, except that secret ballots may be used in the
1514 election of officers. This subsection also applies to the
1515 meetings of any committee or other similar body, when a final
1516 decision will be made regarding the expenditure of association
1517 funds, and to any body vested with the power to approve or
1518 disapprove architectural decisions with respect to a specific
1519 parcel of residential property owned by a member of the
1520 community.

1521 Section 13. Paragraph (b) of subsection (2) of section
1522 720.305, Florida Statutes, is amended to read:

1523 720.305 Obligations of members; remedies at law or in
1524 equity; levy of fines and suspension of use rights.—

1525 (2) The association may levy reasonable fines. A fine may
1526 not exceed \$100 per violation against any member or any member's
1527 tenant, guest, or invitee for the failure of the owner of the
1528 parcel or its occupant, licensee, or invitee to comply with any
1529 provision of the declaration, the association bylaws, or
1530 reasonable rules of the association unless otherwise provided in
1531 the governing documents. A fine may be levied by the board for
1532 each day of a continuing violation, with a single notice and
1533 opportunity for hearing, except that the fine may not exceed

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1534 \$1,000 in the aggregate unless otherwise provided in the
1535 governing documents. A fine of less than \$1,000 may not become a
1536 lien against a parcel. In any action to recover a fine, the
1537 prevailing party is entitled to reasonable attorney fees and
1538 costs from the nonprevailing party as determined by the court.

1539 (b) A fine or suspension levied ~~may not be imposed~~ by the
1540 board of administration may not be imposed unless the board
1541 first provides ~~without~~ at least 14 days' notice to the parcel
1542 owner and, if applicable, any occupant, licensee, or invitee of
1543 the parcel owner, ~~person~~ sought to be fined or suspended and an
1544 opportunity for a hearing before a committee of at least three
1545 members appointed by the board who are not officers, directors,
1546 or employees of the association, or the spouse, parent, child,
1547 brother, or sister of an officer, director, or employee. If the
1548 committee, by majority vote, does not approve a proposed fine or
1549 suspension, the proposed fine or suspension ~~it~~ may not be
1550 imposed. The role of the committee is limited to determining
1551 whether to confirm or reject the fine or suspension levied by
1552 the board. If the proposed ~~board of administration imposes a~~
1553 fine or suspension levied by the board is approved by the
1554 committee, the fine payment is due 5 days after the date of the
1555 committee meeting at which the fine is approved. The association
1556 must provide written notice of such fine or suspension by mail
1557 or hand delivery to the parcel owner and, if applicable, to any
1558 tenant, licensee, or invitee of the parcel owner.

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1559 Section 14. Paragraph (a) of subsection (9) of section
1560 720.306, Florida Statutes, is amended to read:

1561 720.306 Meetings of members; voting and election
1562 procedures; amendments.—

1563 (9) ELECTIONS AND BOARD VACANCIES.—

1564 (a) Elections of directors must be conducted in accordance
1565 with the procedures set forth in the governing documents of the
1566 association. Except as provided in paragraph (b), all members of
1567 the association are eligible to serve on the board of directors,
1568 and a member may nominate himself or herself as a candidate for
1569 the board at a meeting where the election is to be held;
1570 provided, however, that if the election process allows
1571 candidates to be nominated in advance of the meeting, the
1572 association is not required to allow nominations at the meeting.
1573 An election is not required unless more candidates are nominated
1574 than vacancies exist. If an election is not required because
1575 there are either an equal number or fewer qualified candidates
1576 than vacancies exist, and if nominations from the floor are not
1577 required pursuant to this section or the bylaws, write-in
1578 nominations are not permitted and such qualified candidates
1579 shall commence service on the board of directors, regardless of
1580 whether a quorum is attained at the annual meeting. Except as
1581 otherwise provided in the governing documents, boards of
1582 directors must be elected by a plurality of the votes cast by
1583 eligible voters. Any challenge to the election process must be

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1584 commenced within 60 days after the election results are
1585 announced.

1586 Section 15. Paragraph (b) of subsection (3) of section
1587 720.3085, Florida Statutes, is amended to read:

1588 720.3085 Payment for assessments; lien claims.—

1589 (3) Assessments and installments on assessments that are
1590 not paid when due bear interest from the due date until paid at
1591 the rate provided in the declaration of covenants or the bylaws
1592 of the association, which rate may not exceed the rate allowed
1593 by law. If no rate is provided in the declaration or bylaws,
1594 interest accrues at the rate of 18 percent per year.

1595 (b) Any payment received by an association and accepted
1596 shall be applied first to any interest accrued, then to any
1597 administrative late fee, then to any costs and reasonable
1598 attorney fees incurred in collection, and then to the delinquent
1599 assessment. This paragraph applies notwithstanding any
1600 restrictive endorsement, designation, or instruction placed on
1601 or accompanying a payment. A late fee is not subject to the
1602 provisions of chapter 687 and is not a fine. The foregoing is
1603 applicable notwithstanding s. 673.3111, any purported accord and
1604 satisfaction, or any restrictive endorsement, designation, or
1605 instruction placed on or accompanying a payment. The preceding
1606 sentence is intended to clarify existing law.

1607 Section 16. This act shall take effect July 1, 2018.

1608

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to community associations; amending s.
718.111, F.S.; revising condominium association
recordkeeping and financial reporting requirements;
revising record retention policies; revising the list
of documents that the association is required to post
online; limiting an association's liability for
inadvertent disclosure of protected or restricted
information; amending s. 718.112, F.S.; revising
provisions relating to required association bylaws;
removing board term limits; authorizing an association
to adopt rules for posting certain notices on a
website; providing responsibilities for unit owners
who receive electronic notices; revising and providing
board member recall and challenge requirements;
authorizing the recovery of attorney fees and costs in
an action to challenge the validity of a board member
recall; amending s. 718.113, F.S.; revising voting
requirements relating to alterations and additions to
certain common elements or association property;
amending s. 718.3026, F.S.; removing a provision
relating to certain contracts or transactions
regarding conflicts of interest; amending s. 718.3027,

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1634 F.S.; providing requirements for proposed activity
1635 that is identified as a conflict of interest; amending
1636 s. 718.303, F.S.; revising fine and suspension
1637 requirements; amending s. 718.707, F.S.; revising the
1638 time period for classification as a bulk assignee or
1639 bulk buyer; amending s. 719.104, F.S.; revising
1640 cooperative association recordkeeping requirements;
1641 amending s. 719.106, F.S.; revising requirements to
1642 serve as a board member; prohibiting a board member
1643 from voting via e-mail; authorizing an association to
1644 adopt rules for posting certain notices on a website;
1645 providing responsibilities for unit owners who receive
1646 electronic notices; providing that directors or
1647 officers who are delinquent in certain payments owed
1648 in excess of certain periods of time be deemed to have
1649 abandoned their offices; amending s. 719.107, F.S.;
1650 specifying that certain services which are obtained
1651 pursuant to a bulk contract are deemed a common
1652 expense; amending s. 719.303, F.S.; revising fine and
1653 suspension requirements; amending s. 720.303, F.S.;
1654 prohibiting a board member from voting via e-mail;
1655 amending s. 720.305, F.S.; revising fine and
1656 suspension requirements; amending s. 720.306, F.S.;
1657 revising election requirements; amending s. 720.3085,

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1658 | F.S.; providing applicability; providing an effective
1659 | date.