

1                   A bill to be entitled  
2           An act relating to community associations; amending s.  
3           194.011, F.S.; specifying that a condominium,  
4           cooperative, or homeowners' association may represent  
5           unit or parcel owners in certain proceedings; amending  
6           s. 194.181, F.S.; specifying that a condominium,  
7           cooperative, or homeowners' association may be a party  
8           to an action contesting the assessment of ad valorem  
9           taxes; amending s. 718.111, F.S.; revising condominium  
10          association recordkeeping and financial reporting  
11          requirements; revising record retention policies;  
12          revising the list of documents that the association is  
13          required to post online; limiting an association's  
14          liability for inadvertent disclosure of protected or  
15          restricted information; amending s. 718.112, F.S.;  
16          revising provisions relating to required association  
17          bylaws; revising board term limits; authorizing an  
18          association to adopt rules for posting certain notices  
19          on a website; providing responsibilities for unit  
20          owners who receive electronic notices; revising and  
21          providing board member recall and challenge  
22          requirements; authorizing the recovery of attorney  
23          fees and costs in an action to challenge the validity  
24          of a board member recall; amending s. 718.113, F.S.;  
25          revising voting requirements relating to alterations

26 and additions to certain common elements or  
27 association property; providing legislative findings;  
28 providing that an association may not prohibit a unit  
29 owner from installing an electronic vehicle charging  
30 station; providing requirements for installing such  
31 charging station; amending s. 718.121, F.S.; providing  
32 when the installation of an electronic vehicle  
33 charging station may be the basis of a lien; amending  
34 s. 718.3026, F.S.; removing a provision relating to  
35 certain contracts or transactions regarding conflicts  
36 of interest; amending s. 718.3027, F.S.; providing  
37 requirements for proposed activity that is identified  
38 as a conflict of interest; amending s. 718.303, F.S.;  
39 revising fine and suspension requirements; amending s.  
40 718.707, F.S.; revising the time period for  
41 classification as a bulk assignee or bulk buyer;  
42 amending s. 719.104, F.S.; revising cooperative  
43 association recordkeeping requirements; amending s.  
44 719.106, F.S.; revising requirements to serve as a  
45 board member; prohibiting a board member from voting  
46 via e-mail; authorizing an association to adopt rules  
47 for posting certain notices on a website; providing  
48 responsibilities for unit owners who receive  
49 electronic notices; providing that directors or  
50 officers who are delinquent in certain payments owed

51 in excess of certain periods of time be deemed to have  
 52 abandoned their offices; amending s. 719.107, F.S.;  
 53 specifying that certain services which are obtained  
 54 pursuant to a bulk contract are deemed a common  
 55 expense; amending s. 719.303, F.S.; revising fine and  
 56 suspension requirements; amending s. 720.303, F.S.;  
 57 prohibiting a board member from voting via e-mail;  
 58 amending s. 720.305, F.S.; revising fine and  
 59 suspension requirements; amending s. 720.306, F.S.;  
 60 requiring an association to follow certain procedures  
 61 when amending a governing document; providing  
 62 limitations on associations when a parcel owner  
 63 attempts to rent or lease his or her home; requiring  
 64 certain notices to parcel owners be delivered in  
 65 specified ways; revising election requirements;  
 66 amending s. 720.3085, F.S.; providing applicability;  
 67 providing an effective date.

68  
 69 Be It Enacted by the Legislature of the State of Florida:

70  
 71 Section 1. Paragraph (e) of subsection (3) of section  
 72 194.011, Florida Statutes, is amended to read:

73 194.011 Assessment notice; objections to assessments.—

74 (3) A petition to the value adjustment board must be in  
 75 substantially the form prescribed by the department.

76 | Notwithstanding s. 195.022, a county officer may not refuse to  
77 | accept a form provided by the department for this purpose if the  
78 | taxpayer chooses to use it. A petition to the value adjustment  
79 | board must be signed by the taxpayer or be accompanied at the  
80 | time of filing by the taxpayer's written authorization or power  
81 | of attorney, unless the person filing the petition is listed in  
82 | s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a  
83 | petition with a value adjustment board without the taxpayer's  
84 | signature or written authorization by certifying under penalty  
85 | of perjury that he or she has authorization to file the petition  
86 | on behalf of the taxpayer. If a taxpayer notifies the value  
87 | adjustment board that a petition has been filed for the  
88 | taxpayer's property without his or her consent, the value  
89 | adjustment board may require the person filing the petition to  
90 | provide written authorization from the taxpayer authorizing the  
91 | person to proceed with the appeal before a hearing is held. If  
92 | the value adjustment board finds that a person listed in s.  
93 | 194.034(1)(a) willfully and knowingly filed a petition that was  
94 | not authorized by the taxpayer, the value adjustment board shall  
95 | require such person to provide the taxpayer's written  
96 | authorization for representation to the value adjustment board  
97 | clerk before any petition filed by that person is heard, for 1  
98 | year after imposition of such requirement by the value  
99 | adjustment board. A power of attorney or written authorization  
100 | is valid for 1 assessment year, and a new power of attorney or

101 written authorization by the taxpayer is required for each  
 102 subsequent assessment year. A petition shall also describe the  
 103 property by parcel number and shall be filed as follows:

104 (e)1. A condominium association as defined in s. 718.103,  
 105 a cooperative association as defined in s. 719.103, or any  
 106 homeowners' association as defined in s. 723.075, with approval  
 107 of its board of administration or directors, may file with the  
 108 value adjustment board a single joint petition on behalf of any  
 109 association members who own units or parcels of property which  
 110 the property appraiser determines are substantially similar with  
 111 respect to location, proximity to amenities, number of rooms,  
 112 living area, and condition. The condominium association,  
 113 cooperative association, or homeowners' association ~~as defined~~  
 114 ~~in s. 723.075~~ shall provide the unit or parcel owners with  
 115 notice of its intent to petition the value adjustment board and  
 116 shall provide at least 20 days for a unit or parcel owner to  
 117 elect, in writing, that his or her unit or parcel not be  
 118 included in the petition.

119 2. An association that has filed a single joint petition  
 120 may continue to represent the unit or parcel owners through any  
 121 related subsequent proceeding, including judicial review under  
 122 part II of this chapter and any appeal thereof. This  
 123 subparagraph is intended to clarify existing law and applies to  
 124 any pending action.

125 Section 2. Subsection (2) of section 194.181, Florida

126 Statutes, is amended to read:

127 194.181 Parties to a tax suit.—

128 (2) In any case brought by the taxpayer, or brought by a  
 129 condominium or cooperative ~~or~~ association on behalf of some or  
 130 all owners, contesting the assessment of any property, the  
 131 county property appraiser shall be party defendant. In any case  
 132 brought by the property appraiser pursuant to s. 194.036(1) (a)  
 133 or (b), the taxpayer, condominium association, or cooperative  
 134 association shall be party defendant. In any case brought by the  
 135 property appraiser pursuant to s. 194.036(1) (c), the value  
 136 adjustment board shall be party defendant.

137 Section 3. Subsection (3), paragraphs (a), (b), and (g) of  
 138 subsection (12), and paragraph (e) of subsection (13) of section  
 139 718.111, Florida Statutes, are amended to read:

140 718.111 The association.—

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

143 (a) The association may contract, sue, or be sued with  
 144 respect to the exercise or nonexercise of its powers. For these  
 145 purposes, the powers of the association include, but are not  
 146 limited to, the maintenance, management, and operation of the  
 147 condominium property.

148 (b) After control of the association is obtained by unit  
 149 owners other than the developer, the association may:

150 1. Institute, maintain, settle, or appeal actions or

151 | hearings in its name on behalf of all unit owners concerning  
152 | matters of common interest to most or all unit owners,  
153 | including, but not limited to, the common elements; the roof and  
154 | structural components of a building or other improvements;  
155 | mechanical, electrical, and plumbing elements serving an  
156 | improvement or a building; representations of the developer  
157 | pertaining to any existing or proposed commonly used facilities;

158 |       2. Protest ~~and protesting~~ ad valorem taxes on commonly  
159 | used facilities and on units; ~~and may~~

160 |       3. Defend actions pertaining to ad valorem taxation of  
161 | commonly used facilities or units, or related to ~~in~~ eminent  
162 | domain; or

163 |       4. Bring inverse condemnation actions.

164 |       (c) If the association has the authority to maintain a  
165 | class action, the association may be joined in an action as  
166 | representative of that class with reference to litigation and  
167 | disputes involving the matters for which the association could  
168 | bring a class action.

169 |       (d) The association, in its own name, or on behalf of some  
170 | or all unit owners, may institute, file, protest, maintain, or  
171 | defend any administrative challenge, lawsuit, appeal, or other  
172 | challenge to ad valorem taxes assessed on units or that values  
173 | commonly used facilities or common elements. The affected  
174 | association members are not necessary or indispensable parties  
175 | to any such action. This paragraph is intended to clarify

176 existing law and applies to any pending action.

177 (e) Nothing herein limits any statutory or common-law  
 178 right of any individual unit owner or class of unit owners to  
 179 bring any action without participation by the association which  
 180 may otherwise be available.

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

183 (12) OFFICIAL RECORDS.—

184 (a) From the inception of the association, the association  
 185 shall maintain each of the following items, if applicable, which  
 186 constitutes the official records of the association:

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

189 2. A photocopy of the recorded declaration of condominium  
 190 of each condominium operated by the association and each  
 191 amendment to each declaration.

192 3. A photocopy of the recorded bylaws of the association  
 193 and each amendment to the bylaws.

194 4. A certified copy of the articles of incorporation of  
 195 the association, or other documents creating the association,  
 196 and each amendment thereto.

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

198 6. A book or books that contain the minutes of all  
 199 meetings of the association, the board of administration, and  
 200 the unit owners, ~~which minutes must be retained for at least 7~~



201 ~~years.~~

202           7. A current roster of all unit owners and their mailing  
 203 addresses, unit identifications, voting certifications, and, if  
 204 known, telephone numbers. The association shall also maintain  
 205 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of  
 206 unit owners consenting to receive notice by electronic  
 207 transmission. The e-mail ~~electronic mailing~~ addresses and  
 208 facsimile numbers are not accessible to unit owners if consent  
 209 to receive notice by electronic transmission is not provided in  
 210 accordance with sub-subparagraph (c)3.e. However, the  
 211 association is not liable for an inadvertent disclosure of the  
 212 e-mail ~~electronic mail~~ address or facsimile number for receiving  
 213 electronic transmission of notices.

214           8. All current insurance policies of the association and  
 215 condominiums operated by the association.

216           9. A current copy of any management agreement, lease, or  
 217 other contract to which the association is a party or under  
 218 which the association or the unit owners have an obligation or  
 219 responsibility.

220           10. Bills of sale or transfer for all property owned by  
 221 the association.

222           11. Accounting records for the association and separate  
 223 accounting records for each condominium that the association  
 224 operates. ~~All accounting records must be maintained for at least~~  
 225 ~~7 years.~~ Any person who knowingly or intentionally defaces or

226 destroys such records, or who knowingly or intentionally fails  
 227 to create or maintain such records, with the intent of causing  
 228 harm to the association or one or more of its members, is  
 229 personally subject to a civil penalty pursuant to s.

230 718.501(1)(d). The accounting records must include, but are not  
 231 limited to:

232 a. Accurate, itemized, and detailed records of all  
 233 receipts and expenditures.

234 b. A current account and a monthly, bimonthly, or  
 235 quarterly statement of the account for each unit designating the  
 236 name of the unit owner, the due date and amount of each  
 237 assessment, the amount paid on the account, and the balance due.

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

240 d. All contracts for work to be performed. Bids for work  
 241 to be performed are also considered official records and must be  
 242 maintained by the association.

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

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

250 14. A copy of the current question and answer sheet as

251 described in s. 718.504.

252 15. All other written records of the association not  
253 specifically included in the foregoing which are related to the  
254 operation of the association.

255 16. A copy of the inspection report as described in s.  
256 718.301(4)(p).

