



Amendment No. 1.

16 Section 2. Subsection (4) of section 627.714, Florida  
17 Statutes, is amended to read:

18 627.714 Residential condominium unit owner coverage; loss  
19 assessment coverage required.—

20 (4) Every individual unit owner's residential property  
21 policy must contain a provision stating that the coverage  
22 afforded by such policy is excess coverage over the amount  
23 recoverable under any other policy covering the same property.  
24 If a condominium association's insurance policy for the  
25 association does not provide rights of subrogation against the  
26 unit owners in the association, then an insurance policy issued  
27 to an individual unit owner located in the association may not  
28 provide rights of subrogation against the condominium  
29 association.

30 Section 3. Paragraphs (a), (b), (c), and (g) of subsection  
31 (12) of section 718.111, Florida Statutes, are amended to read:

32 718.111 The association.—

33 (12) OFFICIAL RECORDS.—

34 (a) From the inception of the association, the association  
35 shall maintain each of the following items, if applicable, which  
36 constitutes the official records of the association:

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

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39           2. A photocopy of the recorded declaration of condominium  
40 of each condominium operated by the association and each  
41 amendment to each declaration.

42           3. A photocopy of the recorded bylaws of the association  
43 and each amendment to the bylaws.

44           4. A certified copy of the articles of incorporation of  
45 the association, or other documents creating the association,  
46 and each amendment thereto.

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

48           6. A book or books that contain the minutes of all  
49 meetings of the association, the board of administration, and  
50 the unit owners.

51           7. A current roster of all unit owners and their mailing  
52 addresses, unit identifications, voting certifications, and, if  
53 known, telephone numbers. The association shall also maintain  
54 the e-mail addresses and facsimile numbers of unit owners  
55 consenting to receive notice by electronic transmission. The e-  
56 mail addresses and facsimile numbers are not accessible to unit  
57 owners if consent to receive notice by electronic transmission  
58 is not provided in accordance with sub-subparagraph (c)3.e.  
59 However, the association is not liable for an inadvertent  
60 disclosure of the e-mail address or facsimile number for  
61 receiving electronic transmission of notices.

62           8. All current insurance policies of the association and  
63 condominiums operated by the association.

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64 9. A current copy of any management agreement, lease, or  
65 other contract to which the association is a party or under  
66 which the association or the unit owners have an obligation or  
67 responsibility.

68 10. Bills of sale or transfer for all property owned by  
69 the association.

70 11. Accounting records for the association and separate  
71 accounting records for each condominium that the association  
72 operates. Any person who knowingly or intentionally defaces or  
73 destroys such records, or who knowingly or intentionally fails  
74 to create or maintain such records, with the intent of causing  
75 harm to the association or one or more of its members, is  
76 personally subject to a civil penalty pursuant to s.  
77 718.501(1)(d). The accounting records must include, but are not  
78 limited to:

79 a. Accurate, itemized, and detailed records of all  
80 receipts and expenditures.

81 b. A current account and a monthly, bimonthly, or  
82 quarterly statement of the account for each unit designating the  
83 name of the unit owner, the due date and amount of each  
84 assessment, the amount paid on the account, and the balance due.

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

87 d. All contracts for work to be performed. Bids for work  
88 to be performed are also considered official records and must be

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89 maintained by the association for at least 1 year after receipt  
90 of the bid.

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

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

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

100 ~~15. All other written records of the association not~~  
101 ~~specifically included in the foregoing which are related to the~~  
102 ~~operation of the association.~~

103 ~~16.~~ A copy of the inspection report as described in s.  
104 718.301(4)(p).

105 ~~16.17.~~ Bids for materials, equipment, or services.

106 17. All other records of the association not specifically  
107 included in subparagraphs 1.-16. which are related to the  
108 operation of the association.

109 (b) The official records specified in subparagraphs (a)1.-  
110 6. must be permanently maintained from the inception of the  
111 association. Bids for work to be performed or for materials,  
112 equipment, or services must be maintained for 1 year after  
113 receipt of the bid. All other official records must be

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

134 (c)1. The official records of the association are open to  
135 inspection by any association member or the authorized  
136 representative of such member at all reasonable times. The right  
137 to inspect the records includes the right to make or obtain  
138 copies, at the reasonable expense, if any, of the member or

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139 authorized representative of such member. A renter of a unit has  
140 a right to inspect and copy the association's bylaws and rules.  
141 The association may adopt reasonable rules regarding the  
142 frequency, time, location, notice, and manner of record  
143 inspections and copying, but may not require a member to  
144 demonstrate any purpose or state any reason for the inspection.  
145 The failure of an association to provide the records within 10  
146 working days after receipt of a written request creates a  
147 rebuttable presumption that the association willfully failed to  
148 comply with this paragraph. A unit owner who is denied access to  
149 official records is entitled to the actual damages or minimum  
150 damages for the association's willful failure to comply. Minimum  
151 damages are \$50 per calendar day for up to 10 days, beginning on  
152 the 11th working day after receipt of the written request. The  
153 failure to permit inspection entitles any person prevailing in  
154 an enforcement action to recover reasonable attorney fees from  
155 the person in control of the records who, directly or  
156 indirectly, knowingly denied access to the records.

157 2. Any person who knowingly or intentionally defaces or  
158 destroys accounting records that are required by this chapter to  
159 be maintained during the period for which such records are  
160 required to be maintained, or who knowingly or intentionally  
161 fails to create or maintain accounting records that are required  
162 to be created or maintained, with the intent of causing harm to

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163 the association or one or more of its members, is personally  
164 subject to a civil penalty pursuant to s. 718.501(1)(d).

165 3. The association shall maintain an adequate number of  
166 copies of the declaration, articles of incorporation, bylaws,  
167 and rules, and all amendments to each of the foregoing, as well  
168 as the question and answer sheet as described in s. 718.504 and  
169 year-end financial information required under this section, on  
170 the condominium property to ensure their availability to unit  
171 owners and prospective purchasers, and may charge its actual  
172 costs for preparing and furnishing these documents to those  
173 requesting the documents. An association shall allow a member or  
174 his or her authorized representative to use a portable device,  
175 including a smartphone, tablet, portable scanner, or any other  
176 technology capable of scanning or taking photographs, to make an  
177 electronic copy of the official records in lieu of the  
178 association's providing the member or his or her authorized  
179 representative with a copy of such records. The association may  
180 not charge a member or his or her authorized representative for  
181 the use of a portable device. Notwithstanding this paragraph,  
182 the following records are not accessible to unit owners:

183 a. Any record protected by the lawyer-client privilege as  
184 described in s. 90.502 and any record protected by the work-  
185 product privilege, including a record prepared by an association  
186 attorney or prepared at the attorney's express direction, which  
187 reflects a mental impression, conclusion, litigation strategy,

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188 or legal theory of the attorney or the association, and which  
189 was prepared exclusively for civil or criminal litigation or for  
190 adversarial administrative proceedings, or which was prepared in  
191 anticipation of such litigation or proceedings until the  
192 conclusion of the litigation or proceedings.

