

1 A bill to be entitled
2 An act relating to community associations; amending
3 514.0115, F.S.; providing that certain property
4 association pools are exempt from Department of Health
5 regulations; amending s. 627.714, F.S.; prohibiting
6 subrogation rights against a condominium association
7 under certain circumstances; amending s. 718.111,
8 F.S.; requiring certain records to be maintained for a
9 specified time; prohibiting an association from
10 requiring certain actions related to the inspection of
11 records; revising requirements relating to certain
12 condominium associations posting digital copies of
13 certain documents; amending s. 718.112, F.S.;
14 specifying that only board service that occurs on or
15 after a specified date may be used for calculating a
16 board member's term limit; providing requirements for
17 certain notices; prohibiting an association from
18 charging certain fees; providing an exception;
19 revising requirements for challenging the recall of
20 board members; deleting a prohibition against
21 employing or contracting with certain service
22 providers; amending s. 718.113, F.S.; revising
23 regulations for electronic vehicles; amending s.
24 718.303, F.S.; revising requirements for certain
25 actions for failure to comply with specified

26 provisions; revising requirements for certain fines;
27 amending s. 718.5014, F.S.; revising the location of
28 the principal office of the Office of the Condominium
29 Ombudsman; amending s. 719.103, F.S.; revising the
30 definition of the term "unit" to specify that an
31 interest in a cooperative unit is an interest in real
32 property; amending s. 719.104, F.S.; prohibiting an
33 association from requiring certain actions related to
34 the inspection of records; amending s. 719.106, F.S.;
35 revising provisions related to a quorum and voting
36 rights for members remotely participating in meetings;
37 amending s. 720.303, F.S.; authorizing an association
38 to adopt procedures for electronic meeting notices;
39 revising the documents that constitute the official
40 records of an association; amending s. 720.305, F.S.;
41 providing requirements for certain fines; amending s.
42 720.306, F.S.; revising requirements for providing
43 certain notices; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Paragraph (a) of subsection (2) of section
48 514.0115, Florida Statutes, is amended to read:

49 514.0115 Exemptions from supervision or regulation;
50 variances.—

51 (2) (a) Pools serving condominium, cooperative, and
 52 homeowners' associations, as well as other property
 53 associations, which have no more than 32 ~~condominium or~~
 54 ~~cooperative~~ units or parcels and which are not operated as a
 55 public lodging establishments are ~~establishment shall be~~ exempt
 56 from supervision under this chapter, except for water quality.

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

59 627.714 Residential condominium unit owner coverage; loss
 60 assessment coverage required.—

61 (4) Every individual unit owner's residential property
 62 policy must contain a provision stating that the coverage
 63 afforded by such policy is excess coverage over the amount
 64 recoverable under any other policy covering the same property.
 65 If a condominium association's insurance policy for the
 66 association does not provide rights for subrogation against the
 67 unit owners in the association, an insurance policy issued to an
 68 individual unit owner located in the association may not provide
 69 rights of subrogation against the condominium association.

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

72 718.111 The association.—

73 (12) OFFICIAL RECORDS.—

74 (a) From the inception of the association, the association
 75 shall maintain each of the following items, if applicable, which

76 | constitutes the official records of the association:

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

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

79 | 2. A photocopy of the recorded declaration of condominium

80 | of each condominium operated by the association and each

81 | amendment to each declaration.

82 | 3. A photocopy of the recorded bylaws of the association

83 | and each amendment to the bylaws.

84 | 4. A certified copy of the articles of incorporation of

85 | the association, or other documents creating the association,

86 | and each amendment thereto.

87 | 5. A copy of the current rules of the association.

88 | 6. A book or books that contain the minutes of all

89 | meetings of the association, the board of administration, and

90 | the unit owners.

91 | 7. A current roster of all unit owners and their mailing

92 | addresses, unit identifications, voting certifications, and, if

93 | known, telephone numbers. The association shall also maintain

94 | the e-mail addresses and facsimile numbers of unit owners

95 | consenting to receive notice by electronic transmission. The e-

96 | mail addresses and facsimile numbers are not accessible to unit

97 | owners if consent to receive notice by electronic transmission

98 | is not provided in accordance with sub-subparagraph (c)3.e.

99 | However, the association is not liable for an inadvertent

100 | disclosure of the e-mail address or facsimile number for

101 receiving electronic transmission of notices.

102 8. All current insurance policies of the association and
 103 condominiums operated by the association.

104 9. A current copy of any management agreement, lease, or
 105 other contract to which the association is a party or under
 106 which the association or the unit owners have an obligation or
 107 responsibility.

108 10. Bills of sale or transfer for all property owned by
 109 the association.

110 11. Accounting records for the association and separate
 111 accounting records for each condominium that the association
 112 operates. Any person who knowingly or intentionally defaces or
 113 destroys such records, or who knowingly or intentionally fails
 114 to create or maintain such records, with the intent of causing
 115 harm to the association or one or more of its members, is
 116 personally subject to a civil penalty pursuant to s.
 117 718.501(1)(d). The accounting records must include, but are not
 118 limited to:

119 a. Accurate, itemized, and detailed records of all
 120 receipts and expenditures.

121 b. A current account and a monthly, bimonthly, or
 122 quarterly statement of the account for each unit designating the
 123 name of the unit owner, the due date and amount of each
 124 assessment, the amount paid on the account, and the balance due.

125 c. All audits, reviews, accounting statements, and

126 financial reports of the association or condominium.

127 d. All contracts for work to be performed. Bids for work
128 to be performed are also considered official records and must be
129 maintained by the association for at least 1 year after receipt
130 of the bid.

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

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

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

140 ~~15. All other written records of the association not~~
141 ~~specifically included in the foregoing which are related to the~~
142 ~~operation of the association.~~

143 15.16. A copy of the inspection report as described in s.
144 718.301(4)(p).

145 16.17. Bids for materials, equipment, or services.

146 17. All other records of the association not specifically
147 included in subparagraphs 1.-16. which are related to the
148 operation of the association.

