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1
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 providing legislative findings; providing that an
22 association may not prohibit a unit owner from
23 installing an electronic vehicle charging station;
24 providing requirements for installing such charging
25 station; amending s. 718.121, F.S.; providing when the

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26 | installation of an electronic vehicle charging station
27 | may be the basis of a lien; amending s. 718.3026,
28 | F.S.; removing a provision relating to certain
29 | contracts or transactions regarding conflicts of
30 | interest; amending s. 718.3027, F.S.; providing
31 | requirements for proposed activity that is identified
32 | as a conflict of interest; amending s. 718.303, F.S.;
33 | revising fine and suspension requirements; amending s.
34 | 718.707, F.S.; revising the time period for
35 | classification as a bulk assignee or bulk buyer;
36 | amending s. 719.104, F.S.; revising cooperative
37 | association recordkeeping requirements; amending s.
38 | 719.106, F.S.; revising requirements to serve as a
39 | board member; prohibiting a board member from voting
40 | via e-mail; authorizing an association to adopt rules
41 | for posting certain notices on a website; providing
42 | responsibilities for unit owners who receive
43 | electronic notices; providing that directors or
44 | officers who are delinquent in certain payments owed
45 | in excess of certain periods of time be deemed to have
46 | abandoned their offices; amending s. 719.107, F.S.;
47 | specifying that certain services which are obtained
48 | pursuant to a bulk contract are deemed a common
49 | expense; amending s. 719.303, F.S.; revising fine and
50 | suspension requirements; amending s. 720.303, F.S.;

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51 prohibiting a board member from voting via e-mail;
 52 amending s. 720.305, F.S.; revising fine and
 53 suspension requirements; amending s. 720.306, F.S.;
 54 requiring an association to follow certain procedures
 55 when amending a governing document; requiring that
 56 certain notices to parcel owners be delivered in
 57 specified ways; revising election requirements;
 58 amending s. 720.3085, F.S.; providing applicability;
 59 providing an effective date.

60

61 Be It Enacted by the Legislature of the State of Florida:

62

63 Section 1. Subsection (3), paragraphs (a), (b), and (g) of
 64 subsection (12), and paragraph (e) of subsection (13) of section
 65 718.111, Florida Statutes, are amended to read:

66 718.111 The association.—

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

69 ~~(a)~~ The association may contract, sue, or be sued with
 70 respect to the exercise or nonexercise of its powers. For these
 71 purposes, the powers of the association include, but are not
 72 limited to, the maintenance, management, and operation of the
 73 condominium property. After control of the association is
 74 obtained by unit owners other than the developer, the
 75 association may institute, maintain, settle, or appeal actions

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76 | or hearings in its name on behalf of all unit owners concerning
77 | matters of common interest to most or all unit owners,
78 | including, but not limited to, the common elements; the roof and
79 | structural components of a building or other improvements;
80 | mechanical, electrical, and plumbing elements serving an
81 | improvement or a building; representations of the developer
82 | pertaining to any existing or proposed commonly used facilities;
83 | and protesting ad valorem taxes on commonly used facilities and
84 | on units; and may defend actions in eminent domain or bring
85 | inverse condemnation actions. If the association has the
86 | authority to maintain a class action, the association may be
87 | joined in an action as representative of that class with
88 | reference to litigation and disputes involving the matters for
89 | which the association could bring a class action. Nothing herein
90 | limits any statutory or common-law right of any individual unit
91 | owner or class of unit owners to bring any action without
92 | participation by the association which may otherwise be
93 | available.

94 | (b) An association may not hire an attorney who represents
95 | the management company of the association.

96 | (12) OFFICIAL RECORDS.—

97 | (a) From the inception of the association, the association
98 | shall maintain each of the following items, if applicable, which
99 | constitutes the official records of the association:

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

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101 items provided by the developer pursuant to s. 718.301(4).
 102 2. A photocopy of the recorded declaration of condominium
 103 of each condominium operated by the association and each
 104 amendment to each declaration.
 105 3. A photocopy of the recorded bylaws of the association
 106 and each amendment to the bylaws.
 107 4. A certified copy of the articles of incorporation of
 108 the association, or other documents creating the association,
 109 and each amendment thereto.
 110 5. A copy of the current rules of the association.
 111 6. A book or books that contain the minutes of all
 112 meetings of the association, the board of administration, and
 113 the unit owners, ~~which minutes must be retained for at least 7~~
 114 ~~years.~~
 115 7. A current roster of all unit owners and their mailing
 116 addresses, unit identifications, voting certifications, and, if
 117 known, telephone numbers. The association shall also maintain
 118 the e-mail ~~electronic mailing~~ addresses and facsimile numbers of
 119 unit owners consenting to receive notice by electronic
 120 transmission. The e-mail ~~electronic mailing~~ addresses and
 121 facsimile numbers are not accessible to unit owners if consent
 122 to receive notice by electronic transmission is not provided in
 123 accordance with sub-subparagraph (c)3.e. However, the
 124 association is not liable for an inadvertent disclosure of the
 125 e-mail ~~electronic mail~~ address or facsimile number for receiving

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126 | electronic transmission of notices.

127 | 8. All current insurance policies of the association and
128 | condominiums operated by the association.

129 | 9. A current copy of any management agreement, lease, or
130 | other contract to which the association is a party or under
131 | which the association or the unit owners have an obligation or
132 | responsibility.

133 | 10. Bills of sale or transfer for all property owned by
134 | the association.

135 | 11. Accounting records for the association and separate
136 | accounting records for each condominium that the association
137 | operates. ~~All accounting records must be maintained for at least~~
138 | ~~7 years.~~ Any person who knowingly or intentionally defaces or
139 | destroys such records, or who knowingly or intentionally fails
140 | to create or maintain such records, with the intent of causing
141 | harm to the association or one or more of its members, is
142 | personally subject to a civil penalty pursuant to s.
143 | 718.501(1)(d). The accounting records must include, but are not
144 | limited to:

145 | a. Accurate, itemized, and detailed records of all
146 | receipts and expenditures.

147 | b. A current account and a monthly, bimonthly, or
148 | quarterly statement of the account for each unit designating the
149 | name of the unit owner, the due date and amount of each
150 | assessment, the amount paid on the account, and the balance due.

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

153 d. All contracts for work to be performed. Bids for work
 154 to be performed are also considered official records and must be
 155 maintained by the association.

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

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

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

165 15. All other written records of the association not
 166 specifically included in the foregoing which are related to the
 167 operation of the association.

168 16. A copy of the inspection report as described in s.
 169 718.301(4)(p).

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

171 (b) The official records specified in subparagraphs (a)1.-
 172 6. must be permanently maintained from the inception of the
 173 association. All other official records ~~of the association~~ must
 174 be maintained within the state for at least 7 years, unless
 175 otherwise provided by general law. The records of the

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176 association shall be made available to a unit owner within 45
 177 miles of the condominium property or within the county in which
 178 the condominium property is located within 10 ~~5~~ working days
 179 after receipt of a written request by the board or its designee.
 180 However, such distance requirement does not apply to an
 181 association governing a timeshare condominium. This paragraph
 182 may be complied with by having a copy of the official records of
 183 the association available for inspection or copying on the
 184 condominium property or association property, or the association
 185 may offer the option of making the records available to a unit
 186 owner electronically via the Internet or by allowing the records
 187 to be viewed in electronic format on a computer screen and
 188 printed upon request. The association is not responsible for the
 189 use or misuse of the information provided to an association
 190 member or his or her authorized representative pursuant to the
 191 compliance requirements of this chapter unless the association
 192 has an affirmative duty not to disclose such information
 193 pursuant to this chapter.

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

198 a. The association's website must be:

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

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

207 b. The association's website must be accessible through
208 the Internet and must contain a subpage, web portal, or other
209 protected electronic location that is inaccessible to the
210 general public and accessible only to unit owners and employees
211 of the association.

212 c. Upon a unit owner's written request, the association
213 must provide the unit owner with a username and password and
214 access to the protected sections of the association's website
215 that contain any notices, records, or documents that must be
216 electronically provided.

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

219 a. The recorded declaration of condominium of each
220 condominium operated by the association and each amendment to
221 each declaration.

222 b. The recorded bylaws of the association and each
223 amendment to the bylaws.

224 c. The articles of incorporation of the association, or
225 other documents creating the association, and each amendment

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226 thereto. The copy posted pursuant to this sub-subparagraph must
227 be a copy of the articles of incorporation filed with the
228 Department of State.

229 d. The rules of the association.

230 e. A list of all executory contracts or documents ~~Any~~
231 ~~management agreement, lease, or other contract~~ to which the
232 association is a party or under which the association or the
233 unit owners have an obligation or responsibility and, after
234 bidding for the related materials, equipment, or services has
235 closed, a list of bids received by the association within the
236 past year. Summaries of bids for materials, equipment, or
237 services which exceed \$500 must be maintained on the website for
238 1 year. In lieu of summaries, complete copies of the bids may be
239 posted.

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

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

245 h. The certification of each director required by s.
246 718.112(2)(d)4.b.

247 i. All contracts or transactions between the association
248 and any director, officer, corporation, firm, or association
249 that is not an affiliated condominium association or any other
250 entity in which an association director is also a director or

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251 officer and financially interested.

252 j. Any contract or document regarding a conflict of
253 interest or possible conflict of interest as provided in ss.
254 468.436(2)(b)6. and 718.3027(3) ~~ss. 468.436(2) and 718.3026(3)~~.

255 k. The notice of any unit owner meeting and the agenda for
256 the meeting, as required by s. 718.112(2)(d)3., no later than 14
257 days before the meeting. The notice must be posted in plain view
258 on the front page of the website, or on a separate subpage of
259 the website labeled "Notices" which is conspicuously visible and
260 linked from the front page. The association must also post on
261 its website any document to be considered and voted on by the
262 owners during the meeting or any document listed on the agenda
263 at least 7 days before the meeting at which the document or the
264 information within the document will be considered.

