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LEGISLATIVE ACTION

Senate

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House

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03/08/2018 05:55 PM

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Senator Passidomo moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

194.011 Assessment notice; objections to assessments.—

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

Notwithstanding s. 195.022, a county officer may not refuse to
accept a form provided by the department for this purpose if the



166454

12 taxpayer chooses to use it. A petition to the value adjustment
13 board must be signed by the taxpayer or be accompanied at the
14 time of filing by the taxpayer's written authorization or power
15 of attorney, unless the person filing the petition is listed in
16 s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a
17 petition with a value adjustment board without the taxpayer's
18 signature or written authorization by certifying under penalty
19 of perjury that he or she has authorization to file the petition
20 on behalf of the taxpayer. If a taxpayer notifies the value
21 adjustment board that a petition has been filed for the
22 taxpayer's property without his or her consent, the value
23 adjustment board may require the person filing the petition to
24 provide written authorization from the taxpayer authorizing the
25 person to proceed with the appeal before a hearing is held. If
26 the value adjustment board finds that a person listed in s.
27 194.034(1)(a) willfully and knowingly filed a petition that was
28 not authorized by the taxpayer, the value adjustment board shall
29 require such person to provide the taxpayer's written
30 authorization for representation to the value adjustment board
31 clerk before any petition filed by that person is heard, for 1
32 year after imposition of such requirement by the value
33 adjustment board. A power of attorney or written authorization
34 is valid for 1 assessment year, and a new power of attorney or
35 written authorization by the taxpayer is required for each
36 subsequent assessment year. A petition shall also describe the
37 property by parcel number and shall be filed as follows:

38 (e)1. A condominium association as defined in s. 718.103, a
39 cooperative association as defined in s. 719.103, or any
40 homeowners' association as defined in s. 723.075, with approval



166454

41 of its board of administration or directors, may file with the
42 value adjustment board a single joint petition on behalf of any
43 association members who own units or parcels of property which
44 the property appraiser determines are substantially similar with
45 respect to location, proximity to amenities, number of rooms,
46 living area, and condition. The condominium association,
47 cooperative association, or homeowners' association ~~as defined~~
48 ~~in s. 723.075~~ shall provide the unit or parcel owners with
49 notice of its intent to petition the value adjustment board and
50 shall provide at least 20 days for a unit or parcel owner to
51 elect, in writing, that his or her unit or parcel not be
52 included in the petition.

53 2. An association that has filed a single joint petition
54 may continue to represent the unit or parcel owners through any
55 related subsequent proceeding, including judicial review under
56 part II of this chapter and any appeal thereof. This
57 subparagraph is intended to clarify existing law and applies to
58 any pending action. The condominium association, cooperative
59 association, or homeowners' association shall provide the unit
60 or parcel owners with notice of the property appraiser's appeal
61 of a value adjustment board decision to circuit court and
62 provide the unit or parcel owner at least 7 days to elect, in
63 writing, that his or her unit or parcel not be included in the
64 association's defense.

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

67 194.181 Parties to a tax suit.—

68 (2) In any case brought by the taxpayer, or brought by a
69 condominium or cooperative ~~or~~ association on behalf of some or



166454

70 all owners, contesting the assessment of any property, the
71 county property appraiser shall be party defendant. In any case
72 brought by the property appraiser pursuant to s. 194.036(1)(a)
73 or (b), the taxpayer, condominium association, or cooperative
74 association shall be party defendant. In any case brought by the
75 property appraiser pursuant to s. 194.036(1)(c), the value
76 adjustment board shall be party defendant.

77 Section 3. Subsection (3), paragraphs (a), (b), and (g) of
78 subsection (12), and paragraph (e) of subsection (13) of section
79 718.111, Florida Statutes, are amended to read:

80 718.111 The association.—

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

83 (a) The association may contract, sue, or be sued with
84 respect to the exercise or nonexercise of its powers. For these
85 purposes, the powers of the association include, but are not
86 limited to, the maintenance, management, and operation of the
87 condominium property.

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

90 1. Institute, maintain, settle, or appeal actions or
91 hearings in its name on behalf of all unit owners concerning
92 matters of common interest to most or all unit owners,
93 including, but not limited to, the common elements; the roof and
94 structural components of a building or other improvements;
95 mechanical, electrical, and plumbing elements serving an
96 improvement or a building; representations of the developer
97 pertaining to any existing or proposed commonly used facilities;

98 2. ~~Protest and protesting~~ ad valorem taxes on commonly used



166454

99 facilities and on units; ~~and may~~

100 3. Defend actions pertaining to ad valorem taxation of
101 commonly used facilities or units, or related to in eminent
102 domain; or

103 4. Bring inverse condemnation actions.

104 (c) If the association has the authority to maintain a
105 class action, the association may be joined in an action as
106 representative of that class with reference to litigation and
107 disputes involving the matters for which the association could
108 bring a class action.

109 (d) The association, in its own name, or on behalf of some
110 or all unit owners, may institute, file, protest, maintain, or
111 defend any administrative challenge, lawsuit, appeal, or other
112 challenge to ad valorem taxes assessed on units or that values
113 commonly used facilities or common elements. The affected
114 association members are not necessary or indispensable parties
115 to any such action. This paragraph is intended to clarify
116 existing law and applies to any pending action.

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

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

123 (12) OFFICIAL RECORDS.—

124 (a) From the inception of the association, the association
125 shall maintain each of the following items, if applicable, which
126 constitutes the official records of the association:

127 1. A copy of the plans, permits, warranties, and other



166454

128 items provided by the developer pursuant to s. 718.301(4).

129 2. A photocopy of the recorded declaration of condominium
130 of each condominium operated by the association and each
131 amendment to each declaration.

132 3. A photocopy of the recorded bylaws of the association
133 and each amendment to the bylaws.

134 4. A certified copy of the articles of incorporation of the
135 association, or other documents creating the association, and
136 each amendment thereto.

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

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

141 7. A current roster of all unit owners and their mailing
142 addresses, unit identifications, voting certifications, and, if
143 known, telephone numbers. The association shall also maintain
144 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
145 unit owners consenting to receive notice by electronic
146 transmission. The e-mail ~~electronic mailing~~ addresses and
147 facsimile numbers are not accessible to unit owners if consent
148 to receive notice by electronic transmission is not provided in
149 accordance with sub-subparagraph (c)3.e. However, the
150 association is not liable for an inadvertent disclosure of the
151 e-mail ~~electronic mail~~ address or facsimile number for receiving
152 electronic transmission of notices.

153 8. All current insurance policies of the association and
154 condominiums operated by the association.

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



166454

157 which the association or the unit owners have an obligation or
158 responsibility.

159 10. Bills of sale or transfer for all property owned by the
160 association.

161 11. Accounting records for the association and separate
162 accounting records for each condominium that the association
163 operates. ~~All accounting records must be maintained for at least~~
164 ~~7 years.~~ Any person who knowingly or intentionally defaces or
165 destroys such records, or who knowingly or intentionally fails
166 to create or maintain such records, with the intent of causing
167 harm to the association or one or more of its members, is
168 personally subject to a civil penalty pursuant to s.

169 718.501(1)(d). The accounting records must include, but are not
170 limited to:

171 a. Accurate, itemized, and detailed records of all receipts
172 and expenditures.

173 b. A current account and a monthly, bimonthly, or quarterly
174 statement of the account for each unit designating the name of
175 the unit owner, the due date and amount of each assessment, the
176 amount paid on the account, and the balance due.

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

179 d. All contracts for work to be performed. Bids for work to
180 be performed are also considered official records and must be
181 maintained by the association.

182 12. Ballots, sign-in sheets, voting proxies, and all other
183 papers and electronic records relating to voting by unit owners,
184 which must be maintained for 1 year from the date of the
185 election, vote, or meeting to which the document relates,



166454

186 notwithstanding paragraph (b).

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

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

191 15. All other written records of the association not
192 specifically included in the foregoing which are related to the
193 operation of the association.

194 16. A copy of the inspection report as described in s.
195 718.301(4)(p).

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

197 (b) The official records specified in subparagraphs (a)1.-
198 6. must be permanently maintained from the inception of the
199 association. All other official records ~~of the association~~ must
200 be maintained within the state for at least 7 years, unless
201 otherwise provided by general law. The records of the
202 association shall be made available to a unit owner within 45
203 miles of the condominium property or within the county in which
204 the condominium property is located within 10 ~~5~~ working days
205 after receipt of a written request by the board or its designee.
206 However, such distance requirement does not apply to an
207 association governing a timeshare condominium. This paragraph
208 may be complied with by having a copy of the official records of
209 the association available for inspection or copying on the
210 condominium property or association property, or the association
211 may offer the option of making the records available to a unit
212 owner electronically via the Internet or by allowing the records
213 to be viewed in electronic format on a computer screen and
214 printed upon request. The association is not responsible for the



166454

215 use or misuse of the information provided to an association
216 member or his or her authorized representative pursuant to the
217 compliance requirements of this chapter unless the association
218 has an affirmative duty not to disclose such information
219 pursuant to this chapter.

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

224 a. The association's website must be:

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

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

233 b. The association's website must be accessible through the
234 Internet and must contain a subpage, web portal, or other
235 protected electronic location that is inaccessible to the
236 general public and accessible only to unit owners and employees
237 of the association.

238 c. Upon a unit owner's written request, the association
239 must provide the unit owner with a username and password and
240 access to the protected sections of the association's website
241 that contain any notices, records, or documents that must be
242 electronically provided.

243 2. A current copy of the following documents must be posted



166454

244 in digital format on the association's website:

245 a. The recorded declaration of condominium of each
246 condominium operated by the association and each amendment to
247 each declaration.

248 b. The recorded bylaws of the association and each
249 amendment to the bylaws.

250 c. The articles of incorporation of the association, or
251 other documents creating the association, and each amendment
252 thereto. The copy posted pursuant to this sub-subparagraph must
253 be a copy of the articles of incorporation filed with the
254 Department of State.

255 d. The rules of the association.

256 e. A list of all executory contracts or documents ~~Any~~
257 ~~management agreement, lease, or other contract~~ to which the
258 association is a party or under which the association or the
259 unit owners have an obligation or responsibility and, after
260 bidding for the related materials, equipment, or services has
261 closed, a list of bids received by the association within the
262 past year. Summaries of bids for materials, equipment, or
263 services which exceed \$500 must be maintained on the website for
264 1 year. In lieu of summaries, complete copies of the bids may be
265 posted.

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

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

271 h. The certification of each director required by s.
272 718.112(2)(d)4.b.



166454

273 i. All contracts or transactions between the association
274 and any director, officer, corporation, firm, or association
275 that is not an affiliated condominium association or any other
276 entity in which an association director is also a director or
277 officer and financially interested.

278 j. Any contract or document regarding a conflict of
279 interest or possible conflict of interest as provided in ss.
280 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

281 k. The notice of any unit owner meeting and the agenda for
282 the meeting, as required by s. 718.112(2)(d)3., no later than 14
283 days before the meeting. The notice must be posted in plain view
284 on the front page of the website, or on a separate subpage of
285 the website labeled "Notices" which is conspicuously visible and
286 linked from the front page. The association must also post on
287 its website any document to be considered and voted on by the
288 owners during the meeting or any document listed on the agenda
289 at least 7 days before the meeting at which the document or the
290 information within the document will be considered.

