

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee

3 Representative Moraitis offered the following:

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**Amendment (with title amendment)**

Remove lines 220-484 and insert:

e. A list of all executory contracts or documents ~~Any~~  
~~management agreement, lease, or other contract~~ to which the  
 association is a party or under which the association or the  
 unit owners have an obligation or responsibility and, after  
bidding for the related materials, equipment, or services has  
closed, a list of bids received by the association within the  
past year. Summaries of bids for materials, equipment, or  
 services which exceed \$500 must be maintained on the website for  
 1 year. In lieu of summaries, complete copies of the bids may be  
posted.

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

19 g. The financial report required by subsection (13) and  
20 any monthly income or expense statement ~~proposed financial~~  
21 ~~report~~ to be considered at a meeting.

22 h. The certification of each director required by s.  
23 718.112(2)(d)4.b.

24 i. All contracts or transactions between the association  
25 and any director, officer, corporation, firm, or association  
26 that is not an affiliated condominium association or any other  
27 entity in which an association director is also a director or  
28 officer and financially interested.

29 j. Any contract or document regarding a conflict of  
30 interest or possible conflict of interest as provided in ss.  
31 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3)~~.

32 k. The notice of any unit owner meeting and the agenda for  
33 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
34 days before the meeting. The notice must be posted in plain view  
35 on the front page of the website, or on a separate subpage of  
36 the website labeled "Notices" which is conspicuously visible and  
37 linked from the front page. The association must also post on  
38 its website any document to be considered and voted on by the  
39 owners during the meeting or any document listed on the agenda  
40 at least 7 days before the meeting at which the document or the  
41 information within the document will be considered.

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42 1. Notice of any board meeting, the agenda, and any other  
43 document required for the meeting as required by s.  
44 718.112(2)(c), which must be posted no later than the date  
45 required for notice pursuant to s. 718.112(2)(c).

46 3. The association shall ensure that the information and  
47 records described in paragraph (c), which are not allowed  
48 ~~permitted~~ to be accessible to unit owners, are not posted on the  
49 association's website. If protected information or information  
50 restricted from being accessible to unit owners is included in  
51 documents that are required to be posted on the association's  
52 website, the association shall ensure the information is  
53 redacted before posting the documents online. Notwithstanding  
54 the foregoing, the association or its agent is not liable for  
55 disclosing information that is protected or restricted pursuant  
56 to this paragraph unless such disclosure was made with a knowing  
57 or intentional disregard of the protected or restricted nature  
58 of such information.

59 4. The failure of the association to post information  
60 required under subparagraph 2. is not in and of itself  
61 sufficient to invalidate any action or decision of the  
62 association's board or its committees.

63 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
64 the fiscal year, or annually on a date provided in the bylaws,  
65 the association shall prepare and complete, or contract for the  
66 preparation and completion of, a financial report for the

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67 preceding fiscal year. Within 21 days after the final financial  
68 report is completed by the association or received from the  
69 third party, but not later than 120 days after the end of the  
70 fiscal year or other date as provided in the bylaws, the  
71 association shall mail to each unit owner at the address last  
72 furnished to the association by the unit owner, or hand deliver  
73 to each unit owner, a copy of the most recent financial report  
74 or a notice that a copy of the most recent financial report will  
75 be mailed or hand delivered to the unit owner, without charge,  
76 within 5 business days after receipt of a written request from  
77 the unit owner. The division shall adopt rules setting forth  
78 uniform accounting principles and standards to be used by all  
79 associations and addressing the financial reporting requirements  
80 for multicondominium associations. The rules must include, but  
81 not be limited to, standards for presenting a summary of  
82 association reserves, including a good faith estimate disclosing  
83 the annual amount of reserve funds that would be necessary for  
84 the association to fully fund reserves for each reserve item  
85 based on the straight-line accounting method. This disclosure is  
86 not applicable to reserves funded via the pooling method. In  
87 adopting such rules, the division shall consider the number of  
88 members and annual revenues of an association. Financial reports  
89 shall be prepared as follows:

90 (e) A unit owner may provide written notice to the  
91 division of the association's failure to mail or hand deliver

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92 him or her a copy of the most recent financial report within 5  
93 business days after he or she submitted a written request to the  
94 association for a copy of such report. If the division  
95 determines that the association failed to mail or hand deliver a  
96 copy of the most recent financial report to the unit owner, the  
97 division shall provide written notice to the association that  
98 the association must mail or hand deliver a copy of the most  
99 recent financial report to the unit owner and the division  
100 within 5 business days after it receives such notice from the  
101 division. An association that fails to comply with the  
102 division's request may not waive the financial reporting  
103 requirement provided in paragraph (d) for the fiscal year in  
104 which the unit owner's request was made and the following fiscal  
105 year. A financial report received by the division pursuant to  
106 this paragraph shall be maintained, and the division shall  
107 provide a copy of such report to an association member upon his  
108 or her request.

