



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



26 | amending s. 718.113, F.S.; revising voting
27 | requirements relating to alterations and additions to
28 | certain common elements or association property;
29 | providing legislative findings; providing that an
30 | association may not prohibit a unit owner from
31 | installing an electronic vehicle charging station;
32 | providing requirements for installing such charging
33 | station; amending s. 718.121, F.S.; providing when the
34 | installation of an electronic vehicle charging station
35 | may be the basis of a lien; amending s. 718.3026,
36 | F.S.; removing a provision relating to certain
37 | contracts or transactions regarding conflicts of
38 | interest; amending s. 718.3027, F.S.; providing
39 | requirements for proposed activity that is identified
40 | as a conflict of interest; amending s. 718.303, F.S.;
41 | revising fine and suspension requirements; amending s.
42 | 718.707, F.S.; revising the time period for
43 | classification as a bulk assignee or bulk buyer;
44 | amending s. 719.104, F.S.; revising cooperative
45 | association recordkeeping requirements; amending s.
46 | 719.106, F.S.; revising requirements to serve as a
47 | board member; prohibiting a board member from voting
48 | via e-mail; authorizing an association to adopt rules
49 | for posting certain notices on a website; providing
50 | responsibilities for unit owners who receive



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

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Paragraph (e) of subsection (3) of section
74 194.011, Florida Statutes, is amended to read:

75 194.011 Assessment notice; objections to assessments.—



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



101 adjustment board. A power of attorney or written authorization
102 is valid for 1 assessment year, and a new power of attorney or
103 written authorization by the taxpayer is required for each
104 subsequent assessment year. A petition shall also describe the
105 property by parcel number and shall be filed as follows:

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

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



126 any pending action. The condominium association, cooperative
127 association, or homeowners' association shall provide the unit
128 or parcel owners with notice of the property appraiser's appeal
129 of a value adjustment board decision to circuit court and
130 provide the unit or parcel owner at least 7 days to elect, in
131 writing, that his or her unit or parcel not be included in the
132 association's defense.

133 Section 2. Subsection (2) of section 194.181, Florida
134 Statutes, is amended to read:

135 194.181 Parties to a tax suit.—

136 (2) In any case brought by the taxpayer, or brought by a
137 condominium or cooperative ~~or~~ association on behalf of some or
138 all owners, contesting the assessment of any property, the
139 county property appraiser shall be party defendant. In any case
140 brought by the property appraiser pursuant to s. 194.036(1)(a)
141 or (b), the taxpayer, condominium association, or cooperative
142 association shall be party defendant. In any case brought by the
143 property appraiser pursuant to s. 194.036(1)(c), the value
144 adjustment board shall be party defendant.

145 Section 3. Subsection (3), paragraphs (a), (b), and (g) of
146 subsection (12), and paragraph (e) of subsection (13) of section
147 718.111, Florida Statutes, are amended to read:

148 718.111 The association.—

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



151 (a) The association may contract, sue, or be sued with
152 respect to the exercise or nonexercise of its powers. For these
153 purposes, the powers of the association include, but are not
154 limited to, the maintenance, management, and operation of the
155 condominium property.

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

158 1. Institute, maintain, settle, or appeal actions or
159 hearings in its name on behalf of all unit owners concerning
160 matters of common interest to most or all unit owners,
161 including, but not limited to, the common elements; the roof and
162 structural components of a building or other improvements;
163 mechanical, electrical, and plumbing elements serving an
164 improvement or a building; representations of the developer
165 pertaining to any existing or proposed commonly used facilities;

166 2. Protest ~~and protesting~~ ad valorem taxes on commonly
167 used facilities and on units; ~~and may~~

168 3. Defend actions pertaining to ad valorem taxation of
169 commonly used facilities or units, or related to ~~in~~ eminent
170 domain; or

171 4. Bring inverse condemnation actions.

172 (c) If the association has the authority to maintain a
173 class action, the association may be joined in an action as
174 representative of that class with reference to litigation and
175 disputes involving the matters for which the association could



176 bring a class action.

177 (d) The association, in its own name, or on behalf of some
178 or all unit owners, may institute, file, protest, maintain, or
179 defend any administrative challenge, lawsuit, appeal, or other
180 challenge to ad valorem taxes assessed on units or that values
181 commonly used facilities or common elements. The affected
182 association members are not necessary or indispensable parties
183 to any such action. This paragraph is intended to clarify
184 existing law and applies to any pending action.

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

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

191 (12) OFFICIAL RECORDS.—

192 (a) From the inception of the association, the association
193 shall maintain each of the following items, if applicable, which
194 constitutes the official records of the association:

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

197 2. A photocopy of the recorded declaration of condominium
198 of each condominium operated by the association and each
199 amendment to each declaration.

200 3. A photocopy of the recorded bylaws of the association



201 and each amendment to the bylaws.

202 4. A certified copy of the articles of incorporation of
203 the association, or other documents creating the association,
204 and each amendment thereto.

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

206 6. A book or books that contain the minutes of all
207 meetings of the association, the board of administration, and
208 the unit owners, ~~which minutes must be retained for at least 7~~
209 ~~years.~~

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

222 8. All current insurance policies of the association and
223 condominiums operated by the association.

224 9. A current copy of any management agreement, lease, or
225 other contract to which the association is a party or under



226 | which the association or the unit owners have an obligation or
227 | responsibility.

228 | 10. Bills of sale or transfer for all property owned by
229 | the association.

230 | 11. Accounting records for the association and separate
231 | accounting records for each condominium that the association
232 | operates. ~~All accounting records must be maintained for at least~~
233 | ~~7 years.~~ Any person who knowingly or intentionally defaces or
234 | destroys such records, or who knowingly or intentionally fails
235 | to create or maintain such records, with the intent of causing
236 | harm to the association or one or more of its members, is
237 | personally subject to a civil penalty pursuant to s.
238 | 718.501(1)(d). The accounting records must include, but are not
239 | limited to:

240 | a. Accurate, itemized, and detailed records of all
241 | receipts and expenditures.

242 | b. A current account and a monthly, bimonthly, or
243 | quarterly statement of the account for each unit designating the
244 | name of the unit owner, the due date and amount of each
245 | assessment, the amount paid on the account, and the balance due.

246 | c. All audits, reviews, accounting statements, and
247 | financial reports of the association or condominium.

248 | d. All contracts for work to be performed. Bids for work
249 | to be performed are also considered official records and must be
250 | maintained by the association.



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

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

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

260 15. All other written records of the association not
261 specifically included in the foregoing which are related to the
262 operation of the association.

263 16. A copy of the inspection report as described in s.
264 718.301(4)(p).

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

266 (b) The official records specified in subparagraphs (a)1.-
267 6. must be permanently maintained from the inception of the
268 association. All other official records ~~of the association~~ must
269 be maintained within the state for at least 7 years, unless
270 otherwise provided by general law. The records of the
271 association shall be made available to a unit owner within 45
272 miles of the condominium property or within the county in which
273 the condominium property is located within 10 ~~5~~ working days
274 after receipt of a written request by the board or its designee.
275 However, such distance requirement does not apply to an



276 association governing a timeshare condominium. This paragraph
277 may be complied with by having a copy of the official records of
278 the association available for inspection or copying on the
279 condominium property or association property, or the association
280 may offer the option of making the records available to a unit
281 owner electronically via the Internet or by allowing the records
282 to be viewed in electronic format on a computer screen and
283 printed upon request. The association is not responsible for the
284 use or misuse of the information provided to an association
285 member or his or her authorized representative pursuant to the
286 compliance requirements of this chapter unless the association
287 has an affirmative duty not to disclose such information
288 pursuant to this chapter.

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

293 a. The association's website must be:

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

296 (II) A website or web portal operated by a third-party
297 provider with whom the association owns, leases, rents, or
298 otherwise obtains the right to operate a web page, subpage, web
299 portal, or collection of subpages or web portals dedicated to
300 the association's activities and on which required notices,



301 records, and documents may be posted by the association.

302 b. The association's website must be accessible through
303 the Internet and must contain a subpage, web portal, or other
304 protected electronic location that is inaccessible to the
305 general public and accessible only to unit owners and employees
306 of the association.

307 c. Upon a unit owner's written request, the association
308 must provide the unit owner with a username and password and
309 access to the protected sections of the association's website
310 that contain any notices, records, or documents that must be
311 electronically provided.

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

314 a. The recorded declaration of condominium of each
315 condominium operated by the association and each amendment to
316 each declaration.

317 b. The recorded bylaws of the association and each
318 amendment to the bylaws.

319 c. The articles of incorporation of the association, or
320 other documents creating the association, and each amendment
321 thereto. The copy posted pursuant to this sub-subparagraph must
322 be a copy of the articles of incorporation filed with the
323 Department of State.

324 d. The rules of the association.

325 e. A list of all executory contracts or documents ~~Any~~



326 ~~management agreement, lease, or other contract~~ to which the
327 association is a party or under which the association or the
328 unit owners have an obligation or responsibility and, after
329 bidding for the related materials, equipment, or services has
330 closed, a list of bids received by the association within the
331 past year. Summaries of bids for materials, equipment, or
332 services which exceed \$500 must be maintained on the website for
333 1 year. In lieu of summaries, complete copies of the bids may be
334 posted.

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

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

340 h. The certification of each director required by s.
341 718.112(2)(d)4.b.

342 i. All contracts or transactions between the association
343 and any director, officer, corporation, firm, or association
344 that is not an affiliated condominium association or any other
345 entity in which an association director is also a director or
346 officer and financially interested.

347 j. Any contract or document regarding a conflict of
348 interest or possible conflict of interest as provided in ss.
349 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

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



351 the meeting, as required by s. 718.112(2)(d)3., no later than 14
352 days before the meeting. The notice must be posted in plain view
353 on the front page of the website, or on a separate subpage of
354 the website labeled "Notices" which is conspicuously visible and
355 linked from the front page. The association must also post on
356 its website any document to be considered and voted on by the
357 owners during the meeting or any document listed on the agenda
358 at least 7 days before the meeting at which the document or the
359 information within the document will be considered.

360 1. Notice of any board meeting, the agenda, and any other
361 document required for the meeting as required by s.
362 718.112(2)(c), which must be posted no later than the date
363 required for notice pursuant to s. 718.112(2)(c).

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



376 of such information.

377 4. The failure of the association to post information
378 required under subparagraph 2. is not in and of itself
379 sufficient to invalidate any action or decision of the
380 association's board or its committees.