291 1. Notice of any board meeting, the agenda, and any other
292 document required for the meeting as required by s.
293 718.112(2)(c), which must be posted no later than the date
294 required for notice pursuant to s. 718.112(2)(c).

295 3. The association shall ensure that the information and
296 records described in paragraph (c), which are not allowed
297 ~~permitted~~ to be accessible to unit owners, are not posted on the
298 association's website. If protected information or information
299 restricted from being accessible to unit owners is included in
300 documents that are required to be posted on the association's
301 website, the association shall ensure the information is



166454

302 redacted before posting the documents online. Notwithstanding
303 the foregoing, the association or its agent is not liable for
304 disclosing information that is protected or restricted pursuant
305 to this paragraph unless such disclosure was made with a knowing
306 or intentional disregard of the protected or restricted nature
307 of such information.

308 4. The failure of the association to post information
309 required under subparagraph 2. is not in and of itself
310 sufficient to invalidate any action or decision of the
311 association's board or its committees.

312 (13) FINANCIAL REPORTING.—Within 90 days after the end of
313 the fiscal year, or annually on a date provided in the bylaws,
314 the association shall prepare and complete, or contract for the
315 preparation and completion of, a financial report for the
316 preceding fiscal year. Within 21 days after the final financial
317 report is completed by the association or received from the
318 third party, but not later than 120 days after the end of the
319 fiscal year or other date as provided in the bylaws, the
320 association shall mail to each unit owner at the address last
321 furnished to the association by the unit owner, or hand deliver
322 to each unit owner, a copy of the most recent financial report
323 or a notice that a copy of the most recent financial report will
324 be mailed or hand delivered to the unit owner, without charge,
325 within 5 business days after receipt of a written request from
326 the unit owner. The division shall adopt rules setting forth
327 uniform accounting principles and standards to be used by all
328 associations and addressing the financial reporting requirements
329 for multicondominium associations. The rules must include, but
330 not be limited to, standards for presenting a summary of



166454

331 association reserves, including a good faith estimate disclosing
332 the annual amount of reserve funds that would be necessary for
333 the association to fully fund reserves for each reserve item
334 based on the straight-line accounting method. This disclosure is
335 not applicable to reserves funded via the pooling method. In
336 adopting such rules, the division shall consider the number of
337 members and annual revenues of an association. Financial reports
338 shall be prepared as follows:

339 (e) A unit owner may provide written notice to the division
340 of the association's failure to mail or hand deliver him or her
341 a copy of the most recent financial report within 5 business
342 days after he or she submitted a written request to the
343 association for a copy of such report. If the division
344 determines that the association failed to mail or hand deliver a
345 copy of the most recent financial report to the unit owner, the
346 division shall provide written notice to the association that
347 the association must mail or hand deliver a copy of the most
348 recent financial report to the unit owner and the division
349 within 5 business days after it receives such notice from the
350 division. An association that fails to comply with the
351 division's request may not waive the financial reporting
352 requirement provided in paragraph (d) for the fiscal year in
353 which the unit owner's request was made and the following fiscal
354 year. A financial report received by the division pursuant to
355 this paragraph shall be maintained, and the division shall
356 provide a copy of such report to an association member upon his
357 or her request.

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



166454

360 718.112 Bylaws.—

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

364 (a) *Administration.*—

365 1. The form of administration of the association shall be
366 described indicating the title of the officers and board of
367 administration and specifying the powers, duties, manner of
368 selection and removal, and compensation, if any, of officers and
369 boards. In the absence of such a provision, the board of
370 administration shall be composed of five members, unless the
371 ~~except in the case of a condominium which~~ has five or fewer
372 units. The board shall consist of not fewer than three members
373 in condominiums with five or fewer units that are not-for-profit
374 corporations, in which case in a not-for-profit corporation the
375 ~~board shall consist of not fewer than three members.~~ In the
376 absence of provisions to the contrary in the bylaws, the board
377 of administration shall have a president, a secretary, and a
378 treasurer, who shall perform the duties of such officers
379 customarily performed by officers of corporations. Unless
380 prohibited in the bylaws, the board of administration may
381 appoint other officers and grant them the duties it deems
382 appropriate. Unless otherwise provided in the bylaws, the
383 officers shall serve without compensation and at the pleasure of
384 the board of administration. Unless otherwise provided in the
385 bylaws, the members of the board shall serve without
386 compensation.

387 2. When a unit owner of a residential condominium files a
388 written inquiry by certified mail with the board of



166454

389 administration, the board shall respond in writing to the unit
390 owner within 30 days after receipt of the inquiry. The board's
391 response shall either give a substantive response to the
392 inquirer, notify the inquirer that a legal opinion has been
393 requested, or notify the inquirer that advice has been requested
394 from the division. If the board requests advice from the
395 division, the board shall, within 10 days after its receipt of
396 the advice, provide in writing a substantive response to the
397 inquirer. If a legal opinion is requested, the board shall,
398 within 60 days after the receipt of the inquiry, provide in
399 writing a substantive response to the inquiry. The failure to
400 provide a substantive response to the inquiry as provided herein
401 precludes the board from recovering attorney fees and costs in
402 any subsequent litigation, administrative proceeding, or
403 arbitration arising out of the inquiry. The association may
404 through its board of administration adopt reasonable rules and
405 regulations regarding the frequency and manner of responding to
406 unit owner inquiries, one of which may be that the association
407 is only obligated to respond to one written inquiry per unit in
408 any given 30-day period. In such a case, any additional inquiry
409 or inquiries must be responded to in the subsequent 30-day
410 period, or periods, as applicable.

411 (c) *Board of administration meetings.*—Meetings of the board
412 of administration at which a quorum of the members is present
413 are open to all unit owners. Members of the board of
414 administration may use e-mail as a means of communication but
415 may not cast a vote on an association matter via e-mail. A unit
416 owner may tape record or videotape the meetings. The right to
417 attend such meetings includes the right to speak at such



166454

418 meetings with reference to all designated agenda items. The
419 division shall adopt reasonable rules governing the tape
420 recording and videotaping of the meeting. The association may
421 adopt written reasonable rules governing the frequency,
422 duration, and manner of unit owner statements.

423 1. Adequate notice of all board meetings, which must
424 specifically identify all agenda items, must be posted
425 conspicuously on the condominium property at least 48 continuous
426 hours before the meeting except in an emergency. If 20 percent
427 of the voting interests petition the board to address an item of
428 business, the board, within 60 days after receipt of the
429 petition, shall place the item on the agenda at its next regular
430 board meeting or at a special meeting called for that purpose.
431 An item not included on the notice may be taken up on an
432 emergency basis by a vote of at least a majority plus one of the
433 board members. Such emergency action must be noticed and
434 ratified at the next regular board meeting. ~~However,~~ Written
435 notice of a meeting at which a nonemergency special assessment
436 or an amendment to rules regarding unit use will be considered
437 must be mailed, delivered, or electronically transmitted to the
438 unit owners and posted conspicuously on the condominium property
439 at least 14 days before the meeting. Evidence of compliance with
440 this 14-day notice requirement must be made by an affidavit
441 executed by the person providing the notice and filed with the
442 official records of the association. Notice of any meeting in
443 which regular or special assessments against unit owners are to
444 be considered must specifically state that assessments will be
445 considered and provide the estimated cost and description of the
446 purposes for such assessments. Upon notice to the unit owners,



166454

447 the board shall, by duly adopted rule, designate a specific
448 location on the condominium ~~or association~~ property where all
449 notices of board meetings must be posted. If there is no
450 condominium property ~~or association property~~ where notices can
451 be posted, notices shall be mailed, delivered, or electronically
452 transmitted to each unit owner at least 14 days before the
453 meeting. In lieu of or in addition to the physical posting of
454 the notice on the condominium property, the association may, by
455 reasonable rule, adopt a procedure for conspicuously posting and
456 repeatedly broadcasting the notice and the agenda on a closed-
457 circuit cable television system serving the condominium
458 association. However, if broadcast notice is used in lieu of a
459 notice physically posted on condominium property, the notice and
460 agenda must be broadcast at least four times every broadcast
461 hour of each day that a posted notice is otherwise required
462 under this section. If broadcast notice is provided, the notice
463 and agenda must be broadcast in a manner and for a sufficient
464 continuous length of time so as to allow an average reader to
465 observe the notice and read and comprehend the entire content of
466 the notice and the agenda. In addition to any of the authorized
467 means of providing notice of a meeting of the board, the
468 association may, by rule, adopt a procedure for conspicuously
469 posting the meeting notice and the agenda on a website serving
470 the condominium association for at least the minimum period of
471 time for which a notice of a meeting is also required to be
472 physically posted on the condominium property. Any rule adopted
473 shall, in addition to other matters, include a requirement that
474 the association send an electronic notice in the same manner as
475 a notice for a meeting of the members, which must include a



166454

476 hyperlink to the website where the notice is posted, to unit
477 owners whose e-mail addresses are included in the association's
478 official records. ~~Notice of any meeting in which regular or~~
479 ~~special assessments against unit owners are to be considered~~
480 ~~must specifically state that assessments will be considered and~~
481 ~~provide the nature, estimated cost, and description of the~~
482 ~~purposes for such assessments.~~

483 2. Meetings of a committee to take final action on behalf
484 of the board or make recommendations to the board regarding the
485 association budget are subject to this paragraph. Meetings of a
486 committee that does not take final action on behalf of the board
487 or make recommendations to the board regarding the association
488 budget are subject to this section, unless those meetings are
489 exempted from this section by the bylaws of the association.

490 3. Notwithstanding any other law, the requirement that
491 board meetings and committee meetings be open to the unit owners
492 does not apply to:

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

497 b. Board meetings held for the purpose of discussing
498 personnel matters.

499 (d) *Unit owner meetings.*—

500 1. An annual meeting of the unit owners must ~~shall~~ be held
501 at the location provided in the association bylaws and, if the
502 bylaws are silent as to the location, the meeting must ~~shall~~ be
503 held within 45 miles of the condominium property. However, such
504 distance requirement does not apply to an association governing



166454

505 a timeshare condominium.