265 l. Notice of any board meeting, the agenda, and any other
266 document required for the meeting as required by s.
267 718.112(2)(c), which must be posted no later than the date
268 required for notice pursuant to s. 718.112(2)(c).

269 3. The association shall ensure that the information and
270 records described in paragraph (c), which are not allowed
271 ~~permitted~~ to be accessible to unit owners, are not posted on the
272 association's website. If protected information or information
273 restricted from being accessible to unit owners is included in
274 documents that are required to be posted on the association's
275 website, the association shall ensure the information is

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276 | redacted before posting the documents online. Notwithstanding
 277 | the foregoing, the association or its agent is not liable for
 278 | disclosing information that is protected or restricted pursuant
 279 | to this paragraph unless such disclosure was made with a knowing
 280 | or intentional disregard of the protected or restricted nature
 281 | of such information.

282 | 4. The failure of the association to post information
 283 | required under subparagraph 2. is not in and of itself
 284 | sufficient to invalidate any action or decision of the
 285 | association's board or its committees.

286 | (13) FINANCIAL REPORTING.—Within 90 days after the end of
 287 | the fiscal year, or annually on a date provided in the bylaws,
 288 | the association shall prepare and complete, or contract for the
 289 | preparation and completion of, a financial report for the
 290 | preceding fiscal year. Within 21 days after the final financial
 291 | report is completed by the association or received from the
 292 | third party, but not later than 120 days after the end of the
 293 | fiscal year or other date as provided in the bylaws, the
 294 | association shall mail to each unit owner at the address last
 295 | furnished to the association by the unit owner, or hand deliver
 296 | to each unit owner, a copy of the most recent financial report
 297 | or a notice that a copy of the most recent financial report will
 298 | be mailed or hand delivered to the unit owner, without charge,
 299 | within 5 business days after receipt of a written request from
 300 | the unit owner. The division shall adopt rules setting forth

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301 uniform accounting principles and standards to be used by all
302 associations and addressing the financial reporting requirements
303 for multicondominium associations. The rules must include, but
304 not be limited to, standards for presenting a summary of
305 association reserves, including a good faith estimate disclosing
306 the annual amount of reserve funds that would be necessary for
307 the association to fully fund reserves for each reserve item
308 based on the straight-line accounting method. This disclosure is
309 not applicable to reserves funded via the pooling method. In
310 adopting such rules, the division shall consider the number of
311 members and annual revenues of an association. Financial reports
312 shall be prepared as follows:

313 (e) A unit owner may provide written notice to the
314 division of the association's failure to mail or hand deliver
315 him or her a copy of the most recent financial report within 5
316 business days after he or she submitted a written request to the
317 association for a copy of such report. If the division
318 determines that the association failed to mail or hand deliver a
319 copy of the most recent financial report to the unit owner, the
320 division shall provide written notice to the association that
321 the association must mail or hand deliver a copy of the most
322 recent financial report to the unit owner and the division
323 within 5 business days after it receives such notice from the
324 division. An association that fails to comply with the
325 division's request may not waive the financial reporting

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326 requirement provided in paragraph (d) for the fiscal year in
 327 which the unit owner's request was made and the following fiscal
 328 year. A financial report received by the division pursuant to
 329 this paragraph shall be maintained, and the division shall
 330 provide a copy of such report to an association member upon his
 331 or her request.

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

334 718.112 Bylaws.—

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

338 (a) Administration.—

339 1. The form of administration of the association shall be
 340 described indicating the title of the officers and board of
 341 administration and specifying the powers, duties, manner of
 342 selection and removal, and compensation, if any, of officers and
 343 boards. In the absence of such a provision, the board of
 344 administration shall be composed of five members, unless the
 345 ~~except in the case of a condominium which~~ has five or fewer
 346 units. The board shall consist of not fewer than three members
 347 in condominiums with five or fewer units that are not-for-profit
 348 corporations, ~~in which case in a not for profit corporation the~~
 349 ~~board shall consist of not fewer than three members.~~ In the
 350 absence of provisions to the contrary in the bylaws, the board

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351 of administration shall have a president, a secretary, and a
352 treasurer, who shall perform the duties of such officers
353 customarily performed by officers of corporations. Unless
354 prohibited in the bylaws, the board of administration may
355 appoint other officers and grant them the duties it deems
356 appropriate. Unless otherwise provided in the bylaws, the
357 officers shall serve without compensation and at the pleasure of
358 the board of administration. Unless otherwise provided in the
359 bylaws, the members of the board shall serve without
360 compensation.

361 2. When a unit owner of a residential condominium files a
362 written inquiry by certified mail with the board of
363 administration, the board shall respond in writing to the unit
364 owner within 30 days after receipt of the inquiry. The board's
365 response shall either give a substantive response to the
366 inquirer, notify the inquirer that a legal opinion has been
367 requested, or notify the inquirer that advice has been requested
368 from the division. If the board requests advice from the
369 division, the board shall, within 10 days after its receipt of
370 the advice, provide in writing a substantive response to the
371 inquirer. If a legal opinion is requested, the board shall,
372 within 60 days after the receipt of the inquiry, provide in
373 writing a substantive response to the inquiry. The failure to
374 provide a substantive response to the inquiry as provided herein
375 precludes the board from recovering attorney fees and costs in

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376 any subsequent litigation, administrative proceeding, or
377 arbitration arising out of the inquiry. The association may
378 through its board of administration adopt reasonable rules and
379 regulations regarding the frequency and manner of responding to
380 unit owner inquiries, one of which may be that the association
381 is only obligated to respond to one written inquiry per unit in
382 any given 30-day period. In such a case, any additional inquiry
383 or inquiries must be responded to in the subsequent 30-day
384 period, or periods, as applicable.

385 (c) Board of administration meetings.—Meetings of the
386 board of administration at which a quorum of the members is
387 present are open to all unit owners. Members of the board of
388 administration may use e-mail as a means of communication but
389 may not cast a vote on an association matter via e-mail. A unit
390 owner may tape record or videotape the meetings. The right to
391 attend such meetings includes the right to speak at such
392 meetings with reference to all designated agenda items. The
393 division shall adopt reasonable rules governing the tape
394 recording and videotaping of the meeting. The association may
395 adopt written reasonable rules governing the frequency,
396 duration, and manner of unit owner statements.

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

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401 of the voting interests petition the board to address an item of
402 business, the board, within 60 days after receipt of the
403 petition, shall place the item on the agenda at its next regular
404 board meeting or at a special meeting called for that purpose.
405 An item not included on the notice may be taken up on an
406 emergency basis by a vote of at least a majority plus one of the
407 board members. Such emergency action must be noticed and
408 ratified at the next regular board meeting. ~~However,~~ Written
409 notice of a meeting at which a nonemergency special assessment
410 or an amendment to rules regarding unit use will be considered
411 must be mailed, delivered, or electronically transmitted to the
412 unit owners and posted conspicuously on the condominium property
413 at least 14 days before the meeting. Evidence of compliance with
414 this 14-day notice requirement must be made by an affidavit
415 executed by the person providing the notice and filed with the
416 official records of the association. Notice of any meeting in
417 which regular or special assessments against unit owners are to
418 be considered must specifically state that assessments will be
419 considered and provide the estimated cost and description of the
420 purposes for such assessments. Upon notice to the unit owners,
421 the board shall, by duly adopted rule, designate a specific
422 location on the condominium ~~or association~~ property where all
423 notices of board meetings must be posted. If there is no
424 condominium property ~~or association property~~ where notices can
425 be posted, notices shall be mailed, delivered, or electronically

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426 transmitted to each unit owner at least 14 days before the
427 meeting. In lieu of or in addition to the physical posting of
428 the notice on the condominium property, the association may, by
429 reasonable rule, adopt a procedure for conspicuously posting and
430 repeatedly broadcasting the notice and the agenda on a closed-
431 circuit cable television system serving the condominium
432 association. However, if broadcast notice is used in lieu of a
433 notice physically posted on condominium property, the notice and
434 agenda must be broadcast at least four times every broadcast
435 hour of each day that a posted notice is otherwise required
436 under this section. If broadcast notice is provided, the notice
437 and agenda must be broadcast in a manner and for a sufficient
438 continuous length of time so as to allow an average reader to
439 observe the notice and read and comprehend the entire content of
440 the notice and the agenda. In addition to any of the authorized
441 means of providing notice of a meeting of the board, the
442 association may, by rule, adopt a procedure for conspicuously
443 posting the meeting notice and the agenda on a website serving
444 the condominium association for at least the minimum period of
445 time for which a notice of a meeting is also required to be
446 physically posted on the condominium property. Any rule adopted
447 shall, in addition to other matters, include a requirement that
448 the association send an electronic notice in the same manner as
449 a notice for a meeting of the members, which must include a
450 hyperlink to the website where the notice is posted, to unit

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451 owners whose e-mail addresses are included in the association's
 452 official records. ~~Notice of any meeting in which regular or~~
 453 ~~special assessments against unit owners are to be considered~~
 454 ~~must specifically state that assessments will be considered and~~
 455 ~~provide the nature, estimated cost, and description of the~~
 456 ~~purposes for such assessments.~~

457 2. Meetings of a committee to take final action on behalf
 458 of the board or make recommendations to the board regarding the
 459 association budget are subject to this paragraph. Meetings of a
 460 committee that does not take final action on behalf of the board
 461 or make recommendations to the board regarding the association
 462 budget are subject to this section, unless those meetings are
 463 exempted from this section by the bylaws of the association.

464 3. Notwithstanding any other law, the requirement that
 465 board meetings and committee meetings be open to the unit owners
 466 does not apply to:

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

471 b. Board meetings held for the purpose of discussing
 472 personnel matters.