381 (13) FINANCIAL REPORTING.—Within 90 days after the end of
382 the fiscal year, or annually on a date provided in the bylaws,
383 the association shall prepare and complete, or contract for the
384 preparation and completion of, a financial report for the
385 preceding fiscal year. Within 21 days after the final financial
386 report is completed by the association or received from the
387 third party, but not later than 120 days after the end of the
388 fiscal year or other date as provided in the bylaws, the
389 association shall mail to each unit owner at the address last
390 furnished to the association by the unit owner, or hand deliver
391 to each unit owner, a copy of the most recent financial report
392 or a notice that a copy of the most recent financial report will
393 be mailed or hand delivered to the unit owner, without charge,
394 within 5 business days after receipt of a written request from
395 the unit owner. The division shall adopt rules setting forth
396 uniform accounting principles and standards to be used by all
397 associations and addressing the financial reporting requirements
398 for multicondominium associations. The rules must include, but
399 not be limited to, standards for presenting a summary of
400 association reserves, including a good faith estimate disclosing



401 the annual amount of reserve funds that would be necessary for
402 the association to fully fund reserves for each reserve item
403 based on the straight-line accounting method. This disclosure is
404 not applicable to reserves funded via the pooling method. In
405 adopting such rules, the division shall consider the number of
406 members and annual revenues of an association. Financial reports
407 shall be prepared as follows:

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



426 or her request.

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

429 718.112 Bylaws.—

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

433 (a) Administration.—

434 1. The form of administration of the association shall be
435 described indicating the title of the officers and board of
436 administration and specifying the powers, duties, manner of
437 selection and removal, and compensation, if any, of officers and
438 boards. In the absence of such a provision, the board of
439 administration shall be composed of five members, unless the
440 ~~except in the case of a condominium which~~ has five or fewer
441 units. The board shall consist of not fewer than three members
442 in condominiums with five or fewer units that are not-for-profit
443 corporations, ~~in which case in a not for profit corporation the~~
444 ~~board shall consist of not fewer than three members.~~ In the
445 absence of provisions to the contrary in the bylaws, the board
446 of administration shall have a president, a secretary, and a
447 treasurer, who shall perform the duties of such officers
448 customarily performed by officers of corporations. Unless
449 prohibited in the bylaws, the board of administration may
450 appoint other officers and grant them the duties it deems



451 appropriate. Unless otherwise provided in the bylaws, the
452 officers shall serve without compensation and at the pleasure of
453 the board of administration. Unless otherwise provided in the
454 bylaws, the members of the board shall serve without
455 compensation.

456 2. When a unit owner of a residential condominium files a
457 written inquiry by certified mail with the board of
458 administration, the board shall respond in writing to the unit
459 owner within 30 days after receipt of the inquiry. The board's
460 response shall either give a substantive response to the
461 inquirer, notify the inquirer that a legal opinion has been
462 requested, or notify the inquirer that advice has been requested
463 from the division. If the board requests advice from the
464 division, the board shall, within 10 days after its receipt of
465 the advice, provide in writing a substantive response to the
466 inquirer. If a legal opinion is requested, the board shall,
467 within 60 days after the receipt of the inquiry, provide in
468 writing a substantive response to the inquiry. The failure to
469 provide a substantive response to the inquiry as provided herein
470 precludes the board from recovering attorney fees and costs in
471 any subsequent litigation, administrative proceeding, or
472 arbitration arising out of the inquiry. The association may
473 through its board of administration adopt reasonable rules and
474 regulations regarding the frequency and manner of responding to
475 unit owner inquiries, one of which may be that the association



476 is only obligated to respond to one written inquiry per unit in
477 any given 30-day period. In such a case, any additional inquiry
478 or inquiries must be responded to in the subsequent 30-day
479 period, or periods, as applicable.

480 (c) Board of administration meetings.—Meetings of the
481 board of administration at which a quorum of the members is
482 present are open to all unit owners. Members of the board of
483 administration may use e-mail as a means of communication but
484 may not cast a vote on an association matter via e-mail. A unit
485 owner may tape record or videotape the meetings. The right to
486 attend such meetings includes the right to speak at such
487 meetings with reference to all designated agenda items. The
488 division shall adopt reasonable rules governing the tape
489 recording and videotaping of the meeting. The association may
490 adopt written reasonable rules governing the frequency,
491 duration, and manner of unit owner statements.

492 1. Adequate notice of all board meetings, which must
493 specifically identify all agenda items, must be posted
494 conspicuously on the condominium property at least 48 continuous
495 hours before the meeting except in an emergency. If 20 percent
496 of the voting interests petition the board to address an item of
497 business, the board, within 60 days after receipt of the
498 petition, shall place the item on the agenda at its next regular
499 board meeting or at a special meeting called for that purpose.
500 An item not included on the notice may be taken up on an



501 emergency basis by a vote of at least a majority plus one of the
502 board members. Such emergency action must be noticed and
503 ratified at the next regular board meeting. ~~However,~~ Written
504 notice of a meeting at which a nonemergency special assessment
505 or an amendment to rules regarding unit use will be considered
506 must be mailed, delivered, or electronically transmitted to the
507 unit owners and posted conspicuously on the condominium property
508 at least 14 days before the meeting. Evidence of compliance with
509 this 14-day notice requirement must be made by an affidavit
510 executed by the person providing the notice and filed with the
511 official records of the association. Notice of any meeting in
512 which regular or special assessments against unit owners are to
513 be considered must specifically state that assessments will be
514 considered and provide the estimated cost and description of the
515 purposes for such assessments. Upon notice to the unit owners,
516 the board shall, by duly adopted rule, designate a specific
517 location on the condominium ~~or association~~ property where all
518 notices of board meetings must be posted. If there is no
519 condominium property ~~or association property~~ where notices can
520 be posted, notices shall be mailed, delivered, or electronically
521 transmitted to each unit owner at least 14 days before the
522 meeting. In lieu of or in addition to the physical posting of
523 the notice on the condominium property, the association may, by
524 reasonable rule, adopt a procedure for conspicuously posting and
525 repeatedly broadcasting the notice and the agenda on a closed-



526 circuit cable television system serving the condominium
527 association. However, if broadcast notice is used in lieu of a
528 notice physically posted on condominium property, the notice and
529 agenda must be broadcast at least four times every broadcast
530 hour of each day that a posted notice is otherwise required
531 under this section. If broadcast notice is provided, the notice
532 and agenda must be broadcast in a manner and for a sufficient
533 continuous length of time so as to allow an average reader to
534 observe the notice and read and comprehend the entire content of
535 the notice and the agenda. In addition to any of the authorized
536 means of providing notice of a meeting of the board, the
537 association may, by rule, adopt a procedure for conspicuously
538 posting the meeting notice and the agenda on a website serving
539 the condominium association for at least the minimum period of
540 time for which a notice of a meeting is also required to be
541 physically posted on the condominium property. Any rule adopted
542 shall, in addition to other matters, include a requirement that
543 the association send an electronic notice in the same manner as
544 a notice for a meeting of the members, which must include a
545 hyperlink to the website where the notice is posted, to unit
546 owners whose e-mail addresses are included in the association's
547 official records. ~~Notice of any meeting in which regular or~~
548 ~~special assessments against unit owners are to be considered~~
549 ~~must specifically state that assessments will be considered and~~
550 ~~provide the nature, estimated cost, and description of the~~



551 ~~purposes for such assessments.~~

552 2. Meetings of a committee to take final action on behalf
553 of the board or make recommendations to the board regarding the
554 association budget are subject to this paragraph. Meetings of a
555 committee that does not take final action on behalf of the board
556 or make recommendations to the board regarding the association
557 budget are subject to this section, unless those meetings are
558 exempted from this section by the bylaws of the association.

559 3. Notwithstanding any other law, the requirement that
560 board meetings and committee meetings be open to the unit owners
561 does not apply to:

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

566 b. Board meetings held for the purpose of discussing
567 personnel matters.

568 (d) Unit owner meetings.—

569 1. An annual meeting of the unit owners must ~~shall~~ be held
570 at the location provided in the association bylaws and, if the
571 bylaws are silent as to the location, the meeting must ~~shall~~ be
572 held within 45 miles of the condominium property. However, such
573 distance requirement does not apply to an association governing
574 a timeshare condominium.

575 2. Unless the bylaws provide otherwise, a vacancy on the



576 board caused by the expiration of a director's term must ~~shall~~
577 be filled by electing a new board member, and the election must
578 be by secret ballot. An election is not required if the number
579 of vacancies equals or exceeds the number of candidates. For
580 purposes of this paragraph, the term "candidate" means an
581 eligible person who has timely submitted the written notice, as
582 described in sub-subparagraph 4.a., of his or her intention to
583 become a candidate. Except in a timeshare or nonresidential
584 condominium, or if the staggered term of a board member does not
585 expire until a later annual meeting, or if all members' terms
586 would otherwise expire but there are no candidates, the terms of
587 all board members expire at the annual meeting, and such members
588 may stand for reelection unless prohibited by the bylaws. Board
589 members may serve ~~2-year~~ terms longer than 1 year if permitted
590 by the bylaws or articles of incorporation. A board member may
591 not serve more than 8 consecutive years ~~four consecutive 2-year~~
592 ~~terms~~, unless approved by an affirmative vote of unit owners
593 representing two-thirds of all votes cast in the election ~~the~~
594 ~~total voting interests of the association~~ or unless there are
595 not enough eligible candidates to fill the vacancies on the
596 board at the time of the vacancy. If the number of board members
597 whose terms expire at the annual meeting equals or exceeds the
598 number of candidates, the candidates become members of the board
599 effective upon the adjournment of the annual meeting. Unless the
600 bylaws provide otherwise, any remaining vacancies shall be



601 filled by the affirmative vote of the majority of the directors
602 making up the newly constituted board even if the directors
603 constitute less than a quorum or there is only one director. In
604 a residential condominium association of more than 10 units or
605 in a residential condominium association that does not include
606 timeshare units or timeshare interests, coowners of a unit may
607 not serve as members of the board of directors at the same time
608 unless they own more than one unit or unless there are not
609 enough eligible candidates to fill the vacancies on the board at
610 the time of the vacancy. A unit owner in a residential
611 condominium desiring to be a candidate for board membership must
612 comply with sub-subparagraph 4.a. and must be eligible to be a
613 candidate to serve on the board of directors at the time of the
614 deadline for submitting a notice of intent to run in order to
615 have his or her name listed as a proper candidate on the ballot
616 or to serve on the board. A person who has been suspended or
617 removed by the division under this chapter, or who is delinquent
618 in the payment of any monetary obligation due to the
619 association, is not eligible to be a candidate for board
620 membership and may not be listed on the ballot. A person who has
621 been convicted of any felony in this state or in a United States
622 District or Territorial Court, or who has been convicted of any
623 offense in another jurisdiction which would be considered a
624 felony if committed in this state, is not eligible for board
625 membership unless such felon's civil rights have been restored



626 | for at least 5 years as of the date such person seeks election
627 | to the board. The validity of an action by the board is not
628 | affected if it is later determined that a board member is
629 | ineligible for board membership due to having been convicted of
630 | a felony. This subparagraph does not limit the term of a member
631 | of the board of a nonresidential or timeshare condominium.

