

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

26 | actions for failure to comply with specified
27 | provisions; revising requirements for certain fines;
28 | amending s. 718.5014, F.S.; revising the location of
29 | the principal office of the Office of the Condominium
30 | Ombudsman; amending s. 719.103, F.S.; revising the
31 | definition of the term "unit" to specify that an
32 | interest in a cooperative unit is an interest in real
33 | property; amending s. 719.104, F.S.; prohibiting an
34 | association from requiring certain actions related to
35 | the inspection of records; amending s. 719.106, F.S.;
36 | revising provisions related to a quorum and voting
37 | rights for members remotely participating in meetings;
38 | prohibiting certain provisions in governing documents;
39 | authorizing the association to record certain notice
40 | in the public record; limiting liability; amending s.
41 | 720.303, F.S.; authorizing an association to adopt
42 | procedures for electronic meeting notices; revising
43 | the documents that constitute the official records of
44 | an association; amending s. 720.305, F.S.; providing
45 | requirements for certain fines; amending s. 720.306,
46 | F.S.; revising requirements for providing certain
47 | notices; amending s. 720.3075, F.S.; prohibiting
48 | certain provisions in governing documents; authorizing
49 | the association to record certain notice in the public
50 | record; limiting liability; providing an effective

51 | date.

52 |

53 | Be It Enacted by the Legislature of the State of Florida:

54 |

55 | Section 1. Paragraph (a) of subsection (2) of section
56 | 514.0115, Florida Statutes, is amended to read:

57 | 514.0115 Exemptions from supervision or regulation;
58 | variances.—

59 | (2) (a) Pools serving condominium, cooperative, and
60 | homeowners' associations, as well as other property
61 | associations, which have no more than 32 ~~condominium or~~
62 | cooperative units or parcels and which are not operated as a
63 | public lodging establishments are ~~establishment shall be~~ exempt
64 | from supervision under this chapter, except for water quality.

65 | Section 2. Subsection (4) of section 627.714, Florida
66 | Statutes, is amended to read:

67 | 627.714 Residential condominium unit owner coverage; loss
68 | assessment coverage required.—

69 | (4) Every individual unit owner's residential property
70 | policy must contain a provision stating that the coverage
71 | afforded by such policy is excess coverage over the amount
72 | recoverable under any other policy covering the same property.
73 | If a condominium association's insurance policy does not provide
74 | rights for subrogation against the unit owners in the
75 | association, an insurance policy issued to an individual unit

76 | owner located in the association may not provide rights of
 77 | subrogation against the condominium association.

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

80 | 718.111 The association.—

81 | (12) OFFICIAL RECORDS.—

82 | (a) From the inception of the association, the association
 83 | shall maintain each of the following items, if applicable, which
 84 | constitutes the official records of the association:

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

87 | 2. A photocopy of the recorded declaration of condominium
 88 | of each condominium operated by the association and each
 89 | amendment to each declaration.

90 | 3. A photocopy of the recorded bylaws of the association
 91 | and each amendment to the bylaws.

92 | 4. A certified copy of the articles of incorporation of
 93 | the association, or other documents creating the association,
 94 | and each amendment thereto.

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

96 | 6. A book or books that contain the minutes of all
 97 | meetings of the association, the board of administration, and
 98 | the unit owners.

99 | 7. A current roster of all unit owners and their mailing
 100 | addresses, unit identifications, voting certifications, and, if

101 known, telephone numbers. The association shall also maintain
102 the e-mail addresses and facsimile numbers of unit owners
103 consenting to receive notice by electronic transmission. The e-
104 mail addresses and facsimile numbers are not accessible to unit
105 owners if consent to receive notice by electronic transmission
106 is not provided in accordance with sub-subparagraph (c)3.e.
107 However, the association is not liable for an inadvertent
108 disclosure of the e-mail address or facsimile number for
109 receiving electronic transmission of notices.

110 8. All current insurance policies of the association and
111 condominiums operated by the association.

112 9. A current copy of any management agreement, lease, or
113 other contract to which the association is a party or under
114 which the association or the unit owners have an obligation or
115 responsibility.

116 10. Bills of sale or transfer for all property owned by
117 the association.

118 11. Accounting records for the association and separate
119 accounting records for each condominium that the association
120 operates. Any person who knowingly or intentionally defaces or
121 destroys such records, or who knowingly or intentionally fails
122 to create or maintain such records, with the intent of causing
123 harm to the association or one or more of its members, is
124 personally subject to a civil penalty pursuant to s.
125 718.501(1)(d). The accounting records must include, but are not

126 | limited to:

127 | a. Accurate, itemized, and detailed records of all
128 | receipts and expenditures.

129 | b. A current account and a monthly, bimonthly, or
130 | quarterly statement of the account for each unit designating the
131 | name of the unit owner, the due date and amount of each
132 | assessment, the amount paid on the account, and the balance due.

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

135 | d. All contracts for work to be performed. Bids for work
136 | to be performed are also considered official records and must be
137 | maintained by the association for at least 1 year after receipt
138 | of the bid.

139 | 12. Ballots, sign-in sheets, voting proxies, and all other
140 | papers and electronic records relating to voting by unit owners,
141 | which must be maintained for 1 year from the date of the
142 | election, vote, or meeting to which the document relates,
143 | notwithstanding paragraph (b).

144 | 13. All rental records if the association is acting as
145 | agent for the rental of condominium units.

146 | 14. A copy of the current question and answer sheet as
147 | described in s. 718.504.

148 | ~~15. All other written records of the association not~~
149 | ~~specifically included in the foregoing which are related to the~~
150 | ~~operation of the association.~~

151 ~~15.16.~~ A copy of the inspection report as described in s.
 152 718.301(4)(p).

153 ~~16.17.~~ Bids for materials, equipment, or services.

154 17. All other records of the association not specifically
 155 included in subparagraphs 1.-16. which are related to the
 156 operation of the association.

157 (b) The official records specified in subparagraphs (a)1.-
 158 6. must be permanently maintained from the inception of the
 159 association. Bids for work to be performed or for materials,
 160 equipment, or services must be maintained for at least 1 year
 161 after receipt of the bid. All other official records must be
 162 maintained within the state for at least 7 years, unless
 163 otherwise provided by general law. The records of the
 164 association shall be made available to a unit owner within 45
 165 miles of the condominium property or within the county in which
 166 the condominium property is located within 10 working days after
 167 receipt of a written request by the board or its designee.
 168 However, such distance requirement does not apply to an
 169 association governing a timeshare condominium. This paragraph
 170 may be complied with by having a copy of the official records of
 171 the association available for inspection or copying on the
 172 condominium property or association property, or the association
 173 may offer the option of making the records available to a unit
 174 owner electronically via the Internet or by allowing the records
 175 to be viewed in electronic format on a computer screen and

176 printed upon request. The association is not responsible for the
177 use or misuse of the information provided to an association
178 member or his or her authorized representative in ~~pursuant to~~
179 ~~the compliance with requirements of~~ this chapter unless the
180 association has an affirmative duty not to disclose such
181 information under ~~pursuant to~~ this chapter.