193 b. Information obtained by an association in connection  
194 with the approval of the lease, sale, or other transfer of a  
195 unit.

196 c. Personnel records of association or management company  
197 employees, including, but not limited to, disciplinary, payroll,  
198 health, and insurance records. For purposes of this sub-  
199 subparagraph, the term "personnel records" does not include  
200 written employment agreements with an association employee or  
201 management company, or budgetary or financial records that  
202 indicate the compensation paid to an association employee.

203 d. Medical records of unit owners.

204 e. Social security numbers, driver license numbers, credit  
205 card numbers, e-mail addresses, telephone numbers, facsimile  
206 numbers, emergency contact information, addresses of a unit  
207 owner other than as provided to fulfill the association's notice  
208 requirements, and other personal identifying information of any  
209 person, excluding the person's name, unit designation, mailing  
210 address, property address, and any address, e-mail address, or  
211 facsimile number provided to the association to fulfill the  
212 association's notice requirements. Notwithstanding the

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213 restrictions in this sub-subparagraph, an association may print  
214 and distribute to unit ~~parcel~~ owners a directory containing the  
215 name, unit ~~parcel~~ address, and all telephone numbers of each  
216 unit ~~parcel~~ owner. However, an owner may exclude his or her  
217 telephone numbers from the directory by so requesting in writing  
218 to the association. An owner may consent in writing to the  
219 disclosure of other contact information described in this sub-  
220 subparagraph. The association is not liable for the inadvertent  
221 disclosure of information that is protected under this sub-  
222 subparagraph if the information is included in an official  
223 record of the association and is voluntarily provided by an  
224 owner and not requested by the association.

225 f. Electronic security measures that are used by the  
226 association to safeguard data, including passwords.

227 g. The software and operating system used by the  
228 association which allow the manipulation of data, even if the  
229 owner owns a copy of the same software used by the association.  
230 The data is part of the official records of the association.

231 (g)1. By January 1, 2019, an association managing a  
232 condominium with 150 or more units which does not contain  
233 timeshare units shall post digital copies of the documents  
234 specified in subparagraph 2. on its website or make such  
235 documents available through an application that can be  
236 downloaded on a mobile device.

237 a. The association's website or application must be:

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238 (I) An independent website, application, or web portal  
239 wholly owned and operated by the association; or

240 (II) A website, application, or web portal operated by a  
241 third-party provider with whom the association owns, leases,  
242 rents, or otherwise obtains the right to operate a web page,  
243 subpage, web portal, ~~or~~ collection of subpages or web portals,  
244 or application which is dedicated to the association's  
245 activities and on which required notices, records, and documents  
246 may be posted or made available by the association.

247 b. The association's website or application must be  
248 accessible through the Internet and must contain a subpage, web  
249 portal, or other protected electronic location that is  
250 inaccessible to the general public and accessible only to unit  
251 owners and employees of the association.

252 c. Upon a unit owner's written request, the association  
253 must provide the unit owner with a username and password and  
254 access to the protected sections of the association's website or  
255 application that contain any notices, records, or documents that  
256 must be electronically provided.

257 2. A current copy of the following documents must be  
258 posted in digital format on the association's website or made  
259 available through an application that can be downloaded on a  
260 mobile device:

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- 261 a. The recorded declaration of condominium of each  
262 condominium operated by the association and each amendment to  
263 each declaration.
- 264 b. The recorded bylaws of the association and each  
265 amendment to the bylaws.
- 266 c. The articles of incorporation of the association, or  
267 other documents creating the association, and each amendment to  
268 the articles of incorporation or other documents ~~thereto~~. The  
269 copy posted pursuant to this sub-subparagraph must be a copy of  
270 the articles of incorporation filed with the Department of  
271 State.
- 272 d. The rules of the association.
- 273 e. A list of all executory contracts or documents to which  
274 the association is a party or under which the association or the  
275 unit owners have an obligation or responsibility and, after  
276 bidding for the related materials, equipment, or services has  
277 closed, a list of bids received by the association within the  
278 past year. Summaries of bids for materials, equipment, or  
279 services which exceed \$500 must be maintained on the website or  
280 application for 1 year. In lieu of summaries, complete copies of  
281 the bids may be posted.
- 282 f. The annual budget required by s. 718.112(2)(f) and any  
283 proposed budget to be considered at the annual meeting.

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284 g. The financial report required by subsection (13) and  
285 any monthly income or expense statement to be considered at a  
286 meeting.

287 h. The certification of each director required by s.  
288 718.112(2)(d)4.b.

289 i. All contracts or transactions between the association  
290 and any director, officer, corporation, firm, or association  
291 that is not an affiliated condominium association or any other  
292 entity in which an association director is also a director or  
293 officer and financially interested.

294 j. Any contract or document regarding a conflict of  
295 interest or possible conflict of interest as provided in ss.  
296 468.436(2)(b)6. and 718.3027(3).

297 k. The notice of any unit owner meeting and the agenda for  
298 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
299 days before the meeting. The notice must be posted in plain view  
300 on the front page of the website or application, or on a  
301 separate subpage of the website or application labeled "Notices"  
302 which is conspicuously visible and linked from the front page.  
303 The association must also post on its website or application any  
304 document to be considered and voted on by the owners during the  
305 meeting or any document listed on the agenda at least 7 days  
306 before the meeting at which the document or the information  
307 within the document will be considered.

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308 1. Notice of any board meeting, the agenda, and any other  
309 document required for the meeting as required by s.  
310 718.112(2)(c), which must be posted no later than the date  
311 required for notice pursuant to s. 718.112(2)(c).

312 3. The association shall ensure that the information and  
313 records described in paragraph (c), which are not allowed to be  
314 accessible to unit owners, are not posted on the association's  
315 website or the association's application that can be downloaded  
316 on a mobile device. If protected information or information  
317 restricted from being accessible to unit owners is included in  
318 documents that are required to be posted on the association's  
319 website or application, the association shall ensure the  
320 information is redacted before posting the documents ~~online~~.  
321 Notwithstanding the foregoing, the association or its agent is  
322 not liable for disclosing information that is protected or  
323 restricted pursuant to this paragraph unless such disclosure was  
324 made with a knowing or intentional disregard of the protected or  
325 restricted nature of such information.

326 4. The failure of the association to post information  
327 required under subparagraph 2. is not in and of itself  
328 sufficient to invalidate any action or decision of the  
329 association's board or its committees.