149 (b) The official records specified in subparagraphs (a)1.-
150 6. must be permanently maintained from the inception of the

151 association. Bids for work to be performed or for materials,
152 equipment, or services must be maintained for 1 year after
153 receipt of the bid. All other official records must be
154 maintained within the state for at least 7 years, unless
155 otherwise provided by general law. The records of the
156 association shall be made available to a unit owner within 45
157 miles of the condominium property or within the county in which
158 the condominium property is located within 10 working days after
159 receipt of a written request by the board or its designee.
160 However, such distance requirement does not apply to an
161 association governing a timeshare condominium. This paragraph
162 may be complied with by having a copy of the official records of
163 the association available for inspection or copying on the
164 condominium property or association property, or the association
165 may offer the option of making the records available to a unit
166 owner electronically via the Internet or by allowing the records
167 to be viewed in electronic format on a computer screen and
168 printed upon request. The association is not responsible for the
169 use or misuse of the information provided to an association
170 member or his or her authorized representative in ~~pursuant to~~
171 ~~the compliance with requirements of~~ this chapter unless the
172 association has an affirmative duty not to disclose such
173 information under ~~pursuant to~~ this chapter.

174 (c)1. The official records of the association are open to
175 inspection by any association member or the authorized

176 representative of such member at all reasonable times. The right
177 to inspect the records includes the right to make or obtain
178 copies, at the reasonable expense, if any, of the member or
179 authorized representative of such member. A renter of a unit has
180 a right to inspect and copy the association's bylaws and rules.
181 The association may adopt reasonable rules regarding the
182 frequency, time, location, notice, and manner of record
183 inspections and copying, but may not require a member to
184 demonstrate any purpose or state any reason for the inspection.
185 The failure of an association to provide the records within 10
186 working days after receipt of a written request creates a
187 rebuttable presumption that the association willfully failed to
188 comply with this paragraph. A unit owner who is denied access to
189 official records is entitled to the actual damages or minimum
190 damages for the association's willful failure to comply. Minimum
191 damages are \$50 per calendar day for up to 10 days, beginning on
192 the 11th working day after receipt of the written request. The
193 failure to permit inspection entitles any person prevailing in
194 an enforcement action to recover reasonable attorney fees from
195 the person in control of the records who, directly or
196 indirectly, knowingly denied access to the records.

197 2. Any person who knowingly or intentionally defaces or
198 destroys accounting records that are required by this chapter to
199 be maintained during the period for which such records are
200 required to be maintained, or who knowingly or intentionally

201 fails to create or maintain accounting records that are required
202 to be created or maintained, with the intent of causing harm to
203 the association or one or more of its members, is personally
204 subject to a civil penalty pursuant to s. 718.501(1)(d).

205 3. The association shall maintain an adequate number of
206 copies of the declaration, articles of incorporation, bylaws,
207 and rules, and all amendments to each of the foregoing, as well
208 as the question and answer sheet as described in s. 718.504 and
209 year-end financial information required under this section, on
210 the condominium property to ensure their availability to unit
211 owners and prospective purchasers, and may charge its actual
212 costs for preparing and furnishing these documents to those
213 requesting the documents. An association shall allow a member or
214 his or her authorized representative to use a portable device,
215 including a smartphone, tablet, portable scanner, or any other
216 technology capable of scanning or taking photographs, to make an
217 electronic copy of the official records in lieu of the
218 association's providing the member or his or her authorized
219 representative with a copy of such records. The association may
220 not charge a member or his or her authorized representative for
221 the use of a portable device. Notwithstanding this paragraph,
222 the following records are not accessible to unit owners:

223 a. Any record protected by the lawyer-client privilege as
224 described in s. 90.502 and any record protected by the work-
225 product privilege, including a record prepared by an association

226 attorney or prepared at the attorney's express direction, which
227 reflects a mental impression, conclusion, litigation strategy,
228 or legal theory of the attorney or the association, and which
229 was prepared exclusively for civil or criminal litigation or for
230 adversarial administrative proceedings, or which was prepared in
231 anticipation of such litigation or proceedings until the
232 conclusion of the litigation or proceedings.

233 b. Information obtained by an association in connection
234 with the approval of the lease, sale, or other transfer of a
235 unit.

236 c. Personnel records of association or management company
237 employees, including, but not limited to, disciplinary, payroll,
238 health, and insurance records. For purposes of this sub-
239 subparagraph, the term "personnel records" does not include
240 written employment agreements with an association employee or
241 management company, or budgetary or financial records that
242 indicate the compensation paid to an association employee.

243 d. Medical records of unit owners.

244 e. Social security numbers, driver license numbers, credit
245 card numbers, e-mail addresses, telephone numbers, facsimile
246 numbers, emergency contact information, addresses of a unit
247 owner other than as provided to fulfill the association's notice
248 requirements, and other personal identifying information of any
249 person, excluding the person's name, unit designation, mailing
250 address, property address, and any address, e-mail address, or

251 facsimile number provided to the association to fulfill the
252 association's notice requirements. Notwithstanding the
253 restrictions in this sub-subparagraph, an association may print
254 and distribute to unit ~~parcel~~ owners a directory containing the
255 name, unit ~~parcel~~ address, and all telephone numbers of each
256 unit ~~parcel~~ owner. However, an owner may exclude his or her
257 telephone numbers from the directory by so requesting in writing
258 to the association. An owner may consent in writing to the
259 disclosure of other contact information described in this sub-
260 subparagraph. The association is not liable for the inadvertent
261 disclosure of information that is protected under this sub-
262 subparagraph if the information is included in an official
263 record of the association and is voluntarily provided by an
264 owner and not requested by the association.

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

267 g. The software and operating system used by the
268 association which allow the manipulation of data, even if the
269 owner owns a copy of the same software used by the association.
270 The data is part of the official records of the association.

271 (g)1. By January 1, 2019, an association managing a
272 condominium with 150 or more units which does not contain
273 timeshare units shall post digital copies of the documents
274 specified in subparagraph 2. on its website or make such
275 documents available through an application that can be

276 | downloaded on a mobile device.

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

278 | (I) An independent website, application, or web portal
279 | wholly owned and operated by the association; or

280 | (II) A website, application, or web portal operated by a
281 | third-party provider with whom the association owns, leases,
282 | rents, or otherwise obtains the right to operate a web page,
283 | subpage, web portal, ~~or~~ collection of subpages or web portals,
284 | or application which is dedicated to the association's
285 | activities and on which required notices, records, and documents
286 | may be posted or made available by the association.

287 | b. The association's website or application must be
288 | accessible through the Internet and must contain a subpage, web
289 | portal, or other protected electronic location that is
290 | inaccessible to the general public and accessible only to unit
291 | owners and employees of the association.

292 | c. Upon a unit owner's written request, the association
293 | must provide the unit owner with a username and password and
294 | access to the protected sections of the association's website or
295 | application that contain any notices, records, or documents that
296 | must be electronically provided.