182 (c)1. The official records of the association are open to
183 inspection by any association member or the authorized
184 representative of such member at all reasonable times. The right
185 to inspect the records includes the right to make or obtain
186 copies, at the reasonable expense, if any, of the member or
187 authorized representative of such member. A renter of a unit has
188 a right to inspect and copy the association's bylaws and rules.
189 The association may adopt reasonable rules regarding the
190 frequency, time, location, notice, and manner of record
191 inspections and copying, but may not require a member to
192 demonstrate any purpose or state any reason for the inspection.
193 The failure of an association to provide the records within 10
194 working days after receipt of a written request creates a
195 rebuttable presumption that the association willfully failed to
196 comply with this paragraph. A unit owner who is denied access to
197 official records is entitled to the actual damages or minimum
198 damages for the association's willful failure to comply. Minimum
199 damages are \$50 per calendar day for up to 10 days, beginning on
200 the 11th working day after receipt of the written request. The

201 failure to permit inspection entitles any person prevailing in
202 an enforcement action to recover reasonable attorney fees from
203 the person in control of the records who, directly or
204 indirectly, knowingly denied access to the records.

205 2. Any person who knowingly or intentionally defaces or
206 destroys accounting records that are required by this chapter to
207 be maintained during the period for which such records are
208 required to be maintained, or who knowingly or intentionally
209 fails to create or maintain accounting records that are required
210 to be created or maintained, with the intent of causing harm to
211 the association or one or more of its members, is personally
212 subject to a civil penalty under ~~pursuant to~~ s. 718.501(1)(d).

213 3. The association shall maintain an adequate number of
214 copies of the declaration, articles of incorporation, bylaws,
215 and rules, and all amendments to each of the foregoing, as well
216 as the question and answer sheet as described in s. 718.504 and
217 year-end financial information required under this section, on
218 the condominium property to ensure their availability to unit
219 owners and prospective purchasers, and may charge its actual
220 costs for preparing and furnishing these documents to those
221 requesting the documents. An association shall allow a member or
222 his or her authorized representative to use a portable device,
223 including a smartphone, tablet, portable scanner, or any other
224 technology capable of scanning or taking photographs, to make an
225 electronic copy of the official records in lieu of the

226 association's providing the member or his or her authorized
227 representative with a copy of such records. The association may
228 not charge a member or his or her authorized representative for
229 the use of a portable device. Notwithstanding this paragraph,
230 the following records are not accessible to unit owners:

231 a. Any record protected by the lawyer-client privilege as
232 described in s. 90.502 and any record protected by the work-
233 product privilege, including a record prepared by an association
234 attorney or prepared at the attorney's express direction, which
235 reflects a mental impression, conclusion, litigation strategy,
236 or legal theory of the attorney or the association, and which
237 was prepared exclusively for civil or criminal litigation or for
238 adversarial administrative proceedings, or which was prepared in
239 anticipation of such litigation or proceedings until the
240 conclusion of the litigation or proceedings.

241 b. Information obtained by an association in connection
242 with the approval of the lease, sale, or other transfer of a
243 unit.

244 c. Personnel records of association or management company
245 employees, including, but not limited to, disciplinary, payroll,
246 health, and insurance records. For purposes of this sub-
247 subparagraph, the term "personnel records" does not include
248 written employment agreements with an association employee or
249 management company, or budgetary or financial records that
250 indicate the compensation paid to an association employee.

- 251 d. Medical records of unit owners.
- 252 e. Social security numbers, driver license numbers, credit
253 card numbers, e-mail addresses, telephone numbers, facsimile
254 numbers, emergency contact information, addresses of a unit
255 owner other than as provided to fulfill the association's notice
256 requirements, and other personal identifying information of any
257 person, excluding the person's name, unit designation, mailing
258 address, property address, and any address, e-mail address, or
259 facsimile number provided to the association to fulfill the
260 association's notice requirements. Notwithstanding the
261 restrictions in this sub-subparagraph, an association may print
262 and distribute to unit ~~parcel~~ owners a directory containing the
263 name, unit ~~parcel~~ address, and all telephone numbers of each
264 unit ~~parcel~~ owner. However, an owner may exclude his or her
265 telephone numbers from the directory by so requesting in writing
266 to the association. An owner may consent in writing to the
267 disclosure of other contact information described in this sub-
268 subparagraph. The association is not liable for the inadvertent
269 disclosure of information that is protected under this sub-
270 subparagraph if the information is included in an official
271 record of the association and is voluntarily provided by an
272 owner and not requested by the association.
- 273 f. Electronic security measures that are used by the
274 association to safeguard data, including passwords.
- 275 g. The software and operating system used by the

276 association which allow the manipulation of data, even if the
277 owner owns a copy of the same software used by the association.
278 The data is part of the official records of the association.

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

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

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

288 (II) A website, application, or web portal operated by a
289 third-party provider with whom the association owns, leases,
290 rents, or otherwise obtains the right to operate a web page,
291 subpage, web portal, ~~or~~ collection of subpages or web portals,
292 or application which is dedicated to the association's
293 activities and on which required notices, records, and documents
294 may be posted or made available by the association.

295 b. The association's website or application must be
296 accessible through the Internet and must contain a subpage, web
297 portal, or other protected electronic location that is
298 inaccessible to the general public and accessible only to unit
299 owners and employees of the association.

300 c. Upon a unit owner's written request, the association

301 must provide the unit owner with a username and password and
302 access to the protected sections of the association's website or
303 application that contain any notices, records, or documents that
304 must be electronically provided.

305 2. A current copy of the following documents must be
306 posted in digital format on the association's website or
307 application:

308 a. The recorded declaration of condominium of each
309 condominium operated by the association and each amendment to
310 each declaration.

311 b. The recorded bylaws of the association and each
312 amendment to the bylaws.

313 c. The articles of incorporation of the association, or
314 other documents creating the association, and each amendment to
315 the articles of incorporation or other documents ~~thereto~~. The
316 copy posted pursuant to this sub-subparagraph must be a copy of
317 the articles of incorporation filed with the Department of
318 State.

319 d. The rules of the association.