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

258 (b) The official records specified in subparagraphs (a)1.-  
259 6. must be permanently maintained from the inception of the  
260 association. All other official records of the association must  
261 be maintained within the state for at least 7 years, unless  
262 otherwise provided by general law. The records of the  
263 association shall be made available to a unit owner within 45  
264 miles of the condominium property or within the county in which  
265 the condominium property is located within 10 ~~5~~ working days  
266 after receipt of a written request by the board or its designee.  
267 However, such distance requirement does not apply to an  
268 association governing a timeshare condominium. This paragraph  
269 may be complied with by having a copy of the official records of  
270 the association available for inspection or copying on the  
271 condominium property or association property, or the association  
272 may offer the option of making the records available to a unit  
273 owner electronically via the Internet or by allowing the records  
274 to be viewed in electronic format on a computer screen and  
275 printed upon request. The association is not responsible for the

276 use or misuse of the information provided to an association  
277 member or his or her authorized representative pursuant to the  
278 compliance requirements of this chapter unless the association  
279 has an affirmative duty not to disclose such information  
280 pursuant to this chapter.

281 (g)1. By January ~~July~~ 1, 2019 ~~2018~~, an association  
282 managing a condominium with 150 or more units which does not  
283 contain ~~manage~~ timeshare units shall post digital copies of the  
284 documents specified in subparagraph 2. on its website.

285 a. The association's website must be:

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

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

294 b. The association's website must be accessible through  
295 the Internet and must contain a subpage, web portal, or other  
296 protected electronic location that is inaccessible to the  
297 general public and accessible only to unit owners and employees  
298 of the association.

299 c. Upon a unit owner's written request, the association  
300 must provide the unit owner with a username and password and

301 access to the protected sections of the association's website  
302 that contain any notices, records, or documents that must be  
303 electronically provided.

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

306 a. The recorded declaration of condominium of each  
307 condominium operated by the association and each amendment to  
308 each declaration.

309 b. The recorded bylaws of the association and each  
310 amendment to the bylaws.

311 c. The articles of incorporation of the association, or  
312 other documents creating the association, and each amendment  
313 thereto. The copy posted pursuant to this sub-subparagraph must  
314 be a copy of the articles of incorporation filed with the  
315 Department of State.

316 d. The rules of the association.

317 e. A list of all executory contracts or documents ~~Any~~  
318 ~~management agreement, lease, or other contract~~ to which the  
319 association is a party or under which the association or the  
320 unit owners have an obligation or responsibility and, after  
321 bidding for the related materials, equipment, or services has  
322 closed, a list of bids received by the association within the  
323 past year. Summaries of bids for materials, equipment, or  
324 services which exceed \$500 must be maintained on the website for  
325 1 year. In lieu of summaries, complete copies of the bids may be

326 posted.

327 f. The annual budget required by s. 718.112(2)(f) and any

328 proposed budget to be considered at the annual meeting.

329 g. The financial report required by subsection (13) and

330 any monthly income or expense statement ~~proposed financial~~

331 ~~report~~ to be considered at a meeting.

332 h. The certification of each director required by s.

333 718.112(2)(d)4.b.

334 i. All contracts or transactions between the association

335 and any director, officer, corporation, firm, or association

336 that is not an affiliated condominium association or any other

337 entity in which an association director is also a director or

338 officer and financially interested.

339 j. Any contract or document regarding a conflict of

340 interest or possible conflict of interest as provided in ss.

341 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

342 k. The notice of any unit owner meeting and the agenda for

343 the meeting, as required by s. 718.112(2)(d)3., no later than 14

344 days before the meeting. The notice must be posted in plain view

345 on the front page of the website, or on a separate subpage of

346 the website labeled "Notices" which is conspicuously visible and

347 linked from the front page. The association must also post on

348 its website any document to be considered and voted on by the

349 owners during the meeting or any document listed on the agenda

350 at least 7 days before the meeting at which the document or the

351 information within the document will be considered.

352 1. Notice of any board meeting, the agenda, and any other  
353 document required for the meeting as required by s.  
354 718.112(2)(c), which must be posted no later than the date  
355 required for notice pursuant to s. 718.112(2)(c).

356 3. The association shall ensure that the information and  
357 records described in paragraph (c), which are not allowed  
358 ~~permitted~~ to be accessible to unit owners, are not posted on the  
359 association's website. If protected information or information  
360 restricted from being accessible to unit owners is included in  
361 documents that are required to be posted on the association's  
362 website, the association shall ensure the information is  
363 redacted before posting the documents online. Notwithstanding  
364 the foregoing, the association or its agent is not liable for  
365 disclosing information that is protected or restricted pursuant  
366 to this paragraph unless such disclosure was made with a knowing  
367 or intentional disregard of the protected or restricted nature  
368 of such information.

369 4. The failure of the association to post information  
370 required under subparagraph 2. is not in and of itself  
371 sufficient to invalidate any action or decision of the  
372 association's board or its committees.

373 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
374 the fiscal year, or annually on a date provided in the bylaws,  
375 the association shall prepare and complete, or contract for the

376 preparation and completion of, a financial report for the  
377 preceding fiscal year. Within 21 days after the final financial  
378 report is completed by the association or received from the  
379 third party, but not later than 120 days after the end of the  
380 fiscal year or other date as provided in the bylaws, the  
381 association shall mail to each unit owner at the address last  
382 furnished to the association by the unit owner, or hand deliver  
383 to each unit owner, a copy of the most recent financial report  
384 or a notice that a copy of the most recent financial report will  
385 be mailed or hand delivered to the unit owner, without charge,  
386 within 5 business days after receipt of a written request from  
387 the unit owner. The division shall adopt rules setting forth  
388 uniform accounting principles and standards to be used by all  
389 associations and addressing the financial reporting requirements  
390 for multicondominium associations. The rules must include, but  
391 not be limited to, standards for presenting a summary of  
392 association reserves, including a good faith estimate disclosing  
393 the annual amount of reserve funds that would be necessary for  
394 the association to fully fund reserves for each reserve item  
395 based on the straight-line accounting method. This disclosure is  
396 not applicable to reserves funded via the pooling method. In  
397 adopting such rules, the division shall consider the number of  
398 members and annual revenues of an association. Financial reports  
399 shall be prepared as follows:

400 (e) A unit owner may provide written notice to the



401 division of the association's failure to mail or hand deliver  
402 him or her a copy of the most recent financial report within 5  
403 business days after he or she submitted a written request to the  
404 association for a copy of such report. If the division  
405 determines that the association failed to mail or hand deliver a  
406 copy of the most recent financial report to the unit owner, the  
407 division shall provide written notice to the association that  
408 the association must mail or hand deliver a copy of the most  
409 recent financial report to the unit owner and the division  
410 within 5 business days after it receives such notice from the  
411 division. An association that fails to comply with the  
412 division's request may not waive the financial reporting  
413 requirement provided in paragraph (d) for the fiscal year in  
414 which the unit owner's request was made and the following fiscal  
415 year. A financial report received by the division pursuant to  
416 this paragraph shall be maintained, and the division shall  
417 provide a copy of such report to an association member upon his  
418 or her request.

419 Section 4. Paragraphs (a), (c), (d), and (j) of subsection  
420 (2) of section 718.112, Florida Statutes, are amended to read:

421 718.112 Bylaws.—

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

425 (a) Administration.—

426           1. The form of administration of the association shall be  
427 described indicating the title of the officers and board of  
428 administration and specifying the powers, duties, manner of  
429 selection and removal, and compensation, if any, of officers and  
430 boards. In the absence of such a provision, the board of  
431 administration shall be composed of five members, unless the  
432 ~~except in the case of a condominium which~~ has five or fewer  
433 units. The board shall consist of not fewer than three members  
434 in condominiums with five or fewer units that are not-for-profit  
435 corporations, ~~in which case in a not for profit corporation the~~  
436 ~~board shall consist of not fewer than three members.~~ In the  
437 absence of provisions to the contrary in the bylaws, the board  
438 of administration shall have a president, a secretary, and a  
439 treasurer, who shall perform the duties of such officers  
440 customarily performed by officers of corporations. Unless  
441 prohibited in the bylaws, the board of administration may  
442 appoint other officers and grant them the duties it deems  
443 appropriate. Unless otherwise provided in the bylaws, the  
444 officers shall serve without compensation and at the pleasure of  
445 the board of administration. Unless otherwise provided in the  
446 bylaws, the members of the board shall serve without  
447 compensation.

448           2. When a unit owner of a residential condominium files a  
449 written inquiry by certified mail with the board of  
450 administration, the board shall respond in writing to the unit

451 owner within 30 days after receipt of the inquiry. The board's  
452 response shall either give a substantive response to the  
453 inquirer, notify the inquirer that a legal opinion has been  
454 requested, or notify the inquirer that advice has been requested  
455 from the division. If the board requests advice from the  
456 division, the board shall, within 10 days after its receipt of  
457 the advice, provide in writing a substantive response to the  
458 inquirer. If a legal opinion is requested, the board shall,  
459 within 60 days after the receipt of the inquiry, provide in  
460 writing a substantive response to the inquiry. The failure to  
461 provide a substantive response to the inquiry as provided herein  
462 precludes the board from recovering attorney fees and costs in  
463 any subsequent litigation, administrative proceeding, or  
464 arbitration arising out of the inquiry. The association may  
465 through its board of administration adopt reasonable rules and  
466 regulations regarding the frequency and manner of responding to  
467 unit owner inquiries, one of which may be that the association  
468 is only obligated to respond to one written inquiry per unit in  
469 any given 30-day period. In such a case, any additional inquiry  
470 or inquiries must be responded to in the subsequent 30-day  
471 period, or periods, as applicable.

472 (c) Board of administration meetings.—Meetings of the  
473 board of administration at which a quorum of the members is  
474 present are open to all unit owners. Members of the board of  
475 administration may use e-mail as a means of communication but

476 | may not cast a vote on an association matter via e-mail. A unit  
477 | owner may tape record or videotape the meetings. The right to  
478 | attend such meetings includes the right to speak at such  
479 | meetings with reference to all designated agenda items. The  
480 | division shall adopt reasonable rules governing the tape  
481 | recording and videotaping of the meeting. The association may  
482 | adopt written reasonable rules governing the frequency,  
483 | duration, and manner of unit owner statements.

484 |       1. Adequate notice of all board meetings, which must  
485 | specifically identify all agenda items, must be posted  
486 | conspicuously on the condominium property at least 48 continuous  
487 | hours before the meeting except in an emergency. If 20 percent  
488 | of the voting interests petition the board to address an item of  
489 | business, the board, within 60 days after receipt of the  
490 | petition, shall place the item on the agenda at its next regular  
491 | board meeting or at a special meeting called for that purpose.  
492 | An item not included on the notice may be taken up on an  
493 | emergency basis by a vote of at least a majority plus one of the  
494 | board members. Such emergency action must be noticed and  
495 | ratified at the next regular board meeting. ~~However,~~ Written  
496 | notice of a meeting at which a nonemergency special assessment  
497 | or an amendment to rules regarding unit use will be considered  
498 | must be mailed, delivered, or electronically transmitted to the  
499 | unit owners and posted conspicuously on the condominium property  
500 | at least 14 days before the meeting. Evidence of compliance with

501 | this 14-day notice requirement must be made by an affidavit  
502 | executed by the person providing the notice and filed with the  
503 | official records of the association. Notice of any meeting in  
504 | which regular or special assessments against unit owners are to  
505 | be considered must specifically state that assessments will be  
506 | considered and provide the estimated cost and description of the  
507 | purposes for such assessments. Upon notice to the unit owners,  
508 | the board shall, by duly adopted rule, designate a specific  
509 | location on the condominium ~~or association~~ property where all  
510 | notices of board meetings must be posted. If there is no  
511 | condominium property ~~or association property~~ where notices can  
512 | be posted, notices shall be mailed, delivered, or electronically  
513 | transmitted to each unit owner at least 14 days before the  
514 | meeting. In lieu of or in addition to the physical posting of  
515 | the notice on the condominium property, the association may, by  
516 | reasonable rule, adopt a procedure for conspicuously posting and  
517 | repeatedly broadcasting the notice and the agenda on a closed-  
518 | circuit cable television system serving the condominium  
519 | association. However, if broadcast notice is used in lieu of a  
520 | notice physically posted on condominium property, the notice and  
521 | agenda must be broadcast at least four times every broadcast  
522 | hour of each day that a posted notice is otherwise required  
523 | under this section. If broadcast notice is provided, the notice  
524 | and agenda must be broadcast in a manner and for a sufficient  
525 | continuous length of time so as to allow an average reader to

526 observe the notice and read and comprehend the entire content of  
527 the notice and the agenda. In addition to any of the authorized  
528 means of providing notice of a meeting of the board, the  
529 association may, by rule, adopt a procedure for conspicuously  
530 posting the meeting notice and the agenda on a website serving  
531 the condominium association for at least the minimum period of  
532 time for which a notice of a meeting is also required to be  
533 physically posted on the condominium property. Any rule adopted  
534 shall, in addition to other matters, include a requirement that  
535 the association send an electronic notice in the same manner as  
536 a notice for a meeting of the members, which must include a  
537 hyperlink to the website where the notice is posted, to unit  
538 owners whose e-mail addresses are included in the association's  
539 official records. ~~Notice of any meeting in which regular or~~  
540 ~~special assessments against unit owners are to be considered~~  
541 ~~must specifically state that assessments will be considered and~~  
542 ~~provide the nature, estimated cost, and description of the~~  
543 ~~purposes for such assessments.~~

544 2. Meetings of a committee to take final action on behalf  
545 of the board or make recommendations to the board regarding the  
546 association budget are subject to this paragraph. Meetings of a  
547 committee that does not take final action on behalf of the board  
548 or make recommendations to the board regarding the association  
549 budget are subject to this section, unless those meetings are  
550 exempted from this section by the bylaws of the association.