330 Section 4. Paragraphs (d), (i), and (p) of subsection (2)  
331 of section 718.112, Florida Statutes, are amended to read:

332 718.112 Bylaws.—

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

336 (d) *Unit owner meetings.*—

337 1. An annual meeting of the unit owners must be held at  
338 the location provided in the association bylaws and, if the  
339 bylaws are silent as to the location, the meeting must be held  
340 within 45 miles of the condominium property. However, such  
341 distance requirement does not apply to an association governing  
342 a timeshare condominium.

343 2. Unless the bylaws provide otherwise, a vacancy on the  
344 board caused by the expiration of a director's term must be  
345 filled by electing a new board member, and the election must be  
346 by secret ballot. An election is not required if the number of  
347 vacancies equals or exceeds the number of candidates. For  
348 purposes of this paragraph, the term "candidate" means an  
349 eligible person who has timely submitted the written notice, as  
350 described in sub-subparagraph 4.a., of his or her intention to  
351 become a candidate. Except in a timeshare or nonresidential  
352 condominium, or if the staggered term of a board member does not  
353 expire until a later annual meeting, or if all members' terms  
354 would otherwise expire but there are no candidates, the terms of  
355 all board members expire at the annual meeting, and such members  
356 may stand for reelection unless prohibited by the bylaws. Board  
357 members may serve terms longer than 1 year if permitted by the

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358 | bylaws or articles of incorporation. A board member may not  
359 | serve more than 8 consecutive years unless approved by an  
360 | affirmative vote of unit owners representing two-thirds of all  
361 | votes cast in the election or unless there are not enough  
362 | eligible candidates to fill the vacancies on the board at the  
363 | time of the vacancy. Only board service that occurs on or after  
364 | July 1, 2018, may be used when calculating a board member's term  
365 | limit. If the number of board members whose terms expire at the  
366 | annual meeting equals or exceeds the number of candidates, the  
367 | candidates become members of the board effective upon the  
368 | adjournment of the annual meeting. Unless the bylaws provide  
369 | otherwise, any remaining vacancies shall be filled by the  
370 | affirmative vote of the majority of the directors making up the  
371 | newly constituted board even if the directors constitute less  
372 | than a quorum or there is only one director. In a residential  
373 | condominium association of more than 10 units or in a  
374 | residential condominium association that does not include  
375 | timeshare units or timeshare interests, coowners of a unit may  
376 | not serve as members of the board of directors at the same time  
377 | unless they own more than one unit or unless there are not  
378 | enough eligible candidates to fill the vacancies on the board at  
379 | the time of the vacancy. A unit owner in a residential  
380 | condominium desiring to be a candidate for board membership must  
381 | comply with sub-subparagraph 4.a. and must be eligible to be a  
382 | candidate to serve on the board of directors at the time of the

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383 deadline for submitting a notice of intent to run in order to  
384 have his or her name listed as a proper candidate on the ballot  
385 or to serve on the board. A person who has been suspended or  
386 removed by the division under this chapter, or who is delinquent  
387 in the payment of any monetary obligation due to the  
388 association, is not eligible to be a candidate for board  
389 membership and may not be listed on the ballot. A person who has  
390 been convicted of any felony in this state or in a United States  
391 District or Territorial Court, or who has been convicted of any  
392 offense in another jurisdiction which would be considered a  
393 felony if committed in this state, is not eligible for board  
394 membership unless such felon's civil rights have been restored  
395 for at least 5 years as of the date such person seeks election  
396 to the board. The validity of an action by the board is not  
397 affected if it is later determined that a board member is  
398 ineligible for board membership due to having been convicted of  
399 a felony. This subparagraph does not limit the term of a member  
400 of the board of a nonresidential or timeshare condominium.

401 3. The bylaws must provide the method of calling meetings  
402 of unit owners, including annual meetings. Written notice of  
403 annual meetings must include an agenda, must be mailed, hand  
404 delivered, or electronically transmitted to each unit owner at  
405 least 14 days before the annual meeting, and must be posted in a  
406 conspicuous place on the condominium property at least 14  
407 continuous days before the annual meeting. Written notice of

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408 meetings of owners other than annual meetings must include an  
409 agenda, must be mailed, hand delivered, or electronically  
410 transmitted to each unit owner, and be posted in a conspicuous  
411 place on the condominium property in accordance with the time  
412 for notice set forth in the bylaws, and if the bylaws do not  
413 provide notice requirements, at least 14 days before the  
414 meeting. Upon notice to the unit owners, the board shall, by  
415 duly adopted rule, designate a specific location on the  
416 condominium property where all notices of unit owner meetings  
417 must be posted. This requirement does not apply if there is no  
418 condominium property for posting notices. In lieu of, or in  
419 addition to, the physical posting of meeting notices, the  
420 association may, by reasonable rule, adopt a procedure for  
421 conspicuously posting and repeatedly broadcasting the notice and  
422 the agenda on a closed-circuit cable television system serving  
423 the condominium association. However, if broadcast notice is  
424 used in lieu of a notice posted physically on the condominium  
425 property, the notice and agenda must be broadcast at least four  
426 times every broadcast hour of each day that a posted notice is  
427 otherwise required under this section. If broadcast notice is  
428 provided, the notice and agenda must be broadcast in a manner  
429 and for a sufficient continuous length of time so as to allow an  
430 average reader to observe the notice and read and comprehend the  
431 entire content of the notice and the agenda. In addition to any  
432 of the authorized means of providing notice of a meeting of the

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433 board, the association may, by rule, adopt a procedure for  
434 conspicuously posting the meeting notice and the agenda on a  
435 website serving the condominium association for at least the  
436 minimum period of time for which a notice of a meeting is also  
437 required to be physically posted on the condominium property.  
438 Any rule adopted shall, in addition to other matters, include a  
439 requirement that the association send an electronic notice in  
440 the same manner as a notice for a meeting of the members, which  
441 must include a hyperlink to the website where the notice is  
442 posted, to unit owners whose e-mail addresses are included in  
443 the association's official records. Unless a unit owner waives  
444 in writing the right to receive notice of the annual meeting,  
445 such notice must be hand delivered, mailed, or electronically  
446 transmitted to each unit owner. Notice for meetings and notice  
447 for all other purposes must be mailed to each unit owner at the  
448 address last furnished to the association by the unit owner, or  
449 hand delivered to each unit owner. However, if a unit is owned  
450 by more than one person, the association must provide notice to  
451 the address that the developer identifies for that purpose and  
452 thereafter as one or more of the owners of the unit advise the  
453 association in writing, or if no address is given or the owners  
454 of the unit do not agree, to the address provided on the deed of  
455 record. An officer of the association, or the manager or other  
456 person providing notice of the association meeting, must provide  
457 an affidavit or United States Postal Service certificate of

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458 mailing, to be included in the official records of the  
459 association affirming that the notice was mailed or hand  
460 delivered in accordance with this provision.