320 e. A list of all executory contracts or documents to which
321 the association is a party or under which the association or the
322 unit owners have an obligation or responsibility and, after
323 bidding for the related materials, equipment, or services has
324 closed, a list of bids received by the association within the
325 past year. Summaries of bids for materials, equipment, or

326 services which exceed \$500 must be maintained on the website or
327 application for 1 year. In lieu of summaries, complete copies of
328 the bids may be posted.

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

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

334 h. The certification of each director required by s.
335 718.112(2)(d)4.b.

336 i. All contracts or transactions between the association
337 and any director, officer, corporation, firm, or association
338 that is not an affiliated condominium association or any other
339 entity in which an association director is also a director or
340 officer and financially interested.

341 j. Any contract or document regarding a conflict of
342 interest or possible conflict of interest as provided in ss.
343 468.436(2)(b)6. and 718.3027(3).

344 k. The notice of any unit owner meeting and the agenda for
345 the meeting, as required by s. 718.112(2)(d)3., no later than 14
346 days before the meeting. The notice must be posted in plain view
347 on the front page of the website or application, or on a
348 separate subpage of the website or application labeled "Notices"
349 which is conspicuously visible and linked from the front page.
350 The association must also post on its website or application any

351 document to be considered and voted on by the owners during the
352 meeting or any document listed on the agenda at least 7 days
353 before the meeting at which the document or the information
354 within the document will be considered.

355 1. Notice of any board meeting, the agenda, and any other
356 document required for the meeting as required by s.
357 718.112(2)(c), which must be posted no later than the date
358 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

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

372 4. The failure of the association to post information
373 required under subparagraph 2. is not in and of itself
374 sufficient to invalidate any action or decision of the
375 association's board or its committees.

376 Section 4. Paragraphs (d), (i), and (p) of subsection (2)
 377 of section 718.112, Florida Statutes, are amended, and paragraph
 378 (c) of subsection (1) is added to that section, to read:

379 718.112 Bylaws.—

380 (1) GENERALLY.—

381 (c) Any provision of the declaration, the association
 382 bylaws, or reasonable rules or regulations of the association
 383 which diminish or infringe upon any right protected under the
 384 Fourteenth Amendment to the United States Constitution or Art.
 385 II of the State Constitution is void and unenforceable without
 386 further action of the association. The association may record a
 387 notice in the public records of the county in which the
 388 condominium is located evidencing its intention to not enforce
 389 such provision. The failure of the association to record a
 390 notice in the public record may not be the basis for liability
 391 or evidence of discrimination or a discriminatory intention.

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

395 (d) Unit owner meetings.—

396 1. An annual meeting of the unit owners must be held at
 397 the location provided in the association bylaws and, if the
 398 bylaws are silent as to the location, the meeting must be held
 399 within 45 miles of the condominium property. However, such
 400 distance requirement does not apply to an association governing

401 a timeshare condominium.

402 2. Unless the bylaws provide otherwise, a vacancy on the
403 board caused by the expiration of a director's term must be
404 filled by electing a new board member, and the election must be
405 by secret ballot. An election is not required if the number of
406 vacancies equals or exceeds the number of candidates. For
407 purposes of this paragraph, the term "candidate" means an
408 eligible person who has timely submitted the written notice, as
409 described in sub-subparagraph 4.a., of his or her intention to
410 become a candidate. Except in a timeshare or nonresidential
411 condominium, or if the staggered term of a board member does not
412 expire until a later annual meeting, or if all members' terms
413 would otherwise expire but there are no candidates, the terms of
414 all board members expire at the annual meeting, and such members
415 may stand for reelection unless prohibited by the bylaws. Board
416 members may serve terms longer than 1 year if permitted by the
417 bylaws or articles of incorporation. A board member may not
418 serve more than 8 consecutive years unless approved by an
419 affirmative vote of unit owners representing two-thirds of all
420 votes cast in the election or unless there are not enough
421 eligible candidates to fill the vacancies on the board at the
422 time of the vacancy. Only board service that occurs on or after
423 July 1, 2018, may be used when calculating a board member's term
424 limit. If the number of board members whose terms expire at the
425 annual meeting equals or exceeds the number of candidates, the

426 candidates become members of the board effective upon the
427 adjournment of the annual meeting. Unless the bylaws provide
428 otherwise, any remaining vacancies shall be filled by the
429 affirmative vote of the majority of the directors making up the
430 newly constituted board even if the directors constitute less
431 than a quorum or there is only one director. In a residential
432 condominium association of more than 10 units or in a
433 residential condominium association that does not include
434 timeshare units or timeshare interests, co-owners of a unit may
435 not serve as members of the board of directors at the same time
436 unless they own more than one unit or unless there are not
437 enough eligible candidates to fill the vacancies on the board at
438 the time of the vacancy. A unit owner in a residential
439 condominium desiring to be a candidate for board membership must
440 comply with sub-subparagraph 4.a. and must be eligible to be a
441 candidate to serve on the board of directors at the time of the
442 deadline for submitting a notice of intent to run in order to
443 have his or her name listed as a proper candidate on the ballot
444 or to serve on the board. A person who has been suspended or
445 removed by the division under this chapter, or who is delinquent
446 in the payment of any monetary obligation due to the
447 association, is not eligible to be a candidate for board
448 membership and may not be listed on the ballot. A person who has
449 been convicted of any felony in this state or in a United States
450 District or Territorial Court, or who has been convicted of any

451 offense in another jurisdiction which would be considered a
452 felony if committed in this state, is not eligible for board
453 membership unless such felon's civil rights have been restored
454 for at least 5 years as of the date such person seeks election
455 to the board. The validity of an action by the board is not
456 affected if it is later determined that a board member is
457 ineligible for board membership due to having been convicted of
458 a felony. This subparagraph does not limit the term of a member
459 of the board of a nonresidential or timeshare condominium.

460 3. The bylaws must provide the method of calling meetings
461 of unit owners, including annual meetings. Written notice of an
462 annual meeting must include an agenda; ~~it must~~ be mailed, hand
463 delivered, or electronically transmitted to each unit owner at
464 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in
465 a conspicuous place on the condominium property at least 14
466 continuous days before the annual meeting. Written notice of a
467 meeting other than an annual meeting must include an agenda; be
468 mailed, hand delivered, or electronically transmitted to each
469 unit owner; and be posted in a conspicuous place on the
470 condominium property in accordance with the minimum period of
471 time for posting a notice as set forth in the bylaws, and if the
472 bylaws do not provide such notice requirements, then at least 14
473 continuous days before the meeting. Upon notice to the unit
474 owners, the board shall, by duly adopted rule, designate a
475 specific location on the condominium property where all notices