297 | 2. A current copy of the following documents must be
298 | posted in digital format on the association's website or made
299 | available through an application that can be downloaded on a
300 | mobile device:

- 301 a. The recorded declaration of condominium of each
302 condominium operated by the association and each amendment to
303 each declaration.
- 304 b. The recorded bylaws of the association and each
305 amendment to the bylaws.
- 306 c. The articles of incorporation of the association, or
307 other documents creating the association, and each amendment to
308 the articles of incorporation or other documents ~~thereto~~. The
309 copy posted pursuant to this sub-subparagraph must be a copy of
310 the articles of incorporation filed with the Department of
311 State.
- 312 d. The rules of the association.
- 313 e. A list of all executory contracts or documents to which
314 the association is a party or under which the association or the
315 unit owners have an obligation or responsibility and, after
316 bidding for the related materials, equipment, or services has
317 closed, a list of bids received by the association within the
318 past year. Summaries of bids for materials, equipment, or
319 services which exceed \$500 must be maintained on the website or
320 application for 1 year. In lieu of summaries, complete copies of
321 the bids may be posted.
- 322 f. The annual budget required by s. 718.112(2)(f) and any
323 proposed budget to be considered at the annual meeting.
- 324 g. The financial report required by subsection (13) and
325 any monthly income or expense statement to be considered at a

326 meeting.

327 h. The certification of each director required by s.
328 718.112(2)(d)4.b.

329 i. All contracts or transactions between the association
330 and any director, officer, corporation, firm, or association
331 that is not an affiliated condominium association or any other
332 entity in which an association director is also a director or
333 officer and financially interested.

334 j. Any contract or document regarding a conflict of
335 interest or possible conflict of interest as provided in ss.
336 468.436(2)(b)6. and 718.3027(3).

337 k. The notice of any unit owner meeting and the agenda for
338 the meeting, as required by s. 718.112(2)(d)3., no later than 14
339 days before the meeting. The notice must be posted in plain view
340 on the front page of the website or application, or on a
341 separate subpage of the website or application labeled "Notices"
342 which is conspicuously visible and linked from the front page.
343 The association must also post on its website or application any
344 document to be considered and voted on by the owners during the
345 meeting or any document listed on the agenda at least 7 days
346 before the meeting at which the document or the information
347 within the document will be considered.

348 l. Notice of any board meeting, the agenda, and any other
349 document required for the meeting as required by s.
350 718.112(2)(c), which must be posted no later than the date

351 required for notice pursuant to s. 718.112(2)(c).

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

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

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

372 718.112 Bylaws.—

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

376 (d) Unit owner meetings.—

377 1. An annual meeting of the unit owners must be held at
378 the location provided in the association bylaws and, if the
379 bylaws are silent as to the location, the meeting must be held
380 within 45 miles of the condominium property. However, such
381 distance requirement does not apply to an association governing
382 a timeshare condominium.

383 2. Unless the bylaws provide otherwise, a vacancy on the
384 board caused by the expiration of a director's term must be
385 filled by electing a new board member, and the election must be
386 by secret ballot. An election is not required if the number of
387 vacancies equals or exceeds the number of candidates. For
388 purposes of this paragraph, the term "candidate" means an
389 eligible person who has timely submitted the written notice, as
390 described in sub-subparagraph 4.a., of his or her intention to
391 become a candidate. Except in a timeshare or nonresidential
392 condominium, or if the staggered term of a board member does not
393 expire until a later annual meeting, or if all members' terms
394 would otherwise expire but there are no candidates, the terms of
395 all board members expire at the annual meeting, and such members
396 may stand for reelection unless prohibited by the bylaws. Board
397 members may serve terms longer than 1 year if permitted by the
398 bylaws or articles of incorporation. A board member may not
399 serve more than 8 consecutive years unless approved by an
400 affirmative vote of unit owners representing two-thirds of all

401 votes cast in the election or unless there are not enough
402 eligible candidates to fill the vacancies on the board at the
403 time of the vacancy. Only board service that occurs on or after
404 July 1, 2018, may be used when calculating a board member's term
405 limit. If the number of board members whose terms expire at the
406 annual meeting equals or exceeds the number of candidates, the
407 candidates become members of the board effective upon the
408 adjournment of the annual meeting. Unless the bylaws provide
409 otherwise, any remaining vacancies shall be filled by the
410 affirmative vote of the majority of the directors making up the
411 newly constituted board even if the directors constitute less
412 than a quorum or there is only one director. In a residential
413 condominium association of more than 10 units or in a
414 residential condominium association that does not include
415 timeshare units or timeshare interests, coowners of a unit may
416 not serve as members of the board of directors at the same time
417 unless they own more than one unit or unless there are not
418 enough eligible candidates to fill the vacancies on the board at
419 the time of the vacancy. A unit owner in a residential
420 condominium desiring to be a candidate for board membership must
421 comply with sub-subparagraph 4.a. and must be eligible to be a
422 candidate to serve on the board of directors at the time of the
423 deadline for submitting a notice of intent to run in order to
424 have his or her name listed as a proper candidate on the ballot
425 or to serve on the board. A person who has been suspended or

426 removed by the division under this chapter, or who is delinquent
427 in the payment of any monetary obligation due to the
428 association, is not eligible to be a candidate for board
429 membership and may not be listed on the ballot. A person who has
430 been convicted of any felony in this state or in a United States
431 District or Territorial Court, or who has been convicted of any
432 offense in another jurisdiction which would be considered a
433 felony if committed in this state, is not eligible for board
434 membership unless such felon's civil rights have been restored
435 for at least 5 years as of the date such person seeks election
436 to the board. The validity of an action by the board is not
437 affected if it is later determined that a board member is
438 ineligible for board membership due to having been convicted of
439 a felony. This subparagraph does not limit the term of a member
440 of the board of a nonresidential or timeshare condominium.