551 3. Notwithstanding any other law, the requirement that  
 552 board meetings and committee meetings be open to the unit owners  
 553 does not apply to:

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

558 b. Board meetings held for the purpose of discussing  
 559 personnel matters.

560 (d) Unit owner meetings.—

561 1. An annual meeting of the unit owners must ~~shall~~ be held  
 562 at the location provided in the association bylaws and, if the  
 563 bylaws are silent as to the location, the meeting must ~~shall~~ be  
 564 held within 45 miles of the condominium property. However, such  
 565 distance requirement does not apply to an association governing  
 566 a timeshare condominium.

567 2. Unless the bylaws provide otherwise, a vacancy on the  
 568 board caused by the expiration of a director's term must ~~shall~~  
 569 be filled by electing a new board member, and the election must  
 570 be by secret ballot. An election is not required if the number  
 571 of vacancies equals or exceeds the number of candidates. For  
 572 purposes of this paragraph, the term "candidate" means an  
 573 eligible person who has timely submitted the written notice, as  
 574 described in sub-subparagraph 4.a., of his or her intention to  
 575 become a candidate. Except in a timeshare or nonresidential

576 condominium, or if the staggered term of a board member does not  
577 expire until a later annual meeting, or if all members' terms  
578 would otherwise expire but there are no candidates, the terms of  
579 all board members expire at the annual meeting, and such members  
580 may stand for reelection unless prohibited by the bylaws. Board  
581 members may serve ~~2-year~~ terms longer than 1 year if permitted  
582 by the bylaws or articles of incorporation. A board member may  
583 not serve more than 8 consecutive years ~~four consecutive 2-year~~  
584 ~~terms~~, unless approved by an affirmative vote of unit owners  
585 representing two-thirds of all votes cast in the election ~~the~~  
586 ~~total voting interests of the association~~ or unless there are  
587 not enough eligible candidates to fill the vacancies on the  
588 board at the time of the vacancy. If the number of board members  
589 whose terms expire at the annual meeting equals or exceeds the  
590 number of candidates, the candidates become members of the board  
591 effective upon the adjournment of the annual meeting. Unless the  
592 bylaws provide otherwise, any remaining vacancies shall be  
593 filled by the affirmative vote of the majority of the directors  
594 making up the newly constituted board even if the directors  
595 constitute less than a quorum or there is only one director. In  
596 a residential condominium association of more than 10 units or  
597 in a residential condominium association that does not include  
598 timeshare units or timeshare interests, coowners of a unit may  
599 not serve as members of the board of directors at the same time  
600 unless they own more than one unit or unless there are not



601 enough eligible candidates to fill the vacancies on the board at  
602 the time of the vacancy. A unit owner in a residential  
603 condominium desiring to be a candidate for board membership must  
604 comply with sub-subparagraph 4.a. and must be eligible to be a  
605 candidate to serve on the board of directors at the time of the  
606 deadline for submitting a notice of intent to run in order to  
607 have his or her name listed as a proper candidate on the ballot  
608 or to serve on the board. A person who has been suspended or  
609 removed by the division under this chapter, or who is delinquent  
610 in the payment of any monetary obligation due to the  
611 association, is not eligible to be a candidate for board  
612 membership and may not be listed on the ballot. A person who has  
613 been convicted of any felony in this state or in a United States  
614 District or Territorial Court, or who has been convicted of any  
615 offense in another jurisdiction which would be considered a  
616 felony if committed in this state, is not eligible for board  
617 membership unless such felon's civil rights have been restored  
618 for at least 5 years as of the date such person seeks election  
619 to the board. The validity of an action by the board is not  
620 affected if it is later determined that a board member is  
621 ineligible for board membership due to having been convicted of  
622 a felony. This subparagraph does not limit the term of a member  
623 of the board of a nonresidential or timeshare condominium.

624 3. The bylaws must provide the method of calling meetings  
625 of unit owners, including annual meetings. Written notice must

626 include an agenda, must be mailed, hand delivered, or  
627 electronically transmitted to each unit owner at least 14 days  
628 before the annual meeting, and must be posted in a conspicuous  
629 place on the condominium property at least 14 continuous days  
630 before the annual meeting. Upon notice to the unit owners, the  
631 board shall, by duly adopted rule, designate a specific location  
632 on the condominium property ~~or association property~~ where all  
633 notices of unit owner meetings must ~~shall~~ be posted. This  
634 requirement does not apply if there is no condominium property  
635 ~~or association property~~ for posting notices. In lieu of, or in  
636 addition to, the physical posting of meeting notices, the  
637 association may, by reasonable rule, adopt a procedure for  
638 conspicuously posting and repeatedly broadcasting the notice and  
639 the agenda on a closed-circuit cable television system serving  
640 the condominium association. However, if broadcast notice is  
641 used in lieu of a notice posted physically on the condominium  
642 property, the notice and agenda must be broadcast at least four  
643 times every broadcast hour of each day that a posted notice is  
644 otherwise required under this section. If broadcast notice is  
645 provided, the notice and agenda must be broadcast in a manner  
646 and for a sufficient continuous length of time so as to allow an  
647 average reader to observe the notice and read and comprehend the  
648 entire content of the notice and the agenda. In addition to any  
649 of the authorized means of providing notice of a meeting of the  
650 board, the association may, by rule, adopt a procedure for

651 conspicuously posting the meeting notice and the agenda on a  
652 website serving the condominium association for at least the  
653 minimum period of time for which a notice of a meeting is also  
654 required to be physically posted on the condominium property.  
655 Any rule adopted shall, in addition to other matters, include a  
656 requirement that the association send an electronic notice in  
657 the same manner as a notice for a meeting of the members, which  
658 must include a hyperlink to the website where the notice is  
659 posted, to unit owners whose e-mail addresses are included in  
660 the association's official records. Unless a unit owner waives  
661 in writing the right to receive notice of the annual meeting,  
662 such notice must be hand delivered, mailed, or electronically  
663 transmitted to each unit owner. Notice for meetings and notice  
664 for all other purposes must be mailed to each unit owner at the  
665 address last furnished to the association by the unit owner, or  
666 hand delivered to each unit owner. However, if a unit is owned  
667 by more than one person, the association must provide notice to  
668 the address that the developer identifies for that purpose and  
669 thereafter as one or more of the owners of the unit advise the  
670 association in writing, or if no address is given or the owners  
671 of the unit do not agree, to the address provided on the deed of  
672 record. An officer of the association, or the manager or other  
673 person providing notice of the association meeting, must provide  
674 an affidavit or United States Postal Service certificate of  
675 mailing, to be included in the official records of the

676 association affirming that the notice was mailed or hand  
677 delivered in accordance with this provision.

678 4. The members of the board of a residential condominium  
679 shall be elected by written ballot or voting machine. Proxies  
680 may not be used in electing the board in general elections or  
681 elections to fill vacancies caused by recall, resignation, or  
682 otherwise, unless otherwise provided in this chapter. This  
683 subparagraph does not apply to an association governing a  
684 timeshare condominium.

685 a. At least 60 days before a scheduled election, the  
686 association shall mail, deliver, or electronically transmit, by  
687 separate association mailing or included in another association  
688 mailing, delivery, or transmission, including regularly  
689 published newsletters, to each unit owner entitled to a vote, a  
690 first notice of the date of the election. A unit owner or other  
691 eligible person desiring to be a candidate for the board must  
692 give written notice of his or her intent to be a candidate to  
693 the association at least 40 days before a scheduled election.  
694 Together with the written notice and agenda as set forth in  
695 subparagraph 3., the association shall mail, deliver, or  
696 electronically transmit a second notice of the election to all  
697 unit owners entitled to vote, together with a ballot that lists  
698 all candidates. Upon request of a candidate, an information  
699 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
700 furnished by the candidate at least 35 days before the election,

701 must be included with the mailing, delivery, or transmission of  
702 the ballot, with the costs of mailing, delivery, or electronic  
703 transmission and copying to be borne by the association. The  
704 association is not liable for the contents of the information  
705 sheets prepared by the candidates. In order to reduce costs, the  
706 association may print or duplicate the information sheets on  
707 both sides of the paper. The division shall by rule establish  
708 voting procedures consistent with this sub-subparagraph,  
709 including rules establishing procedures for giving notice by  
710 electronic transmission and rules providing for the secrecy of  
711 ballots. Elections shall be decided by a plurality of ballots  
712 cast. There is no quorum requirement; however, at least 20  
713 percent of the eligible voters must cast a ballot in order to  
714 have a valid election. A unit owner may not authorize ~~permit~~ any  
715 other person to vote his or her ballot, and any ballots  
716 improperly cast are invalid. A unit owner who violates this  
717 provision may be fined by the association in accordance with s.  
718 718.303. A unit owner who needs assistance in casting the ballot  
719 for the reasons stated in s. 101.051 may obtain such assistance.  
720 The regular election must occur on the date of the annual  
721 meeting. Notwithstanding this sub-subparagraph, an election is  
722 not required unless more candidates file notices of intent to  
723 run or are nominated than board vacancies exist.

724 b. Within 90 days after being elected or appointed to the  
725 board of an association of a residential condominium, each newly

726 | elected or appointed director shall certify in writing to the  
727 | secretary of the association that he or she has read the  
728 | association's declaration of condominium, articles of  
729 | incorporation, bylaws, and current written policies; that he or  
730 | she will work to uphold such documents and policies to the best  
731 | of his or her ability; and that he or she will faithfully  
732 | discharge his or her fiduciary responsibility to the  
733 | association's members. In lieu of this written certification,  
734 | within 90 days after being elected or appointed to the board,  
735 | the newly elected or appointed director may submit a certificate  
736 | of having satisfactorily completed the educational curriculum  
737 | administered by a division-approved condominium education  
738 | provider within 1 year before or 90 days after the date of  
739 | election or appointment. The written certification or  
740 | educational certificate is valid and does not have to be  
741 | resubmitted as long as the director serves on the board without  
742 | interruption. A director of an association of a residential  
743 | condominium who fails to timely file the written certification  
744 | or educational certificate is suspended from service on the  
745 | board until he or she complies with this sub-subparagraph. The  
746 | board may temporarily fill the vacancy during the period of  
747 | suspension. The secretary shall cause the association to retain  
748 | a director's written certification or educational certificate  
749 | for inspection by the members for 5 years after a director's  
750 | election or the duration of the director's uninterrupted tenure,

751 whichever is longer. Failure to have such written certification  
752 or educational certificate on file does not affect the validity  
753 of any board action.