476 of unit owner meetings must be posted. This requirement does not
477 apply if there is no condominium property for posting notices.
478 In lieu of, or in addition to, the physical posting of meeting
479 notices, the association may, by reasonable rule, adopt a
480 procedure for conspicuously posting and repeatedly broadcasting
481 the notice and the agenda on a closed-circuit cable television
482 system serving the condominium association. However, if
483 broadcast notice is used in lieu of a notice posted physically
484 on the condominium property, the notice and agenda must be
485 broadcast at least four times every broadcast hour of each day
486 that a posted notice is otherwise required under this section.
487 If broadcast notice is provided, the notice and agenda must be
488 broadcast in a manner and for a sufficient continuous length of
489 time so as to allow an average reader to observe the notice and
490 read and comprehend the entire content of the notice and the
491 agenda. In addition to any of the authorized means of providing
492 notice of a meeting of the board, the association may, by rule,
493 adopt a procedure for conspicuously posting the meeting notice
494 and the agenda on a website serving the condominium association
495 for at least the minimum period of time for which a notice of a
496 meeting is also required to be physically posted on the
497 condominium property. Any rule adopted shall, in addition to
498 other matters, include a requirement that the association send
499 an electronic notice in the same manner as a notice for a
500 meeting of the members, which must include a hyperlink to the

501 website where the notice is posted, to unit owners whose e-mail
502 addresses are included in the association's official records.
503 Unless a unit owner waives in writing the right to receive
504 notice of the annual meeting, such notice must be hand
505 delivered, mailed, or electronically transmitted to each unit
506 owner. Notice for meetings and notice for all other purposes
507 must be mailed to each unit owner at the address last furnished
508 to the association by the unit owner, or hand delivered to each
509 unit owner. However, if a unit is owned by more than one person,
510 the association must provide notice to the address that the
511 developer identifies for that purpose and thereafter as one or
512 more of the owners of the unit advise the association in
513 writing, or if no address is given or the owners of the unit do
514 not agree, to the address provided on the deed of record. An
515 officer of the association, or the manager or other person
516 providing notice of the association meeting, must provide an
517 affidavit or United States Postal Service certificate of
518 mailing, to be included in the official records of the
519 association affirming that the notice was mailed or hand
520 delivered in accordance with this provision.

521 4. The members of the board of a residential condominium
522 shall be elected by written ballot or voting machine. Proxies
523 may not be used in electing the board in general elections or
524 elections to fill vacancies caused by recall, resignation, or
525 otherwise, unless otherwise provided in this chapter. This

526 | subparagraph does not apply to an association governing a
527 | timeshare condominium.

528 | a. At least 60 days before a scheduled election, the
529 | association shall mail, deliver, or electronically transmit, by
530 | separate association mailing or included in another association
531 | mailing, delivery, or transmission, including regularly
532 | published newsletters, to each unit owner entitled to a vote, a
533 | first notice of the date of the election. A unit owner or other
534 | eligible person desiring to be a candidate for the board must
535 | give written notice of his or her intent to be a candidate to
536 | the association at least 40 days before a scheduled election.
537 | Together with the written notice and agenda as set forth in
538 | subparagraph 3., the association shall mail, deliver, or
539 | electronically transmit a second notice of the election to all
540 | unit owners entitled to vote, together with a ballot that lists
541 | all candidates not less than 14 days or more than 34 days before
542 | the date of the election. Upon request of a candidate, an
543 | information sheet, no larger than 8 1/2 inches by 11 inches,
544 | which must be furnished by the candidate at least 35 days before
545 | the election, must be included with the mailing, delivery, or
546 | transmission of the ballot, with the costs of mailing, delivery,
547 | or electronic transmission and copying to be borne by the
548 | association. The association is not liable for the contents of
549 | the information sheets prepared by the candidates. In order to
550 | reduce costs, the association may print or duplicate the

551 information sheets on both sides of the paper. The division
552 shall by rule establish voting procedures consistent with this
553 sub-subparagraph, including rules establishing procedures for
554 giving notice by electronic transmission and rules providing for
555 the secrecy of ballots. Elections shall be decided by a
556 plurality of ballots cast. There is no quorum requirement;
557 however, at least 20 percent of the eligible voters must cast a
558 ballot in order to have a valid election. A unit owner may not
559 authorize any other person to vote his or her ballot, and any
560 ballots improperly cast are invalid. A unit owner who violates
561 this provision may be fined by the association in accordance
562 with s. 718.303. A unit owner who needs assistance in casting
563 the ballot for the reasons stated in s. 101.051 may obtain such
564 assistance. The regular election must occur on the date of the
565 annual meeting. Notwithstanding this sub-subparagraph, an
566 election is not required unless more candidates file notices of
567 intent to run or are nominated than board vacancies exist.

568 b. Within 90 days after being elected or appointed to the
569 board of an association of a residential condominium, each newly
570 elected or appointed director shall certify in writing to the
571 secretary of the association that he or she has read the
572 association's declaration of condominium, articles of
573 incorporation, bylaws, and current written policies; that he or
574 she will work to uphold such documents and policies to the best
575 of his or her ability; and that he or she will faithfully

576 discharge his or her fiduciary responsibility to the
577 association's members. In lieu of this written certification,
578 within 90 days after being elected or appointed to the board,
579 the newly elected or appointed director may submit a certificate
580 of having satisfactorily completed the educational curriculum
581 administered by a division-approved condominium education
582 provider within 1 year before or 90 days after the date of
583 election or appointment. The written certification or
584 educational certificate is valid and does not have to be
585 resubmitted as long as the director serves on the board without
586 interruption. A director of an association of a residential
587 condominium who fails to timely file the written certification
588 or educational certificate is suspended from service on the
589 board until he or she complies with this sub-subparagraph. The
590 board may temporarily fill the vacancy during the period of
591 suspension. The secretary shall cause the association to retain
592 a director's written certification or educational certificate
593 for inspection by the members for 5 years after a director's
594 election or the duration of the director's uninterrupted tenure,
595 whichever is longer. Failure to have such written certification
596 or educational certificate on file does not affect the validity
597 of any board action.

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

600 5. Any approval by unit owners called for by this chapter

601 or the applicable declaration or bylaws, including, but not
602 limited to, the approval requirement in s. 718.111(8), must be
603 made at a duly noticed meeting of unit owners and is subject to
604 all requirements of this chapter or the applicable condominium
605 documents relating to unit owner decisionmaking, except that
606 unit owners may take action by written agreement, without
607 meetings, on matters for which action by written agreement
608 without meetings is expressly allowed by the applicable bylaws
609 or declaration or any law that provides for such action.

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

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

625 8. A unit owner may tape record or videotape a meeting of

626 the unit owners subject to reasonable rules adopted by the
627 division.

