

1 A bill to be entitled
2 An act relating to community associations; amending s.
3 718.111, F.S.; revising condominium association
4 recordkeeping and financial reporting requirements;
5 revising record retention policies; revising the list
6 of documents that the association is required to post
7 online; limiting an association's liability for
8 inadvertent disclosure of protected or restricted
9 information; amending s. 718.112, F.S.; revising
10 provisions relating to required association bylaws;
11 revising board term limits; authorizing an association
12 to adopt rules for posting certain notices on a
13 website; providing responsibilities for unit owners
14 who receive electronic notices; revising and providing
15 board member recall and challenge requirements;
16 authorizing the recovery of attorney fees and costs in
17 an action to challenge the validity of a board member
18 recall; amending s. 718.113, F.S.; revising voting
19 requirements relating to alterations and additions to
20 certain common elements or association property;
21 amending s. 718.3026, F.S.; removing a provision
22 relating to certain contracts or transactions
23 regarding conflicts of interest; amending s. 718.3027,
24 F.S.; providing requirements for proposed activity
25 that is identified as a conflict of interest; amending

26 s. 718.303, F.S.; revising fine and suspension
 27 requirements; amending s. 718.707, F.S.; revising the
 28 time period for classification as a bulk assignee or
 29 bulk buyer; amending s. 719.104, F.S.; revising
 30 cooperative association recordkeeping requirements;
 31 amending s. 719.106, F.S.; revising requirements to
 32 serve as a board member; prohibiting a board member
 33 from voting via e-mail; authorizing an association to
 34 adopt rules for posting certain notices on a website;
 35 providing responsibilities for unit owners who receive
 36 electronic notices; providing that directors or
 37 officers who are delinquent in certain payments owed
 38 in excess of certain periods of time be deemed to have
 39 abandoned their offices; amending s. 719.107, F.S.;
 40 specifying that certain services which are obtained
 41 pursuant to a bulk contract are deemed a common
 42 expense; amending s. 719.303, F.S.; revising fine and
 43 suspension requirements; amending s. 720.303, F.S.;
 44 prohibiting a board member from voting via e-mail;
 45 amending s. 720.305, F.S.; revising fine and
 46 suspension requirements; amending s. 720.306, F.S.;
 47 revising election requirements; amending s. 720.3085,
 48 F.S.; providing applicability; providing an effective
 49 date.
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51 Be It Enacted by the Legislature of the State of Florida:

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

718.111 The association.—

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

~~(a)~~ The association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers. For these purposes, the powers of the association include, but are not limited to, the maintenance, management, and operation of the condominium property. After control of the association is obtained by unit owners other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all unit owners concerning matters of common interest to most or all unit owners, including, but not limited to, the common elements; the roof and structural components of a building or other improvements; mechanical, electrical, and plumbing elements serving an improvement or a building; representations of the developer pertaining to any existing or proposed commonly used facilities; and protesting ad valorem taxes on commonly used facilities and on units; and may defend actions in eminent domain or bring inverse condemnation actions. If the association has the

76 authority to maintain a class action, the association may be
77 joined in an action as representative of that class with
78 reference to litigation and disputes involving the matters for
79 which the association could bring a class action. Nothing herein
80 limits any statutory or common-law right of any individual unit
81 owner or class of unit owners to bring any action without
82 participation by the association which may otherwise be
83 available.

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

86 (12) OFFICIAL RECORDS.—

87 (a) From the inception of the association, the association
88 shall maintain each of the following items, if applicable, which
89 constitutes the official records of the association:

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

92 2. A photocopy of the recorded declaration of condominium
93 of each condominium operated by the association and each
94 amendment to each declaration.

95 3. A photocopy of the recorded bylaws of the association
96 and each amendment to the bylaws.

97 4. A certified copy of the articles of incorporation of
98 the association, or other documents creating the association,
99 and each amendment thereto.

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

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

105 7. A current roster of all unit owners and their mailing
106 addresses, unit identifications, voting certifications, and, if
107 known, telephone numbers. The association shall also maintain
108 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
109 unit owners consenting to receive notice by electronic
110 transmission. The e-mail ~~electronic mailing~~ addresses and
111 facsimile numbers are not accessible to unit owners if consent
112 to receive notice by electronic transmission is not provided in
113 accordance with sub-subparagraph (c)3.e. However, the
114 association is not liable for an inadvertent disclosure of the
115 e-mail ~~electronic mail~~ address or facsimile number for receiving
116 electronic transmission of notices.

117 8. All current insurance policies of the association and
118 condominiums operated by the association.

119 9. A current copy of any management agreement, lease, or
120 other contract to which the association is a party or under
121 which the association or the unit owners have an obligation or
122 responsibility.

123 10. Bills of sale or transfer for all property owned by
124 the association.

125 11. Accounting records for the association and separate

126 | accounting records for each condominium that the association
 127 | operates. ~~All accounting records must be maintained for at least~~
 128 | ~~7 years.~~ Any person who knowingly or intentionally defaces or
 129 | destroys such records, or who knowingly or intentionally fails
 130 | to create or maintain such records, with the intent of causing
 131 | harm to the association or one or more of its members, is
 132 | personally subject to a civil penalty pursuant to s.
 133 | 718.501(1)(d). The accounting records must include, but are not
 134 | limited to:

- 135 | a. Accurate, itemized, and detailed records of all
 136 | receipts and expenditures.
- 137 | b. A current account and a monthly, bimonthly, or
 138 | quarterly statement of the account for each unit designating the
 139 | name of the unit owner, the due date and amount of each
 140 | assessment, the amount paid on the account, and the balance due.
- 141 | c. All audits, reviews, accounting statements, and
 142 | financial reports of the association or condominium.
- 143 | d. All contracts for work to be performed. Bids for work
 144 | to be performed are also considered official records and must be
 145 | maintained by the association.

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

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

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

155 15. All other written records of the association not
156 specifically included in the foregoing which are related to the
157 operation of the association.

158 16. A copy of the inspection report as described in s.
159 718.301(4)(p).

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

161 (b) The official records specified in subparagraphs (a)1.-
162 6. must be permanently maintained from the inception of the
163 association. All other official records ~~of the association~~ must
164 be maintained within the state for at least 7 years, unless
165 otherwise provided by general law. The records of the
166 association shall be made available to a unit owner within 45
167 miles of the condominium property or within the county in which
168 the condominium property is located within 10 ~~5~~ working days
169 after receipt of a written request by the board or its designee.
170 However, such distance requirement does not apply to an
171 association governing a timeshare condominium. This paragraph
172 may be complied with by having a copy of the official records of
173 the association available for inspection or copying on the
174 condominium property or association property, or the association
175 may offer the option of making the records available to a unit

176 owner electronically via the Internet or by allowing the records
177 to be viewed in electronic format on a computer screen and
178 printed upon request. The association is not responsible for the
179 use or misuse of the information provided to an association
180 member or his or her authorized representative pursuant to the
181 compliance requirements of this chapter unless the association
182 has an affirmative duty not to disclose such information
183 pursuant to this chapter.

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

188 a. The association's website must be:

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

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

197 b. The association's website must be accessible through
198 the Internet and must contain a subpage, web portal, or other
199 protected electronic location that is inaccessible to the
200 general public and accessible only to unit owners and employees

201 of the association.

202 c. Upon a unit owner's written request, the association
 203 must provide the unit owner with a username and password and
 204 access to the protected sections of the association's website
 205 that contain any notices, records, or documents that must be
 206 electronically provided.

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

209 a. The recorded declaration of condominium of each
 210 condominium operated by the association and each amendment to
 211 each declaration.

212 b. The recorded bylaws of the association and each
 213 amendment to the bylaws.

214 c. The articles of incorporation of the association, or
 215 other documents creating the association, and each amendment
 216 thereto. The copy posted pursuant to this sub-subparagraph must
 217 be a copy of the articles of incorporation filed with the
 218 Department of State.

219 d. The rules of the association.

220 e. A list of all executory contracts or documents ~~Any~~
 221 ~~management agreement, lease, or other contract~~ to which the
 222 association is a party or under which the association or the
 223 unit owners have an obligation or responsibility and, after
 224 bidding for the related materials, equipment, or services has
 225 closed, a list of bids received by the association within the

226 past year. Summaries of bids for materials, equipment, or
227 services which exceed \$500 must be maintained on the website for
228 1 year. In lieu of summaries, complete copies of the bids may be
229 posted.

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

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

235 h. The certification of each director required by s.
236 718.112(2)(d)4.b.

237 i. All contracts or transactions between the association
238 and any director, officer, corporation, firm, or association
239 that is not an affiliated condominium association or any other
240 entity in which an association director is also a director or
241 officer and financially interested.

242 j. Any contract or document regarding a conflict of
243 interest or possible conflict of interest as provided in ss.
244 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3).~~

245 k. The notice of any unit owner meeting and the agenda for
246 the meeting, as required by s. 718.112(2)(d)3., no later than 14
247 days before the meeting. The notice must be posted in plain view
248 on the front page of the website, or on a separate subpage of
249 the website labeled "Notices" which is conspicuously visible and
250 linked from the front page. The association must also post on

251 its website any document to be considered and voted on by the
252 owners during the meeting or any document listed on the agenda
253 at least 7 days before the meeting at which the document or the
254 information within the document will be considered.

255 1. Notice of any board meeting, the agenda, and any other
256 document required for the meeting as required by s.
257 718.112(2)(c), which must be posted no later than the date
258 required for notice pursuant to s. 718.112(2)(c).

259 3. The association shall ensure that the information and
260 records described in paragraph (c), which are not allowed
261 ~~permitted~~ to be accessible to unit owners, are not posted on the
262 association's website. If protected information or information
263 restricted from being accessible to unit owners is included in
264 documents that are required to be posted on the association's
265 website, the association shall ensure the information is
266 redacted before posting the documents online. Notwithstanding
267 the foregoing, the association or its agent is not liable for
268 disclosing information that is protected or restricted pursuant
269 to this paragraph unless such disclosure was made with a knowing
270 or intentional disregard of the protected or restricted nature
271 of such information.