473 (d) Unit owner meetings.—

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

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476 | bylaws are silent as to the location, the meeting must ~~shall~~ be
477 | held within 45 miles of the condominium property. However, such
478 | distance requirement does not apply to an association governing
479 | a timeshare condominium.

480 | 2. Unless the bylaws provide otherwise, a vacancy on the
481 | board caused by the expiration of a director's term must ~~shall~~
482 | be filled by electing a new board member, and the election must
483 | be by secret ballot. An election is not required if the number
484 | of vacancies equals or exceeds the number of candidates. For
485 | purposes of this paragraph, the term "candidate" means an
486 | eligible person who has timely submitted the written notice, as
487 | described in sub-subparagraph 4.a., of his or her intention to
488 | become a candidate. Except in a timeshare or nonresidential
489 | condominium, or if the staggered term of a board member does not
490 | expire until a later annual meeting, or if all members' terms
491 | would otherwise expire but there are no candidates, the terms of
492 | all board members expire at the annual meeting, and such members
493 | may stand for reelection unless prohibited by the bylaws. Board
494 | members may serve ~~2-year~~ terms longer than 1 year if permitted
495 | by the bylaws or articles of incorporation. A board member may
496 | not serve more than 8 consecutive years ~~four consecutive 2-year~~
497 | ~~terms~~, unless approved by an affirmative vote of unit owners
498 | representing two-thirds of all votes cast in the election ~~the~~
499 | ~~total voting interests of the association~~ or unless there are
500 | not enough eligible candidates to fill the vacancies on the

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501 board at the time of the vacancy. If the number of board members
502 whose terms expire at the annual meeting equals or exceeds the
503 number of candidates, the candidates become members of the board
504 effective upon the adjournment of the annual meeting. Unless the
505 bylaws provide otherwise, any remaining vacancies shall be
506 filled by the affirmative vote of the majority of the directors
507 making up the newly constituted board even if the directors
508 constitute less than a quorum or there is only one director. In
509 a residential condominium association of more than 10 units or
510 in a residential condominium association that does not include
511 timeshare units or timeshare interests, coowners of a unit may
512 not serve as members of the board of directors at the same time
513 unless they own more than one unit or unless there are not
514 enough eligible candidates to fill the vacancies on the board at
515 the time of the vacancy. A unit owner in a residential
516 condominium desiring to be a candidate for board membership must
517 comply with sub-subparagraph 4.a. and must be eligible to be a
518 candidate to serve on the board of directors at the time of the
519 deadline for submitting a notice of intent to run in order to
520 have his or her name listed as a proper candidate on the ballot
521 or to serve on the board. A person who has been suspended or
522 removed by the division under this chapter, or who is delinquent
523 in the payment of any monetary obligation due to the
524 association, is not eligible to be a candidate for board
525 membership and may not be listed on the ballot. A person who has

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526 | been convicted of any felony in this state or in a United States
527 | District or Territorial Court, or who has been convicted of any
528 | offense in another jurisdiction which would be considered a
529 | felony if committed in this state, is not eligible for board
530 | membership unless such felon's civil rights have been restored
531 | for at least 5 years as of the date such person seeks election
532 | to the board. The validity of an action by the board is not
533 | affected if it is later determined that a board member is
534 | ineligible for board membership due to having been convicted of
535 | a felony. This subparagraph does not limit the term of a member
536 | of the board of a nonresidential or timeshare condominium.

537 | 3. The bylaws must provide the method of calling meetings
538 | of unit owners, including annual meetings. Written notice must
539 | include an agenda, must be mailed, hand delivered, or
540 | electronically transmitted to each unit owner at least 14 days
541 | before the annual meeting, and must be posted in a conspicuous
542 | place on the condominium property at least 14 continuous days
543 | before the annual meeting. Upon notice to the unit owners, the
544 | board shall, by duly adopted rule, designate a specific location
545 | on the condominium property ~~or association property~~ where all
546 | notices of unit owner meetings must ~~shall~~ be posted. This
547 | requirement does not apply if there is no condominium property
548 | ~~or association property~~ for posting notices. In lieu of, or in
549 | addition to, the physical posting of meeting notices, the
550 | association may, by reasonable rule, adopt a procedure for

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551 conspicuously posting and repeatedly broadcasting the notice and
552 the agenda on a closed-circuit cable television system serving
553 the condominium association. However, if broadcast notice is
554 used in lieu of a notice posted physically on the condominium
555 property, the notice and agenda must be broadcast at least four
556 times every broadcast hour of each day that a posted notice is
557 otherwise required under this section. If broadcast notice is
558 provided, the notice and agenda must be broadcast in a manner
559 and for a sufficient continuous length of time so as to allow an
560 average reader to observe the notice and read and comprehend the
561 entire content of the notice and the agenda. In addition to any
562 of the authorized means of providing notice of a meeting of the
563 board, the association may, by rule, adopt a procedure for
564 conspicuously posting the meeting notice and the agenda on a
565 website serving the condominium association for at least the
566 minimum period of time for which a notice of a meeting is also
567 required to be physically posted on the condominium property.
568 Any rule adopted shall, in addition to other matters, include a
569 requirement that the association send an electronic notice in
570 the same manner as a notice for a meeting of the members, which
571 must include a hyperlink to the website where the notice is
572 posted, to unit owners whose e-mail addresses are included in
573 the association's official records. Unless a unit owner waives
574 in writing the right to receive notice of the annual meeting,
575 such notice must be hand delivered, mailed, or electronically

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576 transmitted to each unit owner. Notice for meetings and notice
577 for all other purposes must be mailed to each unit owner at the
578 address last furnished to the association by the unit owner, or
579 hand delivered to each unit owner. However, if a unit is owned
580 by more than one person, the association must provide notice to
581 the address that the developer identifies for that purpose and
582 thereafter as one or more of the owners of the unit advise the
583 association in writing, or if no address is given or the owners
584 of the unit do not agree, to the address provided on the deed of
585 record. An officer of the association, or the manager or other
586 person providing notice of the association meeting, must provide
587 an affidavit or United States Postal Service certificate of
588 mailing, to be included in the official records of the
589 association affirming that the notice was mailed or hand
590 delivered in accordance with this provision.

591 4. The members of the board of a residential condominium
592 shall be elected by written ballot or voting machine. Proxies
593 may not be used in electing the board in general elections or
594 elections to fill vacancies caused by recall, resignation, or
595 otherwise, unless otherwise provided in this chapter. This
596 subparagraph does not apply to an association governing a
597 timeshare condominium.

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

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601 mailing, delivery, or transmission, including regularly
602 published newsletters, to each unit owner entitled to a vote, a
603 first notice of the date of the election. A unit owner or other
604 eligible person desiring to be a candidate for the board must
605 give written notice of his or her intent to be a candidate to
606 the association at least 40 days before a scheduled election.
607 Together with the written notice and agenda as set forth in
608 subparagraph 3., the association shall mail, deliver, or
609 electronically transmit a second notice of the election to all
610 unit owners entitled to vote, together with a ballot that lists
611 all candidates. Upon request of a candidate, an information
612 sheet, no larger than 8 1/2 inches by 11 inches, which must be
613 furnished by the candidate at least 35 days before the election,
614 must be included with the mailing, delivery, or transmission of
615 the ballot, with the costs of mailing, delivery, or electronic
616 transmission and copying to be borne by the association. The
617 association is not liable for the contents of the information
618 sheets prepared by the candidates. In order to reduce costs, the
619 association may print or duplicate the information sheets on
620 both sides of the paper. The division shall by rule establish
621 voting procedures consistent with this sub-subparagraph,
622 including rules establishing procedures for giving notice by
623 electronic transmission and rules providing for the secrecy of
624 ballots. Elections shall be decided by a plurality of ballots
625 cast. There is no quorum requirement; however, at least 20

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626 | percent of the eligible voters must cast a ballot in order to
627 | have a valid election. A unit owner may not authorize ~~permit~~ any
628 | other person to vote his or her ballot, and any ballots
629 | improperly cast are invalid. A unit owner who violates this
630 | provision may be fined by the association in accordance with s.
631 | 718.303. A unit owner who needs assistance in casting the ballot
632 | for the reasons stated in s. 101.051 may obtain such assistance.
633 | The regular election must occur on the date of the annual
634 | meeting. Notwithstanding this sub-subparagraph, an election is
635 | not required unless more candidates file notices of intent to
636 | run or are nominated than board vacancies exist.

637 | b. Within 90 days after being elected or appointed to the
638 | board of an association of a residential condominium, each newly
639 | elected or appointed director shall certify in writing to the
640 | secretary of the association that he or she has read the
641 | association's declaration of condominium, articles of
642 | incorporation, bylaws, and current written policies; that he or
643 | she will work to uphold such documents and policies to the best
644 | of his or her ability; and that he or she will faithfully
645 | discharge his or her fiduciary responsibility to the
646 | association's members. In lieu of this written certification,
647 | within 90 days after being elected or appointed to the board,
648 | the newly elected or appointed director may submit a certificate
649 | of having satisfactorily completed the educational curriculum
650 | administered by a division-approved condominium education

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651 provider within 1 year before or 90 days after the date of
652 election or appointment. The written certification or
653 educational certificate is valid and does not have to be
654 resubmitted as long as the director serves on the board without
655 interruption. A director of an association of a residential
656 condominium who fails to timely file the written certification
657 or educational certificate is suspended from service on the
658 board until he or she complies with this sub-subparagraph. The
659 board may temporarily fill the vacancy during the period of
660 suspension. The secretary shall cause the association to retain
661 a director's written certification or educational certificate
662 for inspection by the members for 5 years after a director's
663 election or the duration of the director's uninterrupted tenure,
664 whichever is longer. Failure to have such written certification
665 or educational certificate on file does not affect the validity
666 of any board action.