632 | 3. The bylaws must provide the method of calling meetings
633 | of unit owners, including annual meetings. Written notice must
634 | include an agenda, must be mailed, hand delivered, or
635 | electronically transmitted to each unit owner at least 14 days
636 | before the annual meeting, and must be posted in a conspicuous
637 | place on the condominium property at least 14 continuous days
638 | before the annual meeting. Upon notice to the unit owners, the
639 | board shall, by duly adopted rule, designate a specific location
640 | on the condominium property ~~or association property~~ where all
641 | notices of unit owner meetings must ~~shall~~ be posted. This
642 | requirement does not apply if there is no condominium property
643 | ~~or association property~~ for posting notices. In lieu of, or in
644 | addition to, the physical posting of meeting notices, the
645 | association may, by reasonable rule, adopt a procedure for
646 | conspicuously posting and repeatedly broadcasting the notice and
647 | the agenda on a closed-circuit cable television system serving
648 | the condominium association. However, if broadcast notice is
649 | used in lieu of a notice posted physically on the condominium
650 | property, the notice and agenda must be broadcast at least four



651 times every broadcast hour of each day that a posted notice is
652 otherwise required under this section. If broadcast notice is
653 provided, the notice and agenda must be broadcast in a manner
654 and for a sufficient continuous length of time so as to allow an
655 average reader to observe the notice and read and comprehend the
656 entire content of the notice and the agenda. In addition to any
657 of the authorized means of providing notice of a meeting of the
658 board, the association may, by rule, adopt a procedure for
659 conspicuously posting the meeting notice and the agenda on a
660 website serving the condominium association for at least the
661 minimum period of time for which a notice of a meeting is also
662 required to be physically posted on the condominium property.
663 Any rule adopted shall, in addition to other matters, include a
664 requirement that the association send an electronic notice in
665 the same manner as a notice for a meeting of the members, which
666 must include a hyperlink to the website where the notice is
667 posted, to unit owners whose e-mail addresses are included in
668 the association's official records. Unless a unit owner waives
669 in writing the right to receive notice of the annual meeting,
670 such notice must be hand delivered, mailed, or electronically
671 transmitted to each unit owner. Notice for meetings and notice
672 for all other purposes must be mailed to each unit owner at the
673 address last furnished to the association by the unit owner, or
674 hand delivered to each unit owner. However, if a unit is owned
675 by more than one person, the association must provide notice to



676 | the address that the developer identifies for that purpose and
677 | thereafter as one or more of the owners of the unit advise the
678 | association in writing, or if no address is given or the owners
679 | of the unit do not agree, to the address provided on the deed of
680 | record. An officer of the association, or the manager or other
681 | person providing notice of the association meeting, must provide
682 | an affidavit or United States Postal Service certificate of
683 | mailing, to be included in the official records of the
684 | association affirming that the notice was mailed or hand
685 | delivered in accordance with this provision.

686 | 4. The members of the board of a residential condominium
687 | shall be elected by written ballot or voting machine. Proxies
688 | may not be used in electing the board in general elections or
689 | elections to fill vacancies caused by recall, resignation, or
690 | otherwise, unless otherwise provided in this chapter. This
691 | subparagraph does not apply to an association governing a
692 | timeshare condominium.

693 | a. At least 60 days before a scheduled election, the
694 | association shall mail, deliver, or electronically transmit, by
695 | separate association mailing or included in another association
696 | mailing, delivery, or transmission, including regularly
697 | published newsletters, to each unit owner entitled to a vote, a
698 | first notice of the date of the election. A unit owner or other
699 | eligible person desiring to be a candidate for the board must
700 | give written notice of his or her intent to be a candidate to



701 the association at least 40 days before a scheduled election.
702 Together with the written notice and agenda as set forth in
703 subparagraph 3., the association shall mail, deliver, or
704 electronically transmit a second notice of the election to all
705 unit owners entitled to vote, together with a ballot that lists
706 all candidates. Upon request of a candidate, an information
707 sheet, no larger than 8 1/2 inches by 11 inches, which must be
708 furnished by the candidate at least 35 days before the election,
709 must be included with the mailing, delivery, or transmission of
710 the ballot, with the costs of mailing, delivery, or electronic
711 transmission and copying to be borne by the association. The
712 association is not liable for the contents of the information
713 sheets prepared by the candidates. In order to reduce costs, the
714 association may print or duplicate the information sheets on
715 both sides of the paper. The division shall by rule establish
716 voting procedures consistent with this sub-subparagraph,
717 including rules establishing procedures for giving notice by
718 electronic transmission and rules providing for the secrecy of
719 ballots. Elections shall be decided by a plurality of ballots
720 cast. There is no quorum requirement; however, at least 20
721 percent of the eligible voters must cast a ballot in order to
722 have a valid election. A unit owner may not authorize ~~permit~~ any
723 other person to vote his or her ballot, and any ballots
724 improperly cast are invalid. A unit owner who violates this
725 provision may be fined by the association in accordance with s.



726 718.303. A unit owner who needs assistance in casting the ballot
727 for the reasons stated in s. 101.051 may obtain such assistance.
728 The regular election must occur on the date of the annual
729 meeting. Notwithstanding this sub-subparagraph, an election is
730 not required unless more candidates file notices of intent to
731 run or are nominated than board vacancies exist.

732 b. Within 90 days after being elected or appointed to the
733 board of an association of a residential condominium, each newly
734 elected or appointed director shall certify in writing to the
735 secretary of the association that he or she has read the
736 association's declaration of condominium, articles of
737 incorporation, bylaws, and current written policies; that he or
738 she will work to uphold such documents and policies to the best
739 of his or her ability; and that he or she will faithfully
740 discharge his or her fiduciary responsibility to the
741 association's members. In lieu of this written certification,
742 within 90 days after being elected or appointed to the board,
743 the newly elected or appointed director may submit a certificate
744 of having satisfactorily completed the educational curriculum
745 administered by a division-approved condominium education
746 provider within 1 year before or 90 days after the date of
747 election or appointment. The written certification or
748 educational certificate is valid and does not have to be
749 resubmitted as long as the director serves on the board without
750 interruption. A director of an association of a residential



751 condominium who fails to timely file the written certification
752 or educational certificate is suspended from service on the
753 board until he or she complies with this sub-subparagraph. The
754 board may temporarily fill the vacancy during the period of
755 suspension. The secretary shall cause the association to retain
756 a director's written certification or educational certificate
757 for inspection by the members for 5 years after a director's
758 election or the duration of the director's uninterrupted tenure,
759 whichever is longer. Failure to have such written certification
760 or educational certificate on file does not affect the validity
761 of any board action.

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

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

774 6. Unit owners may waive notice of specific meetings if
775 allowed by the applicable bylaws or declaration or any law.



776 Notice of meetings of the board of administration, unit owner
777 meetings, except unit owner meetings called to recall board
778 members under paragraph (j), and committee meetings may be given
779 by electronic transmission to unit owners who consent to receive
780 notice by electronic transmission. A unit owner who consents to
781 receiving notices by electronic transmission is solely
782 responsible for removing or bypassing filters that block receipt
783 of mass emails sent to members on behalf of the association in
784 the course of giving electronic notices.

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

789 8. A unit owner may tape record or videotape a meeting of
790 the unit owners subject to reasonable rules adopted by the
791 division.

792 9. Unless otherwise provided in the bylaws, any vacancy
793 occurring on the board before the expiration of a term may be
794 filled by the affirmative vote of the majority of the remaining
795 directors, even if the remaining directors constitute less than
796 a quorum, or by the sole remaining director. In the alternative,
797 a board may hold an election to fill the vacancy, in which case
798 the election procedures must conform to sub-subparagraph 4.a.
799 unless the association governs 10 units or fewer and has opted
800 out of the statutory election process, in which case the bylaws



801 of the association control. Unless otherwise provided in the
802 bylaws, a board member appointed or elected under this section
803 shall fill the vacancy for the unexpired term of the seat being
804 filled. Filling vacancies created by recall is governed by
805 paragraph (j) and rules adopted by the division.

806 10. This chapter does not limit the use of general or
807 limited proxies, require the use of general or limited proxies,
808 or require the use of a written ballot or voting machine for any
809 agenda item or election at any meeting of a timeshare
810 condominium association or nonresidential condominium
811 association.

812
813 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
814 association of 10 or fewer units may, by affirmative vote of a
815 majority of the total voting interests, provide for different
816 voting and election procedures in its bylaws, which may be by a
817 proxy specifically delineating the different voting and election
818 procedures. The different voting and election procedures may
819 provide for elections to be conducted by limited or general
820 proxy.

821 (j) Recall of board members.—Subject to s. 718.301, any
822 member of the board of administration may be recalled and
823 removed from office with or without cause by the vote or
824 agreement in writing by a majority of all the voting interests.
825 A special meeting of the unit owners to recall a member or



826 members of the board of administration may be called by 10
827 percent of the voting interests giving notice of the meeting as
828 required for a meeting of unit owners, and the notice shall
829 state the purpose of the meeting. Electronic transmission may
830 not be used as a method of giving notice of a meeting called in
831 whole or in part for this purpose.

832 1. If the recall is approved by a majority of all voting
833 interests by a vote at a meeting, the recall will be effective
834 as provided in this paragraph. The board shall duly notice and
835 hold a board meeting within 5 full business days after the
836 adjournment of the unit owner meeting to recall one or more
837 board members. Such member or members shall be recalled
838 effective immediately upon conclusion of the board meeting
839 provided that the recall is facially valid. A recalled member
840 must ~~and shall~~ turn over to the board, within 10 full business
841 days after the vote, any and all records and property of the
842 association in their possession.