628 9. Unless otherwise provided in the bylaws, any vacancy
629 occurring on the board before the expiration of a term may be
630 filled by the affirmative vote of the majority of the remaining
631 directors, even if the remaining directors constitute less than
632 a quorum, or by the sole remaining director. In the alternative,
633 a board may hold an election to fill the vacancy, in which case
634 the election procedures must conform to sub-subparagraph 4.a.
635 unless the association governs 10 units or fewer and has opted
636 out of the statutory election process, in which case the bylaws
637 of the association control. Unless otherwise provided in the
638 bylaws, a board member appointed or elected under this section
639 shall fill the vacancy for the unexpired term of the seat being
640 filled. Filling vacancies created by recall is governed by
641 paragraph (j) and rules adopted by the division.

642 10. This chapter does not limit the use of general or
643 limited proxies, require the use of general or limited proxies,
644 or require the use of a written ballot or voting machine for any
645 agenda item or election at any meeting of a timeshare
646 condominium association or nonresidential condominium
647 association.

648
649 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
650 association of 10 or fewer units may, by affirmative vote of a

651 majority of the total voting interests, provide for different
652 voting and election procedures in its bylaws, which may be by a
653 proxy specifically delineating the different voting and election
654 procedures. The different voting and election procedures may
655 provide for elections to be conducted by limited or general
656 proxy.

657 (i) Transfer fees.—An association may not ~~no~~ charge an
658 applicant any fees, except the actual costs of any background
659 check or screening performed ~~shall be made~~ by the association,
660 ~~or any body thereof~~ in connection with the sale, mortgage,
661 lease, sublease, or other transfer of a unit unless the
662 association is required to approve such transfer and a fee for
663 such approval is provided for in the declaration, articles, or
664 bylaws. Except for the actual costs of any background check or
665 screening performed by the association, any such fee may be
666 preset, but may not ~~in no event may such fee~~ exceed \$100 per
667 applicant other than spouses or parent and dependent child, who
668 ~~husband/wife or parent/dependent child, which~~ are considered one
669 applicant. However, if the lease or sublease is a renewal of a
670 lease or sublease with the same lessee or sublessee, a charge
671 may not ~~no charge shall~~ be made. The foregoing notwithstanding,
672 an association may, if the authority to do so appears in the
673 declaration, articles, or bylaws, require that a prospective
674 lessee place a security deposit, in an amount not to exceed the
675 equivalent of 1 month's rent, into an escrow account maintained

676 by the association. The security deposit shall protect against
677 damages to the common elements or association property. Payment
678 of interest, claims against the deposit, refunds, and disputes
679 under this paragraph shall be handled in the same fashion as
680 provided in part II of chapter 83.

681 ~~(p) Service providers; conflicts of interest. An~~
682 ~~association, which is not a timeshare condominium association,~~
683 ~~may not employ or contract with any service provider that is~~
684 ~~owned or operated by a board member or with any person who has a~~
685 ~~financial relationship with a board member or officer, or a~~
686 ~~relative within the third degree of consanguinity by blood or~~
687 ~~marriage of a board member or officer. This paragraph does not~~
688 ~~apply to a service provider in which a board member or officer,~~
689 ~~or a relative within the third degree of consanguinity by blood~~
690 ~~or marriage of a board member or officer, owns less than 1~~
691 ~~percent of the equity shares.~~

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

694 718.113 Maintenance; limitation upon improvement; display
695 of flag; hurricane shutters and protection; display of religious
696 decorations.—

697 (8) The Legislature finds that the use of electric
698 vehicles conserves and protects the state's environmental
699 resources, provides significant economic savings to drivers, and
700 serves an important public interest. The participation of

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701 condominium associations is essential to the state's efforts to
702 conserve and protect the state's environmental resources and
703 provide economic savings to drivers. Therefore, the installation
704 of an electric vehicle charging station shall be governed as
705 follows:

706 (a) A declaration of condominium or restrictive covenant
707 may not prohibit or be enforced so as to prohibit any unit owner
708 from installing an electric vehicle charging station within the
709 boundaries of the unit owner's limited common element or
710 exclusively designated parking area. The board of administration
711 of a condominium association may not prohibit a unit owner from
712 installing an electric vehicle charging station for an electric
713 vehicle, as defined in s. 320.01, within the boundaries of his
714 or her limited common element or exclusively designated parking
715 area. The installation of such charging stations are subject to
716 the provisions of this subsection.

717 (c) The electricity for the electric vehicle charging
718 station must be separately metered or must use an embedded meter
719 and be payable by the unit owner installing such charging
720 station.

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

723 718.303 Obligations of owners and occupants; remedies.—

724 (1) Each unit owner, ~~each~~ tenant and other invitee, and
725 ~~each~~ association is governed by, and must comply with the

726 provisions of, this chapter, the declaration, the documents
727 creating the association, and the association bylaws which are
728 ~~shall be deemed~~ expressly incorporated into any lease of a unit.
729 Actions at law or in equity ~~for damages or for injunctive~~
730 ~~relief~~, or both, for failure to comply with these provisions may
731 be brought by the association or by a unit owner against:

- 732 (a) The association.
- 733 (b) A unit owner.
- 734 (c) Directors designated by the developer, for actions
735 taken by them before control of the association is assumed by
736 unit owners other than the developer.
- 737 (d) Any director who willfully and knowingly fails to
738 comply with these provisions.
- 739 (e) Any tenant leasing a unit, and any other invitee
740 occupying a unit.

741

742 The prevailing party in any such action or in any action in
743 which the purchaser claims a right of voidability based upon
744 contractual provisions as required in s. 718.503(1)(a) is
745 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit
746 owner prevailing in an action between the association and the
747 unit owner under this subsection ~~section~~, in addition to
748 recovering his or her reasonable attorney ~~attorney's~~ fees, may
749 recover additional amounts as determined by the court to be
750 necessary to reimburse the unit owner for his or her share of

751 assessments levied by the association to fund its expenses of
752 the litigation. This relief does not exclude other remedies
753 provided by law. Actions arising under this subsection are not
754 considered ~~may not be deemed to be~~ actions for specific
755 performance.

756 (3) The association may levy reasonable fines for the
757 failure of the owner of the unit or its occupant, licensee, or
758 invitee to comply with any provision of the declaration, the
759 association bylaws, or reasonable rules of the association. A
760 fine may not become a lien against a unit. A fine may be levied
761 by the board on the basis of each day of a continuing violation,
762 with a single notice and opportunity for hearing before a
763 committee as provided in paragraph (b). However, the fine may
764 not exceed \$100 per violation, or \$1,000 in the aggregate.