272 4. The failure of the association to post information
273 required under subparagraph 2. is not in and of itself
274 sufficient to invalidate any action or decision of the
275 association's board or its committees.

276 (13) FINANCIAL REPORTING.—Within 90 days after the end of
277 the fiscal year, or annually on a date provided in the bylaws,
278 the association shall prepare and complete, or contract for the
279 preparation and completion of, a financial report for the
280 preceding fiscal year. Within 21 days after the final financial
281 report is completed by the association or received from the
282 third party, but not later than 120 days after the end of the
283 fiscal year or other date as provided in the bylaws, the
284 association shall mail to each unit owner at the address last
285 furnished to the association by the unit owner, or hand deliver
286 to each unit owner, a copy of the most recent financial report
287 or a notice that a copy of the most recent financial report will
288 be mailed or hand delivered to the unit owner, without charge,
289 within 5 business days after receipt of a written request from
290 the unit owner. The division shall adopt rules setting forth
291 uniform accounting principles and standards to be used by all
292 associations and addressing the financial reporting requirements
293 for multicondominium associations. The rules must include, but
294 not be limited to, standards for presenting a summary of
295 association reserves, including a good faith estimate disclosing
296 the annual amount of reserve funds that would be necessary for
297 the association to fully fund reserves for each reserve item
298 based on the straight-line accounting method. This disclosure is
299 not applicable to reserves funded via the pooling method. In
300 adopting such rules, the division shall consider the number of

301 members and annual revenues of an association. Financial reports
302 shall be prepared as follows:

303 (e) A unit owner may provide written notice to the
304 division of the association's failure to mail or hand deliver
305 him or her a copy of the most recent financial report within 5
306 business days after he or she submitted a written request to the
307 association for a copy of such report. If the division
308 determines that the association failed to mail or hand deliver a
309 copy of the most recent financial report to the unit owner, the
310 division shall provide written notice to the association that
311 the association must mail or hand deliver a copy of the most
312 recent financial report to the unit owner and the division
313 within 5 business days after it receives such notice from the
314 division. An association that fails to comply with the
315 division's request may not waive the financial reporting
316 requirement provided in paragraph (d) for the fiscal year in
317 which the unit owner's request was made and the following fiscal
318 year. A financial report received by the division pursuant to
319 this paragraph shall be maintained, and the division shall
320 provide a copy of such report to an association member upon his
321 or her request.

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

324 718.112 Bylaws.—

325 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the

326 following and, if they do not do so, shall be deemed to include
327 the following:

328 (a) Administration.—

329 1. The form of administration of the association shall be
330 described indicating the title of the officers and board of
331 administration and specifying the powers, duties, manner of
332 selection and removal, and compensation, if any, of officers and
333 boards. In the absence of such a provision, the board of
334 administration shall be composed of five members, unless the
335 ~~except in the case of a condominium which~~ has five or fewer
336 units. The board shall consist of not fewer than three members
337 in condominiums with five or fewer units that are not-for-profit
338 corporations, ~~in which case in a not for profit corporation the~~
339 ~~board shall consist of not fewer than three members.~~ In the
340 absence of provisions to the contrary in the bylaws, the board
341 of administration shall have a president, a secretary, and a
342 treasurer, who shall perform the duties of such officers
343 customarily performed by officers of corporations. Unless
344 prohibited in the bylaws, the board of administration may
345 appoint other officers and grant them the duties it deems
346 appropriate. Unless otherwise provided in the bylaws, the
347 officers shall serve without compensation and at the pleasure of
348 the board of administration. Unless otherwise provided in the
349 bylaws, the members of the board shall serve without
350 compensation.

351 2. When a unit owner of a residential condominium files a
352 written inquiry by certified mail with the board of
353 administration, the board shall respond in writing to the unit
354 owner within 30 days after receipt of the inquiry. The board's
355 response shall either give a substantive response to the
356 inquirer, notify the inquirer that a legal opinion has been
357 requested, or notify the inquirer that advice has been requested
358 from the division. If the board requests advice from the
359 division, the board shall, within 10 days after its receipt of
360 the advice, provide in writing a substantive response to the
361 inquirer. If a legal opinion is requested, the board shall,
362 within 60 days after the receipt of the inquiry, provide in
363 writing a substantive response to the inquiry. The failure to
364 provide a substantive response to the inquiry as provided herein
365 precludes the board from recovering attorney fees and costs in
366 any subsequent litigation, administrative proceeding, or
367 arbitration arising out of the inquiry. The association may
368 through its board of administration adopt reasonable rules and
369 regulations regarding the frequency and manner of responding to
370 unit owner inquiries, one of which may be that the association
371 is only obligated to respond to one written inquiry per unit in
372 any given 30-day period. In such a case, any additional inquiry
373 or inquiries must be responded to in the subsequent 30-day
374 period, or periods, as applicable.

375 (c) Board of administration meetings.—Meetings of the

376 board of administration at which a quorum of the members is
377 present are open to all unit owners. Members of the board of
378 administration may use e-mail as a means of communication but
379 may not cast a vote on an association matter via e-mail. A unit
380 owner may tape record or videotape the meetings. The right to
381 attend such meetings includes the right to speak at such
382 meetings with reference to all designated agenda items. The
383 division shall adopt reasonable rules governing the tape
384 recording and videotaping of the meeting. The association may
385 adopt written reasonable rules governing the frequency,
386 duration, and manner of unit owner statements.

387 1. Adequate notice of all board meetings, which must
388 specifically identify all agenda items, must be posted
389 conspicuously on the condominium property at least 48 continuous
390 hours before the meeting except in an emergency. If 20 percent
391 of the voting interests petition the board to address an item of
392 business, the board, within 60 days after receipt of the
393 petition, shall place the item on the agenda at its next regular
394 board meeting or at a special meeting called for that purpose.
395 An item not included on the notice may be taken up on an
396 emergency basis by a vote of at least a majority plus one of the
397 board members. Such emergency action must be noticed and
398 ratified at the next regular board meeting. ~~However,~~ Written
399 notice of a meeting at which a nonemergency special assessment
400 or an amendment to rules regarding unit use will be considered

401 must be mailed, delivered, or electronically transmitted to the
402 unit owners and posted conspicuously on the condominium property
403 at least 14 days before the meeting. Evidence of compliance with
404 this 14-day notice requirement must be made by an affidavit
405 executed by the person providing the notice and filed with the
406 official records of the association. Notice of any meeting in
407 which regular or special assessments against unit owners are to
408 be considered must specifically state that assessments will be
409 considered and provide the estimated cost and description of the
410 purposes for such assessments. Upon notice to the unit owners,
411 the board shall, by duly adopted rule, designate a specific
412 location on the condominium ~~or association~~ property where all
413 notices of board meetings must be posted. If there is no
414 condominium property ~~or association property~~ where notices can
415 be posted, notices shall be mailed, delivered, or electronically
416 transmitted to each unit owner at least 14 days before the
417 meeting. In lieu of or in addition to the physical posting of
418 the notice on the condominium property, the association may, by
419 reasonable rule, adopt a procedure for conspicuously posting and
420 repeatedly broadcasting the notice and the agenda on a closed-
421 circuit cable television system serving the condominium
422 association. However, if broadcast notice is used in lieu of a
423 notice physically posted on condominium property, the notice and
424 agenda must be broadcast at least four times every broadcast
425 hour of each day that a posted notice is otherwise required

426 under this section. If broadcast notice is provided, the notice
427 and agenda must be broadcast in a manner and for a sufficient
428 continuous length of time so as to allow an average reader to
429 observe the notice and read and comprehend the entire content of
430 the notice and the agenda. In addition to any of the authorized
431 means of providing notice of a meeting of the board, the
432 association may, by rule, adopt a procedure for conspicuously
433 posting the meeting notice and the agenda on a website serving
434 the condominium association for at least the minimum period of
435 time for which a notice of a meeting is also required to be
436 physically posted on the condominium property. Any rule adopted
437 shall, in addition to other matters, include a requirement that
438 the association send an electronic notice in the same manner as
439 a notice for a meeting of the members, which must include a
440 hyperlink to the website where the notice is posted, to unit
441 owners whose e-mail addresses are included in the association's
442 official records. ~~Notice of any meeting in which regular or~~
443 ~~special assessments against unit owners are to be considered~~
444 ~~must specifically state that assessments will be considered and~~
445 ~~provide the nature, estimated cost, and description of the~~
446 ~~purposes for such assessments.~~

447 2. Meetings of a committee to take final action on behalf
448 of the board or make recommendations to the board regarding the
449 association budget are subject to this paragraph. Meetings of a
450 committee that does not take final action on behalf of the board

451 or make recommendations to the board regarding the association
452 budget are subject to this section, unless those meetings are
453 exempted from this section by the bylaws of the association.

454 3. Notwithstanding any other law, the requirement that
455 board meetings and committee meetings be open to the unit owners
456 does not apply to:

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

461 b. Board meetings held for the purpose of discussing
462 personnel matters.

463 (d) Unit owner meetings.—

464 1. An annual meeting of the unit owners must ~~shall~~ be held
465 at the location provided in the association bylaws and, if the
466 bylaws are silent as to the location, the meeting must ~~shall~~ be
467 held within 45 miles of the condominium property. However, such
468 distance requirement does not apply to an association governing
469 a timeshare condominium.

