

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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 WITHDRAWN \_\_\_\_\_ (Y/N)  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

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

3 Representative Moraitis offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

10 718.111 The association.—

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

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

Amendment No. 1

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

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

40 (12) OFFICIAL RECORDS.—

## Amendment No. 1

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

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

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

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

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

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

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

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

Amendment No. 1

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

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

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

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

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

87 718.501(1)(d). The accounting records must include, but are not  
88 limited to:

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

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

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

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

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

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

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

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

Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

142 a. The association's website must be:

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

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

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

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

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

Amendment No. 1

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

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

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

173 d. The rules of the association.

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

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM



Amendment No. 1

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

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

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

271 718.112 Bylaws.—

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

275 (a) Administration.—

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM



Amendment No. 1

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

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

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

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

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

410 (d) Unit owner meetings.—

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM



Amendment No. 1

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

654  
655 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
656 association of 10 or fewer units may, by affirmative vote of a  
657 majority of the total voting interests, provide for different  
658 voting and election procedures in its bylaws, which may be by a  
659 proxy specifically delineating the different voting and election  
660 procedures. The different voting and election procedures may  
661 provide for elections to be conducted by limited or general  
662 proxy.

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

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

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

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

Amendment No. 1

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

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

751 718.113 Maintenance; limitation upon improvement; display  
752 of flag; hurricane shutters and protection; display of religious  
753 decorations.—

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM



Amendment No. 1

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

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

803 718.3026 Contracts for products and services; in writing;  
804 bids; exceptions.—Associations with 10 or fewer units may opt  
805 out of the provisions of this section if two-thirds of the unit  
806 owners vote to do so, which opt-out may be accomplished by a  
807 proxy specifically setting forth the exception from this  
808 section.

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

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

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

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

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

833 718.3027 Conflicts of interest.—

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

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

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

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

877 (4) ~~(3)~~ A director or an officer, or a relative of a  
878 director or an officer, who is a party to, or has an interest  
879 in, an activity that is a possible conflict of interest, as  
880 described in subsection (1), may attend the meeting at which the  
881 activity is considered by the board and is authorized to make a  
882 presentation to the board regarding the activity. After the  
883 presentation, the director or officer, or the relative of the  
884 director or officer, must leave the meeting during the  
885 discussion of, and the vote on, the activity. A director or an

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

888 ~~(5)-(4)~~ A contract entered into between a director or an  
889 officer, or a relative of a director or an officer, and the  
890 association, which is not a timeshare condominium association,  
891 that has not been properly disclosed as a conflict of interest  
892 or potential conflict of interest as required by s.

893 718.111(12)(g) is voidable and terminates upon the filing of a  
894 written notice terminating the contract with the board of  
895 directors which contains the consent of at least 20 percent of  
896 the voting interests of the association.

897 ~~(6)-(5)~~ As used in this section, the term "relative" means  
898 a relative within the third degree of consanguinity by blood or  
899 marriage.

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

902 718.303 Obligations of owners and occupants; remedies.—

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

Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

936 718.707 Time limitation for classification as bulk  
937 assignee or bulk buyer.—A person acquiring condominium parcels  
938 may not be classified as a bulk assignee or bulk buyer unless  
939 the condominium parcels were acquired on or after July 1, 2010,  
940 ~~but before July 1, 2018~~. The date of such acquisition shall be  
941 determined by the date of recording a deed or other instrument  
942 of conveyance for such parcels in the public records of the  
943 county in which the condominium is located, or by the date of  
944 issuing a certificate of title in a foreclosure proceeding with  
945 respect to such condominium parcels.

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

948 719.104 Cooperatives; access to units; records; financial  
949 reports; assessments; purchase of leases.—

950 (2) OFFICIAL RECORDS.—

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

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

957 2. A photocopy of the cooperative documents.

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

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

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

977 6. All current insurance policies of the association.

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM



Amendment No. 1

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

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

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

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

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

1001 10. Ballots, sign-in sheets, voting proxies, and all other  
1002 papers and electronic records relating to voting by unit owners,  
1003 which shall be maintained for a period of 1 year after the date  
1004 of the election, vote, or meeting to which the document relates.

1005 11. All rental records where the association is acting as  
1006 agent for the rental of units.

1007 12. A copy of the current question and answer sheet as  
1008 described in s. 719.504.

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1009           13. All other written records of the association not  
1010 specifically included in the foregoing which are related to the  
1011 operation of the association.

1012           (b) The official records of the association must be  
1013 maintained within the state for at least 7 years. The records of  
1014 the association shall be made available to a unit owner within  
1015 45 miles of the cooperative property or within the county in  
1016 which the cooperative property is located within 10 ~~5~~ working  
1017 days after receipt of written request by the board or its  
1018 designee. This paragraph may be complied with by having a copy  
1019 of the official records of the association available for  
1020 inspection or copying on the cooperative property or the  
1021 association may offer the option of making the records available  
1022 to a unit owner electronically via the Internet or by allowing  
1023 the records to be viewed in an electronic format on a computer  
1024 screen and printed upon request. The association is not  
1025 responsible for the use or misuse of the information provided to  
1026 an association member or his or her authorized representative  
1027 pursuant to the compliance requirements of this chapter unless  
1028 the association has an affirmative duty not to disclose such  
1029 information pursuant to this chapter.