765 (b) A fine or suspension levied by the board of
766 administration may not be imposed unless the board first
767 provides at least 14 days' written notice to the unit owner and,
768 if applicable, any tenant ~~occupant~~, licensee, or invitee of the
769 unit owner sought to be fined or suspended, and an opportunity
770 for a hearing before a committee of at least three members
771 appointed by the board who are not officers, directors, or
772 employees of the association, or the spouse, parent, child,
773 brother, or sister of an officer, director, or employee. The
774 role of the committee is limited to determining whether to
775 confirm or reject the fine or suspension levied by the board. If

776 the committee does not approve the proposed fine or suspension
 777 by majority vote, the fine or suspension may not be imposed. If
 778 the proposed fine or suspension is approved by the committee,
 779 the fine payment is due 5 days after notice of the approved fine
 780 is provided to the unit owner and, if applicable, to any tenant,
 781 licensee, or invitee of the unit owner ~~the date of the committee~~
 782 ~~meeting at which the fine is approved.~~ The association must
 783 provide written notice of such fine or suspension by mail or
 784 hand delivery to the unit owner and, if applicable, to any
 785 tenant, licensee, or invitee of the unit owner.

786 Section 7. Section 718.5014, Florida Statutes, is amended
 787 to read:

788 718.5014 Ombudsman location.—The ombudsman shall maintain
 789 his or her principal office in a Leon County ~~on the premises of~~
 790 ~~the division or, if suitable space cannot be provided there, at~~
 791 ~~another~~ place convenient to the offices of the division which
 792 will enable the ombudsman to expeditiously carry out the duties
 793 and functions of his or her office. The ombudsman may establish
 794 branch offices elsewhere in the state upon the concurrence of
 795 the Governor.

796 Section 8. Subsection (25) of section 719.103, Florida
 797 Statutes, is amended to read:

798 719.103 Definitions.—As used in this chapter:

799 (25) "Unit" means a part of the cooperative property which
 800 is subject to exclusive use and possession. A unit may be

801 improvements, land, or land and improvements together, as
802 specified in the cooperative documents. An interest in a unit is
803 an interest in real property.

804 Section 9. Paragraph (c) of subsection (2) of section
805 719.104, Florida Statutes, is amended to read:

806 719.104 Cooperatives; access to units; records; financial
807 reports; assessments; purchase of leases.—

808 (2) OFFICIAL RECORDS.—

809 (c) The official records of the association are open to
810 inspection by any association member or the authorized
811 representative of such member at all reasonable times. The right
812 to inspect the records includes the right to make or obtain
813 copies, at the reasonable expense, if any, of the association
814 member. The association may adopt reasonable rules regarding the
815 frequency, time, location, notice, and manner of record
816 inspections and copying, but may not require a member to
817 demonstrate any purpose or state any reason for the inspection.
818 The failure of an association to provide the records within 10
819 working days after receipt of a written request creates a
820 rebuttable presumption that the association willfully failed to
821 comply with this paragraph. A member ~~unit-owner~~ who is denied
822 access to official records is entitled to the actual damages or
823 minimum damages for the association's willful failure to comply.
824 The minimum damages are \$50 per calendar day for up to 10 days,
825 beginning on the 11th working day after receipt of the written

826 request. The failure to permit inspection entitles any person
827 prevailing in an enforcement action to recover reasonable
828 attorney fees from the person in control of the records who,
829 directly or indirectly, knowingly denied access to the records.
830 Any person who knowingly or intentionally defaces or destroys
831 accounting records that are required by this chapter to be
832 maintained during the period for which such records are required
833 to be maintained, or who knowingly or intentionally fails to
834 create or maintain accounting records that are required to be
835 created or maintained, with the intent of causing harm to the
836 association or one or more of its members, is personally subject
837 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The
838 association shall maintain an adequate number of copies of the
839 declaration, articles of incorporation, bylaws, and rules, and
840 all amendments to each of the foregoing, as well as the question
841 and answer sheet as described in s. 719.504 and year-end
842 financial information required by the department, on the
843 cooperative property to ensure their availability to members
844 ~~unit owners~~ and prospective purchasers, and may charge its
845 actual costs for preparing and furnishing these documents to
846 those requesting the same. An association shall allow a member
847 or his or her authorized representative to use a portable
848 device, including a smartphone, tablet, portable scanner, or any
849 other technology capable of scanning or taking photographs, to
850 make an electronic copy of the official records in lieu of the

851 association providing the member or his or her authorized
852 representative with a copy of such records. The association may
853 not charge a member or his or her authorized representative for
854 the use of a portable device. Notwithstanding this paragraph,
855 the following records shall not be accessible to members ~~unit~~
856 ~~owners~~:

857 1. Any record protected by the lawyer-client privilege as
858 described in s. 90.502 and any record protected by the work-
859 product privilege, including any record prepared by an
860 association attorney or prepared at the attorney's express
861 direction which reflects a mental impression, conclusion,
862 litigation strategy, or legal theory of the attorney or the
863 association, and which was prepared exclusively for civil or
864 criminal litigation or for adversarial administrative
865 proceedings, or which was prepared in anticipation of such
866 litigation or proceedings until the conclusion of the litigation
867 or proceedings.

868 2. Information obtained by an association in connection
869 with the approval of the lease, sale, or other transfer of a
870 unit.

871 3. Personnel records of association or management company
872 employees, including, but not limited to, disciplinary, payroll,
873 health, and insurance records. For purposes of this
874 subparagraph, the term "personnel records" does not include
875 written employment agreements with an association employee or

876 management company, or budgetary or financial records that
 877 indicate the compensation paid to an association employee.

878 4. Medical records of unit owners.

879 5. Social security numbers, driver license numbers, credit
 880 card numbers, e-mail addresses, telephone numbers, facsimile
 881 numbers, emergency contact information, addresses of a unit
 882 owner other than as provided to fulfill the association's notice
 883 requirements, and other personal identifying information of any
 884 person, excluding the person's name, unit designation, mailing
 885 address, property address, and any address, e-mail address, or
 886 facsimile number provided to the association to fulfill the
 887 association's notice requirements. Notwithstanding the
 888 restrictions in this subparagraph, an association may print and
 889 distribute to unit ~~parcel~~ owners a directory containing the
 890 name, unit ~~parcel~~ address, and all telephone numbers of each
 891 unit ~~parcel~~ owner. However, an owner may exclude his or her
 892 telephone numbers from the directory by so requesting in writing
 893 to the association. An owner may consent in writing to the
 894 disclosure of other contact information described in this
 895 subparagraph. The association is not liable for the inadvertent
 896 disclosure of information that is protected under this
 897 subparagraph if the information is included in an official
 898 record of the association and is voluntarily provided by an
 899 owner and not requested by the association.

900 6. Electronic security measures that are used by the

901 association to safeguard data, including passwords.

902 7. The software and operating system used by the
 903 association which allow the manipulation of data, even if the
 904 owner owns a copy of the same software used by the association.
 905 The data is part of the official records of the association.