461 4. The members of the board of a residential condominium  
462 shall be elected by written ballot or voting machine. Proxies  
463 may not be used in electing the board in general elections or  
464 elections to fill vacancies caused by recall, resignation, or  
465 otherwise, unless otherwise provided in this chapter. This  
466 subparagraph does not apply to an association governing a  
467 timeshare condominium.

468 a. At least 60 days before a scheduled election, the  
469 association shall mail, deliver, or electronically transmit, by  
470 separate association mailing or included in another association  
471 mailing, delivery, or transmission, including regularly  
472 published newsletters, to each unit owner entitled to a vote, a  
473 first notice of the date of the election. A unit owner or other  
474 eligible person desiring to be a candidate for the board must  
475 give written notice of his or her intent to be a candidate to  
476 the association at least 40 days before a scheduled election.  
477 Together with the written notice and agenda as set forth in  
478 subparagraph 3., the association shall mail, deliver, or  
479 electronically transmit a second notice of the election to all  
480 unit owners entitled to vote, together with a ballot that lists  
481 all candidates not less than 14 days or more than 34 days before  
482 the date of the election. Upon request of a candidate, an

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1075 (2019)

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483 information sheet, no larger than 8 1/2 inches by 11 inches,  
484 which must be furnished by the candidate at least 35 days before  
485 the election, must be included with the mailing, delivery, or  
486 transmission of the ballot, with the costs of mailing, delivery,  
487 or electronic transmission and copying to be borne by the  
488 association. The association is not liable for the contents of  
489 the information sheets prepared by the candidates. In order to  
490 reduce costs, the association may print or duplicate the  
491 information sheets on both sides of the paper. The division  
492 shall by rule establish voting procedures consistent with this  
493 sub-subparagraph, including rules establishing procedures for  
494 giving notice by electronic transmission and rules providing for  
495 the secrecy of ballots. Elections shall be decided by a  
496 plurality of ballots cast. There is no quorum requirement;  
497 however, at least 20 percent of the eligible voters must cast a  
498 ballot in order to have a valid election. A unit owner may not  
499 authorize any other person to vote his or her ballot, and any  
500 ballots improperly cast are invalid. A unit owner who violates  
501 this provision may be fined by the association in accordance  
502 with s. 718.303. A unit owner who needs assistance in casting  
503 the ballot for the reasons stated in s. 101.051 may obtain such  
504 assistance. The regular election must occur on the date of the  
505 annual meeting. Notwithstanding this sub-subparagraph, an  
506 election is not required unless more candidates file notices of  
507 intent to run or are nominated than board vacancies exist.

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508           b. Within 90 days after being elected or appointed to the  
509 board of an association of a residential condominium, each newly  
510 elected or appointed director shall certify in writing to the  
511 secretary of the association that he or she has read the  
512 association's declaration of condominium, articles of  
513 incorporation, bylaws, and current written policies; that he or  
514 she will work to uphold such documents and policies to the best  
515 of his or her ability; and that he or she will faithfully  
516 discharge his or her fiduciary responsibility to the  
517 association's members. In lieu of this written certification,  
518 within 90 days after being elected or appointed to the board,  
519 the newly elected or appointed director may submit a certificate  
520 of having satisfactorily completed the educational curriculum  
521 administered by a division-approved condominium education  
522 provider within 1 year before or 90 days after the date of  
523 election or appointment. The written certification or  
524 educational certificate is valid and does not have to be  
525 resubmitted as long as the director serves on the board without  
526 interruption. A director of an association of a residential  
527 condominium who fails to timely file the written certification  
528 or educational certificate is suspended from service on the  
529 board until he or she complies with this sub-subparagraph. The  
530 board may temporarily fill the vacancy during the period of  
531 suspension. The secretary shall cause the association to retain  
532 a director's written certification or educational certificate

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533 for inspection by the members for 5 years after a director's  
534 election or the duration of the director's uninterrupted tenure,  
535 whichever is longer. Failure to have such written certification  
536 or educational certificate on file does not affect the validity  
537 of any board action.

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

540 5. Any approval by unit owners called for by this chapter  
541 or the applicable declaration or bylaws, including, but not  
542 limited to, the approval requirement in s. 718.111(8), must be  
543 made at a duly noticed meeting of unit owners and is subject to  
544 all requirements of this chapter or the applicable condominium  
545 documents relating to unit owner decisionmaking, except that  
546 unit owners may take action by written agreement, without  
547 meetings, on matters for which action by written agreement  
548 without meetings is expressly allowed by the applicable bylaws  
549 or declaration or any law that provides for such action.

550 6. Unit owners may waive notice of specific meetings if  
551 allowed by the applicable bylaws or declaration or any law.  
552 Notice of meetings of the board of administration, unit owner  
553 meetings, except unit owner meetings called to recall board  
554 members under paragraph (j), and committee meetings may be given  
555 by electronic transmission to unit owners who consent to receive  
556 notice by electronic transmission. A unit owner who consents to  
557 receiving notices by electronic transmission is solely

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558 responsible for removing or bypassing filters that block receipt  
559 of mass e-mails ~~emails~~ sent to members on behalf of the  
560 association in the course of giving electronic notices.

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

565 8. A unit owner may tape record or videotape a meeting of  
566 the unit owners subject to reasonable rules adopted by the  
567 division.

568 9. Unless otherwise provided in the bylaws, any vacancy  
569 occurring on the board before the expiration of a term may be  
570 filled by the affirmative vote of the majority of the remaining  
571 directors, even if the remaining directors constitute less than  
572 a quorum, or by the sole remaining director. In the alternative,  
573 a board may hold an election to fill the vacancy, in which case  
574 the election procedures must conform to sub-subparagraph 4.a.  
575 unless the association governs 10 units or fewer and has opted  
576 out of the statutory election process, in which case the bylaws  
577 of the association control. Unless otherwise provided in the  
578 bylaws, a board member appointed or elected under this section  
579 shall fill the vacancy for the unexpired term of the seat being  
580 filled. Filling vacancies created by recall is governed by  
581 paragraph (j) and rules adopted by the division.



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582           10. This chapter does not limit the use of general or  
583 limited proxies, require the use of general or limited proxies,  
584 or require the use of a written ballot or voting machine for any  
585 agenda item or election at any meeting of a timeshare  
586 condominium association or nonresidential condominium  
587 association.

588  
589 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
590 association of 10 or fewer units may, by affirmative vote of a  
591 majority of the total voting interests, provide for different  
592 voting and election procedures in its bylaws, which may be by a  
593 proxy specifically delineating the different voting and election  
594 procedures. The different voting and election procedures may  
595 provide for elections to be conducted by limited or general  
596 proxy.