506 2. Unless the bylaws provide otherwise, a vacancy on the
507 board caused by the expiration of a director's term must ~~shall~~
508 be filled by electing a new board member, and the election must
509 be by secret ballot. An election is not required if the number
510 of vacancies equals or exceeds the number of candidates. For
511 purposes of this paragraph, the term "candidate" means an
512 eligible person who has timely submitted the written notice, as
513 described in sub-subparagraph 4.a., of his or her intention to
514 become a candidate. Except in a timeshare or nonresidential
515 condominium, or if the staggered term of a board member does not
516 expire until a later annual meeting, or if all members' terms
517 would otherwise expire but there are no candidates, the terms of
518 all board members expire at the annual meeting, and such members
519 may stand for reelection unless prohibited by the bylaws. Board
520 members may serve ~~2-year~~ terms longer than 1 year if permitted
521 by the bylaws or articles of incorporation. A board member may
522 not serve more than 8 consecutive years ~~four consecutive 2-year~~
523 ~~terms~~, unless approved by an affirmative vote of unit owners
524 representing two-thirds of all votes cast in the election ~~the~~
525 ~~total voting interests of the association~~ or unless there are
526 not enough eligible candidates to fill the vacancies on the
527 board at the time of the vacancy. If the number of board members
528 whose terms expire at the annual meeting equals or exceeds the
529 number of candidates, the candidates become members of the board
530 effective upon the adjournment of the annual meeting. Unless the
531 bylaws provide otherwise, any remaining vacancies shall be
532 filled by the affirmative vote of the majority of the directors
533 making up the newly constituted board even if the directors



166454

534 constitute less than a quorum or there is only one director. In
535 a residential condominium association of more than 10 units or
536 in a residential condominium association that does not include
537 timeshare units or timeshare interests, coowners of a unit may
538 not serve as members of the board of directors at the same time
539 unless they own more than one unit or unless there are not
540 enough eligible candidates to fill the vacancies on the board at
541 the time of the vacancy. A unit owner in a residential
542 condominium desiring to be a candidate for board membership must
543 comply with sub-subparagraph 4.a. and must be eligible to be a
544 candidate to serve on the board of directors at the time of the
545 deadline for submitting a notice of intent to run in order to
546 have his or her name listed as a proper candidate on the ballot
547 or to serve on the board. A person who has been suspended or
548 removed by the division under this chapter, or who is delinquent
549 in the payment of any monetary obligation due to the
550 association, is not eligible to be a candidate for board
551 membership and may not be listed on the ballot. A person who has
552 been convicted of any felony in this state or in a United States
553 District or Territorial Court, or who has been convicted of any
554 offense in another jurisdiction which would be considered a
555 felony if committed in this state, is not eligible for board
556 membership unless such felon's civil rights have been restored
557 for at least 5 years as of the date such person seeks election
558 to the board. The validity of an action by the board is not
559 affected if it is later determined that a board member is
560 ineligible for board membership due to having been convicted of
561 a felony. This subparagraph does not limit the term of a member
562 of the board of a nonresidential or timeshare condominium.



166454

563 3. The bylaws must provide the method of calling meetings
564 of unit owners, including annual meetings. Written notice must
565 include an agenda, must be mailed, hand delivered, or
566 electronically transmitted to each unit owner at least 14 days
567 before the annual meeting, and must be posted in a conspicuous
568 place on the condominium property at least 14 continuous days
569 before the annual meeting. Upon notice to the unit owners, the
570 board shall, by duly adopted rule, designate a specific location
571 on the condominium property ~~or association property~~ where all
572 notices of unit owner meetings must ~~shall~~ be posted. This
573 requirement does not apply if there is no condominium property
574 ~~or association property~~ for posting notices. In lieu of, or in
575 addition to, the physical posting of meeting notices, the
576 association may, by reasonable rule, adopt a procedure for
577 conspicuously posting and repeatedly broadcasting the notice and
578 the agenda on a closed-circuit cable television system serving
579 the condominium association. However, if broadcast notice is
580 used in lieu of a notice posted physically on the condominium
581 property, the notice and agenda must be broadcast at least four
582 times every broadcast hour of each day that a posted notice is
583 otherwise required under this section. If broadcast notice is
584 provided, the notice and agenda must be broadcast in a manner
585 and for a sufficient continuous length of time so as to allow an
586 average reader to observe the notice and read and comprehend the
587 entire content of the notice and the agenda. In addition to any
588 of the authorized means of providing notice of a meeting of the
589 board, the association may, by rule, adopt a procedure for
590 conspicuously posting the meeting notice and the agenda on a
591 website serving the condominium association for at least the



166454

592 minimum period of time for which a notice of a meeting is also
593 required to be physically posted on the condominium property.
594 Any rule adopted shall, in addition to other matters, include a
595 requirement that the association send an electronic notice in
596 the same manner as a notice for a meeting of the members, which
597 must include a hyperlink to the website where the notice is
598 posted, to unit owners whose e-mail addresses are included in
599 the association's official records. Unless a unit owner waives
600 in writing the right to receive notice of the annual meeting,
601 such notice must be hand delivered, mailed, or electronically
602 transmitted to each unit owner. Notice for meetings and notice
603 for all other purposes must be mailed to each unit owner at the
604 address last furnished to the association by the unit owner, or
605 hand delivered to each unit owner. However, if a unit is owned
606 by more than one person, the association must provide notice to
607 the address that the developer identifies for that purpose and
608 thereafter as one or more of the owners of the unit advise the
609 association in writing, or if no address is given or the owners
610 of the unit do not agree, to the address provided on the deed of
611 record. An officer of the association, or the manager or other
612 person providing notice of the association meeting, must provide
613 an affidavit or United States Postal Service certificate of
614 mailing, to be included in the official records of the
615 association affirming that the notice was mailed or hand
616 delivered in accordance with this provision.

617 4. The members of the board of a residential condominium
618 shall be elected by written ballot or voting machine. Proxies
619 may not be used in electing the board in general elections or
620 elections to fill vacancies caused by recall, resignation, or



166454

621 otherwise, unless otherwise provided in this chapter. This
622 subparagraph does not apply to an association governing a
623 timeshare condominium.

624 a. At least 60 days before a scheduled election, the
625 association shall mail, deliver, or electronically transmit, by
626 separate association mailing or included in another association
627 mailing, delivery, or transmission, including regularly
628 published newsletters, to each unit owner entitled to a vote, a
629 first notice of the date of the election. A unit owner or other
630 eligible person desiring to be a candidate for the board must
631 give written notice of his or her intent to be a candidate to
632 the association at least 40 days before a scheduled election.
633 Together with the written notice and agenda as set forth in
634 subparagraph 3., the association shall mail, deliver, or
635 electronically transmit a second notice of the election to all
636 unit owners entitled to vote, together with a ballot that lists
637 all candidates. Upon request of a candidate, an information
638 sheet, no larger than 8 1/2 inches by 11 inches, which must be
639 furnished by the candidate at least 35 days before the election,
640 must be included with the mailing, delivery, or transmission of
641 the ballot, with the costs of mailing, delivery, or electronic
642 transmission and copying to be borne by the association. The
643 association is not liable for the contents of the information
644 sheets prepared by the candidates. In order to reduce costs, the
645 association may print or duplicate the information sheets on
646 both sides of the paper. The division shall by rule establish
647 voting procedures consistent with this sub-subparagraph,
648 including rules establishing procedures for giving notice by
649 electronic transmission and rules providing for the secrecy of



166454

650 ballots. Elections shall be decided by a plurality of ballots
651 cast. There is no quorum requirement; however, at least 20
652 percent of the eligible voters must cast a ballot in order to
653 have a valid election. A unit owner may not authorize ~~permit~~ any
654 other person to vote his or her ballot, and any ballots
655 improperly cast are invalid. A unit owner who violates this
656 provision may be fined by the association in accordance with s.
657 718.303. A unit owner who needs assistance in casting the ballot
658 for the reasons stated in s. 101.051 may obtain such assistance.
659 The regular election must occur on the date of the annual
660 meeting. Notwithstanding this sub-subparagraph, an election is
661 not required unless more candidates file notices of intent to
662 run or are nominated than board vacancies exist.

663 b. Within 90 days after being elected or appointed to the
664 board of an association of a residential condominium, each newly
665 elected or appointed director shall certify in writing to the
666 secretary of the association that he or she has read the
667 association's declaration of condominium, articles of
668 incorporation, bylaws, and current written policies; that he or
669 she will work to uphold such documents and policies to the best
670 of his or her ability; and that he or she will faithfully
671 discharge his or her fiduciary responsibility to the
672 association's members. In lieu of this written certification,
673 within 90 days after being elected or appointed to the board,
674 the newly elected or appointed director may submit a certificate
675 of having satisfactorily completed the educational curriculum
676 administered by a division-approved condominium education
677 provider within 1 year before or 90 days after the date of
678 election or appointment. The written certification or



166454

679 educational certificate is valid and does not have to be
680 resubmitted as long as the director serves on the board without
681 interruption. A director of an association of a residential
682 condominium who fails to timely file the written certification
683 or educational certificate is suspended from service on the
684 board until he or she complies with this sub-subparagraph. The
685 board may temporarily fill the vacancy during the period of
686 suspension. The secretary shall cause the association to retain
687 a director's written certification or educational certificate
688 for inspection by the members for 5 years after a director's
689 election or the duration of the director's uninterrupted tenure,
690 whichever is longer. Failure to have such written certification
691 or educational certificate on file does not affect the validity
692 of any board action.

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

695 5. Any approval by unit owners called for by this chapter
696 or the applicable declaration or bylaws, including, but not
697 limited to, the approval requirement in s. 718.111(8), must be
698 made at a duly noticed meeting of unit owners and is subject to
699 all requirements of this chapter or the applicable condominium
700 documents relating to unit owner decisionmaking, except that
701 unit owners may take action by written agreement, without
702 meetings, on matters for which action by written agreement
703 without meetings is expressly allowed by the applicable bylaws
704 or declaration or any law that provides for such action.

705 6. Unit owners may waive notice of specific meetings if
706 allowed by the applicable bylaws or declaration or any law.
707 Notice of meetings of the board of administration, unit owner



166454

708 meetings, except unit owner meetings called to recall board
709 members under paragraph (j), and committee meetings may be given
710 by electronic transmission to unit owners who consent to receive
711 notice by electronic transmission. A unit owner who consents to
712 receiving notices by electronic transmission is solely
713 responsible for removing or bypassing filters that block receipt
714 of mass emails sent to members on behalf of the association in
715 the course of giving electronic notices.

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

720 8. A unit owner may tape record or videotape a meeting of
721 the unit owners subject to reasonable rules adopted by the
722 division.

723 9. Unless otherwise provided in the bylaws, any vacancy
724 occurring on the board before the expiration of a term may be
725 filled by the affirmative vote of the majority of the remaining
726 directors, even if the remaining directors constitute less than
727 a quorum, or by the sole remaining director. In the alternative,
728 a board may hold an election to fill the vacancy, in which case
729 the election procedures must conform to sub-subparagraph 4.a.
730 unless the association governs 10 units or fewer and has opted
731 out of the statutory election process, in which case the bylaws
732 of the association control. Unless otherwise provided in the
733 bylaws, a board member appointed or elected under this section
734 shall fill the vacancy for the unexpired term of the seat being
735 filled. Filling vacancies created by recall is governed by
736 paragraph (j) and rules adopted by the division.



166454

737 10. This chapter does not limit the use of general or
738 limited proxies, require the use of general or limited proxies,
739 or require the use of a written ballot or voting machine for any
740 agenda item or election at any meeting of a timeshare
741 condominium association or nonresidential condominium
742 association.

743
744 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
745 association of 10 or fewer units may, by affirmative vote of a
746 majority of the total voting interests, provide for different
747 voting and election procedures in its bylaws, which may be by a
748 proxy specifically delineating the different voting and election
749 procedures. The different voting and election procedures may
750 provide for elections to be conducted by limited or general
751 proxy.

752 (j) *Recall of board members.*—Subject to s. 718.301, any
753 member of the board of administration may be recalled and
754 removed from office with or without cause by the vote or
755 agreement in writing by a majority of all the voting interests.
756 A special meeting of the unit owners to recall a member or
757 members of the board of administration may be called by 10
758 percent of the voting interests giving notice of the meeting as
759 required for a meeting of unit owners, and the notice shall
760 state the purpose of the meeting. Electronic transmission may
761 not be used as a method of giving notice of a meeting called in
762 whole or in part for this purpose.