906 Section 10. Paragraph (b) of subsection (1) of section
 907 719.106, Florida Statutes, is amended, and subsection (3) is
 908 added to that section, to read:

909 719.106 Bylaws; cooperative ownership.—

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

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

914 1. Unless otherwise provided in the bylaws, the percentage
 915 of voting interests required to constitute a quorum at a meeting
 916 of the members shall be a majority of voting interests, and
 917 decisions shall be made by owners of a majority of the voting
 918 interests. Unless otherwise provided in this chapter, or in the
 919 articles of incorporation, bylaws, or other cooperative
 920 documents, and except as provided in subparagraph (d)1.,
 921 decisions shall be made by owners of a majority of the voting
 922 interests represented at a meeting at which a quorum is present.

923 2. Except as specifically otherwise provided herein, after
 924 January 1, 1992, unit owners may not vote by general proxy, but
 925 may vote by limited proxies substantially conforming to a

926 | limited proxy form adopted by the division. Limited proxies and
927 | general proxies may be used to establish a quorum. Limited
928 | proxies shall be used for votes taken to waive or reduce
929 | reserves in accordance with subparagraph (j)2., for votes taken
930 | to waive the financial reporting requirements of s.
931 | 719.104(4)(b), for votes taken to amend the articles of
932 | incorporation or bylaws pursuant to this section, and for any
933 | other matter for which this chapter requires or permits a vote
934 | of the unit owners. Except as provided in paragraph (d), after
935 | January 1, 1992, no proxy, limited or general, shall be used in
936 | the election of board members. General proxies may be used for
937 | other matters for which limited proxies are not required, and
938 | may also be used in voting for nonsubstantive changes to items
939 | for which a limited proxy is required and given. Notwithstanding
940 | the provisions of this section, unit owners may vote in person
941 | at unit owner meetings. Nothing contained herein shall limit the
942 | use of general proxies or require the use of limited proxies or
943 | require the use of limited proxies for any agenda item or
944 | election at any meeting of a timeshare cooperative.

945 | 3. Any proxy given shall be effective only for the
946 | specific meeting for which originally given and any lawfully
947 | adjourned meetings thereof. In no event shall any proxy be valid
948 | for a period longer than 90 days after the date of the first
949 | meeting for which it was given. Every proxy shall be revocable
950 | at any time at the pleasure of the unit owner executing it.

951 4. A member of the board of administration or a committee
 952 may submit in writing his or her agreement or disagreement with
 953 any action taken at a meeting that the member did not attend.
 954 This agreement or disagreement may not be used as a vote for or
 955 against the action taken and may not be used for the purposes of
 956 creating a quorum.

957 5. A board or committee member participating in a meeting
 958 via telephone, real-time video conferencing, or similar real-
 959 time electronic or video communication counts toward a quorum,
 960 and such member may vote as if physically present ~~When some or~~
 961 ~~all of the board or committee members meet by telephone~~
 962 ~~conference, those board or committee members attending by~~
 963 ~~telephone conference may be counted toward obtaining a quorum~~
 964 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be
 965 used ~~utilized~~ so that the conversation of such ~~those board or~~
 966 ~~committee members attending by telephone~~ may be heard by the
 967 board or committee members attending in person, as well as by
 968 any unit owners present at a meeting.

969 (3) GENERALLY.—Any provision of the declaration, the
 970 association bylaws, or reasonable rules or regulations of the
 971 association which diminish or infringe upon any right protected
 972 under the Fourteenth Amendment to the United States Constitution
 973 or Art. II of the State Constitution is void and unenforceable
 974 without further action of the association. The association may
 975 record a notice in the public records of the county in which the

976 cooperative is located evidencing its intention to not enforce
 977 such provision. The failure of the association to record a
 978 notice in the public record may not be the basis for liability
 979 or evidence of discrimination or a discriminatory intention.

980 Section 11. Paragraph (1) of subsection (4) of section
 981 720.303, Florida Statutes, is redesignated as paragraph (m),
 982 paragraph (c) of subsection (2) is amended, and a new paragraph
 983 (1) is added to subsection (4) of that section, to read:

984 720.303 Association powers and duties; meetings of board;
 985 official records; budgets; financial reporting; association
 986 funds; recalls.—

987 (2) BOARD MEETINGS.—

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

991 1. Notices of all board meetings must be posted in a
 992 conspicuous place in the community at least 48 hours in advance
 993 of a meeting, except in an emergency. In the alternative, if
 994 notice is not posted in a conspicuous place in the community,
 995 notice of each board meeting must be mailed or delivered to each
 996 member at least 7 days before the meeting, except in an
 997 emergency. Notwithstanding this general notice requirement, for
 998 communities with more than 100 members, the association bylaws
 999 may provide for a reasonable alternative to posting or mailing
 1000 of notice for each board meeting, including publication of

1001 notice, provision of a schedule of board meetings, or the
1002 conspicuous posting and repeated broadcasting of the notice on a
1003 closed-circuit cable television system serving the homeowners'
1004 association. However, if broadcast notice is used in lieu of a
1005 notice posted physically in the community, the notice must be
1006 broadcast at least four times every broadcast hour of each day
1007 that a posted notice is otherwise required. When broadcast
1008 notice is provided, the notice and agenda must be broadcast in a
1009 manner and for a sufficient continuous length of time so as to
1010 allow an average reader to observe the notice and read and
1011 comprehend the entire content of the notice and the agenda. In
1012 addition to any of the authorized means of providing notice of a
1013 meeting of the board, the association may, by rule, adopt a
1014 procedure for conspicuously posting the meeting notice and the
1015 agenda on the association's website for at least the minimum
1016 period of time for which a notice of a meeting is also required
1017 to be physically posted on the association property. Any rule
1018 adopted shall, in addition to other matters, include a
1019 requirement that the association send an electronic notice in
1020 the same manner as is required for a notice of a meeting of the
1021 members, which must include a hyperlink to the website where the
1022 notice is posted, to members whose e-mail addresses are included
1023 in the association's official records. The association may
1024 provide notice by electronic transmission in a manner authorized
1025 by law for meetings of the board of directors, committee

1026 meetings requiring notice under this section, and annual and
1027 special meetings of the members to any member who has provided a
1028 facsimile number or e-mail address to the association to be used
1029 for such purposes; however, a member must consent in writing to
1030 receiving notice by electronic transmission.

1031 2. An assessment may not be levied at a board meeting
1032 unless the notice of the meeting includes a statement that
1033 assessments will be considered and the nature of the
1034 assessments. Written notice of any meeting at which special
1035 assessments will be considered or at which amendments to rules
1036 regarding parcel use will be considered must be mailed,
1037 delivered, or electronically transmitted to the members and
1038 parcel owners and posted conspicuously on the property or
1039 broadcast on closed-circuit cable television not less than 14
1040 days before the meeting.