1030           Section 9. Paragraphs (a), (c), and (d) of subsection (1)  
1031 of section 719.106, Florida Statutes, are amended, and paragraph  
1032 (m) is added to that subsection, to read:

1033           719.106 Bylaws; cooperative ownership.—

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1034 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1035 documents shall provide for the following, and if they do not,  
1036 they shall be deemed to include the following:

1037 (a) Administration.—

1038 1. The form of administration of the association shall be  
1039 described, indicating the titles of the officers and board of  
1040 administration and specifying the powers, duties, manner of  
1041 selection and removal, and compensation, if any, of officers and  
1042 board members. In the absence of such a provision, the board of  
1043 administration shall be composed of five members, unless the  
1044 cooperative ~~except in the case of cooperatives~~ has ~~having~~ five  
1045 or fewer units, ~~in which case in not-for-profit corporations,~~  
1046 The board shall consist of not fewer than three members in  
1047 cooperatives with five or fewer units that are not-for-profit  
1048 corporations. In a residential cooperative association of more  
1049 than 10 units, co-owners of a unit may not serve as members of  
1050 the board of directors at the same time unless the co-owners own  
1051 more than one unit or unless there are not enough eligible  
1052 candidates to fill the vacancies on the board at the time of the  
1053 vacancy. In the absence of provisions to the contrary, the board  
1054 of administration shall have a president, a secretary, and a  
1055 treasurer, who shall perform the duties of those offices  
1056 customarily performed by officers of corporations. Unless  
1057 prohibited in the bylaws, the board of administration may  
1058 appoint other officers and grant them those duties it deems

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1059 appropriate. Unless otherwise provided in the bylaws, the  
1060 officers shall serve without compensation and at the pleasure of  
1061 the board. Unless otherwise provided in the bylaws, the members  
1062 of the board shall serve without compensation.

1063 2. A person who has been suspended or removed by the  
1064 division under this chapter, or who is delinquent in the payment  
1065 of any monetary obligation due to the association, is not  
1066 eligible to be a candidate for board membership and may not be  
1067 listed on the ballot. A director or officer charged by  
1068 information or indictment with a felony theft or embezzlement  
1069 offense involving the association's funds or property is  
1070 suspended from office. The board shall fill the vacancy  
1071 according to general law until the end of the period of the  
1072 suspension or the end of the director's term of office,  
1073 whichever occurs first. However, if the charges are resolved  
1074 without a finding of guilt or without acceptance of a plea of  
1075 guilty or nolo contendere, the director or officer shall be  
1076 reinstated for any remainder of his or her term of office. A  
1077 member who has such criminal charges pending may not be  
1078 appointed or elected to a position as a director or officer. A  
1079 person who has been convicted of any felony in this state or in  
1080 any United States District Court, or who has been convicted of  
1081 any offense in another jurisdiction which would be considered a  
1082 felony if committed in this state, is not eligible for board  
1083 membership unless such felon's civil rights have been restored

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1084 for at least 5 years as of the date such person seeks election  
1085 to the board. The validity of an action by the board is not  
1086 affected if it is later determined that a board member is  
1087 ineligible for board membership due to having been convicted of  
1088 a felony.

1089         3. When a unit owner files a written inquiry by certified  
1090 mail with the board of administration, the board shall respond  
1091 in writing to the unit owner within 30 days of receipt of the  
1092 inquiry. The board's response shall either give a substantive  
1093 response to the inquirer, notify the inquirer that a legal  
1094 opinion has been requested, or notify the inquirer that advice  
1095 has been requested from the division. If the board requests  
1096 advice from the division, the board shall, within 10 days of its  
1097 receipt of the advice, provide in writing a substantive response  
1098 to the inquirer. If a legal opinion is requested, the board  
1099 shall, within 60 days after the receipt of the inquiry, provide  
1100 in writing a substantive response to the inquirer. The failure  
1101 to provide a substantive response to the inquirer as provided  
1102 herein precludes the board from recovering attorney's fees and  
1103 costs in any subsequent litigation, administrative proceeding,  
1104 or arbitration arising out of the inquiry. The association may,  
1105 through its board of administration, adopt reasonable rules and  
1106 regulations regarding the frequency and manner of responding to  
1107 the unit owners' inquiries, one of which may be that the  
1108 association is obligated to respond to only one written inquiry

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1109 per unit in any given 30-day period. In such case, any  
1110 additional inquiry or inquiries must be responded to in the  
1111 subsequent 30-day period, or periods, as applicable.