470 2. Unless the bylaws provide otherwise, a vacancy on the
471 board caused by the expiration of a director's term must ~~shall~~
472 be filled by electing a new board member, and the election must
473 be by secret ballot. An election is not required if the number
474 of vacancies equals or exceeds the number of candidates. For
475 purposes of this paragraph, the term "candidate" means an

476 eligible person who has timely submitted the written notice, as
477 described in sub-subparagraph 4.a., of his or her intention to
478 become a candidate. Except in a timeshare or nonresidential
479 condominium, or if the staggered term of a board member does not
480 expire until a later annual meeting, or if all members' terms
481 would otherwise expire but there are no candidates, the terms of
482 all board members expire at the annual meeting, and such members
483 may stand for reelection unless prohibited by the bylaws. Board
484 members may serve ~~2-year~~ terms longer than 1 year if permitted
485 by the bylaws or articles of incorporation. A board member may
486 not serve more than 8 consecutive years ~~four consecutive 2-year~~
487 ~~terms~~, unless approved by an affirmative vote of unit owners
488 representing two-thirds of all votes cast in the election ~~the~~
489 ~~total voting interests of the association~~ or unless there are
490 not enough eligible candidates to fill the vacancies on the
491 board at the time of the vacancy. If the number of board members
492 whose terms expire at the annual meeting equals or exceeds the
493 number of candidates, the candidates become members of the board
494 effective upon the adjournment of the annual meeting. Unless the
495 bylaws provide otherwise, any remaining vacancies shall be
496 filled by the affirmative vote of the majority of the directors
497 making up the newly constituted board even if the directors
498 constitute less than a quorum or there is only one director. In
499 a residential condominium association of more than 10 units or
500 in a residential condominium association that does not include

501 timeshare units or timeshare interests, coowners of a unit may
502 not serve as members of the board of directors at the same time
503 unless they own more than one unit or unless there are not
504 enough eligible candidates to fill the vacancies on the board at
505 the time of the vacancy. A unit owner in a residential
506 condominium desiring to be a candidate for board membership must
507 comply with sub-subparagraph 4.a. and must be eligible to be a
508 candidate to serve on the board of directors at the time of the
509 deadline for submitting a notice of intent to run in order to
510 have his or her name listed as a proper candidate on the ballot
511 or to serve on the board. A person who has been suspended or
512 removed by the division under this chapter, or who is delinquent
513 in the payment of any monetary obligation due to the
514 association, is not eligible to be a candidate for board
515 membership and may not be listed on the ballot. A person who has
516 been convicted of any felony in this state or in a United States
517 District or Territorial Court, or who has been convicted of any
518 offense in another jurisdiction which would be considered a
519 felony if committed in this state, is not eligible for board
520 membership unless such felon's civil rights have been restored
521 for at least 5 years as of the date such person seeks election
522 to the board. The validity of an action by the board is not
523 affected if it is later determined that a board member is
524 ineligible for board membership due to having been convicted of
525 a felony. This subparagraph does not limit the term of a member

526 | of the board of a nonresidential or timeshare condominium.
527 | 3. The bylaws must provide the method of calling meetings
528 | of unit owners, including annual meetings. Written notice must
529 | include an agenda, must be mailed, hand delivered, or
530 | electronically transmitted to each unit owner at least 14 days
531 | before the annual meeting, and must be posted in a conspicuous
532 | place on the condominium property at least 14 continuous days
533 | before the annual meeting. Upon notice to the unit owners, the
534 | board shall, by duly adopted rule, designate a specific location
535 | on the condominium property ~~or association property~~ where all
536 | notices of unit owner meetings must ~~shall~~ be posted. This
537 | requirement does not apply if there is no condominium property
538 | ~~or association property~~ for posting notices. In lieu of, or in
539 | addition to, the physical posting of meeting notices, the
540 | association may, by reasonable rule, adopt a procedure for
541 | conspicuously posting and repeatedly broadcasting the notice and
542 | the agenda on a closed-circuit cable television system serving
543 | the condominium association. However, if broadcast notice is
544 | used in lieu of a notice posted physically on the condominium
545 | property, the notice and agenda must be broadcast at least four
546 | times every broadcast hour of each day that a posted notice is
547 | otherwise required under this section. If broadcast notice is
548 | provided, the notice and agenda must be broadcast in a manner
549 | and for a sufficient continuous length of time so as to allow an
550 | average reader to observe the notice and read and comprehend the

551 entire content of the notice and the agenda. In addition to any
552 of the authorized means of providing notice of a meeting of the
553 board, the association may, by rule, adopt a procedure for
554 conspicuously posting the meeting notice and the agenda on a
555 website serving the condominium association for at least the
556 minimum period of time for which a notice of a meeting is also
557 required to be physically posted on the condominium property.
558 Any rule adopted shall, in addition to other matters, include a
559 requirement that the association send an electronic notice in
560 the same manner as a notice for a meeting of the members, which
561 must include a hyperlink to the website where the notice is
562 posted, to unit owners whose e-mail addresses are included in
563 the association's official records. Unless a unit owner waives
564 in writing the right to receive notice of the annual meeting,
565 such notice must be hand delivered, mailed, or electronically
566 transmitted to each unit owner. Notice for meetings and notice
567 for all other purposes must be mailed to each unit owner at the
568 address last furnished to the association by the unit owner, or
569 hand delivered to each unit owner. However, if a unit is owned
570 by more than one person, the association must provide notice to
571 the address that the developer identifies for that purpose and
572 thereafter as one or more of the owners of the unit advise the
573 association in writing, or if no address is given or the owners
574 of the unit do not agree, to the address provided on the deed of
575 record. An officer of the association, or the manager or other

576 person providing notice of the association meeting, must provide
577 an affidavit or United States Postal Service certificate of
578 mailing, to be included in the official records of the
579 association affirming that the notice was mailed or hand
580 delivered in accordance with this provision.

581 4. The members of the board of a residential condominium
582 shall be elected by written ballot or voting machine. Proxies
583 may not be used in electing the board in general elections or
584 elections to fill vacancies caused by recall, resignation, or
585 otherwise, unless otherwise provided in this chapter. This
586 subparagraph does not apply to an association governing a
587 timeshare condominium.

588 a. At least 60 days before a scheduled election, the
589 association shall mail, deliver, or electronically transmit, by
590 separate association mailing or included in another association
591 mailing, delivery, or transmission, including regularly
592 published newsletters, to each unit owner entitled to a vote, a
593 first notice of the date of the election. A unit owner or other
594 eligible person desiring to be a candidate for the board must
595 give written notice of his or her intent to be a candidate to
596 the association at least 40 days before a scheduled election.
597 Together with the written notice and agenda as set forth in
598 subparagraph 3., the association shall mail, deliver, or
599 electronically transmit a second notice of the election to all
600 unit owners entitled to vote, together with a ballot that lists

601 all candidates. Upon request of a candidate, an information
602 sheet, no larger than 8 1/2 inches by 11 inches, which must be
603 furnished by the candidate at least 35 days before the election,
604 must be included with the mailing, delivery, or transmission of
605 the ballot, with the costs of mailing, delivery, or electronic
606 transmission and copying to be borne by the association. The
607 association is not liable for the contents of the information
608 sheets prepared by the candidates. In order to reduce costs, the
609 association may print or duplicate the information sheets on
610 both sides of the paper. The division shall by rule establish
611 voting procedures consistent with this sub-subparagraph,
612 including rules establishing procedures for giving notice by
613 electronic transmission and rules providing for the secrecy of
614 ballots. Elections shall be decided by a plurality of ballots
615 cast. There is no quorum requirement; however, at least 20
616 percent of the eligible voters must cast a ballot in order to
617 have a valid election. A unit owner may not authorize ~~permit~~ any
618 other person to vote his or her ballot, and any ballots
619 improperly cast are invalid. A unit owner who violates this
620 provision may be fined by the association in accordance with s.
621 718.303. A unit owner who needs assistance in casting the ballot
622 for the reasons stated in s. 101.051 may obtain such assistance.
623 The regular election must occur on the date of the annual
624 meeting. Notwithstanding this sub-subparagraph, an election is
625 not required unless more candidates file notices of intent to

626 run or are nominated than board vacancies exist.

627 b. Within 90 days after being elected or appointed to the
628 board of an association of a residential condominium, each newly
629 elected or appointed director shall certify in writing to the
630 secretary of the association that he or she has read the
631 association's declaration of condominium, articles of
632 incorporation, bylaws, and current written policies; that he or
633 she will work to uphold such documents and policies to the best
634 of his or her ability; and that he or she will faithfully
635 discharge his or her fiduciary responsibility to the
636 association's members. In lieu of this written certification,
637 within 90 days after being elected or appointed to the board,
638 the newly elected or appointed director may submit a certificate
639 of having satisfactorily completed the educational curriculum
640 administered by a division-approved condominium education
641 provider within 1 year before or 90 days after the date of
642 election or appointment. The written certification or
643 educational certificate is valid and does not have to be
644 resubmitted as long as the director serves on the board without
645 interruption. A director of an association of a residential
646 condominium who fails to timely file the written certification
647 or educational certificate is suspended from service on the
648 board until he or she complies with this sub-subparagraph. The
649 board may temporarily fill the vacancy during the period of
650 suspension. The secretary shall cause the association to retain

651 a director's written certification or educational certificate
652 for inspection by the members for 5 years after a director's
653 election or the duration of the director's uninterrupted tenure,
654 whichever is longer. Failure to have such written certification
655 or educational certificate on file does not affect the validity
656 of any board action.

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

659 5. Any approval by unit owners called for by this chapter
660 or the applicable declaration or bylaws, including, but not
661 limited to, the approval requirement in s. 718.111(8), must be
662 made at a duly noticed meeting of unit owners and is subject to
663 all requirements of this chapter or the applicable condominium
664 documents relating to unit owner decisionmaking, except that
665 unit owners may take action by written agreement, without
666 meetings, on matters for which action by written agreement
667 without meetings is expressly allowed by the applicable bylaws
668 or declaration or any law that provides for such action.

669 6. Unit owners may waive notice of specific meetings if
670 allowed by the applicable bylaws or declaration or any law.
671 Notice of meetings of the board of administration, unit owner
672 meetings, except unit owner meetings called to recall board
673 members under paragraph (j), and committee meetings may be given
674 by electronic transmission to unit owners who consent to receive
675 notice by electronic transmission. A unit owner who consents to

676 receiving notices by electronic transmission is solely
677 responsible for removing or bypassing filters that block receipt
678 of mass emails sent to members on behalf of the association in
679 the course of giving electronic notices.