441 3. The bylaws must provide the method of calling meetings
442 of unit owners, including annual meetings. Written notice of an
443 annual meeting must include an agenda; ~~must~~ be mailed, hand
444 delivered, or electronically transmitted to each unit owner at
445 least 14 days before the annual meeting; ~~and must~~ be posted in
446 a conspicuous place on the condominium property at least 14
447 continuous days before the annual meeting. Written notice of a
448 meeting other than an annual meeting must include an agenda; be
449 mailed, hand delivered, or electronically transmitted to each
450 unit owner; and be posted in a conspicuous place on the

451 condominium property in accordance with the minimum period of
452 time for posting a notice as set forth in the bylaws, and if the
453 bylaws do not provide such notice requirements, then at least 14
454 continuous days before the meeting. Upon notice to the unit
455 owners, the board shall, by duly adopted rule, designate a
456 specific location on the condominium property where all notices
457 of unit owner meetings must be posted. This requirement does not
458 apply if there is no condominium property for posting notices.
459 In lieu of, or in addition to, the physical posting of meeting
460 notices, the association may, by reasonable rule, adopt a
461 procedure for conspicuously posting and repeatedly broadcasting
462 the notice and the agenda on a closed-circuit cable television
463 system serving the condominium association. However, if
464 broadcast notice is used in lieu of a notice posted physically
465 on the condominium property, the notice and agenda must be
466 broadcast at least four times every broadcast hour of each day
467 that a posted notice is otherwise required under this section.
468 If broadcast notice is provided, the notice and agenda must be
469 broadcast in a manner and for a sufficient continuous length of
470 time so as to allow an average reader to observe the notice and
471 read and comprehend the entire content of the notice and the
472 agenda. In addition to any of the authorized means of providing
473 notice of a meeting of the board, the association may, by rule,
474 adopt a procedure for conspicuously posting the meeting notice
475 and the agenda on a website serving the condominium association

476 | for at least the minimum period of time for which a notice of a
477 | meeting is also required to be physically posted on the
478 | condominium property. Any rule adopted shall, in addition to
479 | other matters, include a requirement that the association send
480 | an electronic notice in the same manner as a notice for a
481 | meeting of the members, which must include a hyperlink to the
482 | website where the notice is posted, to unit owners whose e-mail
483 | addresses are included in the association's official records.
484 | Unless a unit owner waives in writing the right to receive
485 | notice of the annual meeting, such notice must be hand
486 | delivered, mailed, or electronically transmitted to each unit
487 | owner. Notice for meetings and notice for all other purposes
488 | must be mailed to each unit owner at the address last furnished
489 | to the association by the unit owner, or hand delivered to each
490 | unit owner. However, if a unit is owned by more than one person,
491 | the association must provide notice to the address that the
492 | developer identifies for that purpose and thereafter as one or
493 | more of the owners of the unit advise the association in
494 | writing, or if no address is given or the owners of the unit do
495 | not agree, to the address provided on the deed of record. An
496 | officer of the association, or the manager or other person
497 | providing notice of the association meeting, must provide an
498 | affidavit or United States Postal Service certificate of
499 | mailing, to be included in the official records of the
500 | association affirming that the notice was mailed or hand

501 delivered in accordance with this provision.

502 4. The members of the board of a residential condominium
503 shall be elected by written ballot or voting machine. Proxies
504 may not be used in electing the board in general elections or
505 elections to fill vacancies caused by recall, resignation, or
506 otherwise, unless otherwise provided in this chapter. This
507 subparagraph does not apply to an association governing a
508 timeshare condominium.

509 a. At least 60 days before a scheduled election, the
510 association shall mail, deliver, or electronically transmit, by
511 separate association mailing or included in another association
512 mailing, delivery, or transmission, including regularly
513 published newsletters, to each unit owner entitled to a vote, a
514 first notice of the date of the election. A unit owner or other
515 eligible person desiring to be a candidate for the board must
516 give written notice of his or her intent to be a candidate to
517 the association at least 40 days before a scheduled election.
518 Together with the written notice and agenda as set forth in
519 subparagraph 3., the association shall mail, deliver, or
520 electronically transmit a second notice of the election to all
521 unit owners entitled to vote, together with a ballot that lists
522 all candidates not less than 14 days or more than 34 days before
523 the date of the election. Upon request of a candidate, an
524 information sheet, no larger than 8 1/2 inches by 11 inches,
525 which must be furnished by the candidate at least 35 days before

526 | the election, must be included with the mailing, delivery, or
527 | transmission of the ballot, with the costs of mailing, delivery,
528 | or electronic transmission and copying to be borne by the
529 | association. The association is not liable for the contents of
530 | the information sheets prepared by the candidates. In order to
531 | reduce costs, the association may print or duplicate the
532 | information sheets on both sides of the paper. The division
533 | shall by rule establish voting procedures consistent with this
534 | sub-subparagraph, including rules establishing procedures for
535 | giving notice by electronic transmission and rules providing for
536 | the secrecy of ballots. Elections shall be decided by a
537 | plurality of ballots cast. There is no quorum requirement;
538 | however, at least 20 percent of the eligible voters must cast a
539 | ballot in order to have a valid election. A unit owner may not
540 | authorize any other person to vote his or her ballot, and any
541 | ballots improperly cast are invalid. A unit owner who violates
542 | this provision may be fined by the association in accordance
543 | with s. 718.303. A unit owner who needs assistance in casting
544 | the ballot for the reasons stated in s. 101.051 may obtain such
545 | assistance. The regular election must occur on the date of the
546 | annual meeting. Notwithstanding this sub-subparagraph, an
547 | election is not required unless more candidates file notices of
548 | intent to run or are nominated than board vacancies exist.

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

551 | elected or appointed director shall certify in writing to the
552 | secretary of the association that he or she has read the
553 | association's declaration of condominium, articles of
554 | incorporation, bylaws, and current written policies; that he or
555 | she will work to uphold such documents and policies to the best
556 | of his or her ability; and that he or she will faithfully
557 | discharge his or her fiduciary responsibility to the
558 | association's members. In lieu of this written certification,
559 | within 90 days after being elected or appointed to the board,
560 | the newly elected or appointed director may submit a certificate
561 | of having satisfactorily completed the educational curriculum
562 | administered by a division-approved condominium education
563 | provider within 1 year before or 90 days after the date of
564 | election or appointment. The written certification or
565 | educational certificate is valid and does not have to be
566 | resubmitted as long as the director serves on the board without
567 | interruption. A director of an association of a residential
568 | condominium who fails to timely file the written certification
569 | or educational certificate is suspended from service on the
570 | board until he or she complies with this sub-subparagraph. The
571 | board may temporarily fill the vacancy during the period of
572 | suspension. The secretary shall cause the association to retain
573 | a director's written certification or educational certificate
574 | for inspection by the members for 5 years after a director's
575 | election or the duration of the director's uninterrupted tenure,

576 | whichever is longer. Failure to have such written certification
577 | or educational certificate on file does not affect the validity
578 | of any board action.

579 | c. Any challenge to the election process must be commenced
580 | within 60 days after the election results are announced.

581 | 5. Any approval by unit owners called for by this chapter
582 | or the applicable declaration or bylaws, including, but not
583 | limited to, the approval requirement in s. 718.111(8), must be
584 | made at a duly noticed meeting of unit owners and is subject to
585 | all requirements of this chapter or the applicable condominium
586 | documents relating to unit owner decisionmaking, except that
587 | unit owners may take action by written agreement, without
588 | meetings, on matters for which action by written agreement
589 | without meetings is expressly allowed by the applicable bylaws
590 | or declaration or any law that provides for such action.