1112 (c) Board of administration meetings. Members of the board  
1113 of administration may use e-mail as a means of communication but  
1114 may not cast a vote on an association matter via e-mail.

1115 Meetings of the board of administration at which a quorum of the  
1116 members is present shall be open to all unit owners. Any unit  
1117 owner may tape record or videotape meetings of the board of  
1118 administration. The right to attend such meetings includes the  
1119 right to speak at such meetings with reference to all designated  
1120 agenda items. The division shall adopt reasonable rules  
1121 governing the tape recording and videotaping of the meeting. The  
1122 association may adopt reasonable written rules governing the  
1123 frequency, duration, and manner of unit owner statements.

1124 Adequate notice of all meetings shall be posted in a conspicuous  
1125 place upon the cooperative property at least 48 continuous hours  
1126 preceding the meeting, except in an emergency. Any item not  
1127 included on the notice may be taken up on an emergency basis by  
1128 at least a majority plus one of the members of the board. Such  
1129 emergency action shall be noticed and ratified at the next  
1130 regular meeting of the board. Notice of any meeting in which  
1131 regular or special assessments against unit owners are to be  
1132 considered must specifically state that assessments will be  
1133 considered and provide the estimated cost and description of the

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1134 purpose for such assessments. ~~However,~~ Written notice of any  
1135 meeting at which nonemergency special assessments, or at which  
1136 amendment to rules regarding unit use, will be considered shall  
1137 be mailed, delivered, or electronically transmitted to the unit  
1138 owners and posted conspicuously on the cooperative property not  
1139 less than 14 days before the meeting. Evidence of compliance  
1140 with this 14-day notice shall be made by an affidavit executed  
1141 by the person providing the notice and filed among the official  
1142 records of the association. Upon notice to the unit owners, the  
1143 board shall by duly adopted rule designate a specific location  
1144 on the cooperative property upon which all notices of board  
1145 meetings shall be posted. In lieu of or in addition to the  
1146 physical posting of notice of any meeting of the board of  
1147 administration on the cooperative property, the association may,  
1148 by reasonable rule, adopt a procedure for conspicuously posting  
1149 and repeatedly broadcasting the notice and the agenda on a  
1150 closed-circuit cable television system serving the cooperative  
1151 association. However, if broadcast notice is used in lieu of a  
1152 notice posted physically on the cooperative property, the notice  
1153 and agenda must be broadcast at least four times every broadcast  
1154 hour of each day that a posted notice is otherwise required  
1155 under this section. When broadcast notice is provided, the  
1156 notice and agenda must be broadcast in a manner and for a  
1157 sufficient continuous length of time so as to allow an average  
1158 reader to observe the notice and read and comprehend the entire

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1159 | content of the notice and the agenda. In addition to any of the  
1160 | authorized means of providing notice of a meeting of the board,  
1161 | the association may, by rule, adopt a procedure for  
1162 | conspicuously posting the meeting notice and the agenda on a  
1163 | website serving the cooperative association for at least the  
1164 | minimum period of time for which a notice of a meeting is also  
1165 | required to be physically posted on the cooperative property.  
1166 | Any rule adopted shall, in addition to other matters, include a  
1167 | requirement that the association send an electronic notice in  
1168 | the same manner as a notice for a meeting of the members, which  
1169 | must include a hyperlink to the website where the notice is  
1170 | posted, to unit owners whose e-mail addresses are included in  
1171 | the association's official records. ~~Notice of any meeting in~~  
1172 | ~~which regular assessments against unit owners are to be~~  
1173 | ~~considered for any reason shall specifically contain a statement~~  
1174 | ~~that assessments will be considered and the nature of any such~~  
1175 | ~~assessments.~~ Meetings of a committee to take final action on  
1176 | behalf of the board or to make recommendations to the board  
1177 | regarding the association budget are subject to the provisions  
1178 | of this paragraph. Meetings of a committee that does not take  
1179 | final action on behalf of the board or make recommendations to  
1180 | the board regarding the association budget are subject to the  
1181 | provisions of this section, unless those meetings are exempted  
1182 | from this section by the bylaws of the association.  
1183 | Notwithstanding any other law to the contrary, the requirement

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM



## Amendment No. 1

1184 that board meetings and committee meetings be open to the unit  
1185 owners does not apply to board or committee meetings held for  
1186 the purpose of discussing personnel matters or meetings between  
1187 the board or a committee and the association's attorney, with  
1188 respect to proposed or pending litigation, if the meeting is  
1189 held for the purpose of seeking or rendering legal advice.