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

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

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

679 6. Unit owners may waive notice of specific meetings if
680 allowed by the applicable bylaws or declaration or any law.
681 Notice of meetings of the board of administration, unit owner
682 meetings, except unit owner meetings called to recall board
683 members under paragraph (j), and committee meetings may be given
684 by electronic transmission to unit owners who consent to receive
685 notice by electronic transmission. A unit owner who consents to
686 receiving notices by electronic transmission is solely
687 responsible for removing or bypassing filters that block receipt
688 of mass emails sent to members on behalf of the association in
689 the course of giving electronic notices.

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

694 8. A unit owner may tape record or videotape a meeting of
695 the unit owners subject to reasonable rules adopted by the
696 division.

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

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701 a quorum, or by the sole remaining director. In the alternative,
702 a board may hold an election to fill the vacancy, in which case
703 the election procedures must conform to sub-subparagraph 4.a.
704 unless the association governs 10 units or fewer and has opted
705 out of the statutory election process, in which case the bylaws
706 of the association control. Unless otherwise provided in the
707 bylaws, a board member appointed or elected under this section
708 shall fill the vacancy for the unexpired term of the seat being
709 filled. Filling vacancies created by recall is governed by
710 paragraph (j) and rules adopted by the division.

711 10. This chapter does not limit the use of general or
712 limited proxies, require the use of general or limited proxies,
713 or require the use of a written ballot or voting machine for any
714 agenda item or election at any meeting of a timeshare
715 condominium association or nonresidential condominium
716 association.

717
718 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
719 association of 10 or fewer units may, by affirmative vote of a
720 majority of the total voting interests, provide for different
721 voting and election procedures in its bylaws, which may be by a
722 proxy specifically delineating the different voting and election
723 procedures. The different voting and election procedures may
724 provide for elections to be conducted by limited or general
725 proxy.

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726 (j) Recall of board members.—Subject to s. 718.301, any
727 member of the board of administration may be recalled and
728 removed from office with or without cause by the vote or
729 agreement in writing by a majority of all the voting interests.
730 A special meeting of the unit owners to recall a member or
731 members of the board of administration may be called by 10
732 percent of the voting interests giving notice of the meeting as
733 required for a meeting of unit owners, and the notice shall
734 state the purpose of the meeting. Electronic transmission may
735 not be used as a method of giving notice of a meeting called in
736 whole or in part for this purpose.

737 1. If the recall is approved by a majority of all voting
738 interests by a vote at a meeting, the recall will be effective
739 as provided in this paragraph. The board shall duly notice and
740 hold a board meeting within 5 full business days after the
741 adjournment of the unit owner meeting to recall one or more
742 board members. Such member or members shall be recalled
743 effective immediately upon conclusion of the board meeting
744 provided that the recall is facially valid. A recalled member
745 must ~~and shall~~ turn over to the board, within 10 full business
746 days after the vote, any and all records and property of the
747 association in their possession.

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

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751 mail or by personal service in the manner authorized by chapter
 752 48 and the Florida Rules of Civil Procedure. The board of
 753 administration shall duly notice and hold a meeting of the board
 754 within 5 full business days after receipt of the agreement in
 755 writing. Such member or members shall be recalled effective
 756 immediately upon the conclusion of the board meeting provided
 757 that the recall is facially valid. A recalled member must ~~and~~
 758 ~~shall~~ turn over to the board, within 10 full business days, any
 759 and all records and property of the association in their
 760 possession.

761 3. If the board fails to duly notice and hold a board
 762 meeting within 5 full business days after service of an
 763 agreement in writing or within 5 full business days after the
 764 adjournment of the unit owner recall meeting, the recall shall
 765 be deemed effective and the board members so recalled shall turn
 766 over to the board within 10 full business days after the vote
 767 any and all records and property of the association.

768 4. If the board fails to duly notice and hold the required
 769 meeting or at the conclusion of the meeting determines that the
 770 recall is not facially valid ~~fails to file the required~~
 771 ~~petition~~, the unit owner representative may file a petition
 772 pursuant to s. 718.1255 challenging the board's failure to act
 773 or challenging the board's determination on facial validity. The
 774 petition must be filed within 60 days after the expiration of
 775 the applicable 5-full-business-day period. The review of a

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776 petition under this subparagraph is limited to the sufficiency
777 of service on the board and the facial validity of the written
778 agreement or ballots filed.

779 5. If a vacancy occurs on the board as a result of a
780 recall or removal and less than a majority of the board members
781 are removed, the vacancy may be filled by the affirmative vote
782 of a majority of the remaining directors, notwithstanding any
783 provision to the contrary contained in this subsection. If
784 vacancies occur on the board as a result of a recall and a
785 majority or more of the board members are removed, the vacancies
786 shall be filled in accordance with procedural rules to be
787 adopted by the division, which rules need not be consistent with
788 this subsection. The rules must provide procedures governing the
789 conduct of the recall election as well as the operation of the
790 association during the period after a recall but before the
791 recall election.

792 6. A board member who has been recalled may file a
793 petition pursuant to s. 718.1255 challenging the validity of the
794 recall. The petition must be filed within 60 days after the
795 recall. The association and the unit owner representative shall
796 be named as the respondents. The petition may challenge the
797 facial validity of the written agreement or ballots filed or the
798 substantial compliance with the procedural requirements for the
799 recall. If the arbitrator determines the recall was invalid, the
800 petitioning board member shall immediately be reinstated and the

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801 recall is null and void. A board member who is successful in
802 challenging a recall is entitled to recover reasonable attorney
803 fees and costs from the respondents. The arbitrator may award
804 reasonable attorney fees and costs to the respondents if they
805 prevail, if the arbitrator makes a finding that the petitioner's
806 claim is frivolous.

807 7. The division may not accept for filing a recall
808 petition, whether filed pursuant to subparagraph 1.,
809 subparagraph 2., subparagraph 4., or subparagraph 6. when there
810 are 60 or fewer days until the scheduled reelection of the board
811 member sought to be recalled or when 60 or fewer days have
812 elapsed since the election of the board member sought to be
813 recalled.

814 Section 3. Subsection (2) of section 718.113, Florida
815 Statutes, is amended, and a new subsection (8) is added to that
816 section, to read:

817 718.113 Maintenance; limitation upon improvement; display
818 of flag; hurricane shutters and protection; display of religious
819 decorations.—

820 (2) (a) Except as otherwise provided in this section, there
821 shall be no material alteration or substantial additions to the
822 common elements or to real property which is association
823 property, except in a manner provided in the declaration as
824 originally recorded or as amended under the procedures provided
825 therein. If the declaration as originally recorded or as amended

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826 | under the procedures provided therein does not specify the
827 | procedure for approval of material alterations or substantial
828 | additions, 75 percent of the total voting interests of the
829 | association must approve the alterations or additions before the
830 | material alterations or substantial additions are commenced.

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

833 | (b) There shall not be any material alteration of, or
834 | substantial addition to, the common elements of any condominium
835 | operated by a multicondominium association unless approved in
836 | the manner provided in the declaration of the affected
837 | condominium or condominiums as originally recorded or as amended
838 | under the procedures provided therein. If a declaration as
839 | originally recorded or as amended under the procedures provided
840 | therein does not specify a procedure for approving such an
841 | alteration or addition, the approval of 75 percent of the total
842 | voting interests of each affected condominium is required before
843 | the material alterations or substantial additions are commenced.

844 | This subsection does not prohibit a provision in any
845 | declaration, articles of incorporation, or bylaws as originally
846 | recorded or as amended under the procedures provided therein
847 | requiring the approval of unit owners in any condominium
848 | operated by the same association or requiring board approval
849 | before a material alteration or substantial addition to the
850 | common elements is permitted. This paragraph is intended to

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851 clarify existing law and applies to associations existing on
 852 July 1, 2018 ~~the effective date of this act.~~

853 (c) There shall not be any material alteration or
 854 substantial addition made to association real property operated
 855 by a multicondominium association, except as provided in the
 856 declaration, articles of incorporation, or bylaws as originally
 857 recorded or as amended under the procedures provided therein. If
 858 the declaration, articles of incorporation, or bylaws as
 859 originally recorded or as amended under the procedures provided
 860 therein do not specify the procedure for approving an alteration
 861 or addition to association real property, the approval of 75
 862 percent of the total voting interests of the association is
 863 required before the material alterations or substantial
 864 additions are commenced. This paragraph is intended to clarify
 865 existing law and applies to associations existing on July 1,
 866 2018 ~~the effective date of this act.~~

867 (8) The Legislature finds that the use of electric
 868 vehicles conserves and protects the state's environmental
 869 resources, provides significant economic savings to drivers, and
 870 serves an important public interest. The participation of
 871 condominium associations is essential to the state's efforts to
 872 conserve and protect the state's environmental resources and
 873 provide economic savings to drivers. Therefore, the installation
 874 of an electric vehicle charging station shall be governed as
 875 follows:

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876 (a) A declaration of condominium or restrictive covenant
 877 may not prohibit or be enforced so as to prohibit any unit owner
 878 from installing an electric vehicle charging station within the
 879 boundaries of the unit owner's limited common element parking
 880 area. The board of administration of a condominium association
 881 may not prohibit a unit owner from installing an electric
 882 vehicle charging station for an electric vehicle, as defined in
 883 s. 320.01, within the boundaries of his or her limited common
 884 element parking area. The installation of such charging stations
 885 are subject to the provisions of this subsection.

886 (b) The installation may not cause irreparable damage to
 887 the condominium property.

888 (c) The electricity for the electric vehicle charging
 889 station must be separately metered and payable by the unit owner
 890 installing such charging station.

891 (d) The unit owner who is installing an electric vehicle
 892 charging station is responsible for the costs of installation,
 893 operation, maintenance, and repair, including, but not limited
 894 to, hazard and liability insurance. The association may enforce
 895 payment of such costs pursuant to s. 718.116.