597           (i) *Transfer fees.*—An association may not ~~no~~ charge an  
598 applicant any fees, except the actual costs of any background  
599 check or screening performed ~~shall be made~~ by the association,  
600 ~~or any body thereof~~ in connection with the sale, mortgage,  
601 lease, sublease, or other transfer of a unit unless the  
602 association is required to approve such transfer and a fee for  
603 such approval is provided for in the declaration, articles, or  
604 bylaws. Except for the actual costs of any background check or  
605 screening performed by the association, any such fee may be  
606 preset, but may not ~~in no event may such fee~~ exceed \$100 per

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607 applicant other than a husband and wife or parent and dependent  
608 child ~~husband/wife or parent/dependent child~~, which are  
609 considered one applicant. However, if the lease or sublease is a  
610 renewal of a lease or sublease with the same lessee or  
611 sublessee, a charge may not ~~no charge shall~~ be made. The  
612 foregoing notwithstanding, an association may, if the authority  
613 to do so appears in the declaration, articles, or bylaws,  
614 require that a prospective lessee place a security deposit, in  
615 an amount not to exceed the equivalent of 1 month's rent, into  
616 an escrow account maintained by the association. The security  
617 deposit shall protect against damages to the common elements or  
618 association property. Payment of interest, claims against the  
619 deposit, refunds, and disputes under this paragraph shall be  
620 handled in the same fashion as provided in part II of chapter  
621 83.

622 ~~(p) Service providers; conflicts of interest. An~~  
623 ~~association, which is not a timeshare condominium association,~~  
624 ~~may not employ or contract with any service provider that is~~  
625 ~~owned or operated by a board member or with any person who has a~~  
626 ~~financial relationship with a board member or officer, or a~~  
627 ~~relative within the third degree of consanguinity by blood or~~  
628 ~~marriage of a board member or officer. This paragraph does not~~  
629 ~~apply to a service provider in which a board member or officer,~~  
630 ~~or a relative within the third degree of consanguinity by blood~~

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631 ~~or marriage of a board member or officer, owns less than 1~~  
632 ~~percent of the equity shares.~~

633 Section 5. Paragraphs (a) and (c) of subsection (8) of  
634 section 718.113, Florida Statutes, are amended to read:

635 718.113 Maintenance; limitation upon improvement; display  
636 of flag; hurricane shutters and protection; display of religious  
637 decorations.—

638 (8) The Legislature finds that the use of electric  
639 vehicles conserves and protects the state's environmental  
640 resources, provides significant economic savings to drivers, and  
641 serves an important public interest. The participation of  
642 condominium associations is essential to the state's efforts to  
643 conserve and protect the state's environmental resources and  
644 provide economic savings to drivers. Therefore, the installation  
645 of an electric vehicle charging station shall be governed as  
646 follows:

647 (a) A declaration of condominium or restrictive covenant  
648 may not prohibit or be enforced so as to prohibit any unit owner  
649 from installing an electric vehicle charging station within the  
650 boundaries of the unit owner's limited common element or  
651 exclusively designated parking area. The board of administration  
652 of a condominium association may not prohibit a unit owner from  
653 installing an electric vehicle charging station for an electric  
654 vehicle, as defined in s. 320.01, within the boundaries of his  
655 or her limited common element or exclusively designated parking

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656 area. The installation of such charging stations are subject to  
657 the provisions of this subsection.

658 (c) The electricity for the electric vehicle charging  
659 station must be separately metered or must use an embedded meter  
660 and be payable by the unit owner installing such charging  
661 station.

662 Section 7. Subsection (1) and paragraph (b) of subsection  
663 (3) of section 718.303, Florida Statutes, are amended to read:

664 718.303 Obligations of owners and occupants; remedies.—

665 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
666 ~~each~~ association is governed by, and must comply with the  
667 provisions of, this chapter, the declaration, the documents  
668 creating the association, and the association bylaws which are  
669 ~~shall be deemed~~ expressly incorporated into any lease of a unit.  
670 Actions at law or in equity ~~for damages or for injunctive~~  
671 ~~relief~~, or both, for failure to comply with these provisions may  
672 be brought by the association or by a unit owner against:

673 (a) The association.

674 (b) A unit owner.

675 (c) Directors designated by the developer, for actions  
676 taken by them before control of the association is assumed by  
677 unit owners other than the developer.

678 (d) Any director who willfully and knowingly fails to  
679 comply with these provisions.

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680 (e) Any tenant leasing a unit, and any other invitee  
681 occupying a unit.

682  
683 The prevailing party in any such action or in any action in  
684 which the purchaser claims a right of voidability based upon  
685 contractual provisions as required in s. 718.503(1)(a) is  
686 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
687 owner prevailing in an action between the association and the  
688 unit owner under this subsection ~~section~~, in addition to  
689 recovering his or her reasonable attorney ~~attorney's~~ fees, may  
690 recover additional amounts as determined by the court to be  
691 necessary to reimburse the unit owner for his or her share of  
692 assessments levied by the association to fund its expenses of  
693 the litigation. This relief does not exclude other remedies  
694 provided by law. Actions arising under this subsection are not  
695 considered ~~may not be deemed to be~~ actions for specific  
696 performance.

697 (3) The association may levy reasonable fines for the  
698 failure of the owner of the unit or its occupant, licensee, or  
699 invitee to comply with any provision of the declaration, the  
700 association bylaws, or reasonable rules of the association. A  
701 fine may not become a lien against a unit. A fine may be levied  
702 by the board on the basis of each day of a continuing violation,  
703 with a single notice and opportunity for hearing before a

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

706 (b) A fine or suspension levied by the board of  
707 administration may not be imposed unless the board first  
708 provides at least 14 days' written notice to the unit owner and,  
709 if applicable, any occupant, licensee, or invitee of the unit  
710 owner sought to be fined or suspended, and an opportunity for a  
711 hearing before a committee of at least three members appointed  
712 by the board who are not officers, directors, or employees of  
713 the association, or the spouse, parent, child, brother, or  
714 sister of an officer, director, or employee. The role of the  
715 committee is limited to determining whether to confirm or reject  
716 the fine or suspension levied by the board. If the committee  
717 does not approve the proposed fine or suspension by majority  
718 vote, the fine or suspension may not be imposed. If the proposed  
719 fine or suspension is approved by the committee, the fine  
720 payment is due 5 days after notice of the approved fine is  
721 provided to the unit owner and, if applicable, to any tenant,  
722 licensee, or invitee of the unit owner ~~the date of the committee~~  
723 ~~meeting at which the fine is approved.~~ The association must  
724 provide written notice of such fine or suspension by mail or  
725 hand delivery to the unit owner and, if applicable, to any  
726 tenant, licensee, or invitee of the unit owner.