843 2. If the proposed recall is by an agreement in writing by
844 a majority of all voting interests, the agreement in writing or
845 a copy thereof shall be served on the association by certified
846 mail or by personal service in the manner authorized by chapter
847 48 and the Florida Rules of Civil Procedure. The board of
848 administration shall duly notice and hold a meeting of the board
849 within 5 full business days after receipt of the agreement in
850 writing. Such member or members shall be recalled effective



851 immediately upon the conclusion of the board meeting provided
852 that the recall is facially valid. A recalled member must ~~and~~
853 ~~shall~~ turn over to the board, within 10 full business days, any
854 and all records and property of the association in their
855 possession.

856 3. If the board fails to duly notice and hold a board
857 meeting within 5 full business days after service of an
858 agreement in writing or within 5 full business days after the
859 adjournment of the unit owner recall meeting, the recall shall
860 be deemed effective and the board members so recalled shall turn
861 over to the board within 10 full business days after the vote
862 any and all records and property of the association.

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

874 5. If a vacancy occurs on the board as a result of a
875 recall or removal and less than a majority of the board members



876 are removed, the vacancy may be filled by the affirmative vote
877 of a majority of the remaining directors, notwithstanding any
878 provision to the contrary contained in this subsection. If
879 vacancies occur on the board as a result of a recall and a
880 majority or more of the board members are removed, the vacancies
881 shall be filled in accordance with procedural rules to be
882 adopted by the division, which rules need not be consistent with
883 this subsection. The rules must provide procedures governing the
884 conduct of the recall election as well as the operation of the
885 association during the period after a recall but before the
886 recall election.

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



901 claim is frivolous.

902 7. The division may not accept for filing a recall
903 petition, whether filed pursuant to subparagraph 1.,
904 subparagraph 2., subparagraph 4., or subparagraph 6. when there
905 are 60 or fewer days until the scheduled reelection of the board
906 member sought to be recalled or when 60 or fewer days have
907 elapsed since the election of the board member sought to be
908 recalled.

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

912 718.113 Maintenance; limitation upon improvement; display
913 of flag; hurricane shutters and protection; display of religious
914 decorations.—

915 (2) (a) Except as otherwise provided in this section, there
916 shall be no material alteration or substantial additions to the
917 common elements or to real property which is association
918 property, except in a manner provided in the declaration as
919 originally recorded or as amended under the procedures provided
920 therein. If the declaration as originally recorded or as amended
921 under the procedures provided therein does not specify the
922 procedure for approval of material alterations or substantial
923 additions, 75 percent of the total voting interests of the
924 association must approve the alterations or additions before the
925 material alterations or substantial additions are commenced.



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

928 (b) There shall not be any material alteration of, or
929 substantial addition to, the common elements of any condominium
930 operated by a multicondominium association unless approved in
931 the manner provided in the declaration of the affected
932 condominium or condominiums as originally recorded or as amended
933 under the procedures provided therein. If a declaration as
934 originally recorded or as amended under the procedures provided
935 therein does not specify a procedure for approving such an
936 alteration or addition, the approval of 75 percent of the total
937 voting interests of each affected condominium is required before
938 the material alterations or substantial additions are commenced.

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

948 (c) There shall not be any material alteration or
949 substantial addition made to association real property operated
950 by a multicondominium association, except as provided in the



951 declaration, articles of incorporation, or bylaws as originally
952 recorded or as amended under the procedures provided therein. If
953 the declaration, articles of incorporation, or bylaws as
954 originally recorded or as amended under the procedures provided
955 therein do not specify the procedure for approving an alteration
956 or addition to association real property, the approval of 75
957 percent of the total voting interests of the association is
958 required before the material alterations or substantial
959 additions are commenced. This paragraph is intended to clarify
960 existing law and applies to associations existing on July 1,
961 2018 ~~the effective date of this act.~~

962 (8) The Legislature finds that the use of electric
963 vehicles conserves and protects the state's environmental
964 resources, provides significant economic savings to drivers, and
965 serves an important public interest. The participation of
966 condominium associations is essential to the state's efforts to
967 conserve and protect the state's environmental resources and
968 provide economic savings to drivers. Therefore, the installation
969 of an electric vehicle charging station shall be governed as
970 follows:

971 (a) A declaration of condominium or restrictive covenant
972 may not prohibit or be enforced so as to prohibit any unit owner
973 from installing an electric vehicle charging station within the
974 boundaries of the unit owner's limited common element parking
975 area. The board of administration of a condominium association



976 may not prohibit a unit owner from installing an electric
977 vehicle charging station for an electric vehicle, as defined in
978 s. 320.01, within the boundaries of his or her limited common
979 element parking area. The installation of such charging stations
980 are subject to the provisions of this subsection.

981 (b) The installation may not cause irreparable damage to
982 the condominium property.

983 (c) The electricity for the electric vehicle charging
984 station must be separately metered and payable by the unit owner
985 installing such charging station.

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

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

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

997 1. Comply with bona fide safety requirements, consistent
998 with applicable building codes or recognized safety standards,
999 for the protection of persons and property.

1000 2. Comply with reasonable architectural standards adopted



1001 by the association that govern the dimensions, placement, or
1002 external appearance of the electric vehicle charging station,
1003 provided that such standards may not prohibit the installation
1004 of such charging station or substantially increase the cost
1005 thereof.

1006 3. Engage the services of a licensed and registered
1007 electrical contractor or engineer familiar with the installation
1008 and core requirements of an electric vehicle charging station.

1009 4. Provide a certificate of insurance naming the
1010 association as an additional insured on the owner's insurance
1011 policy for any claim related to the installation, maintenance,
1012 or use of the electric vehicle charging station within 14 days
1013 after receiving the association's approval to install such
1014 charging station.

1015 5. Reimburse the association for the actual cost of any
1016 increased insurance premium amount attributable to the electric
1017 vehicle charging station within 14 days after receiving the
1018 association's insurance premium invoice.

1019 (g) The association provides an implied easement across
1020 the common elements of the condominium property to the unit
1021 owner for purposes of the installation of the electric vehicle
1022 charging station and the furnishing of electrical power,
1023 including any necessary equipment, to such charging station,
1024 subject to the requirements of this subsection.

1025 Section 6. Subsection (2) of section 718.121, Florida



1026 Statutes, is amended to read:

1027 718.121 Liens.—

1028 (2) Labor performed on or materials furnished to a unit
1029 shall not be the basis for the filing of a lien pursuant to part
1030 I of chapter 713, the Construction Lien Law, against the unit or
1031 condominium parcel of any unit owner not expressly consenting to
1032 or requesting the labor or materials. Labor performed on or
1033 materials furnished for the installation of an electronic
1034 vehicle charging station pursuant to s. 718.113(8) may not be
1035 the basis for filing a lien under part I of chapter 713 against
1036 the association, but such a lien may filed against the unit
1037 owner. Labor performed on or materials furnished to the common
1038 elements are not the basis for a lien on the common elements,
1039 but if authorized by the association, the labor or materials are
1040 deemed to be performed or furnished with the express consent of
1041 each unit owner and may be the basis for the filing of a lien
1042 against all condominium parcels in the proportions for which the
1043 owners are liable for common expenses.

1044 Section 7. Subsection (3) of section 718.3026, Florida
1045 Statutes, is amended to read:

1046 718.3026 Contracts for products and services; in writing;
1047 bids; exceptions.—Associations with 10 or fewer units may opt
1048 out of the provisions of this section if two-thirds of the unit
1049 owners vote to do so, which opt-out may be accomplished by a
1050 proxy specifically setting forth the exception from this



1051 section.

1052 ~~(3) As to any contract or other transaction between an~~
1053 ~~association and one or more of its directors or any other~~
1054 ~~corporation, firm, association, or entity in which one or more~~
1055 ~~of its directors are directors or officers or are financially~~
1056 ~~interested:~~

1057 ~~(a) The association shall comply with the requirements of~~
1058 ~~s. 617.0832.~~

1059 ~~(b) The disclosures required by s. 617.0832 shall be~~
1060 ~~entered into the written minutes of the meeting.~~

1061 ~~(c) Approval of the contract or other transaction shall~~
1062 ~~require an affirmative vote of two-thirds of the directors~~
1063 ~~present.~~

1064 ~~(d) At the next regular or special meeting of the members,~~
1065 ~~the existence of the contract or other transaction shall be~~
1066 ~~disclosed to the members. Upon motion of any member, the~~
1067 ~~contract or transaction shall be brought up for a vote and may~~
1068 ~~be canceled by a majority vote of the members present. Should~~
1069 ~~the members cancel the contract, the association shall only be~~
1070 ~~liable for the reasonable value of goods and services provided~~
1071 ~~up to the time of cancellation and shall not be liable for any~~
1072 ~~termination fee, liquidated damages, or other form of penalty~~
1073 ~~for such cancellation.~~

1074 Section 8. Section 718.3027, Florida Statutes, is amended
1075 to read:



1076 | 718.3027 Conflicts of interest.—

1077 | (1) Directors and officers of a board of an association
1078 | that is not a timeshare condominium association, and the
1079 | relatives of such directors and officers, must disclose to the
1080 | board any activity that may reasonably be construed to be a
1081 | conflict of interest. A rebuttable presumption of a conflict of
1082 | interest exists if any of the following occurs without prior
1083 | notice, as required in subsection (5)~~(4)~~:

1084 | (a) A director or an officer, or a relative of a director
1085 | or an officer, enters into a contract for goods or services with
1086 | the association.

1087 | (b) A director or an officer, or a relative of a director
1088 | or an officer, holds an interest in a corporation, limited
1089 | liability corporation, partnership, limited liability
1090 | partnership, or other business entity that conducts business
1091 | with the association or proposes to enter into a contract or
1092 | other transaction with the association.

1093 | (2) If a director or an officer, or a relative of a
1094 | director or an officer, proposes to engage in an activity that
1095 | is a conflict of interest, as described in subsection (1), the
1096 | proposed activity must be listed on, and all contracts and
1097 | transactional documents related to the proposed activity must be
1098 | attached to, the meeting agenda. The association shall comply
1099 | with the requirements of s. 617.0832, and the disclosures
1100 | required by s. 617.0832 shall be entered into the written



1101 minutes of the meeting. Approval of the contract or other
1102 transaction requires an affirmative vote of two-thirds of all
1103 other directors present. At the next regular or special meeting
1104 of the members, the existence of the contract or other
1105 transaction shall be disclosed to the members. Upon motion of
1106 any member, the contract or transaction shall be brought up for
1107 a vote and may be canceled by a majority vote of the members
1108 present. If the contract is canceled, the association is only
1109 liable for the reasonable value of the goods and services
1110 provided up to the time of cancellation and is not liable for
1111 any termination fee, liquidated damages, or other form of
1112 penalty for such cancellation.