1041 3. Directors may not vote by proxy or by secret ballot at
1042 board meetings, except that secret ballots may be used in the
1043 election of officers. This subsection also applies to the
1044 meetings of any committee or other similar body, when a final
1045 decision will be made regarding the expenditure of association
1046 funds, and to any body vested with the power to approve or
1047 disapprove architectural decisions with respect to a specific
1048 parcel of residential property owned by a member of the
1049 community.

1050 (4) OFFICIAL RECORDS.—The association shall maintain each

1051 of the following items, when applicable, which constitute the
 1052 official records of the association:

1053 (1) Ballots, sign-in sheets, voting proxies, and all other
 1054 papers and electronic records relating to voting by parcel
 1055 owners, which must be maintained for at least 1 year after the
 1056 date of the election, vote, or meeting.

1057 (m)~~(l)~~ All other ~~written~~ records of the association not
 1058 specifically included in this subsection ~~the foregoing~~ which are
 1059 related to the operation of the association.

1060 Section 12. Subsections (1) and (2) of section 720.305,
 1061 Florida Statutes, are amended to read:

1062 720.305 Obligations of members; remedies at law or in
 1063 equity; levy of fines and suspension of use rights.—

1064 (1) Each member and the member's tenants, guests, and
 1065 invitees, and each association, are governed by, and must comply
 1066 with, this chapter and~~7~~ the governing documents of the
 1067 community, ~~and the rules of the association~~. Actions at law or
 1068 in equity, or both, to redress alleged failure or refusal to
 1069 comply with these provisions may be brought by the association
 1070 or by any member against:

1071 (a) The association;

1072 (b) A member;

1073 (c) Any director or officer of an association who
 1074 willfully and knowingly fails to comply with these provisions;
 1075 and

1076 (d) Any tenants, guests, or invitees occupying a parcel or
 1077 using the common areas.

1078
 1079 The prevailing party in any such litigation is entitled to
 1080 recover reasonable attorney fees and costs. A member prevailing
 1081 in an action between the association and the member under this
 1082 section, in addition to recovering his or her reasonable
 1083 attorney fees, may recover additional amounts as determined by
 1084 the court to be necessary to reimburse the member for his or her
 1085 share of assessments levied by the association to fund its
 1086 expenses of the litigation. This relief does not exclude other
 1087 remedies provided by law. This section does not deprive any
 1088 person of any other available right or remedy.

1089 (2) An ~~The~~ association may levy reasonable fines. A fine
 1090 may not exceed \$100 per violation against any member or any
 1091 member's tenant, guest, or invitee for the failure of the owner
 1092 of the parcel or its occupant, licensee, or invitee to comply
 1093 with any provision of the declaration, the association bylaws,
 1094 or reasonable rules of the association unless otherwise provided
 1095 in the governing documents. A fine may be levied by the board
 1096 for each day of a continuing violation, with a single notice and
 1097 opportunity for hearing, except that the fine may not exceed
 1098 \$1,000 in the aggregate unless otherwise provided in the
 1099 governing documents. A fine of less than \$1,000 may not become a
 1100 lien against a parcel. In any action to recover a fine, the

1101 prevailing party is entitled to reasonable attorney fees and
1102 costs from the nonprevailing party as determined by the court.

1103 (a) An association may suspend, for a reasonable period of
1104 time, the right of a member, or a member's tenant, guest, or
1105 invitee, to use common areas and facilities for the failure of
1106 the owner of the parcel or its occupant, licensee, or invitee to
1107 comply with any provision of the declaration, the association
1108 bylaws, or reasonable rules of the association. This paragraph
1109 does not apply to that portion of common areas used to provide
1110 access or utility services to the parcel. A suspension may not
1111 prohibit an owner or tenant of a parcel from having vehicular
1112 and pedestrian ingress to and egress from the parcel, including,
1113 but not limited to, the right to park.

1114 (b) A fine or suspension levied by the board of
1115 administration may not be imposed unless the board first
1116 provides at least 14 days' notice to the parcel owner and, if
1117 applicable, any occupant, licensee, or invitee of the parcel
1118 owner, sought to be fined or suspended and an opportunity for a
1119 hearing before a committee of at least three members appointed
1120 by the board who are not officers, directors, or employees of
1121 the association, or the spouse, parent, child, brother, or
1122 sister of an officer, director, or employee. If the committee,
1123 by majority vote, does not approve a proposed fine or
1124 suspension, the proposed fine or suspension may not be imposed.
1125 The role of the committee is limited to determining whether to

1126 confirm or reject the fine or suspension levied by the board. If
 1127 the proposed fine or suspension levied by the board is approved
 1128 by the committee, the fine payment is due 5 days after notice of
 1129 the approved fine is provided to the parcel owner and, if
 1130 applicable, to any occupant, licensee, or invitee of the parcel
 1131 owner ~~the date of the committee meeting at which the fine is~~
 1132 ~~approved.~~ The association must provide written notice of such
 1133 fine or suspension by mail or hand delivery to the parcel owner
 1134 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee
 1135 of the parcel owner.

1136 Section 13. Paragraph (g) of subsection (1) of section
 1137 720.306, Florida Statutes, is amended to read:

1138 720.306 Meetings of members; voting and election
 1139 procedures; amendments.—

1140 (1) QUORUM; AMENDMENTS.—

1141 (g) A notice required under this section must be mailed or
 1142 delivered to the address identified as the parcel owner's
 1143 mailing address in the official records of the association as
 1144 required under s. 720.303(4) ~~on the property appraiser's website~~
 1145 ~~for the county in which the parcel is located~~, or electronically
 1146 transmitted in a manner authorized by the association if the
 1147 parcel owner has consented, in writing, to receive notice by
 1148 electronic transmission.

1149 Section 14. Subsection (6) is added to section 720.3075,
 1150 Florida Statutes, to read:

1151 720.3075 Prohibited clauses in association documents.—
1152 (6) Any provision of the declaration, the association
1153 bylaws, or reasonable rules or regulations of the association
1154 which diminish or infringe upon any right protected under the
1155 Fourteenth Amendment to the United States Constitution or Art.
1156 II of the State Constitution is void and unenforceable without
1157 further action of the association. The association may record a
1158 notice in the public records of the county in which the
1159 community is located evidencing its intention to not enforce
1160 such provision. The failure of the association to record a
1161 notice in the public record may not be the basis for liability
1162 or evidence of discrimination or a discriminatory intention.
1163 Section 15. This act shall take effect July 1, 2020.