763 1. If the recall is approved by a majority of all voting
764 interests by a vote at a meeting, the recall will be effective
765 as provided in this paragraph. The board shall duly notice and



166454

766 hold a board meeting within 5 full business days after the
767 adjournment of the unit owner meeting to recall one or more
768 board members. Such member or members shall be recalled
769 effective immediately upon conclusion of the board meeting
770 provided that the recall is facially valid. A recalled member
771 must ~~and shall~~ turn over to the board, within 10 full business
772 days after the vote, any and all records and property of the
773 association in their possession.

774 2. If the proposed recall is by an agreement in writing by
775 a majority of all voting interests, the agreement in writing or
776 a copy thereof shall be served on the association by certified
777 mail or by personal service in the manner authorized by chapter
778 48 and the Florida Rules of Civil Procedure. The board of
779 administration shall duly notice and hold a meeting of the board
780 within 5 full business days after receipt of the agreement in
781 writing. Such member or members shall be recalled effective
782 immediately upon the conclusion of the board meeting provided
783 that the recall is facially valid. A recalled member must ~~and~~
784 ~~shall~~ turn over to the board, within 10 full business days, any
785 and all records and property of the association in their
786 possession.

787 3. If the board fails to duly notice and hold a board
788 meeting within 5 full business days after service of an
789 agreement in writing or within 5 full business days after the
790 adjournment of the unit owner recall meeting, the recall shall
791 be deemed effective and the board members so recalled shall turn
792 over to the board within 10 full business days after the vote
793 any and all records and property of the association.

794 4. If the board fails to duly notice and hold the required



166454

795 meeting or at the conclusion of the meeting determines that the
796 recall is not facially valid ~~fails to file the required~~
797 ~~petition~~, the unit owner representative may file a petition
798 pursuant to s. 718.1255 challenging the board's failure to act
799 or challenging the board's determination on facial validity. The
800 petition must be filed within 60 days after the expiration of
801 the applicable 5-full-business-day period. The review of a
802 petition under this subparagraph is limited to the sufficiency
803 of service on the board and the facial validity of the written
804 agreement or ballots filed.

805 5. If a vacancy occurs on the board as a result of a recall
806 or removal and less than a majority of the board members are
807 removed, the vacancy may be filled by the affirmative vote of a
808 majority of the remaining directors, notwithstanding any
809 provision to the contrary contained in this subsection. If
810 vacancies occur on the board as a result of a recall and a
811 majority or more of the board members are removed, the vacancies
812 shall be filled in accordance with procedural rules to be
813 adopted by the division, which rules need not be consistent with
814 this subsection. The rules must provide procedures governing the
815 conduct of the recall election as well as the operation of the
816 association during the period after a recall but before the
817 recall election.

818 6. A board member who has been recalled may file a petition
819 pursuant to s. 718.1255 challenging the validity of the recall.
820 The petition must be filed within 60 days after the recall. The
821 association and the unit owner representative shall be named as
822 the respondents. The petition may challenge the facial validity
823 of the written agreement or ballots filed or the substantial



166454

824 compliance with the procedural requirements for the recall. If
825 the arbitrator determines the recall was invalid, the
826 petitioning board member shall immediately be reinstated and the
827 recall is null and void. A board member who is successful in
828 challenging a recall is entitled to recover reasonable attorney
829 fees and costs from the respondents. The arbitrator may award
830 reasonable attorney fees and costs to the respondents if they
831 prevail, if the arbitrator makes a finding that the petitioner's
832 claim is frivolous.

833 7. The division may not accept for filing a recall
834 petition, whether filed pursuant to subparagraph 1.,
835 subparagraph 2., subparagraph 4., or subparagraph 6. when there
836 are 60 or fewer days until the scheduled reelection of the board
837 member sought to be recalled or when 60 or fewer days have
838 elapsed since the election of the board member sought to be
839 recalled.

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

843 718.113 Maintenance; limitation upon improvement; display
844 of flag; hurricane shutters and protection; display of religious
845 decorations.—

846 (2) (a) Except as otherwise provided in this section, there
847 shall be no material alteration or substantial additions to the
848 common elements or to real property which is association
849 property, except in a manner provided in the declaration as
850 originally recorded or as amended under the procedures provided
851 therein. If the declaration as originally recorded or as amended
852 under the procedures provided therein does not specify the



166454

853 procedure for approval of material alterations or substantial
854 additions, 75 percent of the total voting interests of the
855 association must approve the alterations or additions before the
856 material alterations or substantial additions are commenced.

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

859 (b) There shall not be any material alteration of, or
860 substantial addition to, the common elements of any condominium
861 operated by a multicondominium association unless approved in
862 the manner provided in the declaration of the affected
863 condominium or condominiums as originally recorded or as amended
864 under the procedures provided therein. If a declaration as
865 originally recorded or as amended under the procedures provided
866 therein does not specify a procedure for approving such an
867 alteration or addition, the approval of 75 percent of the total
868 voting interests of each affected condominium is required before
869 the material alterations or substantial additions are commenced.

870 This subsection does not prohibit a provision in any
871 declaration, articles of incorporation, or bylaws as originally
872 recorded or as amended under the procedures provided therein
873 requiring the approval of unit owners in any condominium
874 operated by the same association or requiring board approval
875 before a material alteration or substantial addition to the
876 common elements is permitted. This paragraph is intended to
877 clarify existing law and applies to associations existing on
878 July 1, 2018 ~~the effective date of this act.~~

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



166454

882 declaration, articles of incorporation, or bylaws as originally
883 recorded or as amended under the procedures provided therein. If
884 the declaration, articles of incorporation, or bylaws as
885 originally recorded or as amended under the procedures provided
886 therein do not specify the procedure for approving an alteration
887 or addition to association real property, the approval of 75
888 percent of the total voting interests of the association is
889 required before the material alterations or substantial
890 additions are commenced. This paragraph is intended to clarify
891 existing law and applies to associations existing on July 1,
892 2018 ~~the effective date of this act.~~

893 (8) The Legislature finds that the use of electric vehicles
894 conserves and protects the state's environmental resources,
895 provides significant economic savings to drivers, and serves an
896 important public interest. The participation of condominium
897 associations is essential to the state's efforts to conserve and
898 protect the state's environmental resources and provide economic
899 savings to drivers. Therefore, the installation of an electric
900 vehicle charging station shall be governed as follows:

901 (a) A declaration of condominium or restrictive covenant
902 may not prohibit or be enforced so as to prohibit any unit owner
903 from installing an electric vehicle charging station within the
904 boundaries of the unit owner's limited common element parking
905 area. The board of administration of a condominium association
906 may not prohibit a unit owner from installing an electric
907 vehicle charging station for an electric vehicle, as defined in
908 s. 320.01, within the boundaries of his or her limited common
909 element parking area. The installation of such charging stations
910 are subject to the provisions of this subsection.



166454

911 (b) The installation may not cause irreparable damage to
912 the condominium property.

913 (c) The electricity for the electric vehicle charging
914 station must be separately metered and payable by the unit owner
915 installing such charging station.

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

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

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

927 1. Comply with bona fide safety requirements, consistent
928 with applicable building codes or recognized safety standards,
929 for the protection of persons and property.

930 2. Comply with reasonable architectural standards adopted
931 by the association that govern the dimensions, placement, or
932 external appearance of the electric vehicle charging station,
933 provided that such standards may not prohibit the installation
934 of such charging station or substantially increase the cost
935 thereof.

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

939 4. Provide a certificate of insurance naming the



166454

940 association as an additional insured on the owner's insurance
941 policy for any claim related to the installation, maintenance,
942 or use of the electric vehicle charging station within 14 days
943 after receiving the association's approval to install such
944 charging station.

945 5. Reimburse the association for the actual cost of any
946 increased insurance premium amount attributable to the electric
947 vehicle charging station within 14 days after receiving the
948 association's insurance premium invoice.

949 (g) The association provides an implied easement across the
950 common elements of the condominium property to the unit owner
951 for purposes of the installation of the electric vehicle
952 charging station and the furnishing of electrical power,
953 including any necessary equipment, to such charging station,
954 subject to the requirements of this subsection.

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

957 718.121 Liens.—

958 (2) Labor performed on or materials furnished to a unit
959 shall not be the basis for the filing of a lien pursuant to part
960 I of chapter 713, the Construction Lien Law, against the unit or
961 condominium parcel of any unit owner not expressly consenting to
962 or requesting the labor or materials. Labor performed on or
963 materials furnished for the installation of an electronic
964 vehicle charging station pursuant to s. 718.113(8) may not be
965 the basis for filing a lien under part I of chapter 713 against
966 the association, but such a lien may filed against the unit
967 owner. Labor performed on or materials furnished to the common
968 elements are not the basis for a lien on the common elements,



166454

969 but if authorized by the association, the labor or materials are
970 deemed to be performed or furnished with the express consent of
971 each unit owner and may be the basis for the filing of a lien
972 against all condominium parcels in the proportions for which the
973 owners are liable for common expenses.

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

976 718.3026 Contracts for products and services; in writing;
977 bids; exceptions.—Associations with 10 or fewer units may opt
978 out of the provisions of this section if two-thirds of the unit
979 owners vote to do so, which opt-out may be accomplished by a
980 proxy specifically setting forth the exception from this
981 section.

982 ~~(3) As to any contract or other transaction between an~~
983 ~~association and one or more of its directors or any other~~
984 ~~corporation, firm, association, or entity in which one or more~~
985 ~~of its directors are directors or officers or are financially~~
986 ~~interested:~~

987 ~~(a) The association shall comply with the requirements of~~
988 ~~s. 617.0832.~~

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

991 ~~(c) Approval of the contract or other transaction shall~~
992 ~~require an affirmative vote of two-thirds of the directors~~
993 ~~present.~~

994 ~~(d) At the next regular or special meeting of the members,~~
995 ~~the existence of the contract or other transaction shall be~~
996 ~~disclosed to the members. Upon motion of any member, the~~
997 ~~contract or transaction shall be brought up for a vote and may~~



166454

998 ~~be canceled by a majority vote of the members present. Should~~
999 ~~the members cancel the contract, the association shall only be~~
1000 ~~liable for the reasonable value of goods and services provided~~
1001 ~~up to the time of cancellation and shall not be liable for any~~
1002 ~~termination fee, liquidated damages, or other form of penalty~~
1003 ~~for such cancellation.~~

1004 Section 8. Section 718.3027, Florida Statutes, is amended
1005 to read:

1006 718.3027 Conflicts of interest.—

1007 (1) Directors and officers of a board of an association
1008 that is not a timeshare condominium association, and the
1009 relatives of such directors and officers, must disclose to the
1010 board any activity that may reasonably be construed to be a
1011 conflict of interest. A rebuttable presumption of a conflict of
1012 interest exists if any of the following occurs without prior
1013 notice, as required in subsection (5)~~(4)~~:

1014 (a) A director or an officer, or a relative of a director
1015 or an officer, enters into a contract for goods or services with
1016 the association.

1017 (b) A director or an officer, or a relative of a director
1018 or an officer, holds an interest in a corporation, limited
1019 liability corporation, partnership, limited liability
1020 partnership, or other business entity that conducts business
1021 with the association or proposes to enter into a contract or
1022 other transaction with the association.