896 (e) If the unit owner or his or her successor decides
 897 there is no longer a need for the electronic vehicle charging
 898 station, such person is responsible for the cost of removal of
 899 the electronic vehicle charging station. The association may
 900 enforce payment of such costs pursuant to s. 718.116.

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- 901 (f) The association may require the unit owner to:
- 902 1. Comply with bona fide safety requirements, consistent
- 903 with applicable building codes or recognized safety standards,
- 904 for the protection of persons and property.
- 905 2. Comply with reasonable architectural standards adopted
- 906 by the association that govern the dimensions, placement, or
- 907 external appearance of the electric vehicle charging station,
- 908 provided that such standards may not prohibit the installation
- 909 of such charging station or substantially increase the cost
- 910 thereof.
- 911 3. Engage the services of a licensed and registered
- 912 electrical contractor or engineer familiar with the installation
- 913 and core requirements of an electric vehicle charging station.
- 914 4. Provide a certificate of insurance naming the
- 915 association as an additional insured on the owner's insurance
- 916 policy for any claim related to the installation, maintenance,
- 917 or use of the electric vehicle charging station within 14 days
- 918 after receiving the association's approval to install such
- 919 charging station.
- 920 5. Reimburse the association for the actual cost of any
- 921 increased insurance premium amount attributable to the electric
- 922 vehicle charging station within 14 days after receiving the
- 923 association's insurance premium invoice.
- 924 (g) The association provides an implied easement across
- 925 the common elements of the condominium property to the unit

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926 | owner for purposes of the installation of the electric vehicle
 927 | charging station and the furnishing of electrical power,
 928 | including any necessary equipment, to such charging station,
 929 | subject to the requirements of this subsection.

930 | Section 4. Subsection (2) of section 718.121, Florida
 931 | Statutes, is amended to read:

932 | 718.121 Liens.—

933 | (2) Labor performed on or materials furnished to a unit
 934 | shall not be the basis for the filing of a lien pursuant to part
 935 | I of chapter 713, the Construction Lien Law, against the unit or
 936 | condominium parcel of any unit owner not expressly consenting to
 937 | or requesting the labor or materials. Labor performed on or
 938 | materials furnished for the installation of an electronic
 939 | vehicle charging station pursuant to s. 718.113(8) may not be
 940 | the basis for filing a lien under part I of chapter 713 against
 941 | the association, but such a lien may filed against the unit
 942 | owner. Labor performed on or materials furnished to the common
 943 | elements are not the basis for a lien on the common elements,
 944 | but if authorized by the association, the labor or materials are
 945 | deemed to be performed or furnished with the express consent of
 946 | each unit owner and may be the basis for the filing of a lien
 947 | against all condominium parcels in the proportions for which the
 948 | owners are liable for common expenses.

949 | Section 5. Subsection (3) of section 718.3026, Florida
 950 | Statutes, is amended to read:

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951 718.3026 Contracts for products and services; in writing;
952 bids; exceptions.—Associations with 10 or fewer units may opt
953 out of the provisions of this section if two-thirds of the unit
954 owners vote to do so, which opt-out may be accomplished by a
955 proxy specifically setting forth the exception from this
956 section.

957 ~~(3) As to any contract or other transaction between an~~
958 ~~association and one or more of its directors or any other~~
959 ~~corporation, firm, association, or entity in which one or more~~
960 ~~of its directors are directors or officers or are financially~~
961 ~~interested:~~

962 ~~(a) The association shall comply with the requirements of~~
963 ~~s. 617.0832.~~

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

966 ~~(c) Approval of the contract or other transaction shall~~
967 ~~require an affirmative vote of two-thirds of the directors~~
968 ~~present.~~

969 ~~(d) At the next regular or special meeting of the members,~~
970 ~~the existence of the contract or other transaction shall be~~
971 ~~disclosed to the members. Upon motion of any member, the~~
972 ~~contract or transaction shall be brought up for a vote and may~~
973 ~~be canceled by a majority vote of the members present. Should~~
974 ~~the members cancel the contract, the association shall only be~~
975 ~~liable for the reasonable value of goods and services provided~~

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976 | ~~up to the time of cancellation and shall not be liable for any~~
 977 | ~~termination fee, liquidated damages, or other form of penalty~~
 978 | ~~for such cancellation.~~

979 | Section 6. Section 718.3027, Florida Statutes, is amended
 980 | to read:

981 | 718.3027 Conflicts of interest.—

982 | (1) Directors and officers of a board of an association
 983 | that is not a timeshare condominium association, and the
 984 | relatives of such directors and officers, must disclose to the
 985 | board any activity that may reasonably be construed to be a
 986 | conflict of interest. A rebuttable presumption of a conflict of
 987 | interest exists if any of the following occurs without prior
 988 | notice, as required in subsection (5)~~(4)~~:

989 | (a) A director or an officer, or a relative of a director
 990 | or an officer, enters into a contract for goods or services with
 991 | the association.

992 | (b) A director or an officer, or a relative of a director
 993 | or an officer, holds an interest in a corporation, limited
 994 | liability corporation, partnership, limited liability
 995 | partnership, or other business entity that conducts business
 996 | with the association or proposes to enter into a contract or
 997 | other transaction with the association.

998 | (2) If a director or an officer, or a relative of a
 999 | director or an officer, proposes to engage in an activity that
 1000 | is a conflict of interest, as described in subsection (1), the

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1001 proposed activity must be listed on, and all contracts and
1002 transactional documents related to the proposed activity must be
1003 attached to, the meeting agenda. The association shall comply
1004 with the requirements of s. 617.0832, and the disclosures
1005 required by s. 617.0832 shall be entered into the written
1006 minutes of the meeting. Approval of the contract or other
1007 transaction requires an affirmative vote of two-thirds of all
1008 other directors present. At the next regular or special meeting
1009 of the members, the existence of the contract or other
1010 transaction shall be disclosed to the members. Upon motion of
1011 any member, the contract or transaction shall be brought up for
1012 a vote and may be canceled by a majority vote of the members
1013 present. If the contract is canceled, the association is only
1014 liable for the reasonable value of the goods and services
1015 provided up to the time of cancellation and is not liable for
1016 any termination fee, liquidated damages, or other form of
1017 penalty for such cancellation.

1018 (3) If the board votes against the proposed activity, the
1019 director or officer, or the relative of the director or officer,
1020 must notify the board in writing of his or her intention not to
1021 pursue the proposed activity or to withdraw from office. If the
1022 board finds that an officer or a director has violated this
1023 subsection, the officer or director shall be deemed removed from
1024 office. The vacancy shall be filled according to general law.

1025 (4)~~(3)~~ A director or an officer, or a relative of a

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1026 | director or an officer, who is a party to, or has an interest
 1027 | in, an activity that is a possible conflict of interest, as
 1028 | described in subsection (1), may attend the meeting at which the
 1029 | activity is considered by the board and is authorized to make a
 1030 | presentation to the board regarding the activity. After the
 1031 | presentation, the director or officer, or the relative of the
 1032 | director or officer, must leave the meeting during the
 1033 | discussion of, and the vote on, the activity. A director or an
 1034 | officer who is a party to, or has an interest in, the activity
 1035 | must recuse himself or herself from the vote.

1036 | (5)~~(4)~~ A contract entered into between a director or an
 1037 | officer, or a relative of a director or an officer, and the
 1038 | association, which is not a timeshare condominium association,
 1039 | that has not been properly disclosed as a conflict of interest
 1040 | or potential conflict of interest as required by s.

1041 | 718.111(12)(g) is voidable and terminates upon the filing of a
 1042 | written notice terminating the contract with the board of
 1043 | directors which contains the consent of at least 20 percent of
 1044 | the voting interests of the association.

1045 | (6)~~(5)~~ As used in this section, the term "relative" means
 1046 | a relative within the third degree of consanguinity by blood or
 1047 | marriage.

1048 | Section 7. Paragraph (b) of subsection (3) of section
 1049 | 718.303, Florida Statutes, is amended to read:

1050 | 718.303 Obligations of owners and occupants; remedies.—

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1051 (3) The association may levy reasonable fines for the
1052 failure of the owner of the unit or its occupant, licensee, or
1053 invitee to comply with any provision of the declaration, the
1054 association bylaws, or reasonable rules of the association. A
1055 fine may not become a lien against a unit. A fine may be levied
1056 by the board on the basis of each day of a continuing violation,
1057 with a single notice and opportunity for hearing before a
1058 committee as provided in paragraph (b). However, the fine may
1059 not exceed \$100 per violation, or \$1,000 in the aggregate.

1060 (b) A fine or suspension levied by the board of
1061 administration may not be imposed unless the board first
1062 provides at least 14 days' written notice ~~and an opportunity for~~
1063 ~~a hearing~~ to the unit owner and, if applicable, any its
1064 occupant, licensee, or invitee of the unit owner sought to be
1065 fined or suspended and an opportunity for a hearing. ~~The hearing~~
1066 ~~must be held~~ before a committee of at least three members
1067 appointed by the board who are not officers, directors, or
1068 employees of the association, or the spouse, parent, child,
1069 brother, or sister of an officer, director, or employee ~~other~~
1070 ~~unit owners who are neither board members nor persons residing~~
1071 ~~in a board member's household.~~ The role of the committee is
1072 limited to determining whether to confirm or reject the fine or
1073 suspension levied by the board. If the committee does not
1074 approve ~~agree~~, the proposed fine or suspension by majority vote,
1075 the fine or suspension may not be imposed. If the proposed fine

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1076 | or suspension is approved by the committee, the fine payment is
 1077 | due 5 days after the date of the committee meeting at which the
 1078 | fine is approved. The association must provide written notice of
 1079 | such fine or suspension by mail or hand delivery to the unit
 1080 | owner and, if applicable, to any tenant, licensee, or invitee of
 1081 | the unit owner.