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

684 8. A unit owner may tape record or videotape a meeting of
685 the unit owners subject to reasonable rules adopted by the
686 division.

687 9. Unless otherwise provided in the bylaws, any vacancy
688 occurring on the board before the expiration of a term may be
689 filled by the affirmative vote of the majority of the remaining
690 directors, even if the remaining directors constitute less than
691 a quorum, or by the sole remaining director. In the alternative,
692 a board may hold an election to fill the vacancy, in which case
693 the election procedures must conform to sub-subparagraph 4.a.
694 unless the association governs 10 units or fewer and has opted
695 out of the statutory election process, in which case the bylaws
696 of the association control. Unless otherwise provided in the
697 bylaws, a board member appointed or elected under this section
698 shall fill the vacancy for the unexpired term of the seat being
699 filled. Filling vacancies created by recall is governed by
700 paragraph (j) and rules adopted by the division.

701 10. This chapter does not limit the use of general or
702 limited proxies, require the use of general or limited proxies,
703 or require the use of a written ballot or voting machine for any
704 agenda item or election at any meeting of a timeshare
705 condominium association or nonresidential condominium
706 association.

707
708 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
709 association of 10 or fewer units may, by affirmative vote of a
710 majority of the total voting interests, provide for different
711 voting and election procedures in its bylaws, which may be by a
712 proxy specifically delineating the different voting and election
713 procedures. The different voting and election procedures may
714 provide for elections to be conducted by limited or general
715 proxy.

716 (j) Recall of board members.—Subject to s. 718.301, any
717 member of the board of administration may be recalled and
718 removed from office with or without cause by the vote or
719 agreement in writing by a majority of all the voting interests.
720 A special meeting of the unit owners to recall a member or
721 members of the board of administration may be called by 10
722 percent of the voting interests giving notice of the meeting as
723 required for a meeting of unit owners, and the notice shall
724 state the purpose of the meeting. Electronic transmission may
725 not be used as a method of giving notice of a meeting called in

726 whole or in part for this purpose.

727 1. If the recall is approved by a majority of all voting
728 interests by a vote at a meeting, the recall will be effective
729 as provided in this paragraph. The board shall duly notice and
730 hold a board meeting within 5 full business days after the
731 adjournment of the unit owner meeting to recall one or more
732 board members. Such member or members shall be recalled
733 effective immediately upon conclusion of the board meeting
734 provided that the recall is facially valid. A recalled member
735 must ~~and shall~~ turn over to the board, within 10 full business
736 days after the vote, any and all records and property of the
737 association in their possession.

738 2. If the proposed recall is by an agreement in writing by
739 a majority of all voting interests, the agreement in writing or
740 a copy thereof shall be served on the association by certified
741 mail or by personal service in the manner authorized by chapter
742 48 and the Florida Rules of Civil Procedure. The board of
743 administration shall duly notice and hold a meeting of the board
744 within 5 full business days after receipt of the agreement in
745 writing. Such member or members shall be recalled effective
746 immediately upon the conclusion of the board meeting provided
747 that the recall is facially valid. A recalled member must ~~and~~
748 ~~shall~~ turn over to the board, within 10 full business days, any
749 and all records and property of the association in their
750 possession.

751 3. If the board fails to duly notice and hold a board
752 meeting within 5 full business days after service of an
753 agreement in writing or within 5 full business days after the
754 adjournment of the unit owner recall meeting, the recall shall
755 be deemed effective and the board members so recalled shall turn
756 over to the board within 10 full business days after the vote
757 any and all records and property of the association.

758 4. If the board fails to duly notice and hold the required
759 meeting ~~or fails to file the required petition,~~ the unit owner
760 representative may file a petition pursuant to s. 718.1255
761 challenging the board's failure to act. The petition must be
762 filed within 60 days after the expiration of the applicable 5-
763 full-business-day period. The review of a petition under this
764 subparagraph is limited to the sufficiency of service on the
765 board and the facial validity of the written agreement or
766 ballots filed.

767 5. If a vacancy occurs on the board as a result of a
768 recall or removal and less than a majority of the board members
769 are removed, the vacancy may be filled by the affirmative vote
770 of a majority of the remaining directors, notwithstanding any
771 provision to the contrary contained in this subsection. If
772 vacancies occur on the board as a result of a recall and a
773 majority or more of the board members are removed, the vacancies
774 shall be filled in accordance with procedural rules to be
775 adopted by the division, which rules need not be consistent with

776 | this subsection. The rules must provide procedures governing the
777 | conduct of the recall election as well as the operation of the
778 | association during the period after a recall but before the
779 | recall election.

780 | 6. A board member who has been recalled may file a
781 | petition pursuant to s. 718.1255 challenging the validity of the
782 | recall. The petition must be filed within 60 days after the
783 | recall. The association and the unit owner representative shall
784 | be named as the respondents. The petition may challenge the
785 | facial validity of the written agreement or ballots filed or the
786 | substantial compliance with the procedural requirements for the
787 | recall. If the arbitrator determines the recall was invalid, the
788 | petitioning board member shall immediately be reinstated and the
789 | recall is null and void. A board member who is successful in
790 | challenging a recall is entitled to recover reasonable attorney
791 | fees and costs from the respondents. The arbitrator may award
792 | reasonable attorney fees and costs to the respondents if they
793 | prevail, if the arbitrator makes a finding that the petitioner's
794 | claim is frivolous.

795 | 7. The division may not accept for filing a recall
796 | petition, whether filed pursuant to subparagraph 1.,
797 | subparagraph 2., subparagraph 4., or subparagraph 6. when there
798 | are 60 or fewer days until the scheduled reelection of the board
799 | member sought to be recalled or when 60 or fewer days have
800 | elapsed since the election of the board member sought to be

801 recalled.

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

804 718.113 Maintenance; limitation upon improvement; display
805 of flag; hurricane shutters and protection; display of religious
806 decorations.—

807 (2) (a) Except as otherwise provided in this section, there
808 shall be no material alteration or substantial additions to the
809 common elements or to real property which is association
810 property, except in a manner provided in the declaration as
811 originally recorded or as amended under the procedures provided
812 therein. If the declaration as originally recorded or as amended
813 under the procedures provided therein does not specify the
814 procedure for approval of material alterations or substantial
815 additions, 75 percent of the total voting interests of the
816 association must approve the alterations or additions before the
817 material alterations or substantial additions are commenced.

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

820 (b) There shall not be any material alteration of, or
821 substantial addition to, the common elements of any condominium
822 operated by a multicondominium association unless approved in
823 the manner provided in the declaration of the affected
824 condominium or condominiums as originally recorded or as amended
825 under the procedures provided therein. If a declaration as

826 originally recorded or as amended under the procedures provided
827 therein does not specify a procedure for approving such an
828 alteration or addition, the approval of 75 percent of the total
829 voting interests of each affected condominium is required before
830 the material alterations or substantial additions are commenced.

831 This subsection does not prohibit a provision in any
832 declaration, articles of incorporation, or bylaws as originally
833 recorded or as amended under the procedures provided therein
834 requiring the approval of unit owners in any condominium
835 operated by the same association or requiring board approval
836 before a material alteration or substantial addition to the
837 common elements is permitted. This paragraph is intended to
838 clarify existing law and applies to associations existing on
839 July 1, 2018 ~~the effective date of this act.~~

840 (c) There shall not be any material alteration or
841 substantial addition made to association real property operated
842 by a multicondominium association, except as provided in the
843 declaration, articles of incorporation, or bylaws as originally
844 recorded or as amended under the procedures provided therein. If
845 the declaration, articles of incorporation, or bylaws as
846 originally recorded or as amended under the procedures provided
847 therein do not specify the procedure for approving an alteration
848 or addition to association real property, the approval of 75
849 percent of the total voting interests of the association is
850 required before the material alterations or substantial

851 additions are commenced. This paragraph is intended to clarify
852 existing law and applies to associations existing on July 1,
853 2018 ~~the effective date of this act.~~

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

856 718.3026 Contracts for products and services; in writing;
857 bids; exceptions.—Associations with 10 or fewer units may opt
858 out of the provisions of this section if two-thirds of the unit
859 owners vote to do so, which opt-out may be accomplished by a
860 proxy specifically setting forth the exception from this
861 section.

862 ~~(3) As to any contract or other transaction between an~~
863 ~~association and one or more of its directors or any other~~
864 ~~corporation, firm, association, or entity in which one or more~~
865 ~~of its directors are directors or officers or are financially~~
866 ~~interested:~~

867 ~~(a) The association shall comply with the requirements of~~
868 ~~s. 617.0832.~~

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

871 ~~(c) Approval of the contract or other transaction shall~~
872 ~~require an affirmative vote of two-thirds of the directors~~
873 ~~present.~~

874 ~~(d) At the next regular or special meeting of the members,~~
875 ~~the existence of the contract or other transaction shall be~~

876 | ~~disclosed to the members. Upon motion of any member, the~~
877 | ~~contract or transaction shall be brought up for a vote and may~~
878 | ~~be canceled by a majority vote of the members present. Should~~
879 | ~~the members cancel the contract, the association shall only be~~
880 | ~~liable for the reasonable value of goods and services provided~~
881 | ~~up to the time of cancellation and shall not be liable for any~~
882 | ~~termination fee, liquidated damages, or other form of penalty~~
883 | ~~for such cancellation.~~

884 | Section 5. Section 718.3027, Florida Statutes, is amended
885 | to read:

886 | 718.3027 Conflicts of interest.—

887 | (1) Directors and officers of a board of an association
888 | that is not a timeshare condominium association, and the
889 | relatives of such directors and officers, must disclose to the
890 | board any activity that may reasonably be construed to be a
891 | conflict of interest. A rebuttable presumption of a conflict of
892 | interest exists if any of the following occurs without prior
893 | notice, as required in subsection (5)~~(4)~~:

894 | (a) A director or an officer, or a relative of a director
895 | or an officer, enters into a contract for goods or services with
896 | the association.