1023 (2) If a director or an officer, or a relative of a
1024 director or an officer, proposes to engage in an activity that
1025 is a conflict of interest, as described in subsection (1), the
1026 proposed activity must be listed on, and all contracts and



166454

1027 transactional documents related to the proposed activity must be
1028 attached to, the meeting agenda. The association shall comply
1029 with the requirements of s. 617.0832, and the disclosures
1030 required by s. 617.0832 shall be entered into the written
1031 minutes of the meeting. Approval of the contract or other
1032 transaction requires an affirmative vote of two-thirds of all
1033 other directors present. At the next regular or special meeting
1034 of the members, the existence of the contract or other
1035 transaction shall be disclosed to the members. Upon motion of
1036 any member, the contract or transaction shall be brought up for
1037 a vote and may be canceled by a majority vote of the members
1038 present. If the contract is canceled, the association is only
1039 liable for the reasonable value of the goods and services
1040 provided up to the time of cancellation and is not liable for
1041 any termination fee, liquidated damages, or other form of
1042 penalty for such cancellation.

1043 (3) If the board votes against the proposed activity, the
1044 director or officer, or the relative of the director or officer,
1045 must notify the board in writing of his or her intention not to
1046 pursue the proposed activity or to withdraw from office. If the
1047 board finds that an officer or a director has violated this
1048 subsection, the officer or director shall be deemed removed from
1049 office. The vacancy shall be filled according to general law.

1050 ~~(4)~~(3) A director or an officer, or a relative of a
1051 director or an officer, who is a party to, or has an interest
1052 in, an activity that is a possible conflict of interest, as
1053 described in subsection (1), may attend the meeting at which the
1054 activity is considered by the board and is authorized to make a
1055 presentation to the board regarding the activity. After the



166454

1056 presentation, the director or officer, or the relative of the
1057 director or officer, must leave the meeting during the
1058 discussion of, and the vote on, the activity. A director or an
1059 officer who is a party to, or has an interest in, the activity
1060 must recuse himself or herself from the vote.

1061 (5)~~(4)~~ A contract entered into between a director or an
1062 officer, or a relative of a director or an officer, and the
1063 association, which is not a timeshare condominium association,
1064 that has not been properly disclosed as a conflict of interest
1065 or potential conflict of interest as required by s.

1066 718.111(12)(g) is voidable and terminates upon the filing of a
1067 written notice terminating the contract with the board of
1068 directors which contains the consent of at least 20 percent of
1069 the voting interests of the association.

1070 (6)~~(5)~~ As used in this section, the term "relative" means a
1071 relative within the third degree of consanguinity by blood or
1072 marriage.

1073 Section 9. Paragraph (b) of subsection (3) of section
1074 718.303, Florida Statutes, is amended to read:

1075 718.303 Obligations of owners and occupants; remedies.—

1076 (3) The association may levy reasonable fines for the
1077 failure of the owner of the unit or its occupant, licensee, or
1078 invitee to comply with any provision of the declaration, the
1079 association bylaws, or reasonable rules of the association. A
1080 fine may not become a lien against a unit. A fine may be levied
1081 by the board on the basis of each day of a continuing violation,
1082 with a single notice and opportunity for hearing before a
1083 committee as provided in paragraph (b). However, the fine may
1084 not exceed \$100 per violation, or \$1,000 in the aggregate.



166454

1085 (b) A fine or suspension levied by the board of
1086 administration may not be imposed unless the board first
1087 provides at least 14 days' written notice ~~and an opportunity for~~
1088 ~~a hearing~~ to the unit owner and, if applicable, any its
1089 occupant, licensee, or invitee of the unit owner sought to be
1090 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1091 ~~must be held~~ before a committee of at least three members
1092 appointed by the board who are not officers, directors, or
1093 employees of the association, or the spouse, parent, child,
1094 brother, or sister of an officer, director, or employee other
1095 ~~unit owners who are neither board members nor persons residing~~
1096 ~~in a board member's household.~~ The role of the committee is
1097 limited to determining whether to confirm or reject the fine or
1098 suspension levied by the board. If the committee does not
1099 approve agree, the proposed fine or suspension by majority vote,
1100 the fine or suspension may not be imposed. If the proposed fine
1101 or suspension is approved by the committee, the fine payment is
1102 due 5 days after the date of the committee meeting at which the
1103 fine is approved. The association must provide written notice of
1104 such fine or suspension by mail or hand delivery to the unit
1105 owner and, if applicable, to any tenant, licensee, or invitee of
1106 the unit owner.

1107 Section 10. Section 718.707, Florida Statutes, is amended
1108 to read:

1109 718.707 Time limitation for classification as bulk assignee
1110 or bulk buyer.—A person acquiring condominium parcels may not be
1111 classified as a bulk assignee or bulk buyer unless the
1112 condominium parcels were acquired on or after July 1, 2010, ~~but~~
1113 ~~before July 1, 2018.~~ The date of such acquisition shall be



166454

1114 determined by the date of recording a deed or other instrument
1115 of conveyance for such parcels in the public records of the
1116 county in which the condominium is located, or by the date of
1117 issuing a certificate of title in a foreclosure proceeding with
1118 respect to such condominium parcels.

1119 Section 11. Paragraphs (a) and (b) of subsection (2) of
1120 section 719.104, Florida Statutes, are amended to read:

1121 719.104 Cooperatives; access to units; records; financial
1122 reports; assessments; purchase of leases.—

1123 (2) OFFICIAL RECORDS.—

1124 (a) From the inception of the association, the association
1125 shall maintain a copy of each of the following, where
1126 applicable, which shall constitute the official records of the
1127 association:

1128 1. The plans, permits, warranties, and other items provided
1129 by the developer pursuant to s. 719.301(4).

1130 2. A photocopy of the cooperative documents.

1131 3. A copy of the current rules of the association.

1132 4. A book or books containing the minutes of all meetings
1133 of the association, of the board of directors, and of the unit
1134 owners, ~~which minutes shall be retained for a period of not less~~
1135 ~~than 7 years.~~

1136 5. A current roster of all unit owners and their mailing
1137 addresses, unit identifications, voting certifications, and, if
1138 known, telephone numbers. The association shall also maintain
1139 the e-mail ~~electronic mailing~~ addresses and the numbers
1140 designated by unit owners for receiving notice sent by
1141 electronic transmission of those unit owners consenting to
1142 receive notice by electronic transmission. The e-mail ~~electronic~~



166454

1143 ~~mailing~~ addresses and numbers provided by unit owners to receive
1144 notice by electronic transmission shall be removed from
1145 association records when consent to receive notice by electronic
1146 transmission is revoked. However, the association is not liable
1147 for an erroneous disclosure of the e-mail ~~electronic mail~~
1148 address or the number for receiving electronic transmission of
1149 notices.

1150 6. All current insurance policies of the association.

1151 7. A current copy of any management agreement, lease, or
1152 other contract to which the association is a party or under
1153 which the association or the unit owners have an obligation or
1154 responsibility.

1155 8. Bills of sale or transfer for all property owned by the
1156 association.

1157 9. Accounting records for the association and separate
1158 accounting records for each unit it operates, according to good
1159 accounting practices. ~~All accounting records shall be maintained~~
1160 ~~for a period of not less than 7 years.~~ The accounting records
1161 shall include, but not be limited to:

1162 a. Accurate, itemized, and detailed records of all receipts
1163 and expenditures.

1164 b. A current account and a monthly, bimonthly, or quarterly
1165 statement of the account for each unit designating the name of
1166 the unit owner, the due date and amount of each assessment, the
1167 amount paid upon the account, and the balance due.

1168 c. All audits, reviews, accounting statements, and
1169 financial reports of the association.

1170 d. All contracts for work to be performed. Bids for work to
1171 be performed shall also be considered official records and shall



166454

1172 be maintained for a period of 1 year.

1173 10. Ballots, sign-in sheets, voting proxies, and all other
1174 papers and electronic records relating to voting by unit owners,
1175 which shall be maintained for a period of 1 year after the date
1176 of the election, vote, or meeting to which the document relates.

1177 11. All rental records where the association is acting as
1178 agent for the rental of units.

1179 12. A copy of the current question and answer sheet as
1180 described in s. 719.504.

1181 13. All other written records of the association not
1182 specifically included in the foregoing which are related to the
1183 operation of the association.

1184 (b) The official records of the association must be
1185 maintained within the state for at least 7 years. The records of
1186 the association shall be made available to a unit owner within
1187 45 miles of the cooperative property or within the county in
1188 which the cooperative property is located within 10 ~~5~~ working
1189 days after receipt of written request by the board or its
1190 designee. This paragraph may be complied with by having a copy
1191 of the official records of the association available for
1192 inspection or copying on the cooperative property or the
1193 association may offer the option of making the records available
1194 to a unit owner electronically via the Internet or by allowing
1195 the records to be viewed in an electronic format on a computer
1196 screen and printed upon request. The association is not
1197 responsible for the use or misuse of the information provided to
1198 an association member or his or her authorized representative
1199 pursuant to the compliance requirements of this chapter unless
1200 the association has an affirmative duty not to disclose such



166454

1201 information pursuant to this chapter.

1202 Section 12. Paragraphs (a), (c), and (d) of subsection (1)
1203 of section 719.106, Florida Statutes, are amended, and paragraph
1204 (m) is added to that subsection, to read:

1205 719.106 Bylaws; cooperative ownership.-

1206 (1) MANDATORY PROVISIONS.-The bylaws or other cooperative
1207 documents shall provide for the following, and if they do not,
1208 they shall be deemed to include the following:

1209 (a) *Administration*.-

1210 1. The form of administration of the association shall be
1211 described, indicating the titles of the officers and board of
1212 administration and specifying the powers, duties, manner of
1213 selection and removal, and compensation, if any, of officers and
1214 board members. In the absence of such a provision, the board of
1215 administration shall be composed of five members, unless the
1216 cooperative ~~except in the case of cooperatives~~ has having five
1217 or fewer units., ~~in which case in not-for-profit corporations,~~
1218 The board shall consist of not fewer than three members in
1219 cooperatives with five or fewer units that are not-for-profit
1220 corporations. In a residential cooperative association of more
1221 than 10 units, co-owners of a unit may not serve as members of
1222 the board of directors at the same time unless the co-owners own
1223 more than one unit or unless there are not enough eligible
1224 candidates to fill the vacancies on the board at the time of the
1225 vacancy. In the absence of provisions to the contrary, the board
1226 of administration shall have a president, a secretary, and a
1227 treasurer, who shall perform the duties of those offices
1228 customarily performed by officers of corporations. Unless
1229 prohibited in the bylaws, the board of administration may



166454

1230 appoint other officers and grant them those duties it deems
1231 appropriate. Unless otherwise provided in the bylaws, the
1232 officers shall serve without compensation and at the pleasure of
1233 the board. Unless otherwise provided in the bylaws, the members
1234 of the board shall serve without compensation.