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

756 5. Any approval by unit owners called for by this chapter  
757 or the applicable declaration or bylaws, including, but not  
758 limited to, the approval requirement in s. 718.111(8), must be  
759 made at a duly noticed meeting of unit owners and is subject to  
760 all requirements of this chapter or the applicable condominium  
761 documents relating to unit owner decisionmaking, except that  
762 unit owners may take action by written agreement, without  
763 meetings, on matters for which action by written agreement  
764 without meetings is expressly allowed by the applicable bylaws  
765 or declaration or any law that provides for such action.

766 6. Unit owners may waive notice of specific meetings if  
767 allowed by the applicable bylaws or declaration or any law.  
768 Notice of meetings of the board of administration, unit owner  
769 meetings, except unit owner meetings called to recall board  
770 members under paragraph (j), and committee meetings may be given  
771 by electronic transmission to unit owners who consent to receive  
772 notice by electronic transmission. A unit owner who consents to  
773 receiving notices by electronic transmission is solely  
774 responsible for removing or bypassing filters that block receipt  
775 of mass emails sent to members on behalf of the association in

776 the course of giving electronic notices.

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

781         8. A unit owner may tape record or videotape a meeting of  
782 the unit owners subject to reasonable rules adopted by the  
783 division.

784         9. Unless otherwise provided in the bylaws, any vacancy  
785 occurring on the board before the expiration of a term may be  
786 filled by the affirmative vote of the majority of the remaining  
787 directors, even if the remaining directors constitute less than  
788 a quorum, or by the sole remaining director. In the alternative,  
789 a board may hold an election to fill the vacancy, in which case  
790 the election procedures must conform to sub-subparagraph 4.a.  
791 unless the association governs 10 units or fewer and has opted  
792 out of the statutory election process, in which case the bylaws  
793 of the association control. Unless otherwise provided in the  
794 bylaws, a board member appointed or elected under this section  
795 shall fill the vacancy for the unexpired term of the seat being  
796 filled. Filling vacancies created by recall is governed by  
797 paragraph (j) and rules adopted by the division.

798         10. This chapter does not limit the use of general or  
799 limited proxies, require the use of general or limited proxies,  
800 or require the use of a written ballot or voting machine for any



801 agenda item or election at any meeting of a timeshare  
802 condominium association or nonresidential condominium  
803 association.

804  
805 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
806 association of 10 or fewer units may, by affirmative vote of a  
807 majority of the total voting interests, provide for different  
808 voting and election procedures in its bylaws, which may be by a  
809 proxy specifically delineating the different voting and election  
810 procedures. The different voting and election procedures may  
811 provide for elections to be conducted by limited or general  
812 proxy.

813 (j) Recall of board members.—Subject to s. 718.301, any  
814 member of the board of administration may be recalled and  
815 removed from office with or without cause by the vote or  
816 agreement in writing by a majority of all the voting interests.  
817 A special meeting of the unit owners to recall a member or  
818 members of the board of administration may be called by 10  
819 percent of the voting interests giving notice of the meeting as  
820 required for a meeting of unit owners, and the notice shall  
821 state the purpose of the meeting. Electronic transmission may  
822 not be used as a method of giving notice of a meeting called in  
823 whole or in part for this purpose.

824 1. If the recall is approved by a majority of all voting  
825 interests by a vote at a meeting, the recall will be effective

826 as provided in this paragraph. The board shall duly notice and  
827 hold a board meeting within 5 full business days after the  
828 adjournment of the unit owner meeting to recall one or more  
829 board members. Such member or members shall be recalled  
830 effective immediately upon conclusion of the board meeting  
831 provided that the recall is facially valid. A recalled member  
832 must ~~and shall~~ turn over to the board, within 10 full business  
833 days after the vote, any and all records and property of the  
834 association in their possession.

835 2. If the proposed recall is by an agreement in writing by  
836 a majority of all voting interests, the agreement in writing or  
837 a copy thereof shall be served on the association by certified  
838 mail or by personal service in the manner authorized by chapter  
839 48 and the Florida Rules of Civil Procedure. The board of  
840 administration shall duly notice and hold a meeting of the board  
841 within 5 full business days after receipt of the agreement in  
842 writing. Such member or members shall be recalled effective  
843 immediately upon the conclusion of the board meeting provided  
844 that the recall is facially valid. A recalled member must ~~and~~  
845 ~~shall~~ turn over to the board, within 10 full business days, any  
846 and all records and property of the association in their  
847 possession.

848 3. If the board fails to duly notice and hold a board  
849 meeting within 5 full business days after service of an  
850 agreement in writing or within 5 full business days after the

851 adjournment of the unit owner recall meeting, the recall shall  
852 be deemed effective and the board members so recalled shall turn  
853 over to the board within 10 full business days after the vote  
854 any and all records and property of the association.

855 4. If the board fails to duly notice and hold the required  
856 meeting or at the conclusion of the meeting determines that the  
857 recall is not facially valid ~~fails to file the required~~  
858 ~~petition~~, the unit owner representative may file a petition  
859 pursuant to s. 718.1255 challenging the board's failure to act  
860 or challenging the board's determination on facial validity. The  
861 petition must be filed within 60 days after the expiration of  
862 the applicable 5-full-business-day period. The review of a  
863 petition under this subparagraph is limited to the sufficiency  
864 of service on the board and the facial validity of the written  
865 agreement or ballots filed.

866 5. If a vacancy occurs on the board as a result of a  
867 recall or removal and less than a majority of the board members  
868 are removed, the vacancy may be filled by the affirmative vote  
869 of a majority of the remaining directors, notwithstanding any  
870 provision to the contrary contained in this subsection. If  
871 vacancies occur on the board as a result of a recall and a  
872 majority or more of the board members are removed, the vacancies  
873 shall be filled in accordance with procedural rules to be  
874 adopted by the division, which rules need not be consistent with  
875 this subsection. The rules must provide procedures governing the

876 | conduct of the recall election as well as the operation of the  
877 | association during the period after a recall but before the  
878 | recall election.

879 |         6. A board member who has been recalled may file a  
880 | petition pursuant to s. 718.1255 challenging the validity of the  
881 | recall. The petition must be filed within 60 days after the  
882 | recall. The association and the unit owner representative shall  
883 | be named as the respondents. The petition may challenge the  
884 | facial validity of the written agreement or ballots filed or the  
885 | substantial compliance with the procedural requirements for the  
886 | recall. If the arbitrator determines the recall was invalid, the  
887 | petitioning board member shall immediately be reinstated and the  
888 | recall is null and void. A board member who is successful in  
889 | challenging a recall is entitled to recover reasonable attorney  
890 | fees and costs from the respondents. The arbitrator may award  
891 | reasonable attorney fees and costs to the respondents if they  
892 | prevail, if the arbitrator makes a finding that the petitioner's  
893 | claim is frivolous.

894 |         7. The division may not accept for filing a recall  
895 | petition, whether filed pursuant to subparagraph 1.,  
896 | subparagraph 2., subparagraph 4., or subparagraph 6. when there  
897 | are 60 or fewer days until the scheduled reelection of the board  
898 | member sought to be recalled or when 60 or fewer days have  
899 | elapsed since the election of the board member sought to be  
900 | recalled.

901 Section 5. Subsection (2) of section 718.113, Florida  
 902 Statutes, is amended, and a new subsection (8) is added to that  
 903 section, to read:

904 718.113 Maintenance; limitation upon improvement; display  
 905 of flag; hurricane shutters and protection; display of religious  
 906 decorations.—

907 (2) (a) Except as otherwise provided in this section, there  
 908 shall be no material alteration or substantial additions to the  
 909 common elements or to real property which is association  
 910 property, except in a manner provided in the declaration as  
 911 originally recorded or as amended under the procedures provided  
 912 therein. If the declaration as originally recorded or as amended  
 913 under the procedures provided therein does not specify the  
 914 procedure for approval of material alterations or substantial  
 915 additions, 75 percent of the total voting interests of the  
 916 association must approve the alterations or additions before the  
 917 material alterations or substantial additions are commenced.

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

920 (b) There shall not be any material alteration of, or  
 921 substantial addition to, the common elements of any condominium  
 922 operated by a multicondominium association unless approved in  
 923 the manner provided in the declaration of the affected  
 924 condominium or condominiums as originally recorded or as amended  
 925 under the procedures provided therein. If a declaration as

926 originally recorded or as amended under the procedures provided  
927 therein does not specify a procedure for approving such an  
928 alteration or addition, the approval of 75 percent of the total  
929 voting interests of each affected condominium is required before  
930 the material alterations or substantial additions are commenced.

931 This subsection does not prohibit a provision in any  
932 declaration, articles of incorporation, or bylaws as originally  
933 recorded or as amended under the procedures provided therein  
934 requiring the approval of unit owners in any condominium  
935 operated by the same association or requiring board approval  
936 before a material alteration or substantial addition to the  
937 common elements is permitted. This paragraph is intended to  
938 clarify existing law and applies to associations existing on  
939 July 1, 2018 ~~the effective date of this act.~~

940 (c) There shall not be any material alteration or  
941 substantial addition made to association real property operated  
942 by a multicondominium association, except as provided in the  
943 declaration, articles of incorporation, or bylaws as originally  
944 recorded or as amended under the procedures provided therein. If  
945 the declaration, articles of incorporation, or bylaws as  
946 originally recorded or as amended under the procedures provided  
947 therein do not specify the procedure for approving an alteration  
948 or addition to association real property, the approval of 75  
949 percent of the total voting interests of the association is  
950 required before the material alterations or substantial

951 additions are commenced. This paragraph is intended to clarify  
952 existing law and applies to associations existing on July 1,  
953 2018 ~~the effective date of this act.~~

954 (8) The Legislature finds that the use of electric  
955 vehicles conserves and protects the state's environmental  
956 resources, provides significant economic savings to drivers, and  
957 serves an important public interest. The participation of  
958 condominium associations is essential to the state's efforts to  
959 conserve and protect the state's environmental resources and  
960 provide economic savings to drivers. Therefore, the installation  
961 of an electric vehicle charging station shall be governed as  
962 follows:

963 (a) A declaration of condominium or restrictive covenant  
964 may not prohibit or be enforced so as to prohibit any unit owner  
965 from installing an electric vehicle charging station within the  
966 boundaries of the unit owner's limited common element parking  
967 area. The board of administration of a condominium association  
968 may not prohibit a unit owner from installing an electric  
969 vehicle charging station for an electric vehicle, as defined in  
970 s. 320.01, within the boundaries of his or her limited common  
971 element parking area. The installation of such charging stations  
972 are subject to the provisions of this subsection.

973 (b) The installation may not cause irreparable damage to  
974 the condominium property.

975 (c) The electricity for the electric vehicle charging

976 station must be separately metered and payable by the unit owner  
 977 installing such charging station.

978 (d) The unit owner who is installing an electric vehicle  
 979 charging station is responsible for the costs of installation,  
 980 operation, maintenance, and repair, including, but not limited  
 981 to, hazard and liability insurance. The association may enforce  
 982 payment of such costs pursuant to s. 718.116.

983 (e) If the unit owner or his or her successor decides  
 984 there is no longer a need for the electronic vehicle charging  
 985 station, such person is responsible for the cost of removal of  
 986 the electronic vehicle charging station. The association may  
 987 enforce payment of such costs pursuant to s. 718.116.

988 (f) The association may require the unit owner to:

989 1. Comply with bona fide safety requirements, consistent  
 990 with applicable building codes or recognized safety standards,  
 991 for the protection of persons and property.

992 2. Comply with reasonable architectural standards adopted  
 993 by the association that govern the dimensions, placement, or  
 994 external appearance of the electric vehicle charging station,  
 995 provided that such standards may not prohibit the installation  
 996 of such charging station or substantially increase the cost  
 997 thereof.

998 3. Engage the services of a licensed and registered  
 999 electrical contractor or engineer familiar with the installation  
 1000 and core requirements of an electric vehicle charging station.