897 | (b) A director or an officer, or a relative of a director
898 | or an officer, holds an interest in a corporation, limited
899 | liability corporation, partnership, limited liability
900 | partnership, or other business entity that conducts business

901 with the association or proposes to enter into a contract or
902 other transaction with the association.

903 (2) If a director or an officer, or a relative of a
904 director or an officer, proposes to engage in an activity that
905 is a conflict of interest, as described in subsection (1), the
906 proposed activity must be listed on, and all contracts and
907 transactional documents related to the proposed activity must be
908 attached to, the meeting agenda. The association shall comply
909 with the requirements of s. 617.0832, and the disclosures
910 required by s. 617.0832 shall be entered into the written
911 minutes of the meeting. Approval of the contract or other
912 transaction requires an affirmative vote of two-thirds of all
913 other directors present. At the next regular or special meeting
914 of the members, the existence of the contract or other
915 transaction shall be disclosed to the members. Upon motion of
916 any member, the contract or transaction shall be brought up for
917 a vote and may be canceled by a majority vote of the members
918 present. If the contract is canceled, the association is only
919 liable for the reasonable value of the goods and services
920 provided up to the time of cancellation and is not liable for
921 any termination fee, liquidated damages, or other form of
922 penalty for such cancellation.

923 (3) If the board votes against the proposed activity, the
924 director or officer, or the relative of the director or officer,
925 must notify the board in writing of his or her intention not to

926 | pursue the proposed activity or to withdraw from office. If the
927 | board finds that an officer or a director has violated this
928 | subsection, the officer or director shall be deemed removed from
929 | office. The vacancy shall be filled according to general law.

930 | (4)~~(3)~~ A director or an officer, or a relative of a
931 | director or an officer, who is a party to, or has an interest
932 | in, an activity that is a possible conflict of interest, as
933 | described in subsection (1), may attend the meeting at which the
934 | activity is considered by the board and is authorized to make a
935 | presentation to the board regarding the activity. After the
936 | presentation, the director or officer, or the relative of the
937 | director or officer, must leave the meeting during the
938 | discussion of, and the vote on, the activity. A director or an
939 | officer who is a party to, or has an interest in, the activity
940 | must recuse himself or herself from the vote.

941 | (5)~~(4)~~ A contract entered into between a director or an
942 | officer, or a relative of a director or an officer, and the
943 | association, which is not a timeshare condominium association,
944 | that has not been properly disclosed as a conflict of interest
945 | or potential conflict of interest as required by s.
946 | 718.111(12)(g) is voidable and terminates upon the filing of a
947 | written notice terminating the contract with the board of
948 | directors which contains the consent of at least 20 percent of
949 | the voting interests of the association.

950 | (6)~~(5)~~ As used in this section, the term "relative" means

951 a relative within the third degree of consanguinity by blood or
952 marriage.

953 Section 6. Paragraph (b) of subsection (3) of section
954 718.303, Florida Statutes, is amended to read:

955 718.303 Obligations of owners and occupants; remedies.—

956 (3) The association may levy reasonable fines for the
957 failure of the owner of the unit or its occupant, licensee, or
958 invitee to comply with any provision of the declaration, the
959 association bylaws, or reasonable rules of the association. A
960 fine may not become a lien against a unit. A fine may be levied
961 by the board on the basis of each day of a continuing violation,
962 with a single notice and opportunity for hearing before a
963 committee as provided in paragraph (b). However, the fine may
964 not exceed \$100 per violation, or \$1,000 in the aggregate.

965 (b) A fine or suspension levied by the board of
966 administration may not be imposed unless the board first
967 provides at least 14 days' written notice ~~and an opportunity for~~
968 ~~a hearing~~ to the unit owner and, if applicable, any its
969 occupant, licensee, or invitee of the unit owner sought to be
970 fined or suspended and an opportunity for a hearing. ~~The hearing~~
971 ~~must be held~~ before a committee of at least three members
972 appointed by the board who are not officers, directors, or
973 employees of the association, or the spouse, parent, child,
974 brother, or sister of an officer, director, or employee ~~other~~
975 ~~unit owners who are neither board members nor persons residing~~

976 ~~in a board member's household.~~ The role of the committee is
977 limited to determining whether to confirm or reject the fine or
978 suspension levied by the board. If the committee does not
979 approve ~~agree~~, the proposed fine or suspension by majority vote,
980 the fine or suspension may not be imposed. If the proposed fine
981 or suspension is approved by the committee, the fine payment is
982 due 5 days after the date of the committee meeting at which the
983 fine is approved. The association must provide written notice of
984 such fine or suspension by mail or hand delivery to the unit
985 owner and, if applicable, to any tenant, licensee, or invitee of
986 the unit owner.

987 Section 7. Section 718.707, Florida Statutes, is amended
988 to read:

989 718.707 Time limitation for classification as bulk
990 assignee or bulk buyer.—A person acquiring condominium parcels
991 may not be classified as a bulk assignee or bulk buyer unless
992 the condominium parcels were acquired on or after July 1, 2010,
993 ~~but before July 1, 2018.~~ The date of such acquisition shall be
994 determined by the date of recording a deed or other instrument
995 of conveyance for such parcels in the public records of the
996 county in which the condominium is located, or by the date of
997 issuing a certificate of title in a foreclosure proceeding with
998 respect to such condominium parcels.

999 Section 8. Paragraphs (a) and (b) of subsection (2) of
1000 section 719.104, Florida Statutes, are amended to read:

1001 719.104 Cooperatives; access to units; records; financial
 1002 reports; assessments; purchase of leases.—
 1003 (2) OFFICIAL RECORDS.—
 1004 (a) From the inception of the association, the association
 1005 shall maintain a copy of each of the following, where
 1006 applicable, which shall constitute the official records of the
 1007 association:
 1008 1. The plans, permits, warranties, and other items
 1009 provided by the developer pursuant to s. 719.301(4).
 1010 2. A photocopy of the cooperative documents.
 1011 3. A copy of the current rules of the association.
 1012 4. A book or books containing the minutes of all meetings
 1013 of the association, of the board of directors, and of the unit
 1014 owners, ~~which minutes shall be retained for a period of not less~~
 1015 ~~than 7 years.~~
 1016 5. A current roster of all unit owners and their mailing
 1017 addresses, unit identifications, voting certifications, and, if
 1018 known, telephone numbers. The association shall also maintain
 1019 the e-mail ~~electronic mailing~~ addresses and the numbers
 1020 designated by unit owners for receiving notice sent by
 1021 electronic transmission of those unit owners consenting to
 1022 receive notice by electronic transmission. The e-mail ~~electronic~~
 1023 ~~mailing~~ addresses and numbers provided by unit owners to receive
 1024 notice by electronic transmission shall be removed from
 1025 association records when consent to receive notice by electronic

1026 transmission is revoked. However, the association is not liable
 1027 for an erroneous disclosure of the e-mail ~~electronic mail~~
 1028 address or the number for receiving electronic transmission of
 1029 notices.

1030 6. All current insurance policies of the association.

1031 7. A current copy of any management agreement, lease, or
 1032 other contract to which the association is a party or under
 1033 which the association or the unit owners have an obligation or
 1034 responsibility.

1035 8. Bills of sale or transfer for all property owned by the
 1036 association.

1037 9. Accounting records for the association and separate
 1038 accounting records for each unit it operates, according to good
 1039 accounting practices. ~~All accounting records shall be maintained~~
 1040 ~~for a period of not less than 7 years.~~ The accounting records
 1041 shall include, but not be limited to:

1042 a. Accurate, itemized, and detailed records of all
 1043 receipts and expenditures.

1044 b. A current account and a monthly, bimonthly, or
 1045 quarterly statement of the account for each unit designating the
 1046 name of the unit owner, the due date and amount of each
 1047 assessment, the amount paid upon the account, and the balance
 1048 due.

1049 c. All audits, reviews, accounting statements, and
 1050 financial reports of the association.

1051 d. All contracts for work to be performed. Bids for work
 1052 to be performed shall also be considered official records and
 1053 shall be maintained for a period of 1 year.

1054 10. Ballots, sign-in sheets, voting proxies, and all other
 1055 papers and electronic records relating to voting by unit owners,
 1056 which shall be maintained for a period of 1 year after the date
 1057 of the election, vote, or meeting to which the document relates.

1058 11. All rental records where the association is acting as
 1059 agent for the rental of units.

1060 12. A copy of the current question and answer sheet as
 1061 described in s. 719.504.

1062 13. All other written records of the association not
 1063 specifically included in the foregoing which are related to the
 1064 operation of the association.

1065 (b) The official records of the association must be
 1066 maintained within the state for at least 7 years. The records of
 1067 the association shall be made available to a unit owner within
 1068 45 miles of the cooperative property or within the county in
 1069 which the cooperative property is located within 10 ~~5~~ working
 1070 days after receipt of written request by the board or its
 1071 designee. This paragraph may be complied with by having a copy
 1072 of the official records of the association available for
 1073 inspection or copying on the cooperative property or the
 1074 association may offer the option of making the records available
 1075 to a unit owner electronically via the Internet or by allowing

1076 the records to be viewed in an electronic format on a computer
 1077 screen and printed upon request. The association is not
 1078 responsible for the use or misuse of the information provided to
 1079 an association member or his or her authorized representative
 1080 pursuant to the compliance requirements of this chapter unless
 1081 the association has an affirmative duty not to disclose such
 1082 information pursuant to this chapter.