1235 2. A person who has been suspended or removed by the
1236 division under this chapter, or who is delinquent in the payment
1237 of any monetary obligation due to the association, is not
1238 eligible to be a candidate for board membership and may not be
1239 listed on the ballot. A director or officer charged by
1240 information or indictment with a felony theft or embezzlement
1241 offense involving the association's funds or property is
1242 suspended from office. The board shall fill the vacancy
1243 according to general law until the end of the period of the
1244 suspension or the end of the director's term of office,
1245 whichever occurs first. However, if the charges are resolved
1246 without a finding of guilt or without acceptance of a plea of
1247 guilty or nolo contendere, the director or officer shall be
1248 reinstated for any remainder of his or her term of office. A
1249 member who has such criminal charges pending may not be
1250 appointed or elected to a position as a director or officer. A
1251 person who has been convicted of any felony in this state or in
1252 any United States District Court, or who has been convicted of
1253 any offense in another jurisdiction which would be considered a
1254 felony if committed in this state, is not eligible for board
1255 membership unless such felon's civil rights have been restored
1256 for at least 5 years as of the date such person seeks election
1257 to the board. The validity of an action by the board is not
1258 affected if it is later determined that a board member is



166454

1259 ineligible for board membership due to having been convicted of
1260 a felony.

1261 3. When a unit owner files a written inquiry by certified
1262 mail with the board of administration, the board shall respond
1263 in writing to the unit owner within 30 days of receipt of the
1264 inquiry. The board's response shall either give a substantive
1265 response to the inquirer, notify the inquirer that a legal
1266 opinion has been requested, or notify the inquirer that advice
1267 has been requested from the division. If the board requests
1268 advice from the division, the board shall, within 10 days of its
1269 receipt of the advice, provide in writing a substantive response
1270 to the inquirer. If a legal opinion is requested, the board
1271 shall, within 60 days after the receipt of the inquiry, provide
1272 in writing a substantive response to the inquirer. The failure
1273 to provide a substantive response to the inquirer as provided
1274 herein precludes the board from recovering attorney's fees and
1275 costs in any subsequent litigation, administrative proceeding,
1276 or arbitration arising out of the inquiry. The association may,
1277 through its board of administration, adopt reasonable rules and
1278 regulations regarding the frequency and manner of responding to
1279 the unit owners' inquiries, one of which may be that the
1280 association is obligated to respond to only one written inquiry
1281 per unit in any given 30-day period. In such case, any
1282 additional inquiry or inquiries must be responded to in the
1283 subsequent 30-day period, or periods, as applicable.

1284 (c) *Board of administration meetings.*—Members of the board
1285 of administration may use e-mail as a means of communication but
1286 may not cast a vote on an association matter via e-mail.

1287 Meetings of the board of administration at which a quorum of the



166454

1288 members is present shall be open to all unit owners. Any unit
1289 owner may tape record or videotape meetings of the board of
1290 administration. The right to attend such meetings includes the
1291 right to speak at such meetings with reference to all designated
1292 agenda items. The division shall adopt reasonable rules
1293 governing the tape recording and videotaping of the meeting. The
1294 association may adopt reasonable written rules governing the
1295 frequency, duration, and manner of unit owner statements.
1296 Adequate notice of all meetings shall be posted in a conspicuous
1297 place upon the cooperative property at least 48 continuous hours
1298 preceding the meeting, except in an emergency. Any item not
1299 included on the notice may be taken up on an emergency basis by
1300 at least a majority plus one of the members of the board. Such
1301 emergency action shall be noticed and ratified at the next
1302 regular meeting of the board. Notice of any meeting in which
1303 regular or special assessments against unit owners are to be
1304 considered must specifically state that assessments will be
1305 considered and provide the estimated cost and description of the
1306 purpose for such assessments. ~~However,~~ Written notice of any
1307 meeting at which nonemergency special assessments, or at which
1308 amendment to rules regarding unit use, will be considered shall
1309 be mailed, delivered, or electronically transmitted to the unit
1310 owners and posted conspicuously on the cooperative property not
1311 less than 14 days before the meeting. Evidence of compliance
1312 with this 14-day notice shall be made by an affidavit executed
1313 by the person providing the notice and filed among the official
1314 records of the association. Upon notice to the unit owners, the
1315 board shall by duly adopted rule designate a specific location
1316 on the cooperative property upon which all notices of board



166454

1317 meetings shall be posted. In lieu of or in addition to the
1318 physical posting of notice of any meeting of the board of
1319 administration on the cooperative property, the association may,
1320 by reasonable rule, adopt a procedure for conspicuously posting
1321 and repeatedly broadcasting the notice and the agenda on a
1322 closed-circuit cable television system serving the cooperative
1323 association. However, if broadcast notice is used in lieu of a
1324 notice posted physically on the cooperative property, the notice
1325 and agenda must be broadcast at least four times every broadcast
1326 hour of each day that a posted notice is otherwise required
1327 under this section. When broadcast notice is provided, the
1328 notice and agenda must be broadcast in a manner and for a
1329 sufficient continuous length of time so as to allow an average
1330 reader to observe the notice and read and comprehend the entire
1331 content of the notice and the agenda. In addition to any of the
1332 authorized means of providing notice of a meeting of the board,
1333 the association may, by rule, adopt a procedure for
1334 conspicuously posting the meeting notice and the agenda on a
1335 website serving the cooperative association for at least the
1336 minimum period of time for which a notice of a meeting is also
1337 required to be physically posted on the cooperative property.
1338 Any rule adopted shall, in addition to other matters, include a
1339 requirement that the association send an electronic notice in
1340 the same manner as a notice for a meeting of the members, which
1341 must include a hyperlink to the website where the notice is
1342 posted, to unit owners whose e-mail addresses are included in
1343 the association's official records. ~~Notice of any meeting in~~
1344 ~~which regular assessments against unit owners are to be~~
1345 ~~considered for any reason shall specifically contain a statement~~



166454

1346 ~~that assessments will be considered and the nature of any such~~
1347 ~~assessments.~~ Meetings of a committee to take final action on
1348 behalf of the board or to make recommendations to the board
1349 regarding the association budget are subject to the provisions
1350 of this paragraph. Meetings of a committee that does not take
1351 final action on behalf of the board or make recommendations to
1352 the board regarding the association budget are subject to the
1353 provisions of this section, unless those meetings are exempted
1354 from this section by the bylaws of the association.

1355 Notwithstanding any other law to the contrary, the requirement
1356 that board meetings and committee meetings be open to the unit
1357 owners does not apply to board or committee meetings held for
1358 the purpose of discussing personnel matters or meetings between
1359 the board or a committee and the association's attorney, with
1360 respect to proposed or pending litigation, if the meeting is
1361 held for the purpose of seeking or rendering legal advice.

1362 (d) *Shareholder meetings.*—There shall be an annual meeting
1363 of the shareholders. All members of the board of administration
1364 shall be elected at the annual meeting unless the bylaws provide
1365 for staggered election terms or for their election at another
1366 meeting. Any unit owner desiring to be a candidate for board
1367 membership must comply with subparagraph 1. The bylaws must
1368 provide the method for calling meetings, including annual
1369 meetings. Written notice, which must incorporate an
1370 identification of agenda items, shall be given to each unit
1371 owner at least 14 days before the annual meeting and posted in a
1372 conspicuous place on the cooperative property at least 14
1373 continuous days preceding the annual meeting. Upon notice to the
1374 unit owners, the board must by duly adopted rule designate a



166454

1375 specific location on the cooperative property upon which all
1376 notice of unit owner meetings are posted. In lieu of or in
1377 addition to the physical posting of the meeting notice, the
1378 association may, by reasonable rule, adopt a procedure for
1379 conspicuously posting and repeatedly broadcasting the notice and
1380 the agenda on a closed-circuit cable television system serving
1381 the cooperative association. However, if broadcast notice is
1382 used in lieu of a posted notice, the notice and agenda must be
1383 broadcast at least four times every broadcast hour of each day
1384 that a posted notice is otherwise required under this section.
1385 If broadcast notice is provided, the notice and agenda must be
1386 broadcast in a manner and for a sufficient continuous length of
1387 time to allow an average reader to observe the notice and read
1388 and comprehend the entire content of the notice and the agenda.
1389 In addition to any of the authorized means of providing notice
1390 of a meeting of the shareholders, the association may, by rule,
1391 adopt a procedure for conspicuously posting the meeting notice
1392 and the agenda on a website serving the cooperative association
1393 for at least the minimum period of time for which a notice of a
1394 meeting is also required to be physically posted on the
1395 cooperative property. Any rule adopted shall, in addition to
1396 other matters, include a requirement that the association send
1397 an electronic notice in the same manner as a notice for a
1398 meeting of the members, which must include a hyperlink to the
1399 website where the notice is posted, to unit owners whose e-mail
1400 addresses are included in the association's official records.
1401 Unless a unit owner waives in writing the right to receive
1402 notice of the annual meeting, the notice of the annual meeting
1403 must be sent by mail, hand delivered, or electronically



166454

1404 transmitted to each unit owner. An officer of the association
1405 must provide an affidavit or United States Postal Service
1406 certificate of mailing, to be included in the official records
1407 of the association, affirming that notices of the association
1408 meeting were mailed, hand delivered, or electronically
1409 transmitted, in accordance with this provision, to each unit
1410 owner at the address last furnished to the association.

1411 1. The board of administration shall be elected by written
1412 ballot or voting machine. A proxy may not be used in electing
1413 the board of administration in general elections or elections to
1414 fill vacancies caused by recall, resignation, or otherwise
1415 unless otherwise provided in this chapter.

1416 a. At least 60 days before a scheduled election, the
1417 association shall mail, deliver, or transmit, whether by
1418 separate association mailing, delivery, or electronic
1419 transmission or included in another association mailing,
1420 delivery, or electronic transmission, including regularly
1421 published newsletters, to each unit owner entitled to vote, a
1422 first notice of the date of the election. Any unit owner or
1423 other eligible person desiring to be a candidate for the board
1424 of administration must give written notice to the association at
1425 least 40 days before a scheduled election. Together with the
1426 written notice and agenda as set forth in this section, the
1427 association shall mail, deliver, or electronically transmit a
1428 second notice of election to all unit owners entitled to vote,
1429 together with a ballot that lists all candidates. Upon request
1430 of a candidate, the association shall include an information
1431 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1432 furnished by the candidate at least 35 days before the election,



166454

1433 to be included with the mailing, delivery, or electronic
1434 transmission of the ballot, with the costs of mailing, delivery,
1435 or transmission and copying to be borne by the association. The
1436 association is not liable for the contents of the information
1437 sheets provided by the candidates. In order to reduce costs, the
1438 association may print or duplicate the information sheets on
1439 both sides of the paper. The division shall by rule establish
1440 voting procedures consistent with this subparagraph, including
1441 rules establishing procedures for giving notice by electronic
1442 transmission and rules providing for the secrecy of ballots.
1443 Elections shall be decided by a plurality of those ballots cast.
1444 There is no quorum requirement. However, at least 20 percent of
1445 the eligible voters must cast a ballot in order to have a valid
1446 election. A unit owner may not permit any other person to vote
1447 his or her ballot, and any such ballots improperly cast are
1448 invalid. A unit owner who needs assistance in casting the ballot
1449 for the reasons stated in s. 101.051 may obtain assistance in
1450 casting the ballot. Any unit owner violating this provision may
1451 be fined by the association in accordance with s. 719.303. The
1452 regular election must occur on the date of the annual meeting.
1453 This subparagraph does not apply to timeshare cooperatives.
1454 Notwithstanding this subparagraph, an election and balloting are
1455 not required unless more candidates file a notice of intent to
1456 run or are nominated than vacancies exist on the board. Any
1457 challenge to the election process must be commenced within 60
1458 days after the election results are announced.