1190 (d) Shareholder meetings.—There shall be an annual meeting  
1191 of the shareholders. All members of the board of administration  
1192 shall be elected at the annual meeting unless the bylaws provide  
1193 for staggered election terms or for their election at another  
1194 meeting. Any unit owner desiring to be a candidate for board  
1195 membership must comply with subparagraph 1. The bylaws must  
1196 provide the method for calling meetings, including annual  
1197 meetings. Written notice, which must incorporate an  
1198 identification of agenda items, shall be given to each unit  
1199 owner at least 14 days before the annual meeting and posted in a  
1200 conspicuous place on the cooperative property at least 14  
1201 continuous days preceding the annual meeting. Upon notice to the  
1202 unit owners, the board must by duly adopted rule designate a  
1203 specific location on the cooperative property upon which all  
1204 notice of unit owner meetings are posted. In lieu of or in  
1205 addition to the physical posting of the meeting notice, the  
1206 association may, by reasonable rule, adopt a procedure for  
1207 conspicuously posting and repeatedly broadcasting the notice and  
1208 the agenda on a closed-circuit cable television system serving

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

1209 the cooperative association. However, if broadcast notice is  
1210 used in lieu of a posted notice, the notice and agenda must be  
1211 broadcast at least four times every broadcast hour of each day  
1212 that a posted notice is otherwise required under this section.  
1213 If broadcast notice is provided, the notice and agenda must be  
1214 broadcast in a manner and for a sufficient continuous length of  
1215 time to allow an average reader to observe the notice and read  
1216 and comprehend the entire content of the notice and the agenda.  
1217 In addition to any of the authorized means of providing notice  
1218 of a meeting of the shareholders, the association may, by rule,  
1219 adopt a procedure for conspicuously posting the meeting notice  
1220 and the agenda on a website serving the cooperative association  
1221 for at least the minimum period of time for which a notice of a  
1222 meeting is also required to be physically posted on the  
1223 cooperative property. Any rule adopted shall, in addition to  
1224 other matters, include a requirement that the association send  
1225 an electronic notice in the same manner as a notice for a  
1226 meeting of the members, which must include a hyperlink to the  
1227 website where the notice is posted, to unit owners whose e-mail  
1228 addresses are included in the association's official records.  
1229 Unless a unit owner waives in writing the right to receive  
1230 notice of the annual meeting, the notice of the annual meeting  
1231 must be sent by mail, hand delivered, or electronically  
1232 transmitted to each unit owner. An officer of the association  
1233 must provide an affidavit or United States Postal Service

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1234 certificate of mailing, to be included in the official records  
1235 of the association, affirming that notices of the association  
1236 meeting were mailed, hand delivered, or electronically  
1237 transmitted, in accordance with this provision, to each unit  
1238 owner at the address last furnished to the association.

1239 1. The board of administration shall be elected by written  
1240 ballot or voting machine. A proxy may not be used in electing  
1241 the board of administration in general elections or elections to  
1242 fill vacancies caused by recall, resignation, or otherwise  
1243 unless otherwise provided in this chapter.

1244 a. At least 60 days before a scheduled election, the  
1245 association shall mail, deliver, or transmit, whether by  
1246 separate association mailing, delivery, or electronic  
1247 transmission or included in another association mailing,  
1248 delivery, or electronic transmission, including regularly  
1249 published newsletters, to each unit owner entitled to vote, a  
1250 first notice of the date of the election. Any unit owner or  
1251 other eligible person desiring to be a candidate for the board  
1252 of administration must give written notice to the association at  
1253 least 40 days before a scheduled election. Together with the  
1254 written notice and agenda as set forth in this section, the  
1255 association shall mail, deliver, or electronically transmit a  
1256 second notice of election to all unit owners entitled to vote,  
1257 together with a ballot that lists all candidates. Upon request  
1258 of a candidate, the association shall include an information

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

1259 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
1260 furnished by the candidate at least 35 days before the election,  
1261 to be included with the mailing, delivery, or electronic  
1262 transmission of the ballot, with the costs of mailing, delivery,  
1263 or transmission and copying to be borne by the association. The  
1264 association is not liable for the contents of the information  
1265 sheets provided by the candidates. In order to reduce costs, the  
1266 association may print or duplicate the information sheets on  
1267 both sides of the paper. The division shall by rule establish  
1268 voting procedures consistent with this subparagraph, including  
1269 rules establishing procedures for giving notice by electronic  
1270 transmission and rules providing for the secrecy of ballots.  
1271 Elections shall be decided by a plurality of those ballots cast.  
1272 There is no quorum requirement. However, at least 20 percent of  
1273 the eligible voters must cast a ballot in order to have a valid  
1274 election. A unit owner may not permit any other person to vote  
1275 his or her ballot, and any such ballots improperly cast are  
1276 invalid. A unit owner who needs assistance in casting the ballot  
1277 for the reasons stated in s. 101.051 may obtain assistance in  
1278 casting the ballot. Any unit owner violating this provision may  
1279 be fined by the association in accordance with s. 719.303. The  
1280 regular election must occur on the date of the annual meeting.  
1281 This subparagraph does not apply to timeshare cooperatives.  
1282 Notwithstanding this subparagraph, an election and balloting are  
1283 not required unless more candidates file a notice of intent to

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

1284 run or are nominated than vacancies exist on the board. Any  
1285 challenge to the election process must be commenced within 60  
1286 days after the election results are announced.