1083 Section 9. Paragraphs (a), (c), and (d) of subsection (1)
 1084 of section 719.106, Florida Statutes, are amended, and paragraph
 1085 (m) is added to that subsection, to read:

1086 719.106 Bylaws; cooperative ownership.—

1087 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 1088 documents shall provide for the following, and if they do not,
 1089 they shall be deemed to include the following:

1090 (a) Administration.—

1091 1. The form of administration of the association shall be
 1092 described, indicating the titles of the officers and board of
 1093 administration and specifying the powers, duties, manner of
 1094 selection and removal, and compensation, if any, of officers and
 1095 board members. In the absence of such a provision, the board of
 1096 administration shall be composed of five members, unless the
 1097 cooperative ~~except in the case of cooperatives~~ has having five
 1098 or fewer units., ~~in which case in not-for-profit corporations,~~
 1099 The board shall consist of not fewer than three members in
 1100 cooperatives with five or fewer units that are not-for-profit

1101 corporations. In a residential cooperative association of more
1102 than 10 units, co-owners of a unit may not serve as members of
1103 the board of directors at the same time unless the co-owners own
1104 more than one unit or unless there are not enough eligible
1105 candidates to fill the vacancies on the board at the time of the
1106 vacancy. In the absence of provisions to the contrary, the board
1107 of administration shall have a president, a secretary, and a
1108 treasurer, who shall perform the duties of those offices
1109 customarily performed by officers of corporations. Unless
1110 prohibited in the bylaws, the board of administration may
1111 appoint other officers and grant them those duties it deems
1112 appropriate. Unless otherwise provided in the bylaws, the
1113 officers shall serve without compensation and at the pleasure of
1114 the board. Unless otherwise provided in the bylaws, the members
1115 of the board shall serve without compensation.

1116 2. A person who has been suspended or removed by the
1117 division under this chapter, or who is delinquent in the payment
1118 of any monetary obligation due to the association, is not
1119 eligible to be a candidate for board membership and may not be
1120 listed on the ballot. A director or officer charged by
1121 information or indictment with a felony theft or embezzlement
1122 offense involving the association's funds or property is
1123 suspended from office. The board shall fill the vacancy
1124 according to general law until the end of the period of the
1125 suspension or the end of the director's term of office,

1126 | whichever occurs first. However, if the charges are resolved
1127 | without a finding of guilt or without acceptance of a plea of
1128 | guilty or nolo contendere, the director or officer shall be
1129 | reinstated for any remainder of his or her term of office. A
1130 | member who has such criminal charges pending may not be
1131 | appointed or elected to a position as a director or officer. A
1132 | person who has been convicted of any felony in this state or in
1133 | any United States District Court, or who has been convicted of
1134 | any offense in another jurisdiction which would be considered a
1135 | felony if committed in this state, is not eligible for board
1136 | membership unless such felon's civil rights have been restored
1137 | for at least 5 years as of the date such person seeks election
1138 | to the board. The validity of an action by the board is not
1139 | affected if it is later determined that a board member is
1140 | ineligible for board membership due to having been convicted of
1141 | a felony.

1142 | 3. When a unit owner files a written inquiry by certified
1143 | mail with the board of administration, the board shall respond
1144 | in writing to the unit owner within 30 days of receipt of the
1145 | inquiry. The board's response shall either give a substantive
1146 | response to the inquirer, notify the inquirer that a legal
1147 | opinion has been requested, or notify the inquirer that advice
1148 | has been requested from the division. If the board requests
1149 | advice from the division, the board shall, within 10 days of its
1150 | receipt of the advice, provide in writing a substantive response

1151 to the inquirer. If a legal opinion is requested, the board
1152 shall, within 60 days after the receipt of the inquiry, provide
1153 in writing a substantive response to the inquirer. The failure
1154 to provide a substantive response to the inquirer as provided
1155 herein precludes the board from recovering attorney's fees and
1156 costs in any subsequent litigation, administrative proceeding,
1157 or arbitration arising out of the inquiry. The association may,
1158 through its board of administration, adopt reasonable rules and
1159 regulations regarding the frequency and manner of responding to
1160 the unit owners' inquiries, one of which may be that the
1161 association is obligated to respond to only one written inquiry
1162 per unit in any given 30-day period. In such case, any
1163 additional inquiry or inquiries must be responded to in the
1164 subsequent 30-day period, or periods, as applicable.

1165 (c) Board of administration meetings.—Members of the board
1166 of administration may use e-mail as a means of communication but
1167 may not cast a vote on an association matter via e-mail.

1168 Meetings of the board of administration at which a quorum of the
1169 members is present shall be open to all unit owners. Any unit
1170 owner may tape record or videotape meetings of the board of
1171 administration. The right to attend such meetings includes the
1172 right to speak at such meetings with reference to all designated
1173 agenda items. The division shall adopt reasonable rules
1174 governing the tape recording and videotaping of the meeting. The
1175 association may adopt reasonable written rules governing the

1176 frequency, duration, and manner of unit owner statements.
1177 Adequate notice of all meetings shall be posted in a conspicuous
1178 place upon the cooperative property at least 48 continuous hours
1179 preceding the meeting, except in an emergency. Any item not
1180 included on the notice may be taken up on an emergency basis by
1181 at least a majority plus one of the members of the board. Such
1182 emergency action shall be noticed and ratified at the next
1183 regular meeting of the board. Notice of any meeting in which
1184 regular or special assessments against unit owners are to be
1185 considered must specifically state that assessments will be
1186 considered and provide the estimated cost and description of the
1187 purpose for such assessments. ~~However,~~ Written notice of any
1188 meeting at which nonemergency special assessments, or at which
1189 amendment to rules regarding unit use, will be considered shall
1190 be mailed, delivered, or electronically transmitted to the unit
1191 owners and posted conspicuously on the cooperative property not
1192 less than 14 days before the meeting. Evidence of compliance
1193 with this 14-day notice shall be made by an affidavit executed
1194 by the person providing the notice and filed among the official
1195 records of the association. Upon notice to the unit owners, the
1196 board shall by duly adopted rule designate a specific location
1197 on the cooperative property upon which all notices of board
1198 meetings shall be posted. In lieu of or in addition to the
1199 physical posting of notice of any meeting of the board of
1200 administration on the cooperative property, the association may,

1201 by reasonable rule, adopt a procedure for conspicuously posting
1202 and repeatedly broadcasting the notice and the agenda on a
1203 closed-circuit cable television system serving the cooperative
1204 association. However, if broadcast notice is used in lieu of a
1205 notice posted physically on the cooperative property, the notice
1206 and agenda must be broadcast at least four times every broadcast
1207 hour of each day that a posted notice is otherwise required
1208 under this section. When broadcast notice is provided, the
1209 notice and agenda must be broadcast in a manner and for a
1210 sufficient continuous length of time so as to allow an average
1211 reader to observe the notice and read and comprehend the entire
1212 content of the notice and the agenda. In addition to any of the
1213 authorized means of providing notice of a meeting of the board,
1214 the association may, by rule, adopt a procedure for
1215 conspicuously posting the meeting notice and the agenda on a
1216 website serving the cooperative association for at least the
1217 minimum period of time for which a notice of a meeting is also
1218 required to be physically posted on the cooperative property.
1219 Any rule adopted shall, in addition to other matters, include a
1220 requirement that the association send an electronic notice in
1221 the same manner as a notice for a meeting of the members, which
1222 must include a hyperlink to the website where the notice is
1223 posted, to unit owners whose e-mail addresses are included in
1224 the association's official records. ~~Notice of any meeting in~~
1225 ~~which regular assessments against unit owners are to be~~

1226 ~~considered for any reason shall specifically contain a statement~~
1227 ~~that assessments will be considered and the nature of any such~~
1228 ~~assessments.~~ Meetings of a committee to take final action on
1229 behalf of the board or to make recommendations to the board
1230 regarding the association budget are subject to the provisions
1231 of this paragraph. Meetings of a committee that does not take
1232 final action on behalf of the board or make recommendations to
1233 the board regarding the association budget are subject to the
1234 provisions of this section, unless those meetings are exempted
1235 from this section by the bylaws of the association.

1236 Notwithstanding any other law to the contrary, the requirement
1237 that board meetings and committee meetings be open to the unit
1238 owners does not apply to board or committee meetings held for
1239 the purpose of discussing personnel matters or meetings between
1240 the board or a committee and the association's attorney, with
1241 respect to proposed or pending litigation, if the meeting is
1242 held for the purpose of seeking or rendering legal advice.

1243 (d) Shareholder meetings.—There shall be an annual meeting
1244 of the shareholders. All members of the board of administration
1245 shall be elected at the annual meeting unless the bylaws provide
1246 for staggered election terms or for their election at another
1247 meeting. Any unit owner desiring to be a candidate for board
1248 membership must comply with subparagraph 1. The bylaws must
1249 provide the method for calling meetings, including annual
1250 meetings. Written notice, which must incorporate an

1251 identification of agenda items, shall be given to each unit
1252 owner at least 14 days before the annual meeting and posted in a
1253 conspicuous place on the cooperative property at least 14
1254 continuous days preceding the annual meeting. Upon notice to the
1255 unit owners, the board must by duly adopted rule designate a
1256 specific location on the cooperative property upon which all
1257 notice of unit owner meetings are posted. In lieu of or in
1258 addition to the physical posting of the meeting notice, the
1259 association may, by reasonable rule, adopt a procedure for
1260 conspicuously posting and repeatedly broadcasting the notice and
1261 the agenda on a closed-circuit cable television system serving
1262 the cooperative association. However, if broadcast notice is
1263 used in lieu of a posted notice, the notice and agenda must be
1264 broadcast at least four times every broadcast hour of each day
1265 that a posted notice is otherwise required under this section.
1266 If broadcast notice is provided, the notice and agenda must be
1267 broadcast in a manner and for a sufficient continuous length of
1268 time to allow an average reader to observe the notice and read
1269 and comprehend the entire content of the notice and the agenda.
1270 In addition to any of the authorized means of providing notice
1271 of a meeting of the shareholders, the association may, by rule,
1272 adopt a procedure for conspicuously posting the meeting notice
1273 and the agenda on a website serving the cooperative association
1274 for at least the minimum period of time for which a notice of a
1275 meeting is also required to be physically posted on the

1276 cooperative property. Any rule adopted shall, in addition to
1277 other matters, include a requirement that the association send
1278 an electronic notice in the same manner as a notice for a
1279 meeting of the members, which must include a hyperlink to the
1280 website where the notice is posted, to unit owners whose e-mail
1281 addresses are included in the association's official records.