1459 b. Within 90 days after being elected or appointed to the
1460 board, each new director shall certify in writing to the
1461 secretary of the association that he or she has read the



166454

1462 association's bylaws, articles of incorporation, proprietary
1463 lease, and current written policies; that he or she will work to
1464 uphold such documents and policies to the best of his or her
1465 ability; and that he or she will faithfully discharge his or her
1466 fiduciary responsibility to the association's members. Within 90
1467 days after being elected or appointed to the board, in lieu of
1468 this written certification, the newly elected or appointed
1469 director may submit a certificate of having satisfactorily
1470 completed the educational curriculum administered by an
1471 education provider as approved by the division pursuant to the
1472 requirements established in chapter 718 within 1 year before or
1473 90 days after the date of election or appointment. The
1474 educational certificate is valid and does not have to be
1475 resubmitted as long as the director serves on the board without
1476 interruption. A director who fails to timely file the written
1477 certification or educational certificate is suspended from
1478 service on the board until he or she complies with this sub-
1479 subparagraph. The board may temporarily fill the vacancy during
1480 the period of suspension. The secretary of the association shall
1481 cause the association to retain a director's written
1482 certification or educational certificate for inspection by the
1483 members for 5 years after a director's election or the duration
1484 of the director's uninterrupted tenure, whichever is longer.
1485 Failure to have such written certification or educational
1486 certificate on file does not affect the validity of any board
1487 action.

1488 2. Any approval by unit owners called for by this chapter,
1489 or the applicable cooperative documents, must be made at a duly
1490 noticed meeting of unit owners and is subject to this chapter or



166454

1491 the applicable cooperative documents relating to unit owner
1492 decisionmaking, except that unit owners may take action by
1493 written agreement, without meetings, on matters for which action
1494 by written agreement without meetings is expressly allowed by
1495 the applicable cooperative documents or law which provides for
1496 the unit owner action.

1497 3. Unit owners may waive notice of specific meetings if
1498 allowed by the applicable cooperative documents or law. Notice
1499 of meetings of the board of administration, shareholder
1500 meetings, except shareholder meetings called to recall board
1501 members under paragraph (f), and committee meetings may be given
1502 by electronic transmission to unit owners who consent to receive
1503 notice by electronic transmission. A unit owner who consents to
1504 receiving notices by electronic transmission is solely
1505 responsible for removing or bypassing filters that may block
1506 receipt of mass emails sent to members on behalf of the
1507 association in the course of giving electronic notices.

1508 4. Unit owners have the right to participate in meetings of
1509 unit owners with reference to all designated agenda items.
1510 However, the association may adopt reasonable rules governing
1511 the frequency, duration, and manner of unit owner participation.

1512 5. Any unit owner may tape record or videotape meetings of
1513 the unit owners subject to reasonable rules adopted by the
1514 division.

1515 6. Unless otherwise provided in the bylaws, a vacancy
1516 occurring on the board before the expiration of a term may be
1517 filled by the affirmative vote of the majority of the remaining
1518 directors, even if the remaining directors constitute less than
1519 a quorum, or by the sole remaining director. In the alternative,



166454

1520 a board may hold an election to fill the vacancy, in which case
1521 the election procedures must conform to the requirements of
1522 subparagraph 1. unless the association has opted out of the
1523 statutory election process, in which case the bylaws of the
1524 association control. Unless otherwise provided in the bylaws, a
1525 board member appointed or elected under this subparagraph shall
1526 fill the vacancy for the unexpired term of the seat being
1527 filled. Filling vacancies created by recall is governed by
1528 paragraph (f) and rules adopted by the division.

1529
1530 Notwithstanding subparagraphs (b)2. and (d)1., an association
1531 may, by the affirmative vote of a majority of the total voting
1532 interests, provide for a different voting and election procedure
1533 in its bylaws, which vote may be by a proxy specifically
1534 delineating the different voting and election procedures. The
1535 different voting and election procedures may provide for
1536 elections to be conducted by limited or general proxy.

1537 (m) Director or officer delinquencies.—A director or
1538 officer more than 90 days delinquent in the payment of any
1539 monetary obligation due the association shall be deemed to have
1540 abandoned the office, creating a vacancy in the office to be
1541 filled according to law.

1542 Section 13. Paragraph (b) of subsection (1) of section
1543 719.107, Florida Statutes, is amended to read:

1544 719.107 Common expenses; assessment.—

1545 (1)

1546 (b) If so provided in the bylaws, the cost of
1547 communications services as defined in chapter 202, information
1548 services or Internet services ~~a master antenna television system~~



166454

1549 ~~or duly franchised cable television service~~ obtained pursuant to
1550 a bulk contract shall be deemed a common expense, and if not
1551 obtained pursuant to a bulk contract, such cost shall be
1552 considered common expense if it is designated as such in a
1553 written contract between the board of administration and the
1554 company providing the communications services as defined in
1555 chapter 202, information services or Internet services ~~master~~
1556 ~~television antenna system or the cable television service~~. The
1557 contract shall be for a term of not less than 2 years.

1558 1. Any contract made by the board after April 2, 1992, for
1559 a community antenna system or duly franchised cable television
1560 service, communications services as defined in chapter 202,
1561 information services or Internet services may be canceled by a
1562 majority of the voting interests present at the next regular or
1563 special meeting of the association. Any member may make a motion
1564 to cancel the contract, but if no motion is made or if such
1565 motion fails to obtain the required majority at the next regular
1566 or special meeting, whichever is sooner, following the making of
1567 the contract, then such contract shall be deemed ratified for
1568 the term therein expressed.

1569 2. Any such contract shall provide, and shall be deemed to
1570 provide if not expressly set forth, that any hearing impaired or
1571 legally blind unit owner who does not occupy the unit with a
1572 nonhearing impaired or sighted person may discontinue the
1573 service without incurring disconnect fees, penalties, or
1574 subsequent service charges, and as to such units, the owners
1575 shall not be required to pay any common expenses charge related
1576 to such service. If less than all members of an association
1577 share the expenses of cable television, the expense shall be



166454

1578 shared equally by all participating unit owners. The association
1579 may use the provisions of s. 719.108 to enforce payment of the
1580 shares of such costs by the unit owners receiving cable
1581 television.

1582 Section 14. Paragraph (b) of subsection (3) of section
1583 719.303, Florida Statutes, is amended to read:

1584 719.303 Obligations of owners.—

1585 (3) The association may levy reasonable fines for failure
1586 of the unit owner or the unit's occupant, licensee, or invitee
1587 to comply with any provision of the cooperative documents or
1588 reasonable rules of the association. A fine may not become a
1589 lien against a unit. A fine may be levied by the board on the
1590 basis of each day of a continuing violation, with a single
1591 notice and opportunity for hearing before a committee as
1592 provided in paragraph (b). However, the fine may not exceed \$100
1593 per violation, or \$1,000 in the aggregate.

1594 (b) A fine or suspension levied by the board of
1595 administration may not be imposed unless the board first
1596 provides at least 14 days' written notice ~~and an opportunity for~~
1597 ~~a hearing~~ to the unit owner and, if applicable, any its
1598 occupant, licensee, or invitee of the unit owner sought to be
1599 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1600 ~~must be held~~ before a committee of at least three members
1601 appointed by the board who are not officers, directors, or
1602 employees of the association, or the spouse, parent, child,
1603 brother, or sister of an officer, director, or employee ~~other~~
1604 ~~unit owners who are neither board members nor persons residing~~
1605 ~~in a board member's household.~~ The role of the committee is
1606 limited to determining whether to confirm or reject the fine or



166454

1607 suspension levied by the board. If the committee does not
1608 approve ~~agree with~~ the proposed fine or suspension by majority
1609 vote, the fine or suspension ~~it~~ may not be imposed. If the
1610 proposed fine or suspension is approved by the committee, the
1611 fine payment is due 5 days after the date of the committee
1612 meeting at which the fine is approved. The association must
1613 provide written notice of such fine or suspension by mail or
1614 hand delivery to the unit owner and, if applicable, to any
1615 tenant, licensee, or invitee of the unit owner.

1616 Section 15. Paragraphs (a) and (c) of subsection (2) of
1617 section 720.303, Florida Statutes, are amended, to read:

1618 720.303 Association powers and duties; meetings of board;
1619 official records; budgets; financial reporting; association
1620 funds; recalls.—

1621 (2) BOARD MEETINGS.—

1622 (a) Members of the board of administration may use e-mail
1623 as a means of communication, but may not cast a vote on an
1624 association matter via e-mail. A meeting of the board of
1625 directors of an association occurs whenever a quorum of the
1626 board gathers to conduct association business. Meetings of the
1627 board must be open to all members, except for meetings between
1628 the board and its attorney with respect to proposed or pending
1629 litigation where the contents of the discussion would otherwise
1630 be governed by the attorney-client privilege. A meeting of the
1631 board must be held at a location that is accessible to a
1632 physically handicapped person if requested by a physically
1633 handicapped person who has a right to attend the meeting. The
1634 provisions of this subsection shall also apply to the meetings
1635 of any committee or other similar body when a final decision



166454

1636 will be made regarding the expenditure of association funds and
1637 to meetings of any body vested with the power to approve or
1638 disapprove architectural decisions with respect to a specific
1639 parcel of residential property owned by a member of the
1640 community.

1641 (c) The bylaws shall provide the following for giving
1642 notice to parcel owners and members of all board meetings and,
1643 if they do not do so, shall be deemed to include ~~provide~~ the
1644 following:

1645 1. Notices of all board meetings must be posted in a
1646 conspicuous place in the community at least 48 hours in advance
1647 of a meeting, except in an emergency. In the alternative, if
1648 notice is not posted in a conspicuous place in the community,
1649 notice of each board meeting must be mailed or delivered to each
1650 member at least 7 days before the meeting, except in an
1651 emergency. Notwithstanding this general notice requirement, for
1652 communities with more than 100 members, the association bylaws
1653 may provide for a reasonable alternative to posting or mailing
1654 of notice for each board meeting, including publication of
1655 notice, provision of a schedule of board meetings, or the
1656 conspicuous posting and repeated broadcasting of the notice on a
1657 closed-circuit cable television system serving the homeowners'
1658 association. However, if broadcast notice is used in lieu of a
1659 notice posted physically in the community, the notice must be
1660 broadcast at least four times every broadcast hour of each day
1661 that a posted notice is otherwise required. When broadcast
1662 notice is provided, the notice and agenda must be broadcast in a
1663 manner and for a sufficient continuous length of time so as to
1664 allow an average reader to observe the notice and read and



166454

1665 comprehend the entire content of the notice and the agenda. The
1666 association may provide notice by electronic transmission in a
1667 manner authorized by law for meetings of the board of directors,
1668 committee meetings requiring notice under this section, and
1669 annual and special meetings of the members to any member who has
1670 provided a facsimile number or e-mail address to the association
1671 to be used for such purposes; however, a member must consent in
1672 writing to receiving notice by electronic transmission.

1673 2. An assessment may not be levied at a board meeting
1674 unless the notice of the meeting includes a statement that
1675 assessments will be considered and the nature of the
1676 assessments. Written notice of any meeting at which special
1677 assessments will be considered or at which amendments to rules
1678 regarding parcel use will be considered must be mailed,
1679 delivered, or electronically transmitted to the members and
1680 parcel owners and posted conspicuously on the property or
1681 broadcast on closed-circuit cable television not less than 14
1682 days before the meeting.