1113 (3) If the board votes against the proposed activity, the
1114 director or officer, or the relative of the director or officer,
1115 must notify the board in writing of his or her intention not to
1116 pursue the proposed activity or to withdraw from office. If the
1117 board finds that an officer or a director has violated this
1118 subsection, the officer or director shall be deemed removed from
1119 office. The vacancy shall be filled according to general law.

1120 (4)~~(3)~~ A director or an officer, or a relative of a
1121 director or an officer, who is a party to, or has an interest
1122 in, an activity that is a possible conflict of interest, as
1123 described in subsection (1), may attend the meeting at which the
1124 activity is considered by the board and is authorized to make a
1125 presentation to the board regarding the activity. After the



1126 presentation, the director or officer, or the relative of the
1127 director or officer, must leave the meeting during the
1128 discussion of, and the vote on, the activity. A director or an
1129 officer who is a party to, or has an interest in, the activity
1130 must recuse himself or herself from the vote.

1131 (5)~~(4)~~ A contract entered into between a director or an
1132 officer, or a relative of a director or an officer, and the
1133 association, which is not a timeshare condominium association,
1134 that has not been properly disclosed as a conflict of interest
1135 or potential conflict of interest as required by s.
1136 718.111(12)(g) is voidable and terminates upon the filing of a
1137 written notice terminating the contract with the board of
1138 directors which contains the consent of at least 20 percent of
1139 the voting interests of the association.

1140 (6)~~(5)~~ As used in this section, the term "relative" means
1141 a relative within the third degree of consanguinity by blood or
1142 marriage.

1143 Section 9. Paragraph (b) of subsection (3) of section
1144 718.303, Florida Statutes, is amended to read:

1145 718.303 Obligations of owners and occupants; remedies.—

1146 (3) The association may levy reasonable fines for the
1147 failure of the owner of the unit or its occupant, licensee, or
1148 invitee to comply with any provision of the declaration, the
1149 association bylaws, or reasonable rules of the association. A
1150 fine may not become a lien against a unit. A fine may be levied



1151 by the board on the basis of each day of a continuing violation,
1152 with a single notice and opportunity for hearing before a
1153 committee as provided in paragraph (b). However, the fine may
1154 not exceed \$100 per violation, or \$1,000 in the aggregate.

1155 (b) A fine or suspension levied by the board of
1156 administration may not be imposed unless the board first
1157 provides at least 14 days' written notice ~~and an opportunity for~~
1158 ~~a hearing~~ to the unit owner and, if applicable, any its
1159 occupant, licensee, or invitee of the unit owner sought to be
1160 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1161 ~~must be held~~ before a committee of at least three members
1162 appointed by the board who are not officers, directors, or
1163 employees of the association, or the spouse, parent, child,
1164 brother, or sister of an officer, director, or employee other
1165 unit owners who are neither board members nor persons residing
1166 in a board member's household. The role of the committee is
1167 limited to determining whether to confirm or reject the fine or
1168 suspension levied by the board. If the committee does not
1169 approve ~~agree~~, the proposed fine or suspension by majority vote,
1170 the fine or suspension may not be imposed. If the proposed fine
1171 or suspension is approved by the committee, the fine payment is
1172 due 5 days after the date of the committee meeting at which the
1173 fine is approved. The association must provide written notice of
1174 such fine or suspension by mail or hand delivery to the unit
1175 owner and, if applicable, to any tenant, licensee, or invitee of



1176 the unit owner.

1177 Section 10. Section 718.707, Florida Statutes, is amended
1178 to read:

1179 718.707 Time limitation for classification as bulk
1180 assignee or bulk buyer.—A person acquiring condominium parcels
1181 may not be classified as a bulk assignee or bulk buyer unless
1182 the condominium parcels were acquired on or after July 1, 2010,
1183 ~~but before July 1, 2018.~~ The date of such acquisition shall be
1184 determined by the date of recording a deed or other instrument
1185 of conveyance for such parcels in the public records of the
1186 county in which the condominium is located, or by the date of
1187 issuing a certificate of title in a foreclosure proceeding with
1188 respect to such condominium parcels.

1189 Section 11. Paragraphs (a) and (b) of subsection (2) of
1190 section 719.104, Florida Statutes, are amended to read:

1191 719.104 Cooperatives; access to units; records; financial
1192 reports; assessments; purchase of leases.—

1193 (2) OFFICIAL RECORDS.—

1194 (a) From the inception of the association, the association
1195 shall maintain a copy of each of the following, where
1196 applicable, which shall constitute the official records of the
1197 association:

1198 1. The plans, permits, warranties, and other items
1199 provided by the developer pursuant to s. 719.301(4).

1200 2. A photocopy of the cooperative documents.



- 1201 3. A copy of the current rules of the association.
- 1202 4. A book or books containing the minutes of all meetings
1203 of the association, of the board of directors, and of the unit
1204 owners, ~~which minutes shall be retained for a period of not less~~
1205 ~~than 7 years.~~
- 1206 5. A current roster of all unit owners and their mailing
1207 addresses, unit identifications, voting certifications, and, if
1208 known, telephone numbers. The association shall also maintain
1209 the e-mail ~~electronic mailing~~ addresses and the numbers
1210 designated by unit owners for receiving notice sent by
1211 electronic transmission of those unit owners consenting to
1212 receive notice by electronic transmission. The e-mail ~~electronic~~
1213 ~~mailing~~ addresses and numbers provided by unit owners to receive
1214 notice by electronic transmission shall be removed from
1215 association records when consent to receive notice by electronic
1216 transmission is revoked. However, the association is not liable
1217 for an erroneous disclosure of the e-mail ~~electronic mail~~
1218 address or the number for receiving electronic transmission of
1219 notices.
- 1220 6. All current insurance policies of the association.
- 1221 7. A current copy of any management agreement, lease, or
1222 other contract to which the association is a party or under
1223 which the association or the unit owners have an obligation or
1224 responsibility.
- 1225 8. Bills of sale or transfer for all property owned by the



1226 association.

1227 9. Accounting records for the association and separate
1228 accounting records for each unit it operates, according to good
1229 accounting practices. ~~All accounting records shall be maintained~~
1230 ~~for a period of not less than 7 years.~~ The accounting records
1231 shall include, but not be limited to:

1232 a. Accurate, itemized, and detailed records of all
1233 receipts and expenditures.

1234 b. A current account and a monthly, bimonthly, or
1235 quarterly statement of the account for each unit designating the
1236 name of the unit owner, the due date and amount of each
1237 assessment, the amount paid upon the account, and the balance
1238 due.

1239 c. All audits, reviews, accounting statements, and
1240 financial reports of the association.

1241 d. All contracts for work to be performed. Bids for work
1242 to be performed shall also be considered official records and
1243 shall be maintained for a period of 1 year.

1244 10. Ballots, sign-in sheets, voting proxies, and all other
1245 papers and electronic records relating to voting by unit owners,
1246 which shall be maintained for a period of 1 year after the date
1247 of the election, vote, or meeting to which the document relates.

1248 11. All rental records where the association is acting as
1249 agent for the rental of units.

1250 12. A copy of the current question and answer sheet as



1251 described in s. 719.504.

1252 13. All other written records of the association not
1253 specifically included in the foregoing which are related to the
1254 operation of the association.

1255 (b) The official records of the association must be
1256 maintained within the state for at least 7 years. The records of
1257 the association shall be made available to a unit owner within
1258 45 miles of the cooperative property or within the county in
1259 which the cooperative property is located within 10 ~~5~~ working
1260 days after receipt of written request by the board or its
1261 designee. This paragraph may be complied with by having a copy
1262 of the official records of the association available for
1263 inspection or copying on the cooperative property or the
1264 association may offer the option of making the records available
1265 to a unit owner electronically via the Internet or by allowing
1266 the records to be viewed in an electronic format on a computer
1267 screen and printed upon request. The association is not
1268 responsible for the use or misuse of the information provided to
1269 an association member or his or her authorized representative
1270 pursuant to the compliance requirements of this chapter unless
1271 the association has an affirmative duty not to disclose such
1272 information pursuant to this chapter.

1273 Section 12. Paragraphs (a), (c), and (d) of subsection (1)
1274 of section 719.106, Florida Statutes, are amended, and paragraph
1275 (m) is added to that subsection, to read:



1276 | 719.106 Bylaws; cooperative ownership.—

1277 | (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1278 | documents shall provide for the following, and if they do not,
1279 | they shall be deemed to include the following:

1280 | (a) Administration.—

1281 | 1. The form of administration of the association shall be
1282 | described, indicating the titles of the officers and board of
1283 | administration and specifying the powers, duties, manner of
1284 | selection and removal, and compensation, if any, of officers and
1285 | board members. In the absence of such a provision, the board of
1286 | administration shall be composed of five members, unless the
1287 | cooperative ~~except in the case of cooperatives~~ has having five
1288 | or fewer units., ~~in which case in not-for-profit corporations,~~
1289 | The board shall consist of not fewer than three members in
1290 | cooperatives with five or fewer units that are not-for-profit
1291 | corporations. In a residential cooperative association of more
1292 | than 10 units, co-owners of a unit may not serve as members of
1293 | the board of directors at the same time unless the co-owners own
1294 | more than one unit or unless there are not enough eligible
1295 | candidates to fill the vacancies on the board at the time of the
1296 | vacancy. In the absence of provisions to the contrary, the board
1297 | of administration shall have a president, a secretary, and a
1298 | treasurer, who shall perform the duties of those offices
1299 | customarily performed by officers of corporations. Unless
1300 | prohibited in the bylaws, the board of administration may



1301 | appoint other officers and grant them those duties it deems
1302 | appropriate. Unless otherwise provided in the bylaws, the
1303 | officers shall serve without compensation and at the pleasure of
1304 | the board. Unless otherwise provided in the bylaws, the members
1305 | of the board shall serve without compensation.