1082 | Section 8. Section 718.707, Florida Statutes, is amended
 1083 | to read:

1084 | 718.707 Time limitation for classification as bulk
 1085 | assignee or bulk buyer.—A person acquiring condominium parcels
 1086 | may not be classified as a bulk assignee or bulk buyer unless
 1087 | the condominium parcels were acquired on or after July 1, 2010,
 1088 | ~~but before July 1, 2018.~~ The date of such acquisition shall be
 1089 | determined by the date of recording a deed or other instrument
 1090 | of conveyance for such parcels in the public records of the
 1091 | county in which the condominium is located, or by the date of
 1092 | issuing a certificate of title in a foreclosure proceeding with
 1093 | respect to such condominium parcels.

1094 | Section 9. Paragraphs (a) and (b) of subsection (2) of
 1095 | section 719.104, Florida Statutes, are amended to read:

1096 | 719.104 Cooperatives; access to units; records; financial
 1097 | reports; assessments; purchase of leases.—

1098 | (2) OFFICIAL RECORDS.—

1099 | (a) From the inception of the association, the association
 1100 | shall maintain a copy of each of the following, where

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1101 applicable, which shall constitute the official records of the
 1102 association:

- 1103 1. The plans, permits, warranties, and other items
 1104 provided by the developer pursuant to s. 719.301(4).
- 1105 2. A photocopy of the cooperative documents.
- 1106 3. A copy of the current rules of the association.
- 1107 4. A book or books containing the minutes of all meetings
 1108 of the association, of the board of directors, and of the unit
 1109 owners, ~~which minutes shall be retained for a period of not less~~
 1110 ~~than 7 years.~~
- 1111 5. A current roster of all unit owners and their mailing
 1112 addresses, unit identifications, voting certifications, and, if
 1113 known, telephone numbers. The association shall also maintain
 1114 the e-mail ~~electronic mailing~~ addresses and the numbers
 1115 designated by unit owners for receiving notice sent by
 1116 electronic transmission of those unit owners consenting to
 1117 receive notice by electronic transmission. The e-mail ~~electronic~~
 1118 ~~mailing~~ addresses and numbers provided by unit owners to receive
 1119 notice by electronic transmission shall be removed from
 1120 association records when consent to receive notice by electronic
 1121 transmission is revoked. However, the association is not liable
 1122 for an erroneous disclosure of the e-mail ~~electronic mail~~
 1123 address or the number for receiving electronic transmission of
 1124 notices.
- 1125 6. All current insurance policies of the association.

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1126 7. A current copy of any management agreement, lease, or
 1127 other contract to which the association is a party or under
 1128 which the association or the unit owners have an obligation or
 1129 responsibility.

1130 8. Bills of sale or transfer for all property owned by the
 1131 association.

1132 9. Accounting records for the association and separate
 1133 accounting records for each unit it operates, according to good
 1134 accounting practices. ~~All accounting records shall be maintained~~
 1135 ~~for a period of not less than 7 years.~~ The accounting records
 1136 shall include, but not be limited to:

1137 a. Accurate, itemized, and detailed records of all
 1138 receipts and expenditures.

1139 b. A current account and a monthly, bimonthly, or
 1140 quarterly statement of the account for each unit designating the
 1141 name of the unit owner, the due date and amount of each
 1142 assessment, the amount paid upon the account, and the balance
 1143 due.

1144 c. All audits, reviews, accounting statements, and
 1145 financial reports of the association.

1146 d. All contracts for work to be performed. Bids for work
 1147 to be performed shall also be considered official records and
 1148 shall be maintained for a period of 1 year.

1149 10. Ballots, sign-in sheets, voting proxies, and all other
 1150 papers and electronic records relating to voting by unit owners,

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1151 | which shall be maintained for a period of 1 year after the date
 1152 | of the election, vote, or meeting to which the document relates.

1153 | 11. All rental records where the association is acting as
 1154 | agent for the rental of units.

1155 | 12. A copy of the current question and answer sheet as
 1156 | described in s. 719.504.

1157 | 13. All other written records of the association not
 1158 | specifically included in the foregoing which are related to the
 1159 | operation of the association.

1160 | (b) The official records of the association must be
 1161 | maintained within the state for at least 7 years. The records of
 1162 | the association shall be made available to a unit owner within
 1163 | 45 miles of the cooperative property or within the county in
 1164 | which the cooperative property is located within 10 ~~5~~ working
 1165 | days after receipt of written request by the board or its
 1166 | designee. This paragraph may be complied with by having a copy
 1167 | of the official records of the association available for
 1168 | inspection or copying on the cooperative property or the
 1169 | association may offer the option of making the records available
 1170 | to a unit owner electronically via the Internet or by allowing
 1171 | the records to be viewed in an electronic format on a computer
 1172 | screen and printed upon request. The association is not
 1173 | responsible for the use or misuse of the information provided to
 1174 | an association member or his or her authorized representative
 1175 | pursuant to the compliance requirements of this chapter unless

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1176 | the association has an affirmative duty not to disclose such
 1177 | information pursuant to this chapter.

1178 | Section 10. Paragraphs (a), (c), and (d) of subsection (1)
 1179 | of section 719.106, Florida Statutes, are amended, and paragraph
 1180 | (m) is added to that subsection, to read:

1181 | 719.106 Bylaws; cooperative ownership.—

1182 | (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 1183 | documents shall provide for the following, and if they do not,
 1184 | they shall be deemed to include the following:

1185 | (a) Administration.—

1186 | 1. The form of administration of the association shall be
 1187 | described, indicating the titles of the officers and board of
 1188 | administration and specifying the powers, duties, manner of
 1189 | selection and removal, and compensation, if any, of officers and
 1190 | board members. In the absence of such a provision, the board of
 1191 | administration shall be composed of five members, unless the
 1192 | cooperative ~~except in the case of cooperatives~~ has ~~having~~ five
 1193 | or fewer units, ~~in which case in not-for-profit corporations,~~
 1194 | The board shall consist of not fewer than three members in
 1195 | cooperatives with five or fewer units that are not-for-profit
 1196 | corporations. In a residential cooperative association of more
 1197 | than 10 units, co-owners of a unit may not serve as members of
 1198 | the board of directors at the same time unless the co-owners own
 1199 | more than one unit or unless there are not enough eligible
 1200 | candidates to fill the vacancies on the board at the time of the

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1201 vacancy. In the absence of provisions to the contrary, the board
1202 of administration shall have a president, a secretary, and a
1203 treasurer, who shall perform the duties of those offices
1204 customarily performed by officers of corporations. Unless
1205 prohibited in the bylaws, the board of administration may
1206 appoint other officers and grant them those duties it deems
1207 appropriate. Unless otherwise provided in the bylaws, the
1208 officers shall serve without compensation and at the pleasure of
1209 the board. Unless otherwise provided in the bylaws, the members
1210 of the board shall serve without compensation.

1211 2. A person who has been suspended or removed by the
1212 division under this chapter, or who is delinquent in the payment
1213 of any monetary obligation due to the association, is not
1214 eligible to be a candidate for board membership and may not be
1215 listed on the ballot. A director or officer charged by
1216 information or indictment with a felony theft or embezzlement
1217 offense involving the association's funds or property is
1218 suspended from office. The board shall fill the vacancy
1219 according to general law until the end of the period of the
1220 suspension or the end of the director's term of office,
1221 whichever occurs first. However, if the charges are resolved
1222 without a finding of guilt or without acceptance of a plea of
1223 guilty or nolo contendere, the director or officer shall be
1224 reinstated for any remainder of his or her term of office. A
1225 member who has such criminal charges pending may not be

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1226 appointed or elected to a position as a director or officer. A
1227 person who has been convicted of any felony in this state or in
1228 any United States District Court, or who has been convicted of
1229 any offense in another jurisdiction which would be considered a
1230 felony if committed in this state, is not eligible for board
1231 membership unless such felon's civil rights have been restored
1232 for at least 5 years as of the date such person seeks election
1233 to the board. The validity of an action by the board is not
1234 affected if it is later determined that a board member is
1235 ineligible for board membership due to having been convicted of
1236 a felony.

1237 3. When a unit owner files a written inquiry by certified
1238 mail with the board of administration, the board shall respond
1239 in writing to the unit owner within 30 days of receipt of the
1240 inquiry. The board's response shall either give a substantive
1241 response to the inquirer, notify the inquirer that a legal
1242 opinion has been requested, or notify the inquirer that advice
1243 has been requested from the division. If the board requests
1244 advice from the division, the board shall, within 10 days of its
1245 receipt of the advice, provide in writing a substantive response
1246 to the inquirer. If a legal opinion is requested, the board
1247 shall, within 60 days after the receipt of the inquiry, provide
1248 in writing a substantive response to the inquirer. The failure
1249 to provide a substantive response to the inquirer as provided
1250 herein precludes the board from recovering attorney's fees and

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1251 costs in any subsequent litigation, administrative proceeding,
1252 or arbitration arising out of the inquiry. The association may,
1253 through its board of administration, adopt reasonable rules and
1254 regulations regarding the frequency and manner of responding to
1255 the unit owners' inquiries, one of which may be that the
1256 association is obligated to respond to only one written inquiry
1257 per unit in any given 30-day period. In such case, any
1258 additional inquiry or inquiries must be responded to in the
1259 subsequent 30-day period, or periods, as applicable.

1260 (c) Board of administration meetings. Members of the board
1261 of administration may use e-mail as a means of communication but
1262 may not cast a vote on an association matter via e-mail.