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

111 718.112 Bylaws.—

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

115 (a) Administration.—

116 1. The form of administration of the association shall be

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117 described indicating the title of the officers and board of  
118 administration and specifying the powers, duties, manner of  
119 selection and removal, and compensation, if any, of officers and  
120 boards. In the absence of such a provision, the board of  
121 administration shall be composed of five members, unless the  
122 ~~except in the case of a condominium which~~ has five or fewer  
123 units. The board shall consist of not fewer than three members  
124 in condominiums with five or fewer units that are not-for-profit  
125 corporations, ~~in which case in a not-for-profit corporation the~~  
126 ~~board shall consist of not fewer than three members.~~ In the  
127 absence of provisions to the contrary in the bylaws, the board  
128 of administration shall have a president, a secretary, and a  
129 treasurer, who shall perform the duties of such officers  
130 customarily performed by officers of corporations. Unless  
131 prohibited in the bylaws, the board of administration may  
132 appoint other officers and grant them the duties it deems  
133 appropriate. Unless otherwise provided in the bylaws, the  
134 officers shall serve without compensation and at the pleasure of  
135 the board of administration. Unless otherwise provided in the  
136 bylaws, the members of the board shall serve without  
137 compensation.

138 2. When a unit owner of a residential condominium files a  
139 written inquiry by certified mail with the board of  
140 administration, the board shall respond in writing to the unit  
141 owner within 30 days after receipt of the inquiry. The board's

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142 response shall either give a substantive response to the  
143 inquirer, notify the inquirer that a legal opinion has been  
144 requested, or notify the inquirer that advice has been requested  
145 from the division. If the board requests advice from the  
146 division, the board shall, within 10 days after its receipt of  
147 the advice, provide in writing a substantive response to the  
148 inquirer. If a legal opinion is requested, the board shall,  
149 within 60 days after the receipt of the inquiry, provide in  
150 writing a substantive response to the inquiry. The failure to  
151 provide a substantive response to the inquiry as provided herein  
152 precludes the board from recovering attorney fees and costs in  
153 any subsequent litigation, administrative proceeding, or  
154 arbitration arising out of the inquiry. The association may  
155 through its board of administration adopt reasonable rules and  
156 regulations regarding the frequency and manner of responding to  
157 unit owner inquiries, one of which may be that the association  
158 is only obligated to respond to one written inquiry per unit in  
159 any given 30-day period. In such a case, any additional inquiry  
160 or inquiries must be responded to in the subsequent 30-day  
161 period, or periods, as applicable.

162 (c) Board of administration meetings.—Meetings of the  
163 board of administration at which a quorum of the members is  
164 present are open to all unit owners. Members of the board of  
165 administration may use e-mail as a means of communication but  
166 may not cast a vote on an association matter via e-mail. A unit

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167 owner may tape record or videotape the meetings. The right to  
168 attend such meetings includes the right to speak at such  
169 meetings with reference to all designated agenda items. The  
170 division shall adopt reasonable rules governing the tape  
171 recording and videotaping of the meeting. The association may  
172 adopt written reasonable rules governing the frequency,  
173 duration, and manner of unit owner statements.

174 1. Adequate notice of all board meetings, which must  
175 specifically identify all agenda items, must be posted  
176 conspicuously on the condominium property at least 48 continuous  
177 hours before the meeting except in an emergency. If 20 percent  
178 of the voting interests petition the board to address an item of  
179 business, the board, within 60 days after receipt of the  
180 petition, shall place the item on the agenda at its next regular  
181 board meeting or at a special meeting called for that purpose.  
182 An item not included on the notice may be taken up on an  
183 emergency basis by a vote of at least a majority plus one of the  
184 board members. Such emergency action must be noticed and  
185 ratified at the next regular board meeting. ~~However,~~ Written  
186 notice of a meeting at which a nonemergency special assessment  
187 or an amendment to rules regarding unit use will be considered  
188 must be mailed, delivered, or electronically transmitted to the  
189 unit owners and posted conspicuously on the condominium property  
190 at least 14 days before the meeting. Evidence of compliance with  
191 this 14-day notice requirement must be made by an affidavit