1306 | 2. A person who has been suspended or removed by the
1307 | division under this chapter, or who is delinquent in the payment
1308 | of any monetary obligation due to the association, is not
1309 | eligible to be a candidate for board membership and may not be
1310 | listed on the ballot. A director or officer charged by
1311 | information or indictment with a felony theft or embezzlement
1312 | offense involving the association's funds or property is
1313 | suspended from office. The board shall fill the vacancy
1314 | according to general law until the end of the period of the
1315 | suspension or the end of the director's term of office,
1316 | whichever occurs first. However, if the charges are resolved
1317 | without a finding of guilt or without acceptance of a plea of
1318 | guilty or nolo contendere, the director or officer shall be
1319 | reinstated for any remainder of his or her term of office. A
1320 | member who has such criminal charges pending may not be
1321 | appointed or elected to a position as a director or officer. A
1322 | person who has been convicted of any felony in this state or in
1323 | any United States District Court, or who has been convicted of
1324 | any offense in another jurisdiction which would be considered a
1325 | felony if committed in this state, is not eligible for board



1326 membership unless such felon's civil rights have been restored
1327 for at least 5 years as of the date such person seeks election
1328 to the board. The validity of an action by the board is not
1329 affected if it is later determined that a board member is
1330 ineligible for board membership due to having been convicted of
1331 a felony.

1332 3. When a unit owner files a written inquiry by certified
1333 mail with the board of administration, the board shall respond
1334 in writing to the unit owner within 30 days of receipt of the
1335 inquiry. The board's response shall either give a substantive
1336 response to the inquirer, notify the inquirer that a legal
1337 opinion has been requested, or notify the inquirer that advice
1338 has been requested from the division. If the board requests
1339 advice from the division, the board shall, within 10 days of its
1340 receipt of the advice, provide in writing a substantive response
1341 to the inquirer. If a legal opinion is requested, the board
1342 shall, within 60 days after the receipt of the inquiry, provide
1343 in writing a substantive response to the inquirer. The failure
1344 to provide a substantive response to the inquirer as provided
1345 herein precludes the board from recovering attorney's fees and
1346 costs in any subsequent litigation, administrative proceeding,
1347 or arbitration arising out of the inquiry. The association may,
1348 through its board of administration, adopt reasonable rules and
1349 regulations regarding the frequency and manner of responding to
1350 the unit owners' inquiries, one of which may be that the



1351 association is obligated to respond to only one written inquiry
1352 per unit in any given 30-day period. In such case, any
1353 additional inquiry or inquiries must be responded to in the
1354 subsequent 30-day period, or periods, as applicable.

1355 (c) Board of administration meetings. ~~Members of the board~~
1356 of administration may use e-mail as a means of communication but
1357 may not cast a vote on an association matter via e-mail.

1358 Meetings of the board of administration at which a quorum of the
1359 members is present shall be open to all unit owners. Any unit
1360 owner may tape record or videotape meetings of the board of
1361 administration. The right to attend such meetings includes the
1362 right to speak at such meetings with reference to all designated
1363 agenda items. The division shall adopt reasonable rules
1364 governing the tape recording and videotaping of the meeting. The
1365 association may adopt reasonable written rules governing the
1366 frequency, duration, and manner of unit owner statements.

1367 Adequate notice of all meetings shall be posted in a conspicuous
1368 place upon the cooperative property at least 48 continuous hours
1369 preceding the meeting, except in an emergency. Any item not
1370 included on the notice may be taken up on an emergency basis by
1371 at least a majority plus one of the members of the board. Such
1372 emergency action shall be noticed and ratified at the next
1373 regular meeting of the board. Notice of any meeting in which
1374 regular or special assessments against unit owners are to be
1375 considered must specifically state that assessments will be



1376 | considered and provide the estimated cost and description of the
1377 | purpose for such assessments. ~~However,~~ Written notice of any
1378 | meeting at which nonemergency special assessments, or at which
1379 | amendment to rules regarding unit use, will be considered shall
1380 | be mailed, delivered, or electronically transmitted to the unit
1381 | owners and posted conspicuously on the cooperative property not
1382 | less than 14 days before the meeting. Evidence of compliance
1383 | with this 14-day notice shall be made by an affidavit executed
1384 | by the person providing the notice and filed among the official
1385 | records of the association. Upon notice to the unit owners, the
1386 | board shall by duly adopted rule designate a specific location
1387 | on the cooperative property upon which all notices of board
1388 | meetings shall be posted. In lieu of or in addition to the
1389 | physical posting of notice of any meeting of the board of
1390 | administration on the cooperative property, the association may,
1391 | by reasonable rule, adopt a procedure for conspicuously posting
1392 | and repeatedly broadcasting the notice and the agenda on a
1393 | closed-circuit cable television system serving the cooperative
1394 | association. However, if broadcast notice is used in lieu of a
1395 | notice posted physically on the cooperative property, the notice
1396 | and agenda must be broadcast at least four times every broadcast
1397 | hour of each day that a posted notice is otherwise required
1398 | under this section. When broadcast notice is provided, the
1399 | notice and agenda must be broadcast in a manner and for a
1400 | sufficient continuous length of time so as to allow an average



1401 reader to observe the notice and read and comprehend the entire
1402 content of the notice and the agenda. In addition to any of the
1403 authorized means of providing notice of a meeting of the board,
1404 the association may, by rule, adopt a procedure for
1405 conspicuously posting the meeting notice and the agenda on a
1406 website serving the cooperative association for at least the
1407 minimum period of time for which a notice of a meeting is also
1408 required to be physically posted on the cooperative property.
1409 Any rule adopted shall, in addition to other matters, include a
1410 requirement that the association send an electronic notice in
1411 the same manner as a notice for a meeting of the members, which
1412 must include a hyperlink to the website where the notice is
1413 posted, to unit owners whose e-mail addresses are included in
1414 the association's official records. ~~Notice of any meeting in~~
1415 ~~which regular assessments against unit owners are to be~~
1416 ~~considered for any reason shall specifically contain a statement~~
1417 ~~that assessments will be considered and the nature of any such~~
1418 ~~assessments.~~ Meetings of a committee to take final action on
1419 behalf of the board or to make recommendations to the board
1420 regarding the association budget are subject to the provisions
1421 of this paragraph. Meetings of a committee that does not take
1422 final action on behalf of the board or make recommendations to
1423 the board regarding the association budget are subject to the
1424 provisions of this section, unless those meetings are exempted
1425 from this section by the bylaws of the association.



1426 Notwithstanding any other law to the contrary, the requirement
1427 that board meetings and committee meetings be open to the unit
1428 owners does not apply to board or committee meetings held for
1429 the purpose of discussing personnel matters or meetings between
1430 the board or a committee and the association's attorney, with
1431 respect to proposed or pending litigation, if the meeting is
1432 held for the purpose of seeking or rendering legal advice.

1433 (d) Shareholder meetings.—There shall be an annual meeting
1434 of the shareholders. All members of the board of administration
1435 shall be elected at the annual meeting unless the bylaws provide
1436 for staggered election terms or for their election at another
1437 meeting. Any unit owner desiring to be a candidate for board
1438 membership must comply with subparagraph 1. The bylaws must
1439 provide the method for calling meetings, including annual
1440 meetings. Written notice, which must incorporate an
1441 identification of agenda items, shall be given to each unit
1442 owner at least 14 days before the annual meeting and posted in a
1443 conspicuous place on the cooperative property at least 14
1444 continuous days preceding the annual meeting. Upon notice to the
1445 unit owners, the board must by duly adopted rule designate a
1446 specific location on the cooperative property upon which all
1447 notice of unit owner meetings are posted. In lieu of or in
1448 addition to the physical posting of the meeting notice, the
1449 association may, by reasonable rule, adopt a procedure for
1450 conspicuously posting and repeatedly broadcasting the notice and



1451 the agenda on a closed-circuit cable television system serving
1452 the cooperative association. However, if broadcast notice is
1453 used in lieu of a posted notice, the notice and agenda must be
1454 broadcast at least four times every broadcast hour of each day
1455 that a posted notice is otherwise required under this section.
1456 If broadcast notice is provided, the notice and agenda must be
1457 broadcast in a manner and for a sufficient continuous length of
1458 time to allow an average reader to observe the notice and read
1459 and comprehend the entire content of the notice and the agenda.
1460 In addition to any of the authorized means of providing notice
1461 of a meeting of the shareholders, the association may, by rule,
1462 adopt a procedure for conspicuously posting the meeting notice
1463 and the agenda on a website serving the cooperative association
1464 for at least the minimum period of time for which a notice of a
1465 meeting is also required to be physically posted on the
1466 cooperative property. Any rule adopted shall, in addition to
1467 other matters, include a requirement that the association send
1468 an electronic notice in the same manner as a notice for a
1469 meeting of the members, which must include a hyperlink to the
1470 website where the notice is posted, to unit owners whose e-mail
1471 addresses are included in the association's official records.
1472 Unless a unit owner waives in writing the right to receive
1473 notice of the annual meeting, the notice of the annual meeting
1474 must be sent by mail, hand delivered, or electronically
1475 transmitted to each unit owner. An officer of the association



1476 must provide an affidavit or United States Postal Service
1477 certificate of mailing, to be included in the official records
1478 of the association, affirming that notices of the association
1479 meeting were mailed, hand delivered, or electronically
1480 transmitted, in accordance with this provision, to each unit
1481 owner at the address last furnished to the association.

1482 1. The board of administration shall be elected by written
1483 ballot or voting machine. A proxy may not be used in electing
1484 the board of administration in general elections or elections to
1485 fill vacancies caused by recall, resignation, or otherwise
1486 unless otherwise provided in this chapter.