727 Section 8. Section 718.5014, Florida Statutes, is amended  
728 to read:

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729           718.5014 Ombudsman location.—The ombudsman shall maintain  
730 his or her principal office in any ~~Leon County on the premises~~  
731 ~~of the division or, if suitable space cannot be provided there,~~  
732 ~~at another~~ place convenient to the offices of the division which  
733 will enable the ombudsman to expeditiously carry out the duties  
734 and functions of his or her office. The ombudsman may establish  
735 branch offices elsewhere in the state upon the concurrence of  
736 the Governor.

737           Section 9. Subsection (25) of section 719.103, Florida  
738 Statutes, is amended to read:

739           719.103 Definitions.—As used in this chapter:

740           (25) "Unit" means a part of the cooperative property which  
741 is subject to exclusive use and possession. A unit may be  
742 improvements, land, or land and improvements together, as  
743 specified in the cooperative documents. An interest in a unit is  
744 an interest in real property.

745           Section 10. Paragraph (c) of subsection (2) of section  
746 719.104, Florida Statutes, is amended to read:

747           719.104 Cooperatives; access to units; records; financial  
748 reports; assessments; purchase of leases.—

749           (2) OFFICIAL RECORDS.—

750           (c) The official records of the association are open to  
751 inspection by any association member or the authorized  
752 representative of such member at all reasonable times. The right  
753 to inspect the records includes the right to make or obtain

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754 copies, at the reasonable expense, if any, of the association  
755 member. The association may adopt reasonable rules regarding the  
756 frequency, time, location, notice, and manner of record  
757 inspections and copying, but may not require a member to  
758 demonstrate any purpose or state any reason for the inspection.  
759 The failure of an association to provide the records within 10  
760 working days after receipt of a written request creates a  
761 rebuttable presumption that the association willfully failed to  
762 comply with this paragraph. A member ~~unit-owner~~ who is denied  
763 access to official records is entitled to the actual damages or  
764 minimum damages for the association's willful failure to comply.  
765 The minimum damages are \$50 per calendar day for up to 10 days,  
766 beginning on the 11th working day after receipt of the written  
767 request. The failure to permit inspection entitles any person  
768 prevailing in an enforcement action to recover reasonable  
769 attorney fees from the person in control of the records who,  
770 directly or indirectly, knowingly denied access to the records.  
771 Any person who knowingly or intentionally defaces or destroys  
772 accounting records that are required by this chapter to be  
773 maintained during the period for which such records are required  
774 to be maintained, or who knowingly or intentionally fails to  
775 create or maintain accounting records that are required to be  
776 created or maintained, with the intent of causing harm to the  
777 association or one or more of its members, is personally subject  
778 to a civil penalty pursuant to s. 719.501(1)(d). The association

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779 shall maintain an adequate number of copies of the declaration,  
780 articles of incorporation, bylaws, and rules, and all amendments  
781 to each of the foregoing, as well as the question and answer  
782 sheet as described in s. 719.504 and year-end financial  
783 information required by the department, on the cooperative  
784 property to ensure their availability to members ~~unit owners~~ and  
785 prospective purchasers, and may charge its actual costs for  
786 preparing and furnishing these documents to those requesting the  
787 same. An association shall allow a member or his or her  
788 authorized representative to use a portable device, including a  
789 smartphone, tablet, portable scanner, or any other technology  
790 capable of scanning or taking photographs, to make an electronic  
791 copy of the official records in lieu of the association  
792 providing the member or his or her authorized representative  
793 with a copy of such records. The association may not charge a  
794 member or his or her authorized representative for the use of a  
795 portable device. Notwithstanding this paragraph, the following  
796 records shall not be accessible to members ~~unit owners~~:

797 1. Any record protected by the lawyer-client privilege as  
798 described in s. 90.502 and any record protected by the work-  
799 product privilege, including any record prepared by an  
800 association attorney or prepared at the attorney's express  
801 direction which reflects a mental impression, conclusion,  
802 litigation strategy, or legal theory of the attorney or the  
803 association, and which was prepared exclusively for civil or

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804 criminal litigation or for adversarial administrative  
805 proceedings, or which was prepared in anticipation of such  
806 litigation or proceedings until the conclusion of the litigation  
807 or proceedings.

808 2. Information obtained by an association in connection  
809 with the approval of the lease, sale, or other transfer of a  
810 unit.

811 3. Personnel records of association or management company  
812 employees, including, but not limited to, disciplinary, payroll,  
813 health, and insurance records. For purposes of this  
814 subparagraph, the term "personnel records" does not include  
815 written employment agreements with an association employee or  
816 management company, or budgetary or financial records that  
817 indicate the compensation paid to an association employee.

818 4. Medical records of unit owners.

819 5. Social security numbers, driver license numbers, credit  
820 card numbers, e-mail addresses, telephone numbers, facsimile  
821 numbers, emergency contact information, addresses of a unit  
822 owner other than as provided to fulfill the association's notice  
823 requirements, and other personal identifying information of any  
824 person, excluding the person's name, unit designation, mailing  
825 address, property address, and any address, e-mail address, or  
826 facsimile number provided to the association to fulfill the  
827 association's notice requirements. Notwithstanding the  
828 restrictions in this subparagraph, an association may print and

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829 distribute to unit ~~parcel~~ owners a directory containing the  
830 name, unit ~~parcel~~ address, and all telephone numbers of each  
831 unit ~~parcel~~ owner. However, an owner may exclude his or her  
832 telephone numbers from the directory by so requesting in writing  
833 to the association. An owner may consent in writing to the  
834 disclosure of other contact information described in this  
835 subparagraph. The association is not liable for the inadvertent  
836 disclosure of information that is protected under this  
837 subparagraph if the information is included in an official  
838 record of the association and is voluntarily provided by an  
839 owner and not requested by the association.

840 6. Electronic security measures that are used by the  
841 association to safeguard data, including passwords.

842 7. The software and operating system used by the  
843 association which allow the manipulation of data, even if the  
844 owner owns a copy of the same software used by the association.  
845 The data is part of the official records of the association.

846 Section 11. Paragraph (b) of subsection (1) of section  
847 719.106, Florida Statutes, is amended to read:

848 719.106 Bylaws; cooperative ownership.—

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

852 (b) *Quorum; voting requirements; proxies.*—

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853 1. Unless otherwise provided in the bylaws, the percentage  
854 of voting interests required to constitute a quorum at a meeting  
855 of the members shall be a majority of voting interests, and  
856 decisions shall be made by owners of a majority of the voting  
857 interests. Unless otherwise provided in this chapter, or in the  
858 articles of incorporation, bylaws, or other cooperative  
859 documents, and except as provided in subparagraph (d)1.,  
860 decisions shall be made by owners of a majority of the voting  
861 interests represented at a meeting at which a quorum is present.