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192 executed by the person providing the notice and filed with the  
193 official records of the association. Notice of any meeting in  
194 which regular or special assessments against unit owners are to  
195 be considered must specifically state that assessments will be  
196 considered and provide the estimated cost and description of the  
197 purposes for such assessments. Upon notice to the unit owners,  
198 the board shall, by duly adopted rule, designate a specific  
199 location on the condominium ~~or association~~ property where all  
200 notices of board meetings must be posted. If there is no  
201 condominium property ~~or association property~~ where notices can  
202 be posted, notices shall be mailed, delivered, or electronically  
203 transmitted to each unit owner at least 14 days before the  
204 meeting. In lieu of or in addition to the physical posting of  
205 the notice on the condominium property, the association may, by  
206 reasonable rule, adopt a procedure for conspicuously posting and  
207 repeatedly broadcasting the notice and the agenda on a closed-  
208 circuit cable television system serving the condominium  
209 association. However, if broadcast notice is used in lieu of a  
210 notice physically posted on condominium property, the notice and  
211 agenda must be broadcast at least four times every broadcast  
212 hour of each day that a posted notice is otherwise required  
213 under this section. If broadcast notice is provided, the notice  
214 and agenda must be broadcast in a manner and for a sufficient  
215 continuous length of time so as to allow an average reader to  
216 observe the notice and read and comprehend the entire content of

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217 | the notice and the agenda. In addition to any of the authorized  
218 | means of providing notice of a meeting of the board, the  
219 | association may, by rule, adopt a procedure for conspicuously  
220 | posting the meeting notice and the agenda on a website serving  
221 | the condominium association for at least the minimum period of  
222 | time for which a notice of a meeting is also required to be  
223 | physically posted on the condominium property. Any rule adopted  
224 | shall, in addition to other matters, include a requirement that  
225 | the association send an electronic notice in the same manner as  
226 | a notice for a meeting of the members, which must include a  
227 | hyperlink to the website where the notice is posted, to unit  
228 | owners whose e-mail addresses are included in the association's  
229 | official records. ~~Notice of any meeting in which regular or~~  
230 | ~~special assessments against unit owners are to be considered~~  
231 | ~~must specifically state that assessments will be considered and~~  
232 | ~~provide the nature, estimated cost, and description of the~~  
233 | ~~purposes for such assessments.~~

234 |         2. Meetings of a committee to take final action on behalf  
235 | of the board or make recommendations to the board regarding the  
236 | association budget are subject to this paragraph. Meetings of a  
237 | committee that does not take final action on behalf of the board  
238 | or make recommendations to the board regarding the association  
239 | budget are subject to this section, unless those meetings are  
240 | exempted from this section by the bylaws of the association.

241 |         3. Notwithstanding any other law, the requirement that

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242 board meetings and committee meetings be open to the unit owners  
243 does not apply to:

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

248 b. Board meetings held for the purpose of discussing  
249 personnel matters.

250 (d) Unit owner meetings.—

251 1. An annual meeting of the unit owners must ~~shall~~ be held  
252 at the location provided in the association bylaws and, if the  
253 bylaws are silent as to the location, the meeting must ~~shall~~ be  
254 held within 45 miles of the condominium property. However, such  
255 distance requirement does not apply to an association governing  
256 a timeshare condominium.

257 2. Unless the bylaws provide otherwise, a vacancy on the  
258 board caused by the expiration of a director's term must ~~shall~~  
259 be filled by electing a new board member, and the election must  
260 be by secret ballot. An election is not required if the number  
261 of vacancies equals or exceeds the number of candidates. For  
262 purposes of this paragraph, the term "candidate" means an  
263 eligible person who has timely submitted the written notice, as  
264 described in sub-subparagraph 4.a., of his or her intention to  
265 become a candidate. Except in a timeshare or nonresidential  
266 condominium, or if the staggered term of a board member does not

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267 | expire until a later annual meeting, or if all members' terms  
268 | would otherwise expire but there are no candidates, the terms of  
269 | all board members expire at the annual meeting, and such members  
270 | may stand for reelection unless prohibited by the bylaws. Board  
271 | members may serve ~~2-year~~ terms longer than one year if permitted  
272 | by the bylaws or articles of incorporation. A board member may  
273 | not serve more than eight consecutive years ~~four consecutive 2-~~  
274 | ~~year terms~~, unless approved by an affirmative vote of unit  
275 | owners representing two-thirds of all votes cast in the election  
276 | ~~the total voting interests of the association~~ or unless there  
277 | are not enough eligible candidates to fill the vacancies on the  
278 | board at the time of the vacancy. If the number of board members  
279 | whose terms expire at

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**T I T L E   A M E N D M E N T**

283

Remove line 11 and insert:

284

revising board term limits; authorizing an association