1001           4. Provide a certificate of insurance naming the  
 1002 association as an additional insured on the owner's insurance  
 1003 policy for any claim related to the installation, maintenance,  
 1004 or use of the electric vehicle charging station within 14 days  
 1005 after receiving the association's approval to install such  
 1006 charging station.

1007           5. Reimburse the association for the actual cost of any  
 1008 increased insurance premium amount attributable to the electric  
 1009 vehicle charging station within 14 days after receiving the  
 1010 association's insurance premium invoice.

1011           (g) The association provides an implied easement across  
 1012 the common elements of the condominium property to the unit  
 1013 owner for purposes of the installation of the electric vehicle  
 1014 charging station and the furnishing of electrical power,  
 1015 including any necessary equipment, to such charging station,  
 1016 subject to the requirements of this subsection.

1017           Section 6. Subsection (2) of section 718.121, Florida  
 1018 Statutes, is amended to read:

1019           718.121 Liens.—

1020           (2) Labor performed on or materials furnished to a unit  
 1021 shall not be the basis for the filing of a lien pursuant to part  
 1022 I of chapter 713, the Construction Lien Law, against the unit or  
 1023 condominium parcel of any unit owner not expressly consenting to  
 1024 or requesting the labor or materials. Labor performed on or  
 1025 materials furnished for the installation of an electronic

1026 vehicle charging station pursuant to s. 718.113(8) may not be  
 1027 the basis for filing a lien under part I of chapter 713 against  
 1028 the association, but such a lien may filed against the unit  
 1029 owner. Labor performed on or materials furnished to the common  
 1030 elements are not the basis for a lien on the common elements,  
 1031 but if authorized by the association, the labor or materials are  
 1032 deemed to be performed or furnished with the express consent of  
 1033 each unit owner and may be the basis for the filing of a lien  
 1034 against all condominium parcels in the proportions for which the  
 1035 owners are liable for common expenses.

1036 Section 7. Subsection (3) of section 718.3026, Florida  
 1037 Statutes, is amended to read:

1038 718.3026 Contracts for products and services; in writing;  
 1039 bids; exceptions.—Associations with 10 or fewer units may opt  
 1040 out of the provisions of this section if two-thirds of the unit  
 1041 owners vote to do so, which opt-out may be accomplished by a  
 1042 proxy specifically setting forth the exception from this  
 1043 section.

1044 ~~(3) As to any contract or other transaction between an~~  
 1045 ~~association and one or more of its directors or any other~~  
 1046 ~~corporation, firm, association, or entity in which one or more~~  
 1047 ~~of its directors are directors or officers or are financially~~  
 1048 ~~interested:~~

1049 ~~(a) The association shall comply with the requirements of~~  
 1050 ~~s. 617.0832.~~

1051 ~~(b) The disclosures required by s. 617.0832 shall be~~  
1052 ~~entered into the written minutes of the meeting.~~

1053 ~~(c) Approval of the contract or other transaction shall~~  
1054 ~~require an affirmative vote of two-thirds of the directors~~  
1055 ~~present.~~

1056 ~~(d) At the next regular or special meeting of the members,~~  
1057 ~~the existence of the contract or other transaction shall be~~  
1058 ~~disclosed to the members. Upon motion of any member, the~~  
1059 ~~contract or transaction shall be brought up for a vote and may~~  
1060 ~~be canceled by a majority vote of the members present. Should~~  
1061 ~~the members cancel the contract, the association shall only be~~  
1062 ~~liable for the reasonable value of goods and services provided~~  
1063 ~~up to the time of cancellation and shall not be liable for any~~  
1064 ~~termination fee, liquidated damages, or other form of penalty~~  
1065 ~~for such cancellation.~~

1066 Section 8. Section 718.3027, Florida Statutes, is amended  
1067 to read:

1068 718.3027 Conflicts of interest.—

1069 (1) Directors and officers of a board of an association  
1070 that is not a timeshare condominium association, and the  
1071 relatives of such directors and officers, must disclose to the  
1072 board any activity that may reasonably be construed to be a  
1073 conflict of interest. A rebuttable presumption of a conflict of  
1074 interest exists if any of the following occurs without prior  
1075 notice, as required in subsection (5)~~(4)~~:

1076 (a) A director or an officer, or a relative of a director  
1077 or an officer, enters into a contract for goods or services with  
1078 the association.

1079 (b) A director or an officer, or a relative of a director  
1080 or an officer, holds an interest in a corporation, limited  
1081 liability corporation, partnership, limited liability  
1082 partnership, or other business entity that conducts business  
1083 with the association or proposes to enter into a contract or  
1084 other transaction with the association.

1085 (2) If a director or an officer, or a relative of a  
1086 director or an officer, proposes to engage in an activity that  
1087 is a conflict of interest, as described in subsection (1), the  
1088 proposed activity must be listed on, and all contracts and  
1089 transactional documents related to the proposed activity must be  
1090 attached to, the meeting agenda. The association shall comply  
1091 with the requirements of s. 617.0832, and the disclosures  
1092 required by s. 617.0832 shall be entered into the written  
1093 minutes of the meeting. Approval of the contract or other  
1094 transaction requires an affirmative vote of two-thirds of all  
1095 other directors present. At the next regular or special meeting  
1096 of the members, the existence of the contract or other  
1097 transaction shall be disclosed to the members. Upon motion of  
1098 any member, the contract or transaction shall be brought up for  
1099 a vote and may be canceled by a majority vote of the members  
1100 present. If the contract is canceled, the association is only

1101 liable for the reasonable value of the goods and services  
1102 provided up to the time of cancellation and is not liable for  
1103 any termination fee, liquidated damages, or other form of  
1104 penalty for such cancellation.

1105 (3) If the board votes against the proposed activity, the  
1106 director or officer, or the relative of the director or officer,  
1107 must notify the board in writing of his or her intention not to  
1108 pursue the proposed activity or to withdraw from office. If the  
1109 board finds that an officer or a director has violated this  
1110 subsection, the officer or director shall be deemed removed from  
1111 office. The vacancy shall be filled according to general law.

1112 (4)~~(3)~~ A director or an officer, or a relative of a  
1113 director or an officer, who is a party to, or has an interest  
1114 in, an activity that is a possible conflict of interest, as  
1115 described in subsection (1), may attend the meeting at which the  
1116 activity is considered by the board and is authorized to make a  
1117 presentation to the board regarding the activity. After the  
1118 presentation, the director or officer, or the relative of the  
1119 director or officer, must leave the meeting during the  
1120 discussion of, and the vote on, the activity. A director or an  
1121 officer who is a party to, or has an interest in, the activity  
1122 must recuse himself or herself from the vote.

1123 (5)~~(4)~~ A contract entered into between a director or an  
1124 officer, or a relative of a director or an officer, and the  
1125 association, which is not a timeshare condominium association,

1126 that has not been properly disclosed as a conflict of interest  
 1127 or potential conflict of interest as required by s.  
 1128 718.111(12)(g) is voidable and terminates upon the filing of a  
 1129 written notice terminating the contract with the board of  
 1130 directors which contains the consent of at least 20 percent of  
 1131 the voting interests of the association.

1132 (6)~~(5)~~ As used in this section, the term "relative" means  
 1133 a relative within the third degree of consanguinity by blood or  
 1134 marriage.

1135 Section 9. Paragraph (b) of subsection (3) of section  
 1136 718.303, Florida Statutes, is amended to read:

1137 718.303 Obligations of owners and occupants; remedies.—

1138 (3) The association may levy reasonable fines for the  
 1139 failure of the owner of the unit or its occupant, licensee, or  
 1140 invitee to comply with any provision of the declaration, the  
 1141 association bylaws, or reasonable rules of the association. A  
 1142 fine may not become a lien against a unit. A fine may be levied  
 1143 by the board on the basis of each day of a continuing violation,  
 1144 with a single notice and opportunity for hearing before a  
 1145 committee as provided in paragraph (b). However, the fine may  
 1146 not exceed \$100 per violation, or \$1,000 in the aggregate.

1147 (b) A fine or suspension levied by the board of  
 1148 administration may not be imposed unless the board first  
 1149 provides at least 14 days' written notice ~~and an opportunity for~~  
 1150 ~~a hearing~~ to the unit owner and, if applicable, any its

1151 occupant, licensee, or invitee of the unit owner sought to be  
1152 fined or suspended and an opportunity for a hearing. ~~The hearing~~  
1153 ~~must be held~~ before a committee of at least three members  
1154 appointed by the board who are not officers, directors, or  
1155 employees of the association, or the spouse, parent, child,  
1156 brother, or sister of an officer, director, or employee ~~other~~  
1157 ~~unit owners who are neither board members nor persons residing~~  
1158 ~~in a board member's household.~~ The role of the committee is  
1159 limited to determining whether to confirm or reject the fine or  
1160 suspension levied by the board. If the committee does not  
1161 approve ~~agree,~~ the proposed fine or suspension by majority vote,  
1162 the fine or suspension may not be imposed. If the proposed fine  
1163 or suspension is approved by the committee, the fine payment is  
1164 due 5 days after the date of the committee meeting at which the  
1165 fine is approved. The association must provide written notice of  
1166 such fine or suspension by mail or hand delivery to the unit  
1167 owner and, if applicable, to any tenant, licensee, or invitee of  
1168 the unit owner.

1169 Section 10. Section 718.707, Florida Statutes, is amended  
1170 to read:

1171 718.707 Time limitation for classification as bulk  
1172 assignee or bulk buyer.—A person acquiring condominium parcels  
1173 may not be classified as a bulk assignee or bulk buyer unless  
1174 the condominium parcels were acquired on or after July 1, 2010~~7~~  
1175 ~~but before July 1, 2018.~~ The date of such acquisition shall be

1176 | determined by the date of recording a deed or other instrument  
 1177 | of conveyance for such parcels in the public records of the  
 1178 | county in which the condominium is located, or by the date of  
 1179 | issuing a certificate of title in a foreclosure proceeding with  
 1180 | respect to such condominium parcels.

1181 |         Section 11. Paragraphs (a) and (b) of subsection (2) of  
 1182 | section 719.104, Florida Statutes, are amended to read:

1183 |             719.104 Cooperatives; access to units; records; financial  
 1184 | reports; assessments; purchase of leases.—

1185 |             (2) OFFICIAL RECORDS.—

1186 |             (a) From the inception of the association, the association  
 1187 | shall maintain a copy of each of the following, where  
 1188 | applicable, which shall constitute the official records of the  
 1189 | association:

1190 |                 1. The plans, permits, warranties, and other items  
 1191 | provided by the developer pursuant to s. 719.301(4).

1192 |                 2. A photocopy of the cooperative documents.

1193 |                 3. A copy of the current rules of the association.

1194 |                 4. A book or books containing the minutes of all meetings  
 1195 | of the association, of the board of directors, and of the unit  
 1196 | owners, ~~which minutes shall be retained for a period of not less~~  
 1197 | ~~than 7 years.~~

1198 |                 5. A current roster of all unit owners and their mailing  
 1199 | addresses, unit identifications, voting certifications, and, if  
 1200 | known, telephone numbers. The association shall also maintain



1201 the e-mail ~~electronic mailing~~ addresses and the numbers  
1202 designated by unit owners for receiving notice sent by  
1203 electronic transmission of those unit owners consenting to  
1204 receive notice by electronic transmission. The e-mail ~~electronic~~  
1205 ~~mailing~~ addresses and numbers provided by unit owners to receive  
1206 notice by electronic transmission shall be removed from  
1207 association records when consent to receive notice by electronic  
1208 transmission is revoked. However, the association is not liable  
1209 for an erroneous disclosure of the e-mail ~~electronic mail~~  
1210 address or the number for receiving electronic transmission of  
1211 notices.

1212 6. All current insurance policies of the association.

1213 7. A current copy of any management agreement, lease, or  
1214 other contract to which the association is a party or under  
1215 which the association or the unit owners have an obligation or  
1216 responsibility.

1217 8. Bills of sale or transfer for all property owned by the  
1218 association.