1287       b. Within 90 days after being elected or appointed to the  
1288 board, each new director shall certify in writing to the  
1289 secretary of the association that he or she has read the  
1290 association's bylaws, articles of incorporation, proprietary  
1291 lease, and current written policies; that he or she will work to  
1292 uphold such documents and policies to the best of his or her  
1293 ability; and that he or she will faithfully discharge his or her  
1294 fiduciary responsibility to the association's members. Within 90  
1295 days after being elected or appointed to the board, in lieu of  
1296 this written certification, the newly elected or appointed  
1297 director may submit a certificate of having satisfactorily  
1298 completed the educational curriculum administered by an  
1299 education provider as approved by the division pursuant to the  
1300 requirements established in chapter 718 within 1 year before or  
1301 90 days after the date of election or appointment. The  
1302 educational certificate is valid and does not have to be  
1303 resubmitted as long as the director serves on the board without  
1304 interruption. A director who fails to timely file the written  
1305 certification or educational certificate is suspended from  
1306 service on the board until he or she complies with this sub-  
1307 subparagraph. The board may temporarily fill the vacancy during  
1308 the period of suspension. The secretary of the association shall

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1309 cause the association to retain a director's written  
1310 certification or educational certificate for inspection by the  
1311 members for 5 years after a director's election or the duration  
1312 of the director's uninterrupted tenure, whichever is longer.  
1313 Failure to have such written certification or educational  
1314 certificate on file does not affect the validity of any board  
1315 action.

1316 2. Any approval by unit owners called for by this chapter,  
1317 or the applicable cooperative documents, must be made at a duly  
1318 noticed meeting of unit owners and is subject to this chapter or  
1319 the applicable cooperative documents relating to unit owner  
1320 decisionmaking, except that unit owners may take action by  
1321 written agreement, without meetings, on matters for which action  
1322 by written agreement without meetings is expressly allowed by  
1323 the applicable cooperative documents or law which provides for  
1324 the unit owner action.

1325 3. Unit owners may waive notice of specific meetings if  
1326 allowed by the applicable cooperative documents or law. Notice  
1327 of meetings of the board of administration, shareholder  
1328 meetings, except shareholder meetings called to recall board  
1329 members under paragraph (f), and committee meetings may be given  
1330 by electronic transmission to unit owners who consent to receive  
1331 notice by electronic transmission. A unit owner who consents to  
1332 receiving notices by electronic transmission is solely  
1333 responsible for removing or bypassing filters that may block

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1334 receipt of mass emails sent to members on behalf of the  
1335 association in the course of giving electronic notices.

1336 4. Unit owners have the right to participate in meetings  
1337 of unit owners with reference to all designated agenda items.  
1338 However, the association may adopt reasonable rules governing  
1339 the frequency, duration, and manner of unit owner participation.

1340 5. Any unit owner may tape record or videotape meetings of  
1341 the unit owners subject to reasonable rules adopted by the  
1342 division.

1343 6. Unless otherwise provided in the bylaws, a vacancy  
1344 occurring on the board before the expiration of a term may be  
1345 filled by the affirmative vote of the majority of the remaining  
1346 directors, even if the remaining directors constitute less than  
1347 a quorum, or by the sole remaining director. In the alternative,  
1348 a board may hold an election to fill the vacancy, in which case  
1349 the election procedures must conform to the requirements of  
1350 subparagraph 1. unless the association has opted out of the  
1351 statutory election process, in which case the bylaws of the  
1352 association control. Unless otherwise provided in the bylaws, a  
1353 board member appointed or elected under this subparagraph shall  
1354 fill the vacancy for the unexpired term of the seat being  
1355 filled. Filling vacancies created by recall is governed by  
1356 paragraph (f) and rules adopted by the division.

1357

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1358 Notwithstanding subparagraphs (b)2. and (d)1., an association  
1359 may, by the affirmative vote of a majority of the total voting  
1360 interests, provide for a different voting and election procedure  
1361 in its bylaws, which vote may be by a proxy specifically  
1362 delineating the different voting and election procedures. The  
1363 different voting and election procedures may provide for  
1364 elections to be conducted by limited or general proxy.

1365 (m) Director or officer delinquencies.—A director or  
1366 officer more than 90 days delinquent in the payment of any  
1367 monetary obligation due the association shall be deemed to have  
1368 abandoned the office, creating a vacancy in the office to be  
1369 filled according to law.