591 | 6. Unit owners may waive notice of specific meetings if
592 | allowed by the applicable bylaws or declaration or any law.
593 | Notice of meetings of the board of administration, unit owner
594 | meetings, except unit owner meetings called to recall board
595 | members under paragraph (j), and committee meetings may be given
596 | by electronic transmission to unit owners who consent to receive
597 | notice by electronic transmission. A unit owner who consents to
598 | receiving notices by electronic transmission is solely
599 | responsible for removing or bypassing filters that block receipt
600 | of mass e-mails ~~emails~~ sent to members on behalf of the

601 association in the course of giving electronic notices.

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

606 8. A unit owner may tape record or videotape a meeting of
607 the unit owners subject to reasonable rules adopted by the
608 division.

609 9. Unless otherwise provided in the bylaws, any vacancy
610 occurring on the board before the expiration of a term may be
611 filled by the affirmative vote of the majority of the remaining
612 directors, even if the remaining directors constitute less than
613 a quorum, or by the sole remaining director. In the alternative,
614 a board may hold an election to fill the vacancy, in which case
615 the election procedures must conform to sub-subparagraph 4.a.
616 unless the association governs 10 units or fewer and has opted
617 out of the statutory election process, in which case the bylaws
618 of the association control. Unless otherwise provided in the
619 bylaws, a board member appointed or elected under this section
620 shall fill the vacancy for the unexpired term of the seat being
621 filled. Filling vacancies created by recall is governed by
622 paragraph (j) and rules adopted by the division.

623 10. This chapter does not limit the use of general or
624 limited proxies, require the use of general or limited proxies,
625 or require the use of a written ballot or voting machine for any

626 agenda item or election at any meeting of a timeshare
627 condominium association or nonresidential condominium
628 association.

629
630 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
631 association of 10 or fewer units may, by affirmative vote of a
632 majority of the total voting interests, provide for different
633 voting and election procedures in its bylaws, which may be by a
634 proxy specifically delineating the different voting and election
635 procedures. The different voting and election procedures may
636 provide for elections to be conducted by limited or general
637 proxy.

638 (i) Transfer fees.—An association may not ~~ne~~ charge an
639 applicant any fees, except the actual costs of any background
640 check or screening performed ~~shall be made~~ by the association,
641 ~~or any body thereof~~ in connection with the sale, mortgage,
642 lease, sublease, or other transfer of a unit unless the
643 association is required to approve such transfer and a fee for
644 such approval is provided for in the declaration, articles, or
645 bylaws. Except for the actual costs of any background check or
646 screening performed by the association, any such fee may be
647 preset, but may not ~~in no event may such fee~~ exceed \$100 per
648 applicant other than a husband and wife or parent and dependent
649 child ~~husband/wife or parent/dependent child~~, which are
650 considered one applicant. However, if the lease or sublease is a

651 renewal of a lease or sublease with the same lessee or
652 sublessee, a charge may not ~~no charge shall~~ be made. The
653 foregoing notwithstanding, an association may, if the authority
654 to do so appears in the declaration, articles, or bylaws,
655 require that a prospective lessee place a security deposit, in
656 an amount not to exceed the equivalent of 1 month's rent, into
657 an escrow account maintained by the association. The security
658 deposit shall protect against damages to the common elements or
659 association property. Payment of interest, claims against the
660 deposit, refunds, and disputes under this paragraph shall be
661 handled in the same fashion as provided in part II of chapter
662 83.

663 ~~(p) Service providers; conflicts of interest. An~~
664 ~~association, which is not a timeshare condominium association,~~
665 ~~may not employ or contract with any service provider that is~~
666 ~~owned or operated by a board member or with any person who has a~~
667 ~~financial relationship with a board member or officer, or a~~
668 ~~relative within the third degree of consanguinity by blood or~~
669 ~~marriage of a board member or officer. This paragraph does not~~
670 ~~apply to a service provider in which a board member or officer,~~
671 ~~or a relative within the third degree of consanguinity by blood~~
672 ~~or marriage of a board member or officer, owns less than 1~~
673 ~~percent of the equity shares.~~

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

676 718.113 Maintenance; limitation upon improvement; display
677 of flag; hurricane shutters and protection; display of religious
678 decorations.—

679 (8) The Legislature finds that the use of electric
680 vehicles conserves and protects the state's environmental
681 resources, provides significant economic savings to drivers, and
682 serves an important public interest. The participation of
683 condominium associations is essential to the state's efforts to
684 conserve and protect the state's environmental resources and
685 provide economic savings to drivers. Therefore, the installation
686 of an electric vehicle charging station shall be governed as
687 follows:

688 (a) A declaration of condominium or restrictive covenant
689 may not prohibit or be enforced so as to prohibit any unit owner
690 from installing an electric vehicle charging station within the
691 boundaries of the unit owner's limited common element or
692 exclusively designated parking area. The board of administration
693 of a condominium association may not prohibit a unit owner from
694 installing an electric vehicle charging station for an electric
695 vehicle, as defined in s. 320.01, within the boundaries of his
696 or her limited common element or exclusively designated parking
697 area. The installation of such charging stations are subject to
698 the provisions of this subsection.

699 (c) The electricity for the electric vehicle charging
700 station must be separately metered or must use an embedded meter

701 and be payable by the unit owner installing such charging
702 station.

703 Section 6. Subsection (1) and paragraph (b) of subsection
704 (3) of section 718.303, Florida Statutes, are amended to read:

705 718.303 Obligations of owners and occupants; remedies.—

706 (1) Each unit owner, ~~each~~ tenant and other invitee, and
707 ~~each~~ association is governed by, and must comply with the
708 provisions of, this chapter, the declaration, the documents
709 creating the association, and the association bylaws which are
710 ~~shall be deemed~~ expressly incorporated into any lease of a unit.

711 Actions at law or in equity ~~for damages or for injunctive~~
712 ~~relief~~, or both, for failure to comply with these provisions may
713 be brought by the association or by a unit owner against:

714 (a) The association.

715 (b) A unit owner.

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

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

721 (e) Any tenant leasing a unit, and any other invitee
722 occupying a unit.