862 2. Except as specifically otherwise provided herein, after  
863 January 1, 1992, unit owners may not vote by general proxy, but  
864 may vote by limited proxies substantially conforming to a  
865 limited proxy form adopted by the division. Limited proxies and  
866 general proxies may be used to establish a quorum. Limited  
867 proxies shall be used for votes taken to waive or reduce  
868 reserves in accordance with subparagraph (j)2., for votes taken  
869 to waive the financial reporting requirements of s.

870 719.104(4)(b), for votes taken to amend the articles of  
871 incorporation or bylaws pursuant to this section, and for any  
872 other matter for which this chapter requires or permits a vote  
873 of the unit owners. Except as provided in paragraph (d), after  
874 January 1, 1992, no proxy, limited or general, shall be used in  
875 the election of board members. General proxies may be used for  
876 other matters for which limited proxies are not required, and  
877 may also be used in voting for nonsubstantive changes to items

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878 for which a limited proxy is required and given. Notwithstanding  
879 the provisions of this section, unit owners may vote in person  
880 at unit owner meetings. Nothing contained herein shall limit the  
881 use of general proxies or require the use of limited proxies or  
882 require the use of limited proxies for any agenda item or  
883 election at any meeting of a timeshare cooperative.

884 3. Any proxy given shall be effective only for the  
885 specific meeting for which originally given and any lawfully  
886 adjourned meetings thereof. In no event shall any proxy be valid  
887 for a period longer than 90 days after the date of the first  
888 meeting for which it was given. Every proxy shall be revocable  
889 at any time at the pleasure of the unit owner executing it.

890 4. A member of the board of administration or a committee  
891 may submit in writing his or her agreement or disagreement with  
892 any action taken at a meeting that the member did not attend.  
893 This agreement or disagreement may not be used as a vote for or  
894 against the action taken and may not be used for the purposes of  
895 creating a quorum.

896 5. A board or committee member's participation in a  
897 meeting via telephone, real-time video conferencing, or similar  
898 real-time electronic or video communication counts toward a  
899 quorum, and such member may vote as if physically present ~~When~~  
900 ~~some or all of the board or committee members meet by telephone~~  
901 ~~conference, those board or committee members attending by~~  
902 ~~telephone conference may be counted toward obtaining a quorum~~

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903 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be  
904 used ~~utilized~~ so that the conversation of such ~~those board or~~  
905 ~~committee members attending by telephone~~ may be heard by the  
906 board or committee members attending in person, as well as by  
907 any unit owners present at a meeting.

908 Section 12. Paragraph (c) of subsection (2) and paragraph  
909 (1) of subsection (4) of section 720.303, Florida Statutes, are  
910 amended, and paragraph (m) is added to subsection (4) of that  
911 section, to read:

912 720.303 Association powers and duties; meetings of board;  
913 official records; budgets; financial reporting; association  
914 funds; recalls.—

915 (2) BOARD MEETINGS.—

916 (c) The bylaws shall provide the following for giving  
917 notice to parcel owners and members of all board meetings and,  
918 if they do not do so, shall be deemed to include the following:

919 1. Notices of all board meetings must be posted in a  
920 conspicuous place in the community at least 48 hours in advance  
921 of a meeting, except in an emergency. In the alternative, if  
922 notice is not posted in a conspicuous place in the community,  
923 notice of each board meeting must be mailed or delivered to each  
924 member at least 7 days before the meeting, except in an  
925 emergency. Notwithstanding this general notice requirement, for  
926 communities with more than 100 members, the association bylaws  
927 may provide for a reasonable alternative to posting or mailing

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928 of notice for each board meeting, including publication of  
929 notice, provision of a schedule of board meetings, or the  
930 conspicuous posting and repeated broadcasting of the notice on a  
931 closed-circuit cable television system serving the homeowners'  
932 association. However, if broadcast notice is used in lieu of a  
933 notice posted physically in the community, the notice must be  
934 broadcast at least four times every broadcast hour of each day  
935 that a posted notice is otherwise required. When broadcast  
936 notice is provided, the notice and agenda must be broadcast in a  
937 manner and for a sufficient continuous length of time so as to  
938 allow an average reader to observe the notice and read and  
939 comprehend the entire content of the notice and the agenda. In  
940 addition to any of the authorized means of providing notice of a  
941 meeting of the board, the association may, by rule, adopt a  
942 procedure for conspicuously posting the meeting notice and the  
943 agenda on a website serving the association for at least the  
944 minimum period of time for which a notice of a meeting is also  
945 required to be physically posted on the association property.  
946 Any rule adopted shall, in addition to other matters, include a  
947 requirement that the association send an electronic notice in  
948 the same manner as is required for a notice for a meeting of the  
949 members, which must include a hyperlink to the website where the  
950 notice is posted, to members whose e-mail addresses are included  
951 in the association's official records. The association may  
952 provide notice by electronic transmission in a manner authorized

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953 | by law for meetings of the board of directors, committee  
954 | meetings requiring notice under this section, and annual and  
955 | special meetings of the members to any member who has provided a  
956 | facsimile number or e-mail address to the association to be used  
957 | for such purposes; however, a member must consent in writing to  
958 | receiving notice by electronic transmission.

959 |       2. An assessment may not be levied at a board meeting  
960 | unless the notice of the meeting includes a statement that  
961 | assessments will be considered and the nature of the  
962 | assessments. Written notice of any meeting at which special  
963 | assessments will be considered or at which amendments to rules  
964 | regarding parcel use will be considered must be mailed,  
965 | delivered, or electronically transmitted to the members and  
966 | parcel owners and posted conspicuously on the property or  
967 | broadcast on closed-circuit cable television not less than 14  
968 | days before the meeting.

969 |       3. Directors may not vote by proxy or by secret ballot at  
970 | board meetings, except that secret ballots may be used in the  
971 | election of officers. This subsection also applies to the  
972 | meetings of any committee or other similar body, when a final  
973 | decision will be made regarding the expenditure of association  
974 | funds, and to any body vested with the power to approve or  
975 | disapprove architectural decisions with respect to a specific  
976 | parcel of residential property owned by a member of the  
977 | community.

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978 (4) OFFICIAL RECORDS.—The association shall maintain each  
979 of the following items, when applicable, which constitute the  
980 official records of the association:

981 (1) Ballots, sign-in sheets, voting proxies, and all other  
982 papers and electronic records relating to voting by parcel  
983 owners, which shall be maintained for at least 1 year after the  
984 date of the election, vote, or meeting to which the document  
985 relates.

986 (m) All other ~~written~~ records of the association not  
987 specifically included in paragraphs (a) through (l) the  
988 ~~foregoing~~ which are related to the operation of the association.