1282 Unless a unit owner waives in writing the right to receive
1283 notice of the annual meeting, the notice of the annual meeting
1284 must be sent by mail, hand delivered, or electronically
1285 transmitted to each unit owner. An officer of the association
1286 must provide an affidavit or United States Postal Service
1287 certificate of mailing, to be included in the official records
1288 of the association, affirming that notices of the association
1289 meeting were mailed, hand delivered, or electronically
1290 transmitted, in accordance with this provision, to each unit
1291 owner at the address last furnished to the association.

1292 1. The board of administration shall be elected by written
1293 ballot or voting machine. A proxy may not be used in electing
1294 the board of administration in general elections or elections to
1295 fill vacancies caused by recall, resignation, or otherwise
1296 unless otherwise provided in this chapter.

1297 a. At least 60 days before a scheduled election, the
1298 association shall mail, deliver, or transmit, whether by
1299 separate association mailing, delivery, or electronic
1300 transmission or included in another association mailing,

1301 delivery, or electronic transmission, including regularly
1302 published newsletters, to each unit owner entitled to vote, a
1303 first notice of the date of the election. Any unit owner or
1304 other eligible person desiring to be a candidate for the board
1305 of administration must give written notice to the association at
1306 least 40 days before a scheduled election. Together with the
1307 written notice and agenda as set forth in this section, the
1308 association shall mail, deliver, or electronically transmit a
1309 second notice of election to all unit owners entitled to vote,
1310 together with a ballot that lists all candidates. Upon request
1311 of a candidate, the association shall include an information
1312 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1313 furnished by the candidate at least 35 days before the election,
1314 to be included with the mailing, delivery, or electronic
1315 transmission of the ballot, with the costs of mailing, delivery,
1316 or transmission and copying to be borne by the association. The
1317 association is not liable for the contents of the information
1318 sheets provided by the candidates. In order to reduce costs, the
1319 association may print or duplicate the information sheets on
1320 both sides of the paper. The division shall by rule establish
1321 voting procedures consistent with this subparagraph, including
1322 rules establishing procedures for giving notice by electronic
1323 transmission and rules providing for the secrecy of ballots.
1324 Elections shall be decided by a plurality of those ballots cast.
1325 There is no quorum requirement. However, at least 20 percent of

1326 the eligible voters must cast a ballot in order to have a valid
1327 election. A unit owner may not permit any other person to vote
1328 his or her ballot, and any such ballots improperly cast are
1329 invalid. A unit owner who needs assistance in casting the ballot
1330 for the reasons stated in s. 101.051 may obtain assistance in
1331 casting the ballot. Any unit owner violating this provision may
1332 be fined by the association in accordance with s. 719.303. The
1333 regular election must occur on the date of the annual meeting.
1334 This subparagraph does not apply to timeshare cooperatives.
1335 Notwithstanding this subparagraph, an election and balloting are
1336 not required unless more candidates file a notice of intent to
1337 run or are nominated than vacancies exist on the board. Any
1338 challenge to the election process must be commenced within 60
1339 days after the election results are announced.

1340 b. Within 90 days after being elected or appointed to the
1341 board, each new director shall certify in writing to the
1342 secretary of the association that he or she has read the
1343 association's bylaws, articles of incorporation, proprietary
1344 lease, and current written policies; that he or she will work to
1345 uphold such documents and policies to the best of his or her
1346 ability; and that he or she will faithfully discharge his or her
1347 fiduciary responsibility to the association's members. Within 90
1348 days after being elected or appointed to the board, in lieu of
1349 this written certification, the newly elected or appointed
1350 director may submit a certificate of having satisfactorily

1351 completed the educational curriculum administered by an
1352 education provider as approved by the division pursuant to the
1353 requirements established in chapter 718 within 1 year before or
1354 90 days after the date of election or appointment. The
1355 educational certificate is valid and does not have to be
1356 resubmitted as long as the director serves on the board without
1357 interruption. A director who fails to timely file the written
1358 certification or educational certificate is suspended from
1359 service on the board until he or she complies with this sub-
1360 subparagraph. The board may temporarily fill the vacancy during
1361 the period of suspension. The secretary of the association shall
1362 cause the association to retain a director's written
1363 certification or educational certificate for inspection by the
1364 members for 5 years after a director's election or the duration
1365 of the director's uninterrupted tenure, whichever is longer.
1366 Failure to have such written certification or educational
1367 certificate on file does not affect the validity of any board
1368 action.

1369 2. Any approval by unit owners called for by this chapter,
1370 or the applicable cooperative documents, must be made at a duly
1371 noticed meeting of unit owners and is subject to this chapter or
1372 the applicable cooperative documents relating to unit owner
1373 decisionmaking, except that unit owners may take action by
1374 written agreement, without meetings, on matters for which action
1375 by written agreement without meetings is expressly allowed by

1376 the applicable cooperative documents or law which provides for
1377 the unit owner action.

1378 3. Unit owners may waive notice of specific meetings if
1379 allowed by the applicable cooperative documents or law. Notice
1380 of meetings of the board of administration, shareholder
1381 meetings, except shareholder meetings called to recall board
1382 members under paragraph (f), and committee meetings may be given
1383 by electronic transmission to unit owners who consent to receive
1384 notice by electronic transmission. A unit owner who consents to
1385 receiving notices by electronic transmission is solely
1386 responsible for removing or bypassing filters that may block
1387 receipt of mass emails sent to members on behalf of the
1388 association in the course of giving electronic notices.

1389 4. Unit owners have the right to participate in meetings
1390 of unit owners with reference to all designated agenda items.
1391 However, the association may adopt reasonable rules governing
1392 the frequency, duration, and manner of unit owner participation.

1393 5. Any unit owner may tape record or videotape meetings of
1394 the unit owners subject to reasonable rules adopted by the
1395 division.

1396 6. Unless otherwise provided in the bylaws, a vacancy
1397 occurring on the board before the expiration of a term may be
1398 filled by the affirmative vote of the majority of the remaining
1399 directors, even if the remaining directors constitute less than
1400 a quorum, or by the sole remaining director. In the alternative,

1401 a board may hold an election to fill the vacancy, in which case
1402 the election procedures must conform to the requirements of
1403 subparagraph 1. unless the association has opted out of the
1404 statutory election process, in which case the bylaws of the
1405 association control. Unless otherwise provided in the bylaws, a
1406 board member appointed or elected under this subparagraph shall
1407 fill the vacancy for the unexpired term of the seat being
1408 filled. Filling vacancies created by recall is governed by
1409 paragraph (f) and rules adopted by the division.

1410
1411 Notwithstanding subparagraphs (b)2. and (d)1., an association
1412 may, by the affirmative vote of a majority of the total voting
1413 interests, provide for a different voting and election procedure
1414 in its bylaws, which vote may be by a proxy specifically
1415 delineating the different voting and election procedures. The
1416 different voting and election procedures may provide for
1417 elections to be conducted by limited or general proxy.

1418 (m) Director or officer delinquencies.—A director or
1419 officer more than 90 days delinquent in the payment of any
1420 monetary obligation due the association shall be deemed to have
1421 abandoned the office, creating a vacancy in the office to be
1422 filled according to law.

1423 Section 10. Paragraph (b) of subsection (1) of section
1424 719.107, Florida Statutes, is amended to read:

1425 719.107 Common expenses; assessment.—

1426 (1)

1427 (b) If so provided in the bylaws, the cost of

1428 communications services as defined in chapter 202, information

1429 services or Internet services ~~a master antenna television system~~

1430 ~~or duly franchised cable television service~~ obtained pursuant to

1431 a bulk contract shall be deemed a common expense, and if not

1432 obtained pursuant to a bulk contract, such cost shall be

1433 considered common expense if it is designated as such in a

1434 written contract between the board of administration and the

1435 company providing the communications services as defined in

1436 chapter 202, information services or Internet services ~~master~~

1437 ~~television antenna system or the cable television service~~. The

1438 contract shall be for a term of not less than 2 years.

1439 1. Any contract made by the board after April 2, 1992, for

1440 a community antenna system or duly franchised cable television

1441 service, communications services as defined in chapter 202,

1442 information services or Internet services may be canceled by a

1443 majority of the voting interests present at the next regular or

1444 special meeting of the association. Any member may make a motion

1445 to cancel the contract, but if no motion is made or if such

1446 motion fails to obtain the required majority at the next regular

1447 or special meeting, whichever is sooner, following the making of

1448 the contract, then such contract shall be deemed ratified for

1449 the term therein expressed.

1450 2. Any such contract shall provide, and shall be deemed to

1451 provide if not expressly set forth, that any hearing impaired or
1452 legally blind unit owner who does not occupy the unit with a
1453 nonhearing impaired or sighted person may discontinue the
1454 service without incurring disconnect fees, penalties, or
1455 subsequent service charges, and as to such units, the owners
1456 shall not be required to pay any common expenses charge related
1457 to such service. If less than all members of an association
1458 share the expenses of cable television, the expense shall be
1459 shared equally by all participating unit owners. The association
1460 may use the provisions of s. 719.108 to enforce payment of the
1461 shares of such costs by the unit owners receiving cable
1462 television.

1463 Section 11. Paragraph (b) of subsection (3) of section
1464 719.303, Florida Statutes, is amended to read:

1465 719.303 Obligations of owners.—

1466 (3) The association may levy reasonable fines for failure
1467 of the unit owner or the unit's occupant, licensee, or invitee
1468 to comply with any provision of the cooperative documents or
1469 reasonable rules of the association. A fine may not become a
1470 lien against a unit. A fine may be levied by the board on the
1471 basis of each day of a continuing violation, with a single
1472 notice and opportunity for hearing before a committee as
1473 provided in paragraph (b). However, the fine may not exceed \$100
1474 per violation, or \$1,000 in the aggregate.