723

724 The prevailing party in any such action or in any action in
725 which the purchaser claims a right of voidability based upon

726 contractual provisions as required in s. 718.503(1)(a) is
727 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
728 owner prevailing in an action between the association and the
729 unit owner under this subsection ~~section~~, in addition to
730 recovering his or her reasonable attorney ~~attorney's~~ fees, may
731 recover additional amounts as determined by the court to be
732 necessary to reimburse the unit owner for his or her share of
733 assessments levied by the association to fund its expenses of
734 the litigation. This relief does not exclude other remedies
735 provided by law. Actions arising under this subsection are not
736 considered ~~may not be deemed to be~~ actions for specific
737 performance.

738 (3) The association may levy reasonable fines for the
739 failure of the owner of the unit or its occupant, licensee, or
740 invitee to comply with any provision of the declaration, the
741 association bylaws, or reasonable rules of the association. A
742 fine may not become a lien against a unit. A fine may be levied
743 by the board on the basis of each day of a continuing violation,
744 with a single notice and opportunity for hearing before a
745 committee as provided in paragraph (b). However, the fine may
746 not exceed \$100 per violation, or \$1,000 in the aggregate.

747 (b) A fine or suspension levied by the board of
748 administration may not be imposed unless the board first
749 provides at least 14 days' written notice to the unit owner and,
750 if applicable, any occupant, licensee, or invitee of the unit

751 owner sought to be fined or suspended, and an opportunity for a
752 hearing before a committee of at least three members appointed
753 by the board who are not officers, directors, or employees of
754 the association, or the spouse, parent, child, brother, or
755 sister of an officer, director, or employee. The role of the
756 committee is limited to determining whether to confirm or reject
757 the fine or suspension levied by the board. If the committee
758 does not approve the proposed fine or suspension by majority
759 vote, the fine or suspension may not be imposed. If the proposed
760 fine or suspension is approved by the committee, the fine
761 payment is due 5 days after notice of the approved fine is
762 provided to the unit owner and, if applicable, to any tenant,
763 licensee, or invitee of the unit owner ~~the date of the committee~~
764 ~~meeting at which the fine is approved.~~ The association must
765 provide written notice of such fine or suspension by mail or
766 hand delivery to the unit owner and, if applicable, to any
767 tenant, licensee, or invitee of the unit owner.

768 Section 7. Section 718.5014, Florida Statutes, is amended
769 to read:

770 718.5014 Ombudsman location.—The ombudsman shall maintain
771 his or her principal office in any Leon County ~~on the premises~~
772 ~~of the division or, if suitable space cannot be provided there,~~
773 ~~at another~~ place convenient to the offices of the division which
774 will enable the ombudsman to expeditiously carry out the duties
775 and functions of his or her office. The ombudsman may establish

776 | branch offices elsewhere in the state upon the concurrence of
 777 | the Governor.

778 | Section 8. Subsection (25) of section 719.103, Florida
 779 | Statutes, is amended to read:

780 | 719.103 Definitions.—As used in this chapter:

781 | (25) "Unit" means a part of the cooperative property which
 782 | is subject to exclusive use and possession. A unit may be
 783 | improvements, land, or land and improvements together, as
 784 | specified in the cooperative documents. An interest in a unit is
 785 | an interest in real property.

786 | Section 9. Paragraph (c) of subsection (2) of section
 787 | 719.104, Florida Statutes, is amended to read:

788 | 719.104 Cooperatives; access to units; records; financial
 789 | reports; assessments; purchase of leases.—

790 | (2) OFFICIAL RECORDS.—

791 | (c) The official records of the association are open to
 792 | inspection by any association member or the authorized
 793 | representative of such member at all reasonable times. The right
 794 | to inspect the records includes the right to make or obtain
 795 | copies, at the reasonable expense, if any, of the association
 796 | member. The association may adopt reasonable rules regarding the
 797 | frequency, time, location, notice, and manner of record
 798 | inspections and copying, but may not require a member to
 799 | demonstrate any purpose or state any reason for the inspection.

800 | The failure of an association to provide the records within 10

801 working days after receipt of a written request creates a
802 rebuttable presumption that the association willfully failed to
803 comply with this paragraph. A member ~~unit-owner~~ who is denied
804 access to official records is entitled to the actual damages or
805 minimum damages for the association's willful failure to comply.
806 The minimum damages are \$50 per calendar day for up to 10 days,
807 beginning on the 11th working day after receipt of the written
808 request. The failure to permit inspection entitles any person
809 prevailing in an enforcement action to recover reasonable
810 attorney fees from the person in control of the records who,
811 directly or indirectly, knowingly denied access to the records.
812 Any person who knowingly or intentionally defaces or destroys
813 accounting records that are required by this chapter to be
814 maintained during the period for which such records are required
815 to be maintained, or who knowingly or intentionally fails to
816 create or maintain accounting records that are required to be
817 created or maintained, with the intent of causing harm to the
818 association or one or more of its members, is personally subject
819 to a civil penalty pursuant to s. 719.501(1)(d). The association
820 shall maintain an adequate number of copies of the declaration,
821 articles of incorporation, bylaws, and rules, and all amendments
822 to each of the foregoing, as well as the question and answer
823 sheet as described in s. 719.504 and year-end financial
824 information required by the department, on the cooperative
825 property to ensure their availability to members ~~unit-owners~~ and

826 prospective purchasers, and may charge its actual costs for
827 preparing and furnishing these documents to those requesting the
828 same. An association shall allow a member or his or her
829 authorized representative to use a portable device, including a
830 smartphone, tablet, portable scanner, or any other technology
831 capable of scanning or taking photographs, to make an electronic
832 copy of the official records in lieu of the association
833 providing the member or his or her authorized representative
834 with a copy of such records. The association may not charge a
835 member or his or her authorized representative for the use of a
836 portable device. Notwithstanding this paragraph, the following
837 records shall not be accessible to members ~~unit owners~~:

838 1. Any record protected by the lawyer-client privilege as
839 described in s. 90.502 and any record protected by the work-
840 product privilege, including any record prepared by an
841 association attorney or prepared at the attorney's express
842 direction which reflects a mental impression, conclusion,
843 litigation strategy, or legal theory of the attorney or the
844 association, and which was prepared exclusively for civil or
845 criminal litigation or for adversarial administrative
846 proceedings, or which was prepared in anticipation of such
847 litigation or proceedings until the conclusion of the litigation
848 or proceedings.

849 2. Information obtained by an association in connection
850 with the approval of the lease, sale, or other transfer of a

851 unit.

852 3. Personnel records of association or management company
853 employees, including, but not limited to, disciplinary, payroll,
854 health, and insurance records. For purposes of this
855 subparagraph, the term "personnel records" does not include
856 written employment agreements with an association employee or
857 management company, or budgetary or financial records that
858 indicate the compensation paid to an association employee.