1263 Meetings of the board of administration at which a quorum of the
1264 members is present shall be open to all unit owners. Any unit
1265 owner may tape record or videotape meetings of the board of
1266 administration. The right to attend such meetings includes the
1267 right to speak at such meetings with reference to all designated
1268 agenda items. The division shall adopt reasonable rules
1269 governing the tape recording and videotaping of the meeting. The
1270 association may adopt reasonable written rules governing the
1271 frequency, duration, and manner of unit owner statements.

1272 Adequate notice of all meetings shall be posted in a conspicuous
1273 place upon the cooperative property at least 48 continuous hours
1274 preceding the meeting, except in an emergency. Any item not
1275 included on the notice may be taken up on an emergency basis by

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1276 at least a majority plus one of the members of the board. Such
1277 emergency action shall be noticed and ratified at the next
1278 regular meeting of the board. Notice of any meeting in which
1279 regular or special assessments against unit owners are to be
1280 considered must specifically state that assessments will be
1281 considered and provide the estimated cost and description of the
1282 purpose for such assessments. ~~However,~~ Written notice of any
1283 meeting at which nonemergency special assessments, or at which
1284 amendment to rules regarding unit use, will be considered shall
1285 be mailed, delivered, or electronically transmitted to the unit
1286 owners and posted conspicuously on the cooperative property not
1287 less than 14 days before the meeting. Evidence of compliance
1288 with this 14-day notice shall be made by an affidavit executed
1289 by the person providing the notice and filed among the official
1290 records of the association. Upon notice to the unit owners, the
1291 board shall by duly adopted rule designate a specific location
1292 on the cooperative property upon which all notices of board
1293 meetings shall be posted. In lieu of or in addition to the
1294 physical posting of notice of any meeting of the board of
1295 administration on the cooperative property, the association may,
1296 by reasonable rule, adopt a procedure for conspicuously posting
1297 and repeatedly broadcasting the notice and the agenda on a
1298 closed-circuit cable television system serving the cooperative
1299 association. However, if broadcast notice is used in lieu of a
1300 notice posted physically on the cooperative property, the notice

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1301 and agenda must be broadcast at least four times every broadcast
 1302 hour of each day that a posted notice is otherwise required
 1303 under this section. When broadcast notice is provided, the
 1304 notice and agenda must be broadcast in a manner and for a
 1305 sufficient continuous length of time so as to allow an average
 1306 reader to observe the notice and read and comprehend the entire
 1307 content of the notice and the agenda. In addition to any of the
 1308 authorized means of providing notice of a meeting of the board,
 1309 the association may, by rule, adopt a procedure for
 1310 conspicuously posting the meeting notice and the agenda on a
 1311 website serving the cooperative association for at least the
 1312 minimum period of time for which a notice of a meeting is also
 1313 required to be physically posted on the cooperative property.
 1314 Any rule adopted shall, in addition to other matters, include a
 1315 requirement that the association send an electronic notice in
 1316 the same manner as a notice for a meeting of the members, which
 1317 must include a hyperlink to the website where the notice is
 1318 posted, to unit owners whose e-mail addresses are included in
 1319 the association's official records. ~~Notice of any meeting in~~
 1320 ~~which regular assessments against unit owners are to be~~
 1321 ~~considered for any reason shall specifically contain a statement~~
 1322 ~~that assessments will be considered and the nature of any such~~
 1323 ~~assessments.~~ Meetings of a committee to take final action on
 1324 behalf of the board or to make recommendations to the board
 1325 regarding the association budget are subject to the provisions

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1326 of this paragraph. Meetings of a committee that does not take
1327 final action on behalf of the board or make recommendations to
1328 the board regarding the association budget are subject to the
1329 provisions of this section, unless those meetings are exempted
1330 from this section by the bylaws of the association.

1331 Notwithstanding any other law to the contrary, the requirement
1332 that board meetings and committee meetings be open to the unit
1333 owners does not apply to board or committee meetings held for
1334 the purpose of discussing personnel matters or meetings between
1335 the board or a committee and the association's attorney, with
1336 respect to proposed or pending litigation, if the meeting is
1337 held for the purpose of seeking or rendering legal advice.

1338 (d) Shareholder meetings.—There shall be an annual meeting
1339 of the shareholders. All members of the board of administration
1340 shall be elected at the annual meeting unless the bylaws provide
1341 for staggered election terms or for their election at another
1342 meeting. Any unit owner desiring to be a candidate for board
1343 membership must comply with subparagraph 1. The bylaws must
1344 provide the method for calling meetings, including annual
1345 meetings. Written notice, which must incorporate an
1346 identification of agenda items, shall be given to each unit
1347 owner at least 14 days before the annual meeting and posted in a
1348 conspicuous place on the cooperative property at least 14
1349 continuous days preceding the annual meeting. Upon notice to the
1350 unit owners, the board must by duly adopted rule designate a

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1351 specific location on the cooperative property upon which all
1352 notice of unit owner meetings are posted. In lieu of or in
1353 addition to the physical posting of the meeting notice, the
1354 association may, by reasonable rule, adopt a procedure for
1355 conspicuously posting and repeatedly broadcasting the notice and
1356 the agenda on a closed-circuit cable television system serving
1357 the cooperative association. However, if broadcast notice is
1358 used in lieu of a posted notice, the notice and agenda must be
1359 broadcast at least four times every broadcast hour of each day
1360 that a posted notice is otherwise required under this section.
1361 If broadcast notice is provided, the notice and agenda must be
1362 broadcast in a manner and for a sufficient continuous length of
1363 time to allow an average reader to observe the notice and read
1364 and comprehend the entire content of the notice and the agenda.
1365 In addition to any of the authorized means of providing notice
1366 of a meeting of the shareholders, the association may, by rule,
1367 adopt a procedure for conspicuously posting the meeting notice
1368 and the agenda on a website serving the cooperative association
1369 for at least the minimum period of time for which a notice of a
1370 meeting is also required to be physically posted on the
1371 cooperative property. Any rule adopted shall, in addition to
1372 other matters, include a requirement that the association send
1373 an electronic notice in the same manner as a notice for a
1374 meeting of the members, which must include a hyperlink to the
1375 website where the notice is posted, to unit owners whose e-mail

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1376 | addresses are included in the association's official records.
1377 | Unless a unit owner waives in writing the right to receive
1378 | notice of the annual meeting, the notice of the annual meeting
1379 | must be sent by mail, hand delivered, or electronically
1380 | transmitted to each unit owner. An officer of the association
1381 | must provide an affidavit or United States Postal Service
1382 | certificate of mailing, to be included in the official records
1383 | of the association, affirming that notices of the association
1384 | meeting were mailed, hand delivered, or electronically
1385 | transmitted, in accordance with this provision, to each unit
1386 | owner at the address last furnished to the association.

1387 | 1. The board of administration shall be elected by written
1388 | ballot or voting machine. A proxy may not be used in electing
1389 | the board of administration in general elections or elections to
1390 | fill vacancies caused by recall, resignation, or otherwise
1391 | unless otherwise provided in this chapter.

1392 | a. At least 60 days before a scheduled election, the
1393 | association shall mail, deliver, or transmit, whether by
1394 | separate association mailing, delivery, or electronic
1395 | transmission or included in another association mailing,
1396 | delivery, or electronic transmission, including regularly
1397 | published newsletters, to each unit owner entitled to vote, a
1398 | first notice of the date of the election. Any unit owner or
1399 | other eligible person desiring to be a candidate for the board
1400 | of administration must give written notice to the association at

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1401 least 40 days before a scheduled election. Together with the
1402 written notice and agenda as set forth in this section, the
1403 association shall mail, deliver, or electronically transmit a
1404 second notice of election to all unit owners entitled to vote,
1405 together with a ballot that lists all candidates. Upon request
1406 of a candidate, the association shall include an information
1407 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1408 furnished by the candidate at least 35 days before the election,
1409 to be included with the mailing, delivery, or electronic
1410 transmission of the ballot, with the costs of mailing, delivery,
1411 or transmission and copying to be borne by the association. The
1412 association is not liable for the contents of the information
1413 sheets provided by the candidates. In order to reduce costs, the
1414 association may print or duplicate the information sheets on
1415 both sides of the paper. The division shall by rule establish
1416 voting procedures consistent with this subparagraph, including
1417 rules establishing procedures for giving notice by electronic
1418 transmission and rules providing for the secrecy of ballots.
1419 Elections shall be decided by a plurality of those ballots cast.
1420 There is no quorum requirement. However, at least 20 percent of
1421 the eligible voters must cast a ballot in order to have a valid
1422 election. A unit owner may not permit any other person to vote
1423 his or her ballot, and any such ballots improperly cast are
1424 invalid. A unit owner who needs assistance in casting the ballot
1425 for the reasons stated in s. 101.051 may obtain assistance in

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1426 casting the ballot. Any unit owner violating this provision may
 1427 be fined by the association in accordance with s. 719.303. The
 1428 regular election must occur on the date of the annual meeting.
 1429 This subparagraph does not apply to timeshare cooperatives.
 1430 Notwithstanding this subparagraph, an election and balloting are
 1431 not required unless more candidates file a notice of intent to
 1432 run or are nominated than vacancies exist on the board. Any
 1433 challenge to the election process must be commenced within 60
 1434 days after the election results are announced.