1475 (b) A fine or suspension levied by the board of

1476 administration may not be imposed unless the board first
1477 provides at least 14 days' written notice ~~and an opportunity for~~
1478 ~~a hearing~~ to the unit owner and, if applicable, any its
1479 occupant, licensee, or invitee of the unit owner sought to be
1480 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1481 ~~must be held~~ before a committee of at least three members
1482 appointed by the board who are not officers, directors, or
1483 employees of the association, or the spouse, parent, child,
1484 brother, or sister of an officer, director, or employee other
1485 ~~unit owners who are neither board members nor persons residing~~
1486 ~~in a board member's household.~~ The role of the committee is
1487 limited to determining whether to confirm or reject the fine or
1488 suspension levied by the board. If the committee does not
1489 approve ~~agree with~~ the proposed fine or suspension by majority
1490 vote, the fine or suspension it may not be imposed. If the
1491 proposed fine or suspension is approved by the committee, the
1492 fine payment is due 5 days after the date of the committee
1493 meeting at which the fine is approved. The association must
1494 provide written notice of such fine or suspension by mail or
1495 hand delivery to the unit owner and, if applicable, to any
1496 tenant, licensee, or invitee of the unit owner.

1497 Section 12. Paragraphs (a) and (c) of subsection (2) of
1498 section 720.303, Florida Statutes, are amended, to read:

1499 720.303 Association powers and duties; meetings of board;
1500 official records; budgets; financial reporting; association

1501 funds; recalls.—

1502 (2) BOARD MEETINGS.—

1503 (a) Members of the board of administration may use e-mail
 1504 as a means of communication, but may not cast a vote on an
 1505 association matter via e-mail. A meeting of the board of
 1506 directors of an association occurs whenever a quorum of the
 1507 board gathers to conduct association business. Meetings of the
 1508 board must be open to all members, except for meetings between
 1509 the board and its attorney with respect to proposed or pending
 1510 litigation where the contents of the discussion would otherwise
 1511 be governed by the attorney-client privilege. A meeting of the
 1512 board must be held at a location that is accessible to a
 1513 physically handicapped person if requested by a physically
 1514 handicapped person who has a right to attend the meeting. The
 1515 provisions of this subsection shall also apply to the meetings
 1516 of any committee or other similar body when a final decision
 1517 will be made regarding the expenditure of association funds and
 1518 to meetings of any body vested with the power to approve or
 1519 disapprove architectural decisions with respect to a specific
 1520 parcel of residential property owned by a member of the
 1521 community.

1522 (c) The bylaws shall provide the following for giving
 1523 notice to parcel owners and members of all board meetings and,
 1524 if they do not do so, shall be deemed to include ~~provide~~ the
 1525 following:

1526 1. Notices of all board meetings must be posted in a
1527 conspicuous place in the community at least 48 hours in advance
1528 of a meeting, except in an emergency. In the alternative, if
1529 notice is not posted in a conspicuous place in the community,
1530 notice of each board meeting must be mailed or delivered to each
1531 member at least 7 days before the meeting, except in an
1532 emergency. Notwithstanding this general notice requirement, for
1533 communities with more than 100 members, the association bylaws
1534 may provide for a reasonable alternative to posting or mailing
1535 of notice for each board meeting, including publication of
1536 notice, provision of a schedule of board meetings, or the
1537 conspicuous posting and repeated broadcasting of the notice on a
1538 closed-circuit cable television system serving the homeowners'
1539 association. However, if broadcast notice is used in lieu of a
1540 notice posted physically in the community, the notice must be
1541 broadcast at least four times every broadcast hour of each day
1542 that a posted notice is otherwise required. When broadcast
1543 notice is provided, the notice and agenda must be broadcast in a
1544 manner and for a sufficient continuous length of time so as to
1545 allow an average reader to observe the notice and read and
1546 comprehend the entire content of the notice and the agenda. The
1547 association may provide notice by electronic transmission in a
1548 manner authorized by law for meetings of the board of directors,
1549 committee meetings requiring notice under this section, and
1550 annual and special meetings of the members to any member who has

1551 provided a facsimile number or e-mail address to the association
1552 to be used for such purposes; however, a member must consent in
1553 writing to receiving notice by electronic transmission.

1554 2. An assessment may not be levied at a board meeting
1555 unless the notice of the meeting includes a statement that
1556 assessments will be considered and the nature of the
1557 assessments. Written notice of any meeting at which special
1558 assessments will be considered or at which amendments to rules
1559 regarding parcel use will be considered must be mailed,
1560 delivered, or electronically transmitted to the members and
1561 parcel owners and posted conspicuously on the property or
1562 broadcast on closed-circuit cable television not less than 14
1563 days before the meeting.

1564 3. Directors may not vote by proxy or by secret ballot at
1565 board meetings, except that secret ballots may be used in the
1566 election of officers. This subsection also applies to the
1567 meetings of any committee or other similar body, when a final
1568 decision will be made regarding the expenditure of association
1569 funds, and to any body vested with the power to approve or
1570 disapprove architectural decisions with respect to a specific
1571 parcel of residential property owned by a member of the
1572 community.

1573 Section 13. Paragraph (b) of subsection (2) of section
1574 720.305, Florida Statutes, is amended to read:

1575 720.305 Obligations of members; remedies at law or in

1576 equity; levy of fines and suspension of use rights.—

1577 (2) The association may levy reasonable fines. A fine may
1578 not exceed \$100 per violation against any member or any member's
1579 tenant, guest, or invitee for the failure of the owner of the
1580 parcel or its occupant, licensee, or invitee to comply with any
1581 provision of the declaration, the association bylaws, or
1582 reasonable rules of the association unless otherwise provided in
1583 the governing documents. A fine may be levied by the board for
1584 each day of a continuing violation, with a single notice and
1585 opportunity for hearing, except that the fine may not exceed
1586 \$1,000 in the aggregate unless otherwise provided in the
1587 governing documents. A fine of less than \$1,000 may not become a
1588 lien against a parcel. In any action to recover a fine, the
1589 prevailing party is entitled to reasonable attorney fees and
1590 costs from the nonprevailing party as determined by the court.

1591 (b) A fine or suspension levied ~~may not be imposed~~ by the
1592 board of administration may not be imposed unless the board
1593 first provides ~~without~~ at least 14 days' notice to the parcel
1594 owner and, if applicable, any occupant, licensee, or invitee of
1595 the parcel owner, ~~person~~ sought to be fined or suspended and an
1596 opportunity for a hearing before a committee of at least three
1597 members appointed by the board who are not officers, directors,
1598 or employees of the association, or the spouse, parent, child,
1599 brother, or sister of an officer, director, or employee. If the
1600 committee, by majority vote, does not approve a proposed fine or

1601 suspension, the proposed fine or suspension ~~it~~ may not be
1602 imposed. The role of the committee is limited to determining
1603 whether to confirm or reject the fine or suspension levied by
1604 the board. If the proposed ~~board of administration imposes a~~
1605 fine or suspension levied by the board is approved by the
1606 committee, the fine payment is due 5 days after the date of the
1607 committee meeting at which the fine is approved. The association
1608 must provide written notice of such fine or suspension by mail
1609 or hand delivery to the parcel owner and, if applicable, to any
1610 tenant, licensee, or invitee of the parcel owner.

1611 Section 14. Paragraph (a) of subsection (9) of section
1612 720.306, Florida Statutes, is amended to read:

1613 720.306 Meetings of members; voting and election
1614 procedures; amendments.—

1615 (9) ELECTIONS AND BOARD VACANCIES.—

1616 (a) Elections of directors must be conducted in accordance
1617 with the procedures set forth in the governing documents of the
1618 association. Except as provided in paragraph (b), all members of
1619 the association are eligible to serve on the board of directors,
1620 and a member may nominate himself or herself as a candidate for
1621 the board at a meeting where the election is to be held;
1622 provided, however, that if the election process allows
1623 candidates to be nominated in advance of the meeting, the
1624 association is not required to allow nominations at the meeting.
1625 An election is not required unless more candidates are nominated

1626 | than vacancies exist. If an election is not required because
1627 | there are either an equal number or fewer qualified candidates
1628 | than vacancies exist, and if nominations from the floor are not
1629 | required pursuant to this section or the bylaws, write-in
1630 | nominations are not permitted and such qualified candidates
1631 | shall commence service on the board of directors, regardless of
1632 | whether a quorum is attained at the annual meeting. Except as
1633 | otherwise provided in the governing documents, boards of
1634 | directors must be elected by a plurality of the votes cast by
1635 | eligible voters. Any challenge to the election process must be
1636 | commenced within 60 days after the election results are
1637 | announced.

1638 | Section 15. Paragraph (b) of subsection (3) of section
1639 | 720.3085, Florida Statutes, is amended to read:

1640 | 720.3085 Payment for assessments; lien claims.—

1641 | (3) Assessments and installments on assessments that are
1642 | not paid when due bear interest from the due date until paid at
1643 | the rate provided in the declaration of covenants or the bylaws
1644 | of the association, which rate may not exceed the rate allowed
1645 | by law. If no rate is provided in the declaration or bylaws,
1646 | interest accrues at the rate of 18 percent per year.

1647 | (b) Any payment received by an association and accepted
1648 | shall be applied first to any interest accrued, then to any
1649 | administrative late fee, then to any costs and reasonable
1650 | attorney fees incurred in collection, and then to the delinquent

1651 assessment. This paragraph applies notwithstanding any
1652 restrictive endorsement, designation, or instruction placed on
1653 or accompanying a payment. A late fee is not subject to the
1654 provisions of chapter 687 and is not a fine. The foregoing is
1655 applicable notwithstanding s. 673.3111, any purported accord and
1656 satisfaction, or any restrictive endorsement, designation, or
1657 instruction placed on or accompanying a payment. The preceding
1658 sentence is intended to clarify existing law.

1659 Section 16. This act shall take effect July 1, 2018.