859 4. Medical records of unit owners.

860 5. Social security numbers, driver license numbers, credit
861 card numbers, e-mail addresses, telephone numbers, facsimile
862 numbers, emergency contact information, addresses of a unit
863 owner other than as provided to fulfill the association's notice
864 requirements, and other personal identifying information of any
865 person, excluding the person's name, unit designation, mailing
866 address, property address, and any address, e-mail address, or
867 facsimile number provided to the association to fulfill the
868 association's notice requirements. Notwithstanding the
869 restrictions in this subparagraph, an association may print and
870 distribute to unit ~~parcel~~ owners a directory containing the
871 name, unit ~~parcel~~ address, and all telephone numbers of each
872 unit ~~parcel~~ owner. However, an owner may exclude his or her
873 telephone numbers from the directory by so requesting in writing
874 to the association. An owner may consent in writing to the
875 disclosure of other contact information described in this

876 subparagraph. The association is not liable for the inadvertent
877 disclosure of information that is protected under this
878 subparagraph if the information is included in an official
879 record of the association and is voluntarily provided by an
880 owner and not requested by the association.

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

883 7. The software and operating system used by the
884 association which allow the manipulation of data, even if the
885 owner owns a copy of the same software used by the association.
886 The data is part of the official records of the association.

887 Section 10. Paragraph (b) of subsection (1) of section
888 719.106, Florida Statutes, is amended to read:

889 719.106 Bylaws; cooperative ownership.—

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

893 (b) Quorum; voting requirements; proxies.—

894 1. Unless otherwise provided in the bylaws, the percentage
895 of voting interests required to constitute a quorum at a meeting
896 of the members shall be a majority of voting interests, and
897 decisions shall be made by owners of a majority of the voting
898 interests. Unless otherwise provided in this chapter, or in the
899 articles of incorporation, bylaws, or other cooperative
900 documents, and except as provided in subparagraph (d)1.,

901 decisions shall be made by owners of a majority of the voting
902 interests represented at a meeting at which a quorum is present.

903 2. Except as specifically otherwise provided herein, after
904 January 1, 1992, unit owners may not vote by general proxy, but
905 may vote by limited proxies substantially conforming to a
906 limited proxy form adopted by the division. Limited proxies and
907 general proxies may be used to establish a quorum. Limited
908 proxies shall be used for votes taken to waive or reduce
909 reserves in accordance with subparagraph (j)2., for votes taken
910 to waive the financial reporting requirements of s.

911 719.104(4)(b), for votes taken to amend the articles of
912 incorporation or bylaws pursuant to this section, and for any
913 other matter for which this chapter requires or permits a vote
914 of the unit owners. Except as provided in paragraph (d), after
915 January 1, 1992, no proxy, limited or general, shall be used in
916 the election of board members. General proxies may be used for
917 other matters for which limited proxies are not required, and
918 may also be used in voting for nonsubstantive changes to items
919 for which a limited proxy is required and given. Notwithstanding
920 the provisions of this section, unit owners may vote in person
921 at unit owner meetings. Nothing contained herein shall limit the
922 use of general proxies or require the use of limited proxies or
923 require the use of limited proxies for any agenda item or
924 election at any meeting of a timeshare cooperative.

925 3. Any proxy given shall be effective only for the

926 specific meeting for which originally given and any lawfully
927 adjourned meetings thereof. In no event shall any proxy be valid
928 for a period longer than 90 days after the date of the first
929 meeting for which it was given. Every proxy shall be revocable
930 at any time at the pleasure of the unit owner executing it.

931 4. A member of the board of administration or a committee
932 may submit in writing his or her agreement or disagreement with
933 any action taken at a meeting that the member did not attend.
934 This agreement or disagreement may not be used as a vote for or
935 against the action taken and may not be used for the purposes of
936 creating a quorum.

937 5. A board or committee member's participation in a
938 meeting via telephone, real-time video conferencing, or similar
939 real-time electronic or video communication counts toward a
940 quorum, and such member may vote as if physically present ~~When~~
941 ~~some or all of the board or committee members meet by telephone~~
942 ~~conference, those board or committee members attending by~~
943 ~~telephone conference may be counted toward obtaining a quorum~~
944 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be
945 used ~~utilized~~ so that the conversation of such ~~those board or~~
946 ~~committee members attending by telephone~~ may be heard by the
947 board or committee members attending in person, as well as by
948 any unit owners present at a meeting.

949 Section 11. Paragraph (c) of subsection (2) and paragraph
950 (1) of subsection (4) of section 720.303, Florida Statutes, are

951 amended, and paragraph (m) is added to subsection (4) of that
952 section, to read:

953 720.303 Association powers and duties; meetings of board;
954 official records; budgets; financial reporting; association
955 funds; recalls.—

956 (2) BOARD MEETINGS.—

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

960 1. Notices of all board meetings must be posted in a
961 conspicuous place in the community at least 48 hours in advance
962 of a meeting, except in an emergency. In the alternative, if
963 notice is not posted in a conspicuous place in the community,
964 notice of each board meeting must be mailed or delivered to each
965 member at least 7 days before the meeting, except in an
966 emergency. Notwithstanding this general notice requirement, for
967 communities with more than 100 members, the association bylaws
968 may provide for a reasonable alternative to posting or mailing
969 of notice for each board meeting, including publication of
970 notice, provision of a schedule of board meetings, or the
971 conspicuous posting and repeated broadcasting of the notice on a
972 closed-circuit cable television system serving the homeowners'
973 association. However, if broadcast notice is used in lieu of a
974 notice posted physically in the community, the notice must be
975 broadcast at least four times every broadcast hour of each day

976 that a posted notice is otherwise required. When broadcast
977 notice is provided, the notice and agenda must be broadcast in a
978 manner and for a sufficient continuous length of time so as to
979 allow an average reader to observe the notice and read and
980 comprehend the entire content of the notice and the agenda. In
981 addition to any of the authorized means of providing notice of a
982 meeting of the board, the association may, by rule, adopt a
983 procedure for conspicuously posting the meeting notice and the
984 agenda on a website serving the association for at least the
985 minimum period of time for which a notice of a meeting is also
986 required to be physically posted on the association property.
987 Any rule adopted shall, in addition to other matters, include a
988 requirement that the association send an electronic notice in
989 the same manner as is required for a notice of a meeting of the
990 members, which must include a hyperlink to the website where the
991 notice is posted, to members whose e-mail addresses are included
992 in the association's official records. The association may
993 provide notice by electronic transmission in a manner authorized
994 by law for meetings of the board of directors, committee
995 meetings requiring notice under this section, and annual and
996 special meetings of the members to any member who has provided a
997 facsimile number or e-mail address to the association to be used
998 for such purposes; however, a member must consent in writing to
999 receiving notice by electronic transmission.