1219 9. Accounting records for the association and separate  
1220 accounting records for each unit it operates, according to good  
1221 accounting practices. ~~All accounting records shall be maintained~~  
1222 ~~for a period of not less than 7 years.~~ The accounting records  
1223 shall include, but not be limited to:

1224 a. Accurate, itemized, and detailed records of all  
1225 receipts and expenditures.

1226           b. A current account and a monthly, bimonthly, or  
 1227 quarterly statement of the account for each unit designating the  
 1228 name of the unit owner, the due date and amount of each  
 1229 assessment, the amount paid upon the account, and the balance  
 1230 due.

1231           c. All audits, reviews, accounting statements, and  
 1232 financial reports of the association.

1233           d. All contracts for work to be performed. Bids for work  
 1234 to be performed shall also be considered official records and  
 1235 shall be maintained for a period of 1 year.

1236           10. Ballots, sign-in sheets, voting proxies, and all other  
 1237 papers and electronic records relating to voting by unit owners,  
 1238 which shall be maintained for a period of 1 year after the date  
 1239 of the election, vote, or meeting to which the document relates.

1240           11. All rental records where the association is acting as  
 1241 agent for the rental of units.

1242           12. A copy of the current question and answer sheet as  
 1243 described in s. 719.504.

1244           13. All other written records of the association not  
 1245 specifically included in the foregoing which are related to the  
 1246 operation of the association.

1247           (b) The official records of the association must be  
 1248 maintained within the state for at least 7 years. The records of  
 1249 the association shall be made available to a unit owner within  
 1250 45 miles of the cooperative property or within the county in

1251 | which the cooperative property is located within 10 ~~5~~ working  
1252 | days after receipt of written request by the board or its  
1253 | designee. This paragraph may be complied with by having a copy  
1254 | of the official records of the association available for  
1255 | inspection or copying on the cooperative property or the  
1256 | association may offer the option of making the records available  
1257 | to a unit owner electronically via the Internet or by allowing  
1258 | the records to be viewed in an electronic format on a computer  
1259 | screen and printed upon request. The association is not  
1260 | responsible for the use or misuse of the information provided to  
1261 | an association member or his or her authorized representative  
1262 | pursuant to the compliance requirements of this chapter unless  
1263 | the association has an affirmative duty not to disclose such  
1264 | information pursuant to this chapter.

1265 |       Section 12. Paragraphs (a), (c), and (d) of subsection (1)  
1266 | of section 719.106, Florida Statutes, are amended, and paragraph  
1267 | (m) is added to that subsection, to read:

1268 |       719.106 Bylaws; cooperative ownership.—

1269 |       (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1270 | documents shall provide for the following, and if they do not,  
1271 | they shall be deemed to include the following:

1272 |       (a) Administration.—

1273 |       1. The form of administration of the association shall be  
1274 | described, indicating the titles of the officers and board of  
1275 | administration and specifying the powers, duties, manner of

1276 selection and removal, and compensation, if any, of officers and  
 1277 board members. In the absence of such a provision, the board of  
 1278 administration shall be composed of five members, unless the  
 1279 cooperative ~~except in the case of cooperatives~~ has ~~having~~ five  
 1280 or fewer units., ~~in which case in not-for-profit corporations,~~  
 1281 The board shall consist of not fewer than three members in  
 1282 cooperatives with five or fewer units that are not-for-profit  
 1283 corporations. In a residential cooperative association of more  
 1284 than 10 units, co-owners of a unit may not serve as members of  
 1285 the board of directors at the same time unless the co-owners own  
 1286 more than one unit or unless there are not enough eligible  
 1287 candidates to fill the vacancies on the board at the time of the  
 1288 vacancy. In the absence of provisions to the contrary, the board  
 1289 of administration shall have a president, a secretary, and a  
 1290 treasurer, who shall perform the duties of those offices  
 1291 customarily performed by officers of corporations. Unless  
 1292 prohibited in the bylaws, the board of administration may  
 1293 appoint other officers and grant them those duties it deems  
 1294 appropriate. Unless otherwise provided in the bylaws, the  
 1295 officers shall serve without compensation and at the pleasure of  
 1296 the board. Unless otherwise provided in the bylaws, the members  
 1297 of the board shall serve without compensation.

1298         2. A person who has been suspended or removed by the  
 1299 division under this chapter, or who is delinquent in the payment  
 1300 of any monetary obligation due to the association, is not

1301 eligible to be a candidate for board membership and may not be  
1302 listed on the ballot. A director or officer charged by  
1303 information or indictment with a felony theft or embezzlement  
1304 offense involving the association's funds or property is  
1305 suspended from office. The board shall fill the vacancy  
1306 according to general law until the end of the period of the  
1307 suspension or the end of the director's term of office,  
1308 whichever occurs first. However, if the charges are resolved  
1309 without a finding of guilt or without acceptance of a plea of  
1310 guilty or nolo contendere, the director or officer shall be  
1311 reinstated for any remainder of his or her term of office. A  
1312 member who has such criminal charges pending may not be  
1313 appointed or elected to a position as a director or officer. A  
1314 person who has been convicted of any felony in this state or in  
1315 any United States District Court, or who has been convicted of  
1316 any offense in another jurisdiction which would be considered a  
1317 felony if committed in this state, is not eligible for board  
1318 membership unless such felon's civil rights have been restored  
1319 for at least 5 years as of the date such person seeks election  
1320 to the board. The validity of an action by the board is not  
1321 affected if it is later determined that a board member is  
1322 ineligible for board membership due to having been convicted of  
1323 a felony.

1324         3. When a unit owner files a written inquiry by certified  
1325 mail with the board of administration, the board shall respond

1326 in writing to the unit owner within 30 days of receipt of the  
1327 inquiry. The board's response shall either give a substantive  
1328 response to the inquirer, notify the inquirer that a legal  
1329 opinion has been requested, or notify the inquirer that advice  
1330 has been requested from the division. If the board requests  
1331 advice from the division, the board shall, within 10 days of its  
1332 receipt of the advice, provide in writing a substantive response  
1333 to the inquirer. If a legal opinion is requested, the board  
1334 shall, within 60 days after the receipt of the inquiry, provide  
1335 in writing a substantive response to the inquirer. The failure  
1336 to provide a substantive response to the inquirer as provided  
1337 herein precludes the board from recovering attorney's fees and  
1338 costs in any subsequent litigation, administrative proceeding,  
1339 or arbitration arising out of the inquiry. The association may,  
1340 through its board of administration, adopt reasonable rules and  
1341 regulations regarding the frequency and manner of responding to  
1342 the unit owners' inquiries, one of which may be that the  
1343 association is obligated to respond to only one written inquiry  
1344 per unit in any given 30-day period. In such case, any  
1345 additional inquiry or inquiries must be responded to in the  
1346 subsequent 30-day period, or periods, as applicable.

1347 (c) Board of administration meetings.—Members of the board  
1348 of administration may use e-mail as a means of communication but  
1349 may not cast a vote on an association matter via e-mail.

1350 Meetings of the board of administration at which a quorum of the

1351 members is present shall be open to all unit owners. Any unit  
1352 owner may tape record or videotape meetings of the board of  
1353 administration. The right to attend such meetings includes the  
1354 right to speak at such meetings with reference to all designated  
1355 agenda items. The division shall adopt reasonable rules  
1356 governing the tape recording and videotaping of the meeting. The  
1357 association may adopt reasonable written rules governing the  
1358 frequency, duration, and manner of unit owner statements.  
1359 Adequate notice of all meetings shall be posted in a conspicuous  
1360 place upon the cooperative property at least 48 continuous hours  
1361 preceding the meeting, except in an emergency. Any item not  
1362 included on the notice may be taken up on an emergency basis by  
1363 at least a majority plus one of the members of the board. Such  
1364 emergency action shall be noticed and ratified at the next  
1365 regular meeting of the board. Notice of any meeting in which  
1366 regular or special assessments against unit owners are to be  
1367 considered must specifically state that assessments will be  
1368 considered and provide the estimated cost and description of the  
1369 purpose for such assessments. ~~However,~~ Written notice of any  
1370 meeting at which nonemergency special assessments, or at which  
1371 amendment to rules regarding unit use, will be considered shall  
1372 be mailed, delivered, or electronically transmitted to the unit  
1373 owners and posted conspicuously on the cooperative property not  
1374 less than 14 days before the meeting. Evidence of compliance  
1375 with this 14-day notice shall be made by an affidavit executed

1376 by the person providing the notice and filed among the official  
1377 records of the association. Upon notice to the unit owners, the  
1378 board shall by duly adopted rule designate a specific location  
1379 on the cooperative property upon which all notices of board  
1380 meetings shall be posted. In lieu of or in addition to the  
1381 physical posting of notice of any meeting of the board of  
1382 administration on the cooperative property, the association may,  
1383 by reasonable rule, adopt a procedure for conspicuously posting  
1384 and repeatedly broadcasting the notice and the agenda on a  
1385 closed-circuit cable television system serving the cooperative  
1386 association. However, if broadcast notice is used in lieu of a  
1387 notice posted physically on the cooperative property, the notice  
1388 and agenda must be broadcast at least four times every broadcast  
1389 hour of each day that a posted notice is otherwise required  
1390 under this section. When broadcast notice is provided, the  
1391 notice and agenda must be broadcast in a manner and for a  
1392 sufficient continuous length of time so as to allow an average  
1393 reader to observe the notice and read and comprehend the entire  
1394 content of the notice and the agenda. In addition to any of the  
1395 authorized means of providing notice of a meeting of the board,  
1396 the association may, by rule, adopt a procedure for  
1397 conspicuously posting the meeting notice and the agenda on a  
1398 website serving the cooperative association for at least the  
1399 minimum period of time for which a notice of a meeting is also  
1400 required to be physically posted on the cooperative property.



1401 Any rule adopted shall, in addition to other matters, include a  
1402 requirement that the association send an electronic notice in  
1403 the same manner as a notice for a meeting of the members, which  
1404 must include a hyperlink to the website where the notice is  
1405 posted, to unit owners whose e-mail addresses are included in  
1406 the association's official records. ~~Notice of any meeting in~~  
1407 ~~which regular assessments against unit owners are to be~~  
1408 ~~considered for any reason shall specifically contain a statement~~  
1409 ~~that assessments will be considered and the nature of any such~~  
1410 ~~assessments.~~ Meetings of a committee to take final action on  
1411 behalf of the board or to make recommendations to the board  
1412 regarding the association budget are subject to the provisions  
1413 of this paragraph. Meetings of a committee that does not take  
1414 final action on behalf of the board or make recommendations to  
1415 the board regarding the association budget are subject to the  
1416 provisions of this section, unless those meetings are exempted  
1417 from this section by the bylaws of the association.  
1418 Notwithstanding any other law to the contrary, the requirement  
1419 that board meetings and committee meetings be open to the unit  
1420 owners does not apply to board or committee meetings held for  
1421 the purpose of discussing personnel matters or meetings between  
1422 the board or a committee and the association's attorney, with  
1423 respect to proposed or pending litigation, if the meeting is  
1424 held for the purpose of seeking or rendering legal advice.  
1425 (d) Shareholder meetings.—There shall be an annual meeting

1426 of the shareholders. All members of the board of administration  
1427 shall be elected at the annual meeting unless the bylaws provide  
1428 for staggered election terms or for their election at another  
1429 meeting. Any unit owner desiring to be a candidate for board  
1430 membership must comply with subparagraph 1. The bylaws must  
1431 provide the method for calling meetings, including annual  
1432 meetings. Written notice, which must incorporate an  
1433 identification of agenda items, shall be given to each unit  
1434 owner at least 14 days before the annual meeting and posted in a  
1435 conspicuous place on the cooperative property at least 14  
1436 continuous days preceding the annual meeting. Upon notice to the  
1437 unit owners, the board must by duly adopted rule designate a  
1438 specific location on the cooperative property upon which all  
1439 notice of unit owner meetings are posted. In lieu of or in  
1440 addition to the physical posting of the meeting notice, the  
1441 association may, by reasonable rule, adopt a procedure for  
1442 conspicuously posting and repeatedly broadcasting the notice and  
1443 the agenda on a closed-circuit cable television system serving  
1444 the cooperative association. However, if broadcast notice is  
1445 used in lieu of a posted notice, the notice and agenda must be  
1446 broadcast at least four times every broadcast hour of each day  
1447 that a posted notice is otherwise required under this section.  
1448 If broadcast notice is provided, the notice and agenda must be  
1449 broadcast in a manner and for a sufficient continuous length of  
1450 time to allow an average reader to observe the notice and read

1451 and comprehend the entire content of the notice and the agenda.  
1452 In addition to any of the authorized means of providing notice  
1453 of a meeting of the shareholders, the association may, by rule,  
1454 adopt a procedure for conspicuously posting the meeting notice  
1455 and the agenda on a website serving the cooperative association  
1456 for at least the minimum period of time for which a notice of a  
1457 meeting is also required to be physically posted on the  
1458 cooperative property. Any rule adopted shall, in addition to  
1459 other matters, include a requirement that the association send  
1460 an electronic notice in the same manner as a notice for a  
1461 meeting of the members, which must include a hyperlink to the  
1462 website where the notice is posted, to unit owners whose e-mail  
1463 addresses are included in the association's official records.