1370 Section 10. Paragraph (b) of subsection (1) of section  
1371 719.107, Florida Statutes, is amended to read:

1372 719.107 Common expenses; assessment.—

1373 (1)

1374 (b) If so provided in the bylaws, the cost of  
1375 communications services as defined in chapter 202, information  
1376 services or Internet services ~~a master antenna television system~~  
1377 ~~or duly franchised cable television service~~ obtained pursuant to  
1378 a bulk contract shall be deemed a common expense, and if not  
1379 obtained pursuant to a bulk contract, such cost shall be  
1380 considered common expense if it is designated as such in a  
1381 written contract between the board of administration and the  
1382 company providing the communications services as defined in

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM



Amendment No. 1

1383 chapter 202, information services or Internet services ~~master~~  
1384 ~~television antenna system or the cable television service.~~ The  
1385 contract shall be for a term of not less than 2 years.

1386 1. Any contract made by the board after April 2, 1992, for  
1387 a community antenna system or duly franchised cable television  
1388 service, communications services as defined in chapter 202,  
1389 information services or Internet services may be canceled by a  
1390 majority of the voting interests present at the next regular or  
1391 special meeting of the association. Any member may make a motion  
1392 to cancel the contract, but if no motion is made or if such  
1393 motion fails to obtain the required majority at the next regular  
1394 or special meeting, whichever is sooner, following the making of  
1395 the contract, then such contract shall be deemed ratified for  
1396 the term therein expressed.

1397 2. Any such contract shall provide, and shall be deemed to  
1398 provide if not expressly set forth, that any hearing impaired or  
1399 legally blind unit owner who does not occupy the unit with a  
1400 nonhearing impaired or sighted person may discontinue the  
1401 service without incurring disconnect fees, penalties, or  
1402 subsequent service charges, and as to such units, the owners  
1403 shall not be required to pay any common expenses charge related  
1404 to such service. If less than all members of an association  
1405 share the expenses of cable television, the expense shall be  
1406 shared equally by all participating unit owners. The association  
1407 may use the provisions of s. 719.108 to enforce payment of the

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1408 shares of such costs by the unit owners receiving cable  
1409 television.

1410 Section 11. Paragraph (b) of subsection (3) of section  
1411 719.303, Florida Statutes, is amended to read:

1412 719.303 Obligations of owners.—

1413 (3) The association may levy reasonable fines for failure  
1414 of the unit owner or the unit's occupant, licensee, or invitee  
1415 to comply with any provision of the cooperative documents or  
1416 reasonable rules of the association. A fine may not become a  
1417 lien against a unit. A fine may be levied by the board on the  
1418 basis of each day of a continuing violation, with a single  
1419 notice and opportunity for hearing before a committee as  
1420 provided in paragraph (b). However, the fine may not exceed \$100  
1421 per violation, or \$1,000 in the aggregate.

1422 (b) A fine or suspension levied by the board of  
1423 administration may not be imposed unless the board first  
1424 provides at least 14 days' written notice ~~and an opportunity for~~  
1425 ~~a hearing~~ to the unit owner and, if applicable, any its  
1426 occupant, licensee, or invitee of the unit owner sought to be  
1427 fined or suspended and an opportunity for a hearing. ~~The hearing~~  
1428 ~~must be held~~ before a committee of at least three members  
1429 appointed by the board who are not officers, directors, or  
1430 employees of the association, or the spouse, parent, child,  
1431 brother, or sister of an officer, director, or employee ~~other~~  
1432 ~~unit owners who are neither board members nor persons residing~~

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1433 ~~in a board member's household.~~ The role of the committee is  
1434 limited to determining whether to confirm or reject the fine or  
1435 suspension levied by the board. If the committee does not  
1436 approve ~~agree with~~ the proposed fine or suspension by majority  
1437 vote, the fine or suspension ~~it~~ may not be imposed. If the  
1438 proposed fine or suspension is approved by the committee, the  
1439 fine payment is due 5 days after the date of the committee  
1440 meeting at which the fine is approved. The association must  
1441 provide written notice of such fine or suspension by mail or  
1442 hand delivery to the unit owner and, if applicable, to any  
1443 tenant, licensee, or invitee of the unit owner.

1444 Section 12. Paragraphs (a) and (c) of subsection (2) of  
1445 section 720.303, Florida Statutes, are amended, to read:

1446 720.303 Association powers and duties; meetings of board;  
1447 official records; budgets; financial reporting; association  
1448 funds; recalls.—

1449 (2) BOARD MEETINGS.—

1450 (a) Members of the board of administration may use e-mail  
1451 as a means of communication, but may not cast a vote on an  
1452 association matter via e-mail. A meeting of the board of  
1453 directors of an association occurs whenever a quorum of the  
1454 board gathers to conduct association business. Meetings of the  
1455 board must be open to all members, except for meetings between  
1456 the board and its attorney with respect to proposed or pending  
1457 litigation where the contents of the discussion would otherwise

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1458 be governed by the attorney-client privilege. A meeting of the  
1459 board must be held at a location that is accessible to a  
1460 physically handicapped person if requested by a physically  
1461 handicapped person who has a right to attend the meeting. The  
1462 provisions of this subsection shall also apply to the meetings  
1463 of any committee or other similar body when a final decision  
1464 will be made regarding the expenditure of association funds and  
1465 to meetings of any body vested with the power to approve or  
1466 disapprove architectural decisions with respect to a specific  
1467 parcel of residential property owned by a member of the  
1468 community.