1000 2. An assessment may not be levied at a board meeting

1001 unless the notice of the meeting includes a statement that
1002 assessments will be considered and the nature of the
1003 assessments. Written notice of any meeting at which special
1004 assessments will be considered or at which amendments to rules
1005 regarding parcel use will be considered must be mailed,
1006 delivered, or electronically transmitted to the members and
1007 parcel owners and posted conspicuously on the property or
1008 broadcast on closed-circuit cable television not less than 14
1009 days before the meeting.

1010 3. Directors may not vote by proxy or by secret ballot at
1011 board meetings, except that secret ballots may be used in the
1012 election of officers. This subsection also applies to the
1013 meetings of any committee or other similar body, when a final
1014 decision will be made regarding the expenditure of association
1015 funds, and to any body vested with the power to approve or
1016 disapprove architectural decisions with respect to a specific
1017 parcel of residential property owned by a member of the
1018 community.

1019 (4) OFFICIAL RECORDS.—The association shall maintain each
1020 of the following items, when applicable, which constitute the
1021 official records of the association:

1022 (1) Ballots, sign-in sheets, voting proxies, and all other
1023 papers and electronic records relating to voting by parcel
1024 owners, which shall be maintained for at least 1 year after the
1025 date of the election, vote, or meeting to which the document

1026 relates.

1027 (m) All other ~~written~~ records of the association not
 1028 specifically included in paragraphs (a)-(1) ~~the foregoing~~ which
 1029 are related to the operation of the association.

1030 Section 12. Subsections (1) and (2) of section 720.305,
 1031 Florida Statutes, are amended to read:

1032 720.305 Obligations of members; remedies at law or in
 1033 equity; levy of fines and suspension of use rights.-

1034 (1) Each member and the member's tenants, guests, and
 1035 invitees, and each association, are governed by, and must comply
 1036 with, this chapter and, ~~the governing documents of the~~
 1037 ~~community, and the rules of the association.~~ Actions at law or
 1038 in equity, or both, to redress alleged failure or refusal to
 1039 comply with these provisions may be brought by the association
 1040 or by any member against:

1041 (a) The association;

1042 (b) A member;

1043 (c) Any director or officer of an association who
 1044 willfully and knowingly fails to comply with these provisions;
 1045 and

1046 (d) Any tenants, guests, or invitees occupying a parcel or
 1047 using the common areas.

1048
 1049 The prevailing party in any such litigation is entitled to
 1050 recover reasonable attorney fees and costs. A member prevailing

1051 in an action between the association and the member under this
1052 section, in addition to recovering his or her reasonable
1053 attorney fees, may recover additional amounts as determined by
1054 the court to be necessary to reimburse the member for his or her
1055 share of assessments levied by the association to fund its
1056 expenses of the litigation. This relief does not exclude other
1057 remedies provided by law. This section does not deprive any
1058 person of any other available right or remedy.

1059 (2) An ~~The~~ association may levy reasonable fines. A fine
1060 may not exceed \$100 per violation against any member or any
1061 member's tenant, guest, or invitee for the failure of the owner
1062 of the parcel or its occupant, licensee, or invitee to comply
1063 with any provision of the governing documents ~~declaration, the~~
1064 ~~association bylaws, or reasonable rules of the association~~
1065 unless otherwise provided in the governing documents. A fine may
1066 be levied by the board for each day of a continuing violation,
1067 with a single notice and opportunity for hearing, except that
1068 the fine may not exceed \$1,000 in the aggregate unless otherwise
1069 provided in the governing documents. A fine of less than \$1,000
1070 may not become a lien against a parcel. In any action to recover
1071 a fine, the prevailing party is entitled to reasonable attorney
1072 fees and costs from the nonprevailing party as determined by the
1073 court.

1074 (a) An association may suspend, for a reasonable period of
1075 time, the right of a member, or a member's tenant, guest, or

1076 invitee, to use common areas and facilities for the failure of
1077 the owner of the parcel or its occupant, licensee, or invitee to
1078 comply with any provision of the declaration, the association
1079 bylaws, or reasonable rules of the association. This paragraph
1080 does not apply to that portion of common areas used to provide
1081 access or utility services to the parcel. A suspension may not
1082 prohibit an owner or tenant of a parcel from having vehicular
1083 and pedestrian ingress to and egress from the parcel, including,
1084 but not limited to, the right to park.

1085 (b) A fine or suspension levied by the board of
1086 administration may not be imposed unless the board first
1087 provides at least 14 days' notice to the parcel owner and, if
1088 applicable, any occupant, licensee, or invitee of the parcel
1089 owner, sought to be fined or suspended and an opportunity for a
1090 hearing before a committee of at least three members appointed
1091 by the board who are not officers, directors, or employees of
1092 the association, or the spouse, parent, child, brother, or
1093 sister of an officer, director, or employee. If the committee,
1094 by majority vote, does not approve a proposed fine or
1095 suspension, the proposed fine or suspension may not be imposed.
1096 The role of the committee is limited to determining whether to
1097 confirm or reject the fine or suspension levied by the board. If
1098 the proposed fine or suspension levied by the board is approved
1099 by the committee, the fine payment is due 5 days after notice of
1100 the approved fine is provided to the parcel owner and, if

1101 applicable, to any occupant, licensee, or invitee of the parcel
 1102 owner ~~the date of the committee meeting at which the fine is~~
 1103 ~~approved.~~ The association must provide written notice of such
 1104 fine or suspension by mail or hand delivery to the parcel owner
 1105 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee
 1106 of the parcel owner.

1107 Section 13. Paragraph (g) of subsection (1) of section
 1108 720.306, Florida Statutes, is amended to read:

1109 720.306 Meetings of members; voting and election
 1110 procedures; amendments.—

1111 (1) QUORUM; AMENDMENTS.—

1112 (g) A notice required under this section must be mailed or
 1113 delivered to the address identified as the parcel owner's
 1114 mailing address in the official records of the association as
 1115 required under s. 720.303(4) ~~on the property appraiser's website~~
 1116 ~~for the county in which the parcel is located~~, or electronically
 1117 transmitted in a manner authorized by the association if the
 1118 parcel owner has consented, in writing, to receive notice by
 1119 electronic transmission.

1120 Section 14. This act shall take effect July 1, 2019.