1464 Unless a unit owner waives in writing the right to receive  
1465 notice of the annual meeting, the notice of the annual meeting  
1466 must be sent by mail, hand delivered, or electronically  
1467 transmitted to each unit owner. An officer of the association  
1468 must provide an affidavit or United States Postal Service  
1469 certificate of mailing, to be included in the official records  
1470 of the association, affirming that notices of the association  
1471 meeting were mailed, hand delivered, or electronically  
1472 transmitted, in accordance with this provision, to each unit  
1473 owner at the address last furnished to the association.

1474 1. The board of administration shall be elected by written  
1475 ballot or voting machine. A proxy may not be used in electing

1476 the board of administration in general elections or elections to  
1477 fill vacancies caused by recall, resignation, or otherwise  
1478 unless otherwise provided in this chapter.

1479 a. At least 60 days before a scheduled election, the  
1480 association shall mail, deliver, or transmit, whether by  
1481 separate association mailing, delivery, or electronic  
1482 transmission or included in another association mailing,  
1483 delivery, or electronic transmission, including regularly  
1484 published newsletters, to each unit owner entitled to vote, a  
1485 first notice of the date of the election. Any unit owner or  
1486 other eligible person desiring to be a candidate for the board  
1487 of administration must give written notice to the association at  
1488 least 40 days before a scheduled election. Together with the  
1489 written notice and agenda as set forth in this section, the  
1490 association shall mail, deliver, or electronically transmit a  
1491 second notice of election to all unit owners entitled to vote,  
1492 together with a ballot that lists all candidates. Upon request  
1493 of a candidate, the association shall include an information  
1494 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
1495 furnished by the candidate at least 35 days before the election,  
1496 to be included with the mailing, delivery, or electronic  
1497 transmission of the ballot, with the costs of mailing, delivery,  
1498 or transmission and copying to be borne by the association. The  
1499 association is not liable for the contents of the information  
1500 sheets provided by the candidates. In order to reduce costs, the

1501 association may print or duplicate the information sheets on  
1502 both sides of the paper. The division shall by rule establish  
1503 voting procedures consistent with this subparagraph, including  
1504 rules establishing procedures for giving notice by electronic  
1505 transmission and rules providing for the secrecy of ballots.  
1506 Elections shall be decided by a plurality of those ballots cast.  
1507 There is no quorum requirement. However, at least 20 percent of  
1508 the eligible voters must cast a ballot in order to have a valid  
1509 election. A unit owner may not permit any other person to vote  
1510 his or her ballot, and any such ballots improperly cast are  
1511 invalid. A unit owner who needs assistance in casting the ballot  
1512 for the reasons stated in s. 101.051 may obtain assistance in  
1513 casting the ballot. Any unit owner violating this provision may  
1514 be fined by the association in accordance with s. 719.303. The  
1515 regular election must occur on the date of the annual meeting.  
1516 This subparagraph does not apply to timeshare cooperatives.  
1517 Notwithstanding this subparagraph, an election and balloting are  
1518 not required unless more candidates file a notice of intent to  
1519 run or are nominated than vacancies exist on the board. Any  
1520 challenge to the election process must be commenced within 60  
1521 days after the election results are announced.

1522       b. Within 90 days after being elected or appointed to the  
1523 board, each new director shall certify in writing to the  
1524 secretary of the association that he or she has read the  
1525 association's bylaws, articles of incorporation, proprietary

1526 | lease, and current written policies; that he or she will work to  
1527 | uphold such documents and policies to the best of his or her  
1528 | ability; and that he or she will faithfully discharge his or her  
1529 | fiduciary responsibility to the association's members. Within 90  
1530 | days after being elected or appointed to the board, in lieu of  
1531 | this written certification, the newly elected or appointed  
1532 | director may submit a certificate of having satisfactorily  
1533 | completed the educational curriculum administered by an  
1534 | education provider as approved by the division pursuant to the  
1535 | requirements established in chapter 718 within 1 year before or  
1536 | 90 days after the date of election or appointment. The  
1537 | educational certificate is valid and does not have to be  
1538 | resubmitted as long as the director serves on the board without  
1539 | interruption. A director who fails to timely file the written  
1540 | certification or educational certificate is suspended from  
1541 | service on the board until he or she complies with this sub-  
1542 | subparagraph. The board may temporarily fill the vacancy during  
1543 | the period of suspension. The secretary of the association shall  
1544 | cause the association to retain a director's written  
1545 | certification or educational certificate for inspection by the  
1546 | members for 5 years after a director's election or the duration  
1547 | of the director's uninterrupted tenure, whichever is longer.  
1548 | Failure to have such written certification or educational  
1549 | certificate on file does not affect the validity of any board  
1550 | action.

1551           2. Any approval by unit owners called for by this chapter,  
1552 or the applicable cooperative documents, must be made at a duly  
1553 noticed meeting of unit owners and is subject to this chapter or  
1554 the applicable cooperative documents relating to unit owner  
1555 decisionmaking, except that unit owners may take action by  
1556 written agreement, without meetings, on matters for which action  
1557 by written agreement without meetings is expressly allowed by  
1558 the applicable cooperative documents or law which provides for  
1559 the unit owner action.

1560           3. Unit owners may waive notice of specific meetings if  
1561 allowed by the applicable cooperative documents or law. Notice  
1562 of meetings of the board of administration, shareholder  
1563 meetings, except shareholder meetings called to recall board  
1564 members under paragraph (f), and committee meetings may be given  
1565 by electronic transmission to unit owners who consent to receive  
1566 notice by electronic transmission. A unit owner who consents to  
1567 receiving notices by electronic transmission is solely  
1568 responsible for removing or bypassing filters that may block  
1569 receipt of mass emails sent to members on behalf of the  
1570 association in the course of giving electronic notices.

1571           4. Unit owners have the right to participate in meetings  
1572 of unit owners with reference to all designated agenda items.  
1573 However, the association may adopt reasonable rules governing  
1574 the frequency, duration, and manner of unit owner participation.

1575           5. Any unit owner may tape record or videotape meetings of

1576 the unit owners subject to reasonable rules adopted by the  
1577 division.

1578 6. Unless otherwise provided in the bylaws, a vacancy  
1579 occurring on the board before the expiration of a term may be  
1580 filled by the affirmative vote of the majority of the remaining  
1581 directors, even if the remaining directors constitute less than  
1582 a quorum, or by the sole remaining director. In the alternative,  
1583 a board may hold an election to fill the vacancy, in which case  
1584 the election procedures must conform to the requirements of  
1585 subparagraph 1. unless the association has opted out of the  
1586 statutory election process, in which case the bylaws of the  
1587 association control. Unless otherwise provided in the bylaws, a  
1588 board member appointed or elected under this subparagraph shall  
1589 fill the vacancy for the unexpired term of the seat being  
1590 filled. Filling vacancies created by recall is governed by  
1591 paragraph (f) and rules adopted by the division.

1592  
1593 Notwithstanding subparagraphs (b)2. and (d)1., an association  
1594 may, by the affirmative vote of a majority of the total voting  
1595 interests, provide for a different voting and election procedure  
1596 in its bylaws, which vote may be by a proxy specifically  
1597 delineating the different voting and election procedures. The  
1598 different voting and election procedures may provide for  
1599 elections to be conducted by limited or general proxy.

1600 (m) Director or officer delinquencies.—A director or



1601 officer more than 90 days delinquent in the payment of any  
 1602 monetary obligation due the association shall be deemed to have  
 1603 abandoned the office, creating a vacancy in the office to be  
 1604 filled according to law.

1605 Section 13. Paragraph (b) of subsection (1) of section  
 1606 719.107, Florida Statutes, is amended to read:

1607 719.107 Common expenses; assessment.—

1608 (1)

1609 (b) If so provided in the bylaws, the cost of  
 1610 communications services as defined in chapter 202, information  
 1611 services or Internet services ~~a master antenna television system~~  
 1612 ~~or duly franchised cable television service~~ obtained pursuant to  
 1613 a bulk contract shall be deemed a common expense, and if not  
 1614 obtained pursuant to a bulk contract, such cost shall be  
 1615 considered common expense if it is designated as such in a  
 1616 written contract between the board of administration and the  
 1617 company providing the communications services as defined in  
 1618 chapter 202, information services or Internet services ~~master~~  
 1619 ~~television antenna system or the cable television service~~. The  
 1620 contract shall be for a term of not less than 2 years.

1621 1. Any contract made by the board after April 2, 1992, for  
 1622 a community antenna system or duly franchised cable television  
 1623 service, communications services as defined in chapter 202,  
 1624 information services or Internet services may be canceled by a  
 1625 majority of the voting interests present at the next regular or

1626 special meeting of the association. Any member may make a motion  
1627 to cancel the contract, but if no motion is made or if such  
1628 motion fails to obtain the required majority at the next regular  
1629 or special meeting, whichever is sooner, following the making of  
1630 the contract, then such contract shall be deemed ratified for  
1631 the term therein expressed.

1632 2. Any such contract shall provide, and shall be deemed to  
1633 provide if not expressly set forth, that any hearing impaired or  
1634 legally blind unit owner who does not occupy the unit with a  
1635 nonhearing impaired or sighted person may discontinue the  
1636 service without incurring disconnect fees, penalties, or  
1637 subsequent service charges, and as to such units, the owners  
1638 shall not be required to pay any common expenses charge related  
1639 to such service. If less than all members of an association  
1640 share the expenses of cable television, the expense shall be  
1641 shared equally by all participating unit owners. The association  
1642 may use the provisions of s. 719.108 to enforce payment of the  
1643 shares of such costs by the unit owners receiving cable  
1644 television.

1645 Section 14. Paragraph (b) of subsection (3) of section  
1646 719.303, Florida Statutes, is amended to read:

1647 719.303 Obligations of owners.—

1648 (3) The association may levy reasonable fines for failure  
1649 of the unit owner or the unit's occupant, licensee, or invitee  
1650 to comply with any provision of the cooperative documents or

1651 reasonable rules of the association. A fine may not become a  
1652 lien against a unit. A fine may be levied by the board on the  
1653 basis of each day of a continuing violation, with a single  
1654 notice and opportunity for hearing before a committee as  
1655 provided in paragraph (b). However, the fine may not exceed \$100  
1656 per violation, or \$1,000 in the aggregate.

1657 (b) A fine or suspension levied by the board of  
1658 administration may not be imposed unless the board first  
1659 provides at least 14 days' written notice ~~and an opportunity for~~  
1660 ~~a hearing~~ to the unit owner and, if applicable, any its  
1661 occupant, licensee, or invitee of the unit owner sought to be  
1662 fined or suspended and an opportunity for a hearing. ~~The hearing~~  
1663 ~~must be held~~ before a committee of at least three members  
1664 appointed by the board who are not officers, directors, or  
1665 employees of the association, or the spouse, parent, child,  
1666 brother, or sister of an officer, director, or employee ~~other~~  
1667 ~~unit owners who are neither board members nor persons residing~~  
1668 ~~in a board member's household.~~ The role of the committee is  
1669 limited to determining whether to confirm or reject the fine or  
1670 suspension levied by the board. If the committee does not  
1671 approve ~~agree with~~ the proposed fine or suspension by majority  
1672 vote, the fine or suspension ~~it~~ may not be imposed. If the  
1673 proposed fine or suspension is approved by the committee, the  
1674 fine payment is due 5 days after the date of the committee  
1675 meeting at which the fine is approved. The association must

1676 provide written notice of such fine or suspension by mail or  
1677 hand delivery to the unit owner and, if applicable, to any  
1678 tenant, licensee, or invitee of the unit owner.