1487 a. At least 60 days before a scheduled election, the
1488 association shall mail, deliver, or transmit, whether by
1489 separate association mailing, delivery, or electronic
1490 transmission or included in another association mailing,
1491 delivery, or electronic transmission, including regularly
1492 published newsletters, to each unit owner entitled to vote, a
1493 first notice of the date of the election. Any unit owner or
1494 other eligible person desiring to be a candidate for the board
1495 of administration must give written notice to the association at
1496 least 40 days before a scheduled election. Together with the
1497 written notice and agenda as set forth in this section, the
1498 association shall mail, deliver, or electronically transmit a
1499 second notice of election to all unit owners entitled to vote,
1500 together with a ballot that lists all candidates. Upon request



1501 of a candidate, the association shall include an information
1502 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1503 furnished by the candidate at least 35 days before the election,
1504 to be included with the mailing, delivery, or electronic
1505 transmission of the ballot, with the costs of mailing, delivery,
1506 or transmission and copying to be borne by the association. The
1507 association is not liable for the contents of the information
1508 sheets provided by the candidates. In order to reduce costs, the
1509 association may print or duplicate the information sheets on
1510 both sides of the paper. The division shall by rule establish
1511 voting procedures consistent with this subparagraph, including
1512 rules establishing procedures for giving notice by electronic
1513 transmission and rules providing for the secrecy of ballots.
1514 Elections shall be decided by a plurality of those ballots cast.
1515 There is no quorum requirement. However, at least 20 percent of
1516 the eligible voters must cast a ballot in order to have a valid
1517 election. A unit owner may not permit any other person to vote
1518 his or her ballot, and any such ballots improperly cast are
1519 invalid. A unit owner who needs assistance in casting the ballot
1520 for the reasons stated in s. 101.051 may obtain assistance in
1521 casting the ballot. Any unit owner violating this provision may
1522 be fined by the association in accordance with s. 719.303. The
1523 regular election must occur on the date of the annual meeting.
1524 This subparagraph does not apply to timeshare cooperatives.
1525 Notwithstanding this subparagraph, an election and balloting are



1526 | not required unless more candidates file a notice of intent to
1527 | run or are nominated than vacancies exist on the board. Any
1528 | challenge to the election process must be commenced within 60
1529 | days after the election results are announced.

1530 | b. Within 90 days after being elected or appointed to the
1531 | board, each new director shall certify in writing to the
1532 | secretary of the association that he or she has read the
1533 | association's bylaws, articles of incorporation, proprietary
1534 | lease, and current written policies; that he or she will work to
1535 | uphold such documents and policies to the best of his or her
1536 | ability; and that he or she will faithfully discharge his or her
1537 | fiduciary responsibility to the association's members. Within 90
1538 | days after being elected or appointed to the board, in lieu of
1539 | this written certification, the newly elected or appointed
1540 | director may submit a certificate of having satisfactorily
1541 | completed the educational curriculum administered by an
1542 | education provider as approved by the division pursuant to the
1543 | requirements established in chapter 718 within 1 year before or
1544 | 90 days after the date of election or appointment. The
1545 | educational certificate is valid and does not have to be
1546 | resubmitted as long as the director serves on the board without
1547 | interruption. A director who fails to timely file the written
1548 | certification or educational certificate is suspended from
1549 | service on the board until he or she complies with this sub-
1550 | subparagraph. The board may temporarily fill the vacancy during



1551 the period of suspension. The secretary of the association shall
1552 cause the association to retain a director's written
1553 certification or educational certificate for inspection by the
1554 members for 5 years after a director's election or the duration
1555 of the director's uninterrupted tenure, whichever is longer.
1556 Failure to have such written certification or educational
1557 certificate on file does not affect the validity of any board
1558 action.

1559 2. Any approval by unit owners called for by this chapter,
1560 or the applicable cooperative documents, must be made at a duly
1561 noticed meeting of unit owners and is subject to this chapter or
1562 the applicable cooperative documents relating to unit owner
1563 decisionmaking, except that unit owners may take action by
1564 written agreement, without meetings, on matters for which action
1565 by written agreement without meetings is expressly allowed by
1566 the applicable cooperative documents or law which provides for
1567 the unit owner action.

1568 3. Unit owners may waive notice of specific meetings if
1569 allowed by the applicable cooperative documents or law. Notice
1570 of meetings of the board of administration, shareholder
1571 meetings, except shareholder meetings called to recall board
1572 members under paragraph (f), and committee meetings may be given
1573 by electronic transmission to unit owners who consent to receive
1574 notice by electronic transmission. A unit owner who consents to
1575 receiving notices by electronic transmission is solely



1576 responsible for removing or bypassing filters that may block
1577 receipt of mass emails sent to members on behalf of the
1578 association in the course of giving electronic notices.

1579 4. Unit owners have the right to participate in meetings
1580 of unit owners with reference to all designated agenda items.
1581 However, the association may adopt reasonable rules governing
1582 the frequency, duration, and manner of unit owner participation.

1583 5. Any unit owner may tape record or videotape meetings of
1584 the unit owners subject to reasonable rules adopted by the
1585 division.

1586 6. Unless otherwise provided in the bylaws, a vacancy
1587 occurring on the board before the expiration of a term may be
1588 filled by the affirmative vote of the majority of the remaining
1589 directors, even if the remaining directors constitute less than
1590 a quorum, or by the sole remaining director. In the alternative,
1591 a board may hold an election to fill the vacancy, in which case
1592 the election procedures must conform to the requirements of
1593 subparagraph 1. unless the association has opted out of the
1594 statutory election process, in which case the bylaws of the
1595 association control. Unless otherwise provided in the bylaws, a
1596 board member appointed or elected under this subparagraph shall
1597 fill the vacancy for the unexpired term of the seat being
1598 filled. Filling vacancies created by recall is governed by
1599 paragraph (f) and rules adopted by the division.

1600



1601 Notwithstanding subparagraphs (b)2. and (d)1., an association
1602 may, by the affirmative vote of a majority of the total voting
1603 interests, provide for a different voting and election procedure
1604 in its bylaws, which vote may be by a proxy specifically
1605 delineating the different voting and election procedures. The
1606 different voting and election procedures may provide for
1607 elections to be conducted by limited or general proxy.

1608 (m) Director or officer delinquencies.—A director or
1609 officer more than 90 days delinquent in the payment of any
1610 monetary obligation due the association shall be deemed to have
1611 abandoned the office, creating a vacancy in the office to be
1612 filled according to law.

1613 Section 13. Paragraph (b) of subsection (1) of section
1614 719.107, Florida Statutes, is amended to read:

1615 719.107 Common expenses; assessment.—

1616 (1)

1617 (b) If so provided in the bylaws, the cost of
1618 communications services as defined in chapter 202, information
1619 services or Internet services ~~a master antenna television system~~
1620 ~~or duly franchised cable television service~~ obtained pursuant to
1621 a bulk contract shall be deemed a common expense, and if not
1622 obtained pursuant to a bulk contract, such cost shall be
1623 considered common expense if it is designated as such in a
1624 written contract between the board of administration and the
1625 company providing the communications services as defined in



1626 chapter 202, information services or Internet services ~~master~~
1627 ~~television antenna system or the cable television service.~~ The
1628 contract shall be for a term of not less than 2 years.

1629 1. Any contract made by the board after April 2, 1992, for
1630 a community antenna system or duly franchised cable television
1631 service, communications services as defined in chapter 202,
1632 information services or Internet services may be canceled by a
1633 majority of the voting interests present at the next regular or
1634 special meeting of the association. Any member may make a motion
1635 to cancel the contract, but if no motion is made or if such
1636 motion fails to obtain the required majority at the next regular
1637 or special meeting, whichever is sooner, following the making of
1638 the contract, then such contract shall be deemed ratified for
1639 the term therein expressed.

1640 2. Any such contract shall provide, and shall be deemed to
1641 provide if not expressly set forth, that any hearing impaired or
1642 legally blind unit owner who does not occupy the unit with a
1643 nonhearing impaired or sighted person may discontinue the
1644 service without incurring disconnect fees, penalties, or
1645 subsequent service charges, and as to such units, the owners
1646 shall not be required to pay any common expenses charge related
1647 to such service. If less than all members of an association
1648 share the expenses of cable television, the expense shall be
1649 shared equally by all participating unit owners. The association
1650 may use the provisions of s. 719.108 to enforce payment of the



1651 shares of such costs by the unit owners receiving cable
1652 television.

1653 Section 14. Paragraph (b) of subsection (3) of section
1654 719.303, Florida Statutes, is amended to read:

1655 719.303 Obligations of owners.—

1656 (3) The association may levy reasonable fines for failure
1657 of the unit owner or the unit's occupant, licensee, or invitee
1658 to comply with any provision of the cooperative documents or
1659 reasonable rules of the association. A fine may not become a
1660 lien against a unit. A fine may be levied by the board on the
1661 basis of each day of a continuing violation, with a single
1662 notice and opportunity for hearing before a committee as
1663 provided in paragraph (b). However, the fine may not exceed \$100
1664 per violation, or \$1,000 in the aggregate.

1665 (b) A fine or suspension levied by the board of
1666 administration may not be imposed unless the board first
1667 provides at least 14 days' written notice ~~and an opportunity for~~
1668 ~~a hearing~~ to the unit owner and, if applicable, any its
1669 occupant, licensee, or invitee of the unit owner sought to be
1670 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1671 ~~must be held~~ before a committee of at least three members
1672 appointed by the board who are not officers, directors, or
1673 employees of the association, or the spouse, parent, child,
1674 brother, or sister of an officer, director, or employee ~~other~~
1675 ~~unit owners who are neither board members nor persons residing~~



1676 ~~in a board member's household.~~ The role of the committee is
1677 limited to determining whether to confirm or reject the fine or
1678 suspension levied by the board. If the committee does not
1679 approve ~~agree with~~ the proposed fine or suspension by majority
1680 vote, the fine or suspension ~~it~~ may not be imposed. If the
1681 proposed fine or suspension is approved by the committee, the
1682 fine payment is due 5 days after the date of the committee
1683 meeting at which the fine is approved. The association must
1684 provide written notice of such fine or suspension by mail or
1685 hand delivery to the unit owner and, if applicable, to any
1686 tenant, licensee, or invitee of the unit owner.

1687 Section 15. Paragraphs (a) and (c) of subsection (2) of
1688 section 720.303, Florida Statutes, are amended, to read:

1689 720.303 Association powers and duties; meetings of board;
1690 official records; budgets; financial reporting; association
1691 funds; recalls.—

1692 (2) BOARD MEETINGS.—

1693 (a) Members of the board of administration may use e-mail
1694 as a means of communication, but may not cast a vote on an
1695 association matter via e-mail. A meeting of the board of
1696 directors of an association occurs whenever a quorum of the
1697 board gathers to conduct association business. Meetings of the
1698 board must be open to all members, except for meetings between
1699 the board and its attorney with respect to proposed or pending
1700 litigation where the contents of the discussion would otherwise



1701 be governed by the attorney-client privilege. A meeting of the
1702 board must be held at a location that is accessible to a
1703 physically handicapped person if requested by a physically
1704 handicapped person who has a right to attend the meeting. The
1705 provisions of this subsection shall also apply to the meetings
1706 of any committee or other similar body when a final decision
1707 will be made regarding the expenditure of association funds and
1708 to meetings of any body vested with the power to approve or
1709 disapprove architectural decisions with respect to a specific
1710 parcel of residential property owned by a member of the
1711 community.