1469 (c) The bylaws shall provide the following for giving  
1470 notice to parcel owners and members of all board meetings and,  
1471 if they do not do so, shall be deemed to include ~~provide~~ the  
1472 following:

1473 1. Notices of all board meetings must be posted in a  
1474 conspicuous place in the community at least 48 hours in advance  
1475 of a meeting, except in an emergency. In the alternative, if  
1476 notice is not posted in a conspicuous place in the community,  
1477 notice of each board meeting must be mailed or delivered to each  
1478 member at least 7 days before the meeting, except in an  
1479 emergency. Notwithstanding this general notice requirement, for  
1480 communities with more than 100 members, the association bylaws  
1481 may provide for a reasonable alternative to posting or mailing  
1482 of notice for each board meeting, including publication of

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

1483 notice, provision of a schedule of board meetings, or the  
1484 conspicuous posting and repeated broadcasting of the notice on a  
1485 closed-circuit cable television system serving the homeowners'  
1486 association. However, if broadcast notice is used in lieu of a  
1487 notice posted physically in the community, the notice must be  
1488 broadcast at least four times every broadcast hour of each day  
1489 that a posted notice is otherwise required. When broadcast  
1490 notice is provided, the notice and agenda must be broadcast in a  
1491 manner and for a sufficient continuous length of time so as to  
1492 allow an average reader to observe the notice and read and  
1493 comprehend the entire content of the notice and the agenda. The  
1494 association may provide notice by electronic transmission in a  
1495 manner authorized by law for meetings of the board of directors,  
1496 committee meetings requiring notice under this section, and  
1497 annual and special meetings of the members to any member who has  
1498 provided a facsimile number or e-mail address to the association  
1499 to be used for such purposes; however, a member must consent in  
1500 writing to receiving notice by electronic transmission.

1501 2. An assessment may not be levied at a board meeting  
1502 unless the notice of the meeting includes a statement that  
1503 assessments will be considered and the nature of the  
1504 assessments. Written notice of any meeting at which special  
1505 assessments will be considered or at which amendments to rules  
1506 regarding parcel use will be considered must be mailed,  
1507 delivered, or electronically transmitted to the members and

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1508 parcel owners and posted conspicuously on the property or  
1509 broadcast on closed-circuit cable television not less than 14  
1510 days before the meeting.

1511 3. Directors may not vote by proxy or by secret ballot at  
1512 board meetings, except that secret ballots may be used in the  
1513 election of officers. This subsection also applies to the  
1514 meetings of any committee or other similar body, when a final  
1515 decision will be made regarding the expenditure of association  
1516 funds, and to any body vested with the power to approve or  
1517 disapprove architectural decisions with respect to a specific  
1518 parcel of residential property owned by a member of the  
1519 community.

1520 Section 13. Paragraph (b) of subsection (2) of section  
1521 720.305, Florida Statutes, is amended to read:

1522 720.305 Obligations of members; remedies at law or in  
1523 equity; levy of fines and suspension of use rights.—

1524 (2) The association may levy reasonable fines. A fine may  
1525 not exceed \$100 per violation against any member or any member's  
1526 tenant, guest, or invitee for the failure of the owner of the  
1527 parcel or its occupant, licensee, or invitee to comply with any  
1528 provision of the declaration, the association bylaws, or  
1529 reasonable rules of the association unless otherwise provided in  
1530 the governing documents. A fine may be levied by the board for  
1531 each day of a continuing violation, with a single notice and  
1532 opportunity for hearing, except that the fine may not exceed

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

1533 \$1,000 in the aggregate unless otherwise provided in the  
1534 governing documents. A fine of less than \$1,000 may not become a  
1535 lien against a parcel. In any action to recover a fine, the  
1536 prevailing party is entitled to reasonable attorney fees and  
1537 costs from the nonprevailing party as determined by the court.

1538 (b) A fine or suspension levied ~~may not be imposed~~ by the  
1539 board of administration may not be imposed unless the board  
1540 first provides ~~without~~ at least 14 days' notice to the parcel  
1541 owner and, if applicable, any occupant, licensee, or invitee of  
1542 the parcel owner, ~~person~~ sought to be fined or suspended and an  
1543 opportunity for a hearing before a committee of at least three  
1544 members appointed by the board who are not officers, directors,  
1545 or employees of the association, or the spouse, parent, child,  
1546 brother, or sister of an officer, director, or employee. If the  
1547 committee, by majority vote, does not approve a proposed fine or  
1548 suspension, the proposed fine or suspension ~~it~~ may not be  
1549 imposed. The role of the committee is limited to determining  
1550 whether to confirm or reject the fine or suspension levied by  
1551 the board. If the proposed ~~board of administration imposes a~~  
1552 fine or suspension levied by the board is approved by the  
1553 committee, the fine payment is due 5 days after the date of the  
1554 committee meeting at which the fine is approved. The association  
1555 must provide written notice of such fine or suspension by mail  
1556 or hand delivery to the parcel owner and, if applicable, to any  
1557 tenant, licensee, or invitee of the parcel owner.