1679 Section 15. Paragraphs (a) and (c) of subsection (2) of  
1680 section 720.303, Florida Statutes, are amended, to read:

1681 720.303 Association powers and duties; meetings of board;  
1682 official records; budgets; financial reporting; association  
1683 funds; recalls.—

1684 (2) BOARD MEETINGS.—

1685 (a) Members of the board of administration may use e-mail  
1686 as a means of communication, but may not cast a vote on an  
1687 association matter via e-mail. A meeting of the board of  
1688 directors of an association occurs whenever a quorum of the  
1689 board gathers to conduct association business. Meetings of the  
1690 board must be open to all members, except for meetings between  
1691 the board and its attorney with respect to proposed or pending  
1692 litigation where the contents of the discussion would otherwise  
1693 be governed by the attorney-client privilege. A meeting of the  
1694 board must be held at a location that is accessible to a  
1695 physically handicapped person if requested by a physically  
1696 handicapped person who has a right to attend the meeting. The  
1697 provisions of this subsection shall also apply to the meetings  
1698 of any committee or other similar body when a final decision  
1699 will be made regarding the expenditure of association funds and  
1700 to meetings of any body vested with the power to approve or

1701 disapprove architectural decisions with respect to a specific  
 1702 parcel of residential property owned by a member of the  
 1703 community.

1704 (c) The bylaws shall provide the following for giving  
 1705 notice to parcel owners and members of all board meetings and,  
 1706 if they do not do so, shall be deemed to include ~~provide~~ the  
 1707 following:

1708 1. Notices of all board meetings must be posted in a  
 1709 conspicuous place in the community at least 48 hours in advance  
 1710 of a meeting, except in an emergency. In the alternative, if  
 1711 notice is not posted in a conspicuous place in the community,  
 1712 notice of each board meeting must be mailed or delivered to each  
 1713 member at least 7 days before the meeting, except in an  
 1714 emergency. Notwithstanding this general notice requirement, for  
 1715 communities with more than 100 members, the association bylaws  
 1716 may provide for a reasonable alternative to posting or mailing  
 1717 of notice for each board meeting, including publication of  
 1718 notice, provision of a schedule of board meetings, or the  
 1719 conspicuous posting and repeated broadcasting of the notice on a  
 1720 closed-circuit cable television system serving the homeowners'  
 1721 association. However, if broadcast notice is used in lieu of a  
 1722 notice posted physically in the community, the notice must be  
 1723 broadcast at least four times every broadcast hour of each day  
 1724 that a posted notice is otherwise required. When broadcast  
 1725 notice is provided, the notice and agenda must be broadcast in a

1726 manner and for a sufficient continuous length of time so as to  
1727 allow an average reader to observe the notice and read and  
1728 comprehend the entire content of the notice and the agenda. The  
1729 association may provide notice by electronic transmission in a  
1730 manner authorized by law for meetings of the board of directors,  
1731 committee meetings requiring notice under this section, and  
1732 annual and special meetings of the members to any member who has  
1733 provided a facsimile number or e-mail address to the association  
1734 to be used for such purposes; however, a member must consent in  
1735 writing to receiving notice by electronic transmission.

1736 2. An assessment may not be levied at a board meeting  
1737 unless the notice of the meeting includes a statement that  
1738 assessments will be considered and the nature of the  
1739 assessments. Written notice of any meeting at which special  
1740 assessments will be considered or at which amendments to rules  
1741 regarding parcel use will be considered must be mailed,  
1742 delivered, or electronically transmitted to the members and  
1743 parcel owners and posted conspicuously on the property or  
1744 broadcast on closed-circuit cable television not less than 14  
1745 days before the meeting.

1746 3. Directors may not vote by proxy or by secret ballot at  
1747 board meetings, except that secret ballots may be used in the  
1748 election of officers. This subsection also applies to the  
1749 meetings of any committee or other similar body, when a final  
1750 decision will be made regarding the expenditure of association

1751 funds, and to any body vested with the power to approve or  
 1752 disapprove architectural decisions with respect to a specific  
 1753 parcel of residential property owned by a member of the  
 1754 community.

1755 Section 16. Paragraph (b) of subsection (2) of section  
 1756 720.305, Florida Statutes, is amended to read:

1757 720.305 Obligations of members; remedies at law or in  
 1758 equity; levy of fines and suspension of use rights.-

1759 (2) The association may levy reasonable fines. A fine may  
 1760 not exceed \$100 per violation against any member or any member's  
 1761 tenant, guest, or invitee for the failure of the owner of the  
 1762 parcel or its occupant, licensee, or invitee to comply with any  
 1763 provision of the declaration, the association bylaws, or  
 1764 reasonable rules of the association unless otherwise provided in  
 1765 the governing documents. A fine may be levied by the board for  
 1766 each day of a continuing violation, with a single notice and  
 1767 opportunity for hearing, except that the fine may not exceed  
 1768 \$1,000 in the aggregate unless otherwise provided in the  
 1769 governing documents. A fine of less than \$1,000 may not become a  
 1770 lien against a parcel. In any action to recover a fine, the  
 1771 prevailing party is entitled to reasonable attorney fees and  
 1772 costs from the nonprevailing party as determined by the court.

1773 (b) A fine or suspension levied ~~may not be imposed~~ by the  
 1774 board of administration may not be imposed unless the board  
 1775 first provides ~~without~~ at least 14 days' notice to the parcel

1776 owner and, if applicable, any occupant, licensee, or invitee of  
 1777 the parcel owner, person sought to be fined or suspended and an  
 1778 opportunity for a hearing before a committee of at least three  
 1779 members appointed by the board who are not officers, directors,  
 1780 or employees of the association, or the spouse, parent, child,  
 1781 brother, or sister of an officer, director, or employee. If the  
 1782 committee, by majority vote, does not approve a proposed fine or  
 1783 suspension, the proposed fine or suspension ~~it~~ may not be  
 1784 imposed. The role of the committee is limited to determining  
 1785 whether to confirm or reject the fine or suspension levied by  
 1786 the board. If the proposed ~~board of administration imposes a~~  
 1787 fine or suspension levied by the board is approved by the  
 1788 committee, the fine payment is due 5 days after the date of the  
 1789 committee meeting at which the fine is approved. The association  
 1790 must provide written notice of such fine or suspension by mail  
 1791 or hand delivery to the parcel owner and, if applicable, to any  
 1792 tenant, licensee, or invitee of the parcel owner.

1793 Section 17. Paragraph (a) of subsection (9) of section  
 1794 720.306, Florida Statutes, is amended, and paragraphs (e)  
 1795 through (h) are added to subsection (1) of that section, to  
 1796 read:

1797 720.306 Meetings of members; voting and election  
 1798 procedures; amendments.—

1799 (1) QUORUM; AMENDMENTS.—

1800 (e) A proposal to amend the governing documents must



1801 contain the full text of the provision to be amended and may not  
1802 be revised or amended by reference solely to the title or  
1803 number. Proposed new language must be underlined and proposed  
1804 deleted language must be stricken. If the proposed change is so  
1805 extensive that underlining and striking through language would  
1806 hinder, rather than assist, the understanding of the proposed  
1807 amendment, a notation must be inserted immediately preceding the  
1808 proposed amendment in substantially the following form:

1809 "Substantial rewording. See governing documents for current  
1810 text." An amendment to a governing document is effective when  
1811 recorded in the public records of the county in which the  
1812 community is located.

1813 (f) An immaterial error or omission in the amendment  
1814 process does not invalidate an otherwise properly adopted  
1815 amendment.

1816 (g) Except for an amendment to the governing documents  
1817 that only affects transient occupancy, as defined in s.  
1818 509.013(12), an amendment to any governing document adopted  
1819 after July 1, 2018, that prohibits a parcel owner from renting  
1820 the home, alters the authorized duration of a rental term, or  
1821 specifies or limits the number of times that a parcel owner may  
1822 rent his or her home during a specified term, applies only to a  
1823 parcel owner who acquires title to the home after the effective  
1824 date of the amendment, or to a parcel owner who consents,  
1825 individually or through a representative, to the amendment. For

1826 purposes of this paragraph, a change of ownership does not occur  
1827 when a parcel owner conveys the parcel to an affiliated entity  
1828 or when beneficial ownership of the parcel does not change. For  
1829 purposes of this paragraph, the term "affiliated entity" means  
1830 an entity which controls, is controlled by, or is under common  
1831 control with the parcel owner or that becomes a parent or  
1832 successor entity by reason of transfer, merger, consolidation,  
1833 public offering, reorganization, dissolution or sale of stock,  
1834 or transfer of membership partnership interests. For a  
1835 conveyance to be recognized as one made to an affiliated entity,  
1836 the entity must furnish the association a document certifying  
1837 that this paragraph applies.

1838 (h) A notice required under this section must be mailed or  
1839 delivered to the address identified as the parcel owner's  
1840 mailing address on the property appraiser's website for the  
1841 county in which the parcel is located, or electronically  
1842 transmitted in a manner authorized by the association if the  
1843 parcel owner has consented, in writing, to receive notice by  
1844 electronic transmission.

1845 (9) ELECTIONS AND BOARD VACANCIES.—

1846 (a) Elections of directors must be conducted in accordance  
1847 with the procedures set forth in the governing documents of the  
1848 association. Except as provided in paragraph (b), all members of  
1849 the association are eligible to serve on the board of directors,  
1850 and a member may nominate himself or herself as a candidate for

1851 the board at a meeting where the election is to be held;  
 1852 provided, however, that if the election process allows  
 1853 candidates to be nominated in advance of the meeting, the  
 1854 association is not required to allow nominations at the meeting.  
 1855 An election is not required unless more candidates are nominated  
 1856 than vacancies exist. If an election is not required because  
 1857 there are either an equal number or fewer qualified candidates  
 1858 than vacancies exist, and if nominations from the floor are not  
 1859 required pursuant to this section or the bylaws, write-in  
 1860 nominations are not permitted and such qualified candidates  
 1861 shall commence service on the board of directors, regardless of  
 1862 whether a quorum is attained at the annual meeting. Except as  
 1863 otherwise provided in the governing documents, boards of  
 1864 directors must be elected by a plurality of the votes cast by  
 1865 eligible voters. Any challenge to the election process must be  
 1866 commenced within 60 days after the election results are  
 1867 announced.

1868 Section 18. Paragraph (b) of subsection (3) of section  
 1869 720.3085, Florida Statutes, is amended to read:

1870 720.3085 Payment for assessments; lien claims.—

1871 (3) Assessments and installments on assessments that are  
 1872 not paid when due bear interest from the due date until paid at  
 1873 the rate provided in the declaration of covenants or the bylaws  
 1874 of the association, which rate may not exceed the rate allowed  
 1875 by law. If no rate is provided in the declaration or bylaws,

1876 interest accrues at the rate of 18 percent per year.

1877 (b) Any payment received by an association and accepted  
1878 shall be applied first to any interest accrued, then to any  
1879 administrative late fee, then to any costs and reasonable  
1880 attorney fees incurred in collection, and then to the delinquent  
1881 assessment. This paragraph applies notwithstanding any  
1882 restrictive endorsement, designation, or instruction placed on  
1883 or accompanying a payment. A late fee is not subject to the  
1884 provisions of chapter 687 and is not a fine. The foregoing is  
1885 applicable notwithstanding s. 673.3111, any purported accord and  
1886 satisfaction, or any restrictive endorsement, designation, or  
1887 instruction placed on or accompanying a payment. The preceding  
1888 sentence is intended to clarify existing law.

1889 Section 19. This act shall take effect July 1, 2018.