1683 3. Directors may not vote by proxy or by secret ballot at
1684 board meetings, except that secret ballots may be used in the
1685 election of officers. This subsection also applies to the
1686 meetings of any committee or other similar body, when a final
1687 decision will be made regarding the expenditure of association
1688 funds, and to any body vested with the power to approve or
1689 disapprove architectural decisions with respect to a specific
1690 parcel of residential property owned by a member of the
1691 community.

1692 Section 16. Paragraph (b) of subsection (2) of section
1693 720.305, Florida Statutes, is amended to read:



166454

1694 720.305 Obligations of members; remedies at law or in
1695 equity; levy of fines and suspension of use rights.-

1696 (2) The association may levy reasonable fines. A fine may
1697 not exceed \$100 per violation against any member or any member's
1698 tenant, guest, or invitee for the failure of the owner of the
1699 parcel or its occupant, licensee, or invitee to comply with any
1700 provision of the declaration, the association bylaws, or
1701 reasonable rules of the association unless otherwise provided in
1702 the governing documents. A fine may be levied by the board for
1703 each day of a continuing violation, with a single notice and
1704 opportunity for hearing, except that the fine may not exceed
1705 \$1,000 in the aggregate unless otherwise provided in the
1706 governing documents. A fine of less than \$1,000 may not become a
1707 lien against a parcel. In any action to recover a fine, the
1708 prevailing party is entitled to reasonable attorney fees and
1709 costs from the nonprevailing party as determined by the court.

1710 (b) A fine or suspension levied ~~may not be imposed~~ by the
1711 board of administration may not be imposed unless the board
1712 first provides ~~without~~ at least 14 days' notice to the parcel
1713 owner and, if applicable, any occupant, licensee, or invitee of
1714 the parcel owner, person sought to be fined or suspended and an
1715 opportunity for a hearing before a committee of at least three
1716 members appointed by the board who are not officers, directors,
1717 or employees of the association, or the spouse, parent, child,
1718 brother, or sister of an officer, director, or employee. If the
1719 committee, by majority vote, does not approve a proposed fine or
1720 suspension, the proposed fine or suspension ~~it~~ may not be
1721 imposed. The role of the committee is limited to determining
1722 whether to confirm or reject the fine or suspension levied by



166454

1723 the board. If the proposed board of administration imposes a
1724 fine or suspension levied by the board is approved by the
1725 committee, the fine payment is due 5 days after the date of the
1726 committee meeting at which the fine is approved. The association
1727 must provide written notice of such fine or suspension by mail
1728 or hand delivery to the parcel owner and, if applicable, to any
1729 tenant, licensee, or invitee of the parcel owner.

1730 Section 17. Paragraph (a) of subsection (9) of section
1731 720.306, Florida Statutes, is amended, and paragraphs (e)
1732 through (h) are added to subsection (1) of that section, to
1733 read:

1734 720.306 Meetings of members; voting and election
1735 procedures; amendments.—

1736 (1) QUORUM; AMENDMENTS.—

1737 (e) A proposal to amend the governing documents must
1738 contain the full text of the provision to be amended and may not
1739 be revised or amended by reference solely to the title or
1740 number. Proposed new language must be underlined and proposed
1741 deleted language must be stricken. If the proposed change is so
1742 extensive that underlining and striking through language would
1743 hinder, rather than assist, the understanding of the proposed
1744 amendment, a notation must be inserted immediately preceding the
1745 proposed amendment in substantially the following form:

1746 "Substantial rewording. See governing documents for current
1747 text." An amendment to a governing document is effective when
1748 recorded in the public records of the county in which the
1749 community is located.

1750 (f) An immaterial error or omission in the amendment
1751 process does not invalidate an otherwise properly adopted



166454

1752 amendment.

1753 (g) Except as provided in this paragraph, an amendment to
1754 any governing document enacted after July 1, 2018, that
1755 prohibits a parcel owner from renting the parcel, altering the
1756 authorized duration of a rental term, or specifying or limiting
1757 the number of times that a parcel owner may rent his or her
1758 parcel during a specified term, applies only to a parcel owner
1759 who acquires title to the parcel after the effective date of the
1760 amendment, or to a parcel owner who consents, individually or
1761 through a representative, to the amendment.

1762 1. Except as provided in this paragraph, an association may
1763 amend its governing documents to prohibit or regulate rentals
1764 for terms of less than 6 months and may amend its governing
1765 documents to prohibit rentals more than three times in a
1766 calendar year, and such amendments shall apply to all parcel
1767 owners.

1768 2. Nothing in this paragraph shall affect the amendment
1769 restrictions for associations of 15 or fewer parcel owners as
1770 provided in s. 720.303(1).

1771 3. For purposes of this paragraph, a change of ownership
1772 does not occur when a parcel owner conveys the parcel to an
1773 affiliated entity or when beneficial ownership of the parcel
1774 does not change. For purposes of this paragraph, the term
1775 "affiliated entity" means an entity which controls, is
1776 controlled by, or is under common control with the parcel owner
1777 or that becomes a parent or successor entity by reason of
1778 transfer, merger, consolidation, public offering,
1779 reorganization, dissolution or sale of stock, or transfer of
1780 membership partnership interests. For a conveyance to be



166454

1781 recognized as one made to an affiliated entity, the entity must
1782 furnish the association a document certifying that this
1783 paragraph applies, as well as providing any organizational
1784 documents for the parcel owner and the affiliated entity that
1785 support the representations in the certificate, as requested by
1786 the association.

1787 (h) A notice required under this section must be mailed or
1788 delivered to the address identified as the parcel owner's
1789 mailing address on the property appraiser's website for the
1790 county in which the parcel is located, or electronically
1791 transmitted in a manner authorized by the association if the
1792 parcel owner has consented, in writing, to receive notice by
1793 electronic transmission.

1794 (9) ELECTIONS AND BOARD VACANCIES.—

1795 (a) Elections of directors must be conducted in accordance
1796 with the procedures set forth in the governing documents of the
1797 association. Except as provided in paragraph (b), all members of
1798 the association are eligible to serve on the board of directors,
1799 and a member may nominate himself or herself as a candidate for
1800 the board at a meeting where the election is to be held;
1801 provided, however, that if the election process allows
1802 candidates to be nominated in advance of the meeting, the
1803 association is not required to allow nominations at the meeting.
1804 An election is not required unless more candidates are nominated
1805 than vacancies exist. If an election is not required because
1806 there are either an equal number or fewer qualified candidates
1807 than vacancies exist, and if nominations from the floor are not
1808 required pursuant to this section or the bylaws, write-in
1809 nominations are not permitted and such qualified candidates



166454

1810 shall commence service on the board of directors, regardless of
1811 whether a quorum is attained at the annual meeting. Except as
1812 otherwise provided in the governing documents, boards of
1813 directors must be elected by a plurality of the votes cast by
1814 eligible voters. Any challenge to the election process must be
1815 commenced within 60 days after the election results are
1816 announced.

1817 Section 18. Paragraph (b) of subsection (3) of section
1818 720.3085, Florida Statutes, is amended to read:

1819 720.3085 Payment for assessments; lien claims.—

1820 (3) Assessments and installments on assessments that are
1821 not paid when due bear interest from the due date until paid at
1822 the rate provided in the declaration of covenants or the bylaws
1823 of the association, which rate may not exceed the rate allowed
1824 by law. If no rate is provided in the declaration or bylaws,
1825 interest accrues at the rate of 18 percent per year.

1826 (b) Any payment received by an association and accepted
1827 shall be applied first to any interest accrued, then to any
1828 administrative late fee, then to any costs and reasonable
1829 attorney fees incurred in collection, and then to the delinquent
1830 assessment. This paragraph applies notwithstanding any
1831 restrictive endorsement, designation, or instruction placed on
1832 or accompanying a payment. A late fee is not subject to the
1833 provisions of chapter 687 and is not a fine. The foregoing is
1834 applicable notwithstanding s. 673.3111, any purported accord and
1835 satisfaction, or any restrictive endorsement, designation, or
1836 instruction placed on or accompanying a payment. The preceding
1837 sentence is intended to clarify existing law.

1838 Section 19. This act shall take effect July 1, 2018.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to community associations; amending s.
194.011, F.S.; specifying that a condominium,
cooperative, or homeowners' association may represent
unit or parcel owners in certain proceedings;
requiring notice to unit or parcel owners of such
proceedings; amending s. 194.181, F.S.; specifying
that a condominium, cooperative, or homeowners'
association may be a party to an action contesting the
assessment of ad valorem taxes; amending s. 718.111,
F.S.; revising condominium association recordkeeping
and financial reporting requirements; revising record
retention policies; revising the list of documents
that the association is required to post online;
limiting an association's liability for inadvertent
disclosure of protected or restricted information;
amending s. 718.112, F.S.; revising provisions
relating to required association bylaws; revising
board term limits; authorizing an association to adopt
rules for posting certain notices on a website;
providing responsibilities for unit owners who receive
electronic notices; revising and providing board
member recall and challenge requirements; authorizing
the recovery of attorney fees and costs in an action



166454

1868 to challenge the validity of a board member recall;
1869 amending s. 718.113, F.S.; revising voting
1870 requirements relating to alterations and additions to
1871 certain common elements or association property;
1872 providing legislative findings; providing that an
1873 association may not prohibit a unit owner from
1874 installing an electronic vehicle charging station;
1875 providing requirements for installing such charging
1876 station; amending s. 718.121, F.S.; providing when the
1877 installation of an electronic vehicle charging station
1878 may be the basis of a lien; amending s. 718.3026,
1879 F.S.; removing a provision relating to certain
1880 contracts or transactions regarding conflicts of
1881 interest; amending s. 718.3027, F.S.; providing
1882 requirements for proposed activity that is identified
1883 as a conflict of interest; amending s. 718.303, F.S.;
1884 revising fine and suspension requirements; amending s.
1885 718.707, F.S.; revising the time period for
1886 classification as a bulk assignee or bulk buyer;
1887 amending s. 719.104, F.S.; revising cooperative
1888 association recordkeeping requirements; amending s.
1889 719.106, F.S.; revising requirements to serve as a
1890 board member; prohibiting a board member from voting
1891 via e-mail; authorizing an association to adopt rules
1892 for posting certain notices on a website; providing
1893 responsibilities for unit owners who receive
1894 electronic notices; providing that directors or
1895 officers who are delinquent in certain payments owed
1896 in excess of certain periods of time be deemed to have



166454

1897 abandoned their offices; amending s. 719.107, F.S.;

1898 specifying that certain services which are obtained

1899 pursuant to a bulk contract are deemed a common

1900 expense; amending s. 719.303, F.S.; revising fine and

1901 suspension requirements; amending s. 720.303, F.S.;

1902 prohibiting a board member from voting via e-mail;

1903 amending s. 720.305, F.S.; revising fine and

1904 suspension requirements; amending s. 720.306, F.S.;

1905 requiring an association to follow certain procedures

1906 when amending a governing document; providing

1907 limitations on and exceptions for associations when a

1908 parcel owner attempts to rent or lease his or her

1909 home; requiring certain notices to parcel owners be

1910 delivered in specified ways; revising election

1911 requirements; amending s. 720.3085, F.S.; providing

1912 applicability; providing an effective date.