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1558 Section 14. Paragraph (a) of subsection (9) of section  
1559 720.306, Florida Statutes, is amended to read:

1560 720.306 Meetings of members; voting and election  
1561 procedures; amendments.—

1562 (9) ELECTIONS AND BOARD VACANCIES.—

1563 (a) Elections of directors must be conducted in accordance  
1564 with the procedures set forth in the governing documents of the  
1565 association. Except as provided in paragraph (b), all members of  
1566 the association are eligible to serve on the board of directors,  
1567 and a member may nominate himself or herself as a candidate for  
1568 the board at a meeting where the election is to be held;  
1569 provided, however, that if the election process allows  
1570 candidates to be nominated in advance of the meeting, the  
1571 association is not required to allow nominations at the meeting.  
1572 An election is not required unless more candidates are nominated  
1573 than vacancies exist. If an election is not required because  
1574 there are either an equal number or fewer qualified candidates  
1575 than vacancies exist, and if nominations from the floor are not  
1576 required pursuant to this section or the bylaws, write-in  
1577 nominations are not permitted and such qualified candidates  
1578 shall commence service on the board of directors, regardless of  
1579 whether a quorum is attained at the annual meeting. Except as  
1580 otherwise provided in the governing documents, boards of  
1581 directors must be elected by a plurality of the votes cast by  
1582 eligible voters. Any challenge to the election process must be

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM



Amendment No. 1

1583 commenced within 60 days after the election results are  
1584 announced.

1585 Section 15. Paragraph (b) of subsection (3) of section  
1586 720.3085, Florida Statutes, is amended to read:

1587 720.3085 Payment for assessments; lien claims.—

1588 (3) Assessments and installments on assessments that are  
1589 not paid when due bear interest from the due date until paid at  
1590 the rate provided in the declaration of covenants or the bylaws  
1591 of the association, which rate may not exceed the rate allowed  
1592 by law. If no rate is provided in the declaration or bylaws,  
1593 interest accrues at the rate of 18 percent per year.

1594 (b) Any payment received by an association and accepted  
1595 shall be applied first to any interest accrued, then to any  
1596 administrative late fee, then to any costs and reasonable  
1597 attorney fees incurred in collection, and then to the delinquent  
1598 assessment. This paragraph applies notwithstanding any  
1599 restrictive endorsement, designation, or instruction placed on  
1600 or accompanying a payment. A late fee is not subject to the  
1601 provisions of chapter 687 and is not a fine. The foregoing is  
1602 applicable notwithstanding s. 673.3111, any purported accord and  
1603 satisfaction, or any restrictive endorsement, designation, or  
1604 instruction placed on or accompanying a payment. The preceding  
1605 sentence is intended to clarify existing law.

1606 Section 16. This act shall take effect July 1, 2018.

1607

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

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

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

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

## Amendment No. 1

1633 F.S.; providing requirements for proposed activity  
1634 that is identified as a conflict of interest; amending  
1635 s. 718.303, F.S.; revising fine and suspension  
1636 requirements; amending s. 718.707, F.S.; revising the  
1637 time period for classification as a bulk assignee or  
1638 bulk buyer; amending s. 719.104, F.S.; revising  
1639 cooperative association recordkeeping requirements;  
1640 amending s. 719.106, F.S.; revising requirements to  
1641 serve as a board member; prohibiting a board member  
1642 from voting via e-mail; authorizing an association to  
1643 adopt rules for posting certain notices on a website;  
1644 providing responsibilities for unit owners who receive  
1645 electronic notices; providing that directors or  
1646 officers who are delinquent in certain payments owed  
1647 in excess of certain periods of time be deemed to have  
1648 abandoned their offices; amending s. 719.107, F.S.;  
1649 specifying that certain services which are obtained  
1650 pursuant to a bulk contract are deemed a common  
1651 expense; amending s. 719.303, F.S.; revising fine and  
1652 suspension requirements; amending s. 720.303, F.S.;  
1653 prohibiting a board member from voting via e-mail;  
1654 amending s. 720.305, F.S.; revising fine and  
1655 suspension requirements; amending s. 720.306, F.S.;  
1656 revising election requirements; amending s. 720.3085,

687459 - h0841-strike.docx

Published On: 1/22/2018 7:50:53 PM

Amendment No. 1

1657 F.S.; providing applicability; providing an effective  
1658 date.