1712 (c) The bylaws shall provide the following for giving
1713 notice to parcel owners and members of all board meetings and,
1714 if they do not do so, shall be deemed to include ~~provide~~ the
1715 following:

1716 1. Notices of all board meetings must be posted in a
1717 conspicuous place in the community at least 48 hours in advance
1718 of a meeting, except in an emergency. In the alternative, if
1719 notice is not posted in a conspicuous place in the community,
1720 notice of each board meeting must be mailed or delivered to each
1721 member at least 7 days before the meeting, except in an
1722 emergency. Notwithstanding this general notice requirement, for
1723 communities with more than 100 members, the association bylaws
1724 may provide for a reasonable alternative to posting or mailing
1725 of notice for each board meeting, including publication of



1726 notice, provision of a schedule of board meetings, or the
1727 conspicuous posting and repeated broadcasting of the notice on a
1728 closed-circuit cable television system serving the homeowners'
1729 association. However, if broadcast notice is used in lieu of a
1730 notice posted physically in the community, the notice must be
1731 broadcast at least four times every broadcast hour of each day
1732 that a posted notice is otherwise required. When broadcast
1733 notice is provided, the notice and agenda must be broadcast in a
1734 manner and for a sufficient continuous length of time so as to
1735 allow an average reader to observe the notice and read and
1736 comprehend the entire content of the notice and the agenda. The
1737 association may provide notice by electronic transmission in a
1738 manner authorized by law for meetings of the board of directors,
1739 committee meetings requiring notice under this section, and
1740 annual and special meetings of the members to any member who has
1741 provided a facsimile number or e-mail address to the association
1742 to be used for such purposes; however, a member must consent in
1743 writing to receiving notice by electronic transmission.

1744 2. An assessment may not be levied at a board meeting
1745 unless the notice of the meeting includes a statement that
1746 assessments will be considered and the nature of the
1747 assessments. Written notice of any meeting at which special
1748 assessments will be considered or at which amendments to rules
1749 regarding parcel use will be considered must be mailed,
1750 delivered, or electronically transmitted to the members and



1751 parcel owners and posted conspicuously on the property or
1752 broadcast on closed-circuit cable television not less than 14
1753 days before the meeting.

1754 3. Directors may not vote by proxy or by secret ballot at
1755 board meetings, except that secret ballots may be used in the
1756 election of officers. This subsection also applies to the
1757 meetings of any committee or other similar body, when a final
1758 decision will be made regarding the expenditure of association
1759 funds, and to any body vested with the power to approve or
1760 disapprove architectural decisions with respect to a specific
1761 parcel of residential property owned by a member of the
1762 community.

1763 Section 16. Paragraph (b) of subsection (2) of section
1764 720.305, Florida Statutes, is amended to read:

1765 720.305 Obligations of members; remedies at law or in
1766 equity; levy of fines and suspension of use rights.—

1767 (2) The association may levy reasonable fines. A fine may
1768 not exceed \$100 per violation against any member or any member's
1769 tenant, guest, or invitee for the failure of the owner of the
1770 parcel or its occupant, licensee, or invitee to comply with any
1771 provision of the declaration, the association bylaws, or
1772 reasonable rules of the association unless otherwise provided in
1773 the governing documents. A fine may be levied by the board for
1774 each day of a continuing violation, with a single notice and
1775 opportunity for hearing, except that the fine may not exceed



1776 \$1,000 in the aggregate unless otherwise provided in the
1777 governing documents. A fine of less than \$1,000 may not become a
1778 lien against a parcel. In any action to recover a fine, the
1779 prevailing party is entitled to reasonable attorney fees and
1780 costs from the nonprevailing party as determined by the court.

1781 (b) A fine or suspension levied ~~may not be imposed~~ by the
1782 board of administration may not be imposed unless the board
1783 first provides ~~without~~ at least 14 days' notice to the parcel
1784 owner and, if applicable, any occupant, licensee, or invitee of
1785 the parcel owner, ~~person~~ sought to be fined or suspended and an
1786 opportunity for a hearing before a committee of at least three
1787 members appointed by the board who are not officers, directors,
1788 or employees of the association, or the spouse, parent, child,
1789 brother, or sister of an officer, director, or employee. If the
1790 committee, by majority vote, does not approve a proposed fine or
1791 suspension, the proposed fine or suspension ~~it~~ may not be
1792 imposed. The role of the committee is limited to determining
1793 whether to confirm or reject the fine or suspension levied by
1794 the board. If the proposed ~~board of administration imposes a~~
1795 fine or suspension levied by the board is approved by the
1796 committee, the fine payment is due 5 days after the date of the
1797 committee meeting at which the fine is approved. The association
1798 must provide written notice of such fine or suspension by mail
1799 or hand delivery to the parcel owner and, if applicable, to any
1800 tenant, licensee, or invitee of the parcel owner.



1801 Section 17. Paragraph (a) of subsection (9) of section
1802 720.306, Florida Statutes, is amended, and paragraphs (e)
1803 through (h) are added to subsection (1) of that section, to
1804 read:

1805 720.306 Meetings of members; voting and election
1806 procedures; amendments.—

1807 (1) QUORUM; AMENDMENTS.—

1808 (e) A proposal to amend the governing documents must
1809 contain the full text of the provision to be amended and may not
1810 be revised or amended by reference solely to the title or
1811 number. Proposed new language must be underlined and proposed
1812 deleted language must be stricken. If the proposed change is so
1813 extensive that underlining and striking through language would
1814 hinder, rather than assist, the understanding of the proposed
1815 amendment, a notation must be inserted immediately preceding the
1816 proposed amendment in substantially the following form:
1817 "Substantial rewording. See governing documents for current
1818 text." An amendment to a governing document is effective when
1819 recorded in the public records of the county in which the
1820 community is located.

1821 (f) An immaterial error or omission in the amendment
1822 process does not invalidate an otherwise properly adopted
1823 amendment.

1824 (g) Except as provided in this paragraph, an amendment to
1825 any governing document enacted after July 1, 2018, that



1826 prohibits a parcel owner from renting the parcel, altering the
1827 authorized duration of a rental term, or specifying or limiting
1828 the number of times that a parcel owner may rent his or her
1829 parcel during a specified term, applies only to a parcel owner
1830 who acquires title to the parcel after the effective date of the
1831 amendment, or to a parcel owner who consents, individually or
1832 through a representative, to the amendment.

1833 1. Except as provided in this paragraph, an association
1834 may amend its governing documents to prohibit or regulate
1835 rentals for terms of less than 6 months and may amend its
1836 governing documents to prohibit rentals more than three times in
1837 a calendar year, and such amendments shall apply to all parcel
1838 owners.

1839 2. Nothing in this paragraph shall affect the amendment
1840 restrictions for associations of 15 or fewer parcel owners as
1841 provided in s. 720.303(1).

1842 3. For purposes of this paragraph, a change of ownership
1843 does not occur when a parcel owner conveys the parcel to an
1844 affiliated entity or when beneficial ownership of the parcel
1845 does not change. For purposes of this paragraph, the term
1846 "affiliated entity" means an entity which controls, is
1847 controlled by, or is under common control with the parcel owner
1848 or that becomes a parent or successor entity by reason of
1849 transfer, merger, consolidation, public offering,
1850 reorganization, dissolution or sale of stock, or transfer of



1851 membership partnership interests. For a conveyance to be
1852 recognized as one made to an affiliated entity, the entity must
1853 furnish the association a document certifying that this
1854 paragraph applies, as well as providing any organizational
1855 documents for the parcel owner and the affiliated entity that
1856 support the representations in the certificate, as requested by
1857 the association.

1858 (h) A notice required under this section must be mailed or
1859 delivered to the address identified as the parcel owner's
1860 mailing address on the property appraiser's website for the
1861 county in which the parcel is located, or electronically
1862 transmitted in a manner authorized by the association if the
1863 parcel owner has consented, in writing, to receive notice by
1864 electronic transmission.

1865 (9) ELECTIONS AND BOARD VACANCIES.—

1866 (a) Elections of directors must be conducted in accordance
1867 with the procedures set forth in the governing documents of the
1868 association. Except as provided in paragraph (b), all members of
1869 the association are eligible to serve on the board of directors,
1870 and a member may nominate himself or herself as a candidate for
1871 the board at a meeting where the election is to be held;
1872 provided, however, that if the election process allows
1873 candidates to be nominated in advance of the meeting, the
1874 association is not required to allow nominations at the meeting.
1875 An election is not required unless more candidates are nominated



1876 | than vacancies exist. If an election is not required because
1877 | there are either an equal number or fewer qualified candidates
1878 | than vacancies exist, and if nominations from the floor are not
1879 | required pursuant to this section or the bylaws, write-in
1880 | nominations are not permitted and such qualified candidates
1881 | shall commence service on the board of directors, regardless of
1882 | whether a quorum is attained at the annual meeting. Except as
1883 | otherwise provided in the governing documents, boards of
1884 | directors must be elected by a plurality of the votes cast by
1885 | eligible voters. Any challenge to the election process must be
1886 | commenced within 60 days after the election results are
1887 | announced.

1888 | Section 18. Paragraph (b) of subsection (3) of section
1889 | 720.3085, Florida Statutes, is amended to read:

1890 | 720.3085 Payment for assessments; lien claims.—

1891 | (3) Assessments and installments on assessments that are
1892 | not paid when due bear interest from the due date until paid at
1893 | the rate provided in the declaration of covenants or the bylaws
1894 | of the association, which rate may not exceed the rate allowed
1895 | by law. If no rate is provided in the declaration or bylaws,
1896 | interest accrues at the rate of 18 percent per year.

1897 | (b) Any payment received by an association and accepted
1898 | shall be applied first to any interest accrued, then to any
1899 | administrative late fee, then to any costs and reasonable
1900 | attorney fees incurred in collection, and then to the delinquent



CS/CS/CS/HB 841, Engrossed 1

2018

1901 assessment. This paragraph applies notwithstanding any
1902 restrictive endorsement, designation, or instruction placed on
1903 or accompanying a payment. A late fee is not subject to the
1904 provisions of chapter 687 and is not a fine. The foregoing is
1905 applicable notwithstanding s. 673.3111, any purported accord and
1906 satisfaction, or any restrictive endorsement, designation, or
1907 instruction placed on or accompanying a payment. The preceding
1908 sentence is intended to clarify existing law.

1909 Section 19. This act shall take effect July 1, 2018.