989 Section 13. Subsections (1) and (2) of section 720.305,  
990 Florida Statutes, are amended to read:

991 720.305 Obligations of members; remedies at law or in  
992 equity; levy of fines and suspension of use rights.—

993 (1) Each member and the member's tenants, guests, and  
994 invitees, and each association, are governed by, and must comply  
995 with, this chapter and ~~the~~ governing documents of the  
996 community, ~~and the rules of the association~~. Actions at law or  
997 in equity, or both, to redress alleged failure or refusal to  
998 comply with these provisions may be brought by the association  
999 or by any member against:

1000 (a) The association;

1001 (b) A member;

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1002 (c) Any director or officer of an association who  
1003 willfully and knowingly fails to comply with these provisions;  
1004 and

1005 (d) Any tenants, guests, or invitees occupying a parcel or  
1006 using the common areas.

1007  
1008 The prevailing party in any such litigation is entitled to  
1009 recover reasonable attorney fees and costs. A member prevailing  
1010 in an action between the association and the member under this  
1011 section, in addition to recovering his or her reasonable  
1012 attorney fees, may recover additional amounts as determined by  
1013 the court to be necessary to reimburse the member for his or her  
1014 share of assessments levied by the association to fund its  
1015 expenses of the litigation. This relief does not exclude other  
1016 remedies provided by law. This section does not deprive any  
1017 person of any other available right or remedy.

1018 (2) An ~~The~~ association may levy reasonable fines. A fine  
1019 may not exceed \$100 per violation against any member or any  
1020 member's tenant, guest, or invitee for the failure of the owner  
1021 of the parcel or its occupant, licensee, or invitee to comply  
1022 with any provision of the governing documents ~~declaration, the~~  
1023 ~~association bylaws, or reasonable rules of the association~~  
1024 unless otherwise provided in the governing documents. A fine may  
1025 be levied by the board for each day of a continuing violation,  
1026 with a single notice and opportunity for hearing, except that

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1027 the fine may not exceed \$1,000 in the aggregate unless otherwise  
1028 provided in the governing documents. A fine of less than \$1,000  
1029 may not become a lien against a parcel. In any action to recover  
1030 a fine, the prevailing party is entitled to reasonable attorney  
1031 fees and costs from the nonprevailing party as determined by the  
1032 court.

1033 (a) An association may suspend, for a reasonable period of  
1034 time, the right of a member, or a member's tenant, guest, or  
1035 invitee, to use common areas and facilities for the failure of  
1036 the owner of the parcel or its occupant, licensee, or invitee to  
1037 comply with any provision of the declaration, the association  
1038 bylaws, or reasonable rules of the association. This paragraph  
1039 does not apply to that portion of common areas used to provide  
1040 access or utility services to the parcel. A suspension may not  
1041 prohibit an owner or tenant of a parcel from having vehicular  
1042 and pedestrian ingress to and egress from the parcel, including,  
1043 but not limited to, the right to park.

1044 (b) A fine or suspension levied by the board of  
1045 administration may not be imposed unless the board first  
1046 provides at least 14 days' notice to the parcel owner and, if  
1047 applicable, any occupant, licensee, or invitee of the parcel  
1048 owner, sought to be fined or suspended and an opportunity for a  
1049 hearing before a committee of at least three members appointed  
1050 by the board who are not officers, directors, or employees of  
1051 the association, or the spouse, parent, child, brother, or

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1052 sister of an officer, director, or employee. If the committee,  
1053 by majority vote, does not approve a proposed fine or  
1054 suspension, the proposed fine or suspension may not be imposed.  
1055 The role of the committee is limited to determining whether to  
1056 confirm or reject the fine or suspension levied by the board. If  
1057 the proposed fine or suspension levied by the board is approved  
1058 by the committee, the fine payment is due 5 days after notice of  
1059 the approved fine is provided to the parcel owner and, if  
1060 applicable, to any occupant, licensee, or invitee of the parcel  
1061 owner ~~the date of the committee meeting at which the fine is~~  
1062 ~~approved~~. The association must provide written notice of such  
1063 fine or suspension by mail or hand delivery to the parcel owner  
1064 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
1065 of the parcel owner.

1066 Section 14. Paragraph (g) of subsection (1) of section  
1067 720.306, Florida Statutes, is amended to read:

1068 720.306 Meetings of members; voting and election  
1069 procedures; amendments.—

1070 (1) QUORUM; AMENDMENTS.—

1071 (g) A notice required under this section must be mailed or  
1072 delivered to the address identified as the parcel owner's  
1073 mailing address in the official records of the association as  
1074 required under s. 720.303(4) ~~on the property appraiser's website~~  
1075 ~~for the county in which the parcel is located~~, or electronically  
1076 transmitted in a manner authorized by the association if the

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1077 parcel owner has consented, in writing, to receive notice by  
1078 electronic transmission.

1079 Section 16. This act shall take effect July 1, 2019.

1080 -----  
1081 -----

1082 **T I T L E A M E N D M E N T**

1083 Remove everything before the enacting clause and insert:

1084 An act relating to community associations; amending  
1085 514.0115, F.S.; providing that certain property  
1086 association pools are exempt from Department of Health  
1087 regulations; amending s. 627.714, F.S.; prohibiting  
1088 subrogation rights against a condominium association  
1089 under certain circumstances; amending s. 718.111,  
1090 F.S.; requiring certain records to be maintained for a  
1091 specified time; prohibiting an association from  
1092 requiring certain actions related to the inspection of  
1093 records; revising requirements relating to certain  
1094 associations posting digital copies of certain  
1095 documents; amending s. 718.112, F.S.; specifying that  
1096 only board service that occurs on or after a specified  
1097 date may be used for calculating a board member's term  
1098 limit; providing requirements for certain notices;  
1099 prohibiting an association from charging certain fees;  
1100 providing an exception; deleting a prohibition against  
1101 employing or contracting with certain service

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1075 (2019)

Amendment No. 1.

1102 providers; amending s. 718.303, F.S.; revising  
1103 requirements for certain actions for failure to comply  
1104 with specified provisions; revising requirements for  
1105 certain fines; amending s. 718.5014, F.S.; revising  
1106 the location of the principal office of the Office of  
1107 the Condominium Ombudsman; amending s. 719.103, F.S.;  
1108 revising the definition of the term "unit" to specify  
1109 that an interest in a cooperative unit is an interest  
1110 in real property; amending s. 719.104, F.S.;  
1111 prohibiting an association from requiring certain  
1112 actions related to the inspection of records; amending  
1113 s. 719.106, F.S.; revising provisions relating to a  
1114 quorum and voting rights for members remotely  
1115 participating in meetings; amending s. 720.303, F.S.;  
1116 authorizing an association to adopt procedures for  
1117 electronic meeting notices; revising the documents  
1118 that constitute the official records of an  
1119 association; amending s. 720.305, F.S.; providing  
1120 requirements for certain fines; amending s. 720.306,  
1121 F.S.; revising requirements for providing certain  
1122 notices; providing an effective date.

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