1435 b. Within 90 days after being elected or appointed to the
 1436 board, each new director shall certify in writing to the
 1437 secretary of the association that he or she has read the
 1438 association's bylaws, articles of incorporation, proprietary
 1439 lease, and current written policies; that he or she will work to
 1440 uphold such documents and policies to the best of his or her
 1441 ability; and that he or she will faithfully discharge his or her
 1442 fiduciary responsibility to the association's members. Within 90
 1443 days after being elected or appointed to the board, in lieu of
 1444 this written certification, the newly elected or appointed
 1445 director may submit a certificate of having satisfactorily
 1446 completed the educational curriculum administered by an
 1447 education provider as approved by the division pursuant to the
 1448 requirements established in chapter 718 within 1 year before or
 1449 90 days after the date of election or appointment. The
 1450 educational certificate is valid and does not have to be

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1451 resubmitted as long as the director serves on the board without
1452 interruption. A director who fails to timely file the written
1453 certification or educational certificate is suspended from
1454 service on the board until he or she complies with this sub-
1455 subparagraph. The board may temporarily fill the vacancy during
1456 the period of suspension. The secretary of the association shall
1457 cause the association to retain a director's written
1458 certification or educational certificate for inspection by the
1459 members for 5 years after a director's election or the duration
1460 of the director's uninterrupted tenure, whichever is longer.
1461 Failure to have such written certification or educational
1462 certificate on file does not affect the validity of any board
1463 action.

1464 2. Any approval by unit owners called for by this chapter,
1465 or the applicable cooperative documents, must be made at a duly
1466 noticed meeting of unit owners and is subject to this chapter or
1467 the applicable cooperative documents relating to unit owner
1468 decisionmaking, except that unit owners may take action by
1469 written agreement, without meetings, on matters for which action
1470 by written agreement without meetings is expressly allowed by
1471 the applicable cooperative documents or law which provides for
1472 the unit owner action.

1473 3. Unit owners may waive notice of specific meetings if
1474 allowed by the applicable cooperative documents or law. Notice
1475 of meetings of the board of administration, shareholder

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1476 meetings, except shareholder meetings called to recall board
1477 members under paragraph (f), and committee meetings may be given
1478 by electronic transmission to unit owners who consent to receive
1479 notice by electronic transmission. A unit owner who consents to
1480 receiving notices by electronic transmission is solely
1481 responsible for removing or bypassing filters that may block
1482 receipt of mass emails sent to members on behalf of the
1483 association in the course of giving electronic notices.

1484 4. Unit owners have the right to participate in meetings
1485 of unit owners with reference to all designated agenda items.
1486 However, the association may adopt reasonable rules governing
1487 the frequency, duration, and manner of unit owner participation.

1488 5. Any unit owner may tape record or videotape meetings of
1489 the unit owners subject to reasonable rules adopted by the
1490 division.

1491 6. Unless otherwise provided in the bylaws, a vacancy
1492 occurring on the board before the expiration of a term may be
1493 filled by the affirmative vote of the majority of the remaining
1494 directors, even if the remaining directors constitute less than
1495 a quorum, or by the sole remaining director. In the alternative,
1496 a board may hold an election to fill the vacancy, in which case
1497 the election procedures must conform to the requirements of
1498 subparagraph 1. unless the association has opted out of the
1499 statutory election process, in which case the bylaws of the
1500 association control. Unless otherwise provided in the bylaws, a

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1501 board member appointed or elected under this subparagraph shall
 1502 fill the vacancy for the unexpired term of the seat being
 1503 filled. Filling vacancies created by recall is governed by
 1504 paragraph (f) and rules adopted by the division.

1505
 1506 Notwithstanding subparagraphs (b)2. and (d)1., an association
 1507 may, by the affirmative vote of a majority of the total voting
 1508 interests, provide for a different voting and election procedure
 1509 in its bylaws, which vote may be by a proxy specifically
 1510 delineating the different voting and election procedures. The
 1511 different voting and election procedures may provide for
 1512 elections to be conducted by limited or general proxy.

1513 (m) Director or officer delinquencies.—A director or
 1514 officer more than 90 days delinquent in the payment of any
 1515 monetary obligation due the association shall be deemed to have
 1516 abandoned the office, creating a vacancy in the office to be
 1517 filled according to law.

1518 Section 11. Paragraph (b) of subsection (1) of section
 1519 719.107, Florida Statutes, is amended to read:

1520 719.107 Common expenses; assessment.—

1521 (1)

1522 (b) If so provided in the bylaws, the cost of
 1523 communications services as defined in chapter 202, information
 1524 services or Internet services ~~a master antenna television system~~
 1525 ~~or duly franchised cable television service~~ obtained pursuant to

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1526 a bulk contract shall be deemed a common expense, and if not
 1527 obtained pursuant to a bulk contract, such cost shall be
 1528 considered common expense if it is designated as such in a
 1529 written contract between the board of administration and the
 1530 company providing the communications services as defined in
 1531 chapter 202, information services or Internet services ~~master~~
 1532 ~~television antenna system or the cable television service~~. The
 1533 contract shall be for a term of not less than 2 years.

1534 1. Any contract made by the board after April 2, 1992, for
 1535 a community antenna system or duly franchised cable television
 1536 service, communications services as defined in chapter 202,
 1537 information services or Internet services may be canceled by a
 1538 majority of the voting interests present at the next regular or
 1539 special meeting of the association. Any member may make a motion
 1540 to cancel the contract, but if no motion is made or if such
 1541 motion fails to obtain the required majority at the next regular
 1542 or special meeting, whichever is sooner, following the making of
 1543 the contract, then such contract shall be deemed ratified for
 1544 the term therein expressed.

1545 2. Any such contract shall provide, and shall be deemed to
 1546 provide if not expressly set forth, that any hearing impaired or
 1547 legally blind unit owner who does not occupy the unit with a
 1548 nonhearing impaired or sighted person may discontinue the
 1549 service without incurring disconnect fees, penalties, or
 1550 subsequent service charges, and as to such units, the owners

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1551 shall not be required to pay any common expenses charge related
 1552 to such service. If less than all members of an association
 1553 share the expenses of cable television, the expense shall be
 1554 shared equally by all participating unit owners. The association
 1555 may use the provisions of s. 719.108 to enforce payment of the
 1556 shares of such costs by the unit owners receiving cable
 1557 television.

1558 Section 12. Paragraph (b) of subsection (3) of section
 1559 719.303, Florida Statutes, is amended to read:

1560 719.303 Obligations of owners.—

1561 (3) The association may levy reasonable fines for failure
 1562 of the unit owner or the unit's occupant, licensee, or invitee
 1563 to comply with any provision of the cooperative documents or
 1564 reasonable rules of the association. A fine may not become a
 1565 lien against a unit. A fine may be levied by the board on the
 1566 basis of each day of a continuing violation, with a single
 1567 notice and opportunity for hearing before a committee as
 1568 provided in paragraph (b). However, the fine may not exceed \$100
 1569 per violation, or \$1,000 in the aggregate.

1570 (b) A fine or suspension levied by the board of
 1571 administration may not be imposed unless the board first
 1572 provides at least 14 days' written notice ~~and an opportunity for~~
 1573 ~~a hearing~~ to the unit owner and, if applicable, any its
 1574 occupant, licensee, or invitee of the unit owner sought to be
 1575 fined or suspended and an opportunity for a hearing. ~~The hearing~~

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1576 ~~must be held~~ before a committee of at least three members
 1577 appointed by the board who are not officers, directors, or
 1578 employees of the association, or the spouse, parent, child,
 1579 brother, or sister of an officer, director, or employee ~~other~~
 1580 ~~unit owners who are neither board members nor persons residing~~
 1581 ~~in a board member's household.~~ The role of the committee is
 1582 limited to determining whether to confirm or reject the fine or
 1583 suspension levied by the board. If the committee does not
 1584 approve ~~agree with~~ the proposed fine or suspension by majority
 1585 vote, the fine or suspension ~~it~~ may not be imposed. If the
 1586 proposed fine or suspension is approved by the committee, the
 1587 fine payment is due 5 days after the date of the committee
 1588 meeting at which the fine is approved. The association must
 1589 provide written notice of such fine or suspension by mail or
 1590 hand delivery to the unit owner and, if applicable, to any
 1591 tenant, licensee, or invitee of the unit owner.

1592 Section 13. Paragraphs (a) and (c) of subsection (2) of
 1593 section 720.303, Florida Statutes, are amended, to read:

1594 720.303 Association powers and duties; meetings of board;
 1595 official records; budgets; financial reporting; association
 1596 funds; recalls.—

1597 (2) BOARD MEETINGS.—

1598 (a) Members of the board of administration may use e-mail
 1599 as a means of communication, but may not cast a vote on an
 1600 association matter via e-mail. A meeting of the board of

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1601 directors of an association occurs whenever a quorum of the
1602 board gathers to conduct association business. Meetings of the
1603 board must be open to all members, except for meetings between
1604 the board and its attorney with respect to proposed or pending
1605 litigation where the contents of the discussion would otherwise
1606 be governed by the attorney-client privilege. A meeting of the
1607 board must be held at a location that is accessible to a
1608 physically handicapped person if requested by a physically
1609 handicapped person who has a right to attend the meeting. The
1610 provisions of this subsection shall also apply to the meetings
1611 of any committee or other similar body when a final decision
1612 will be made regarding the expenditure of association funds and
1613 to meetings of any body vested with the power to approve or
1614 disapprove architectural decisions with respect to a specific
1615 parcel of residential property owned by a member of the
1616 community.

1617 (c) The bylaws shall provide the following for giving
1618 notice to parcel owners and members of all board meetings and,
1619 if they do not do so, shall be deemed to include ~~provide~~ the
1620 following:

1621 1. Notices of all board meetings must be posted in a
1622 conspicuous place in the community at least 48 hours in advance
1623 of a meeting, except in an emergency. In the alternative, if
1624 notice is not posted in a conspicuous place in the community,
1625 notice of each board meeting must be mailed or delivered to each

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1626 member at least 7 days before the meeting, except in an
1627 emergency. Notwithstanding this general notice requirement, for
1628 communities with more than 100 members, the association bylaws
1629 may provide for a reasonable alternative to posting or mailing
1630 of notice for each board meeting, including publication of
1631 notice, provision of a schedule of board meetings, or the
1632 conspicuous posting and repeated broadcasting of the notice on a
1633 closed-circuit cable television system serving the homeowners'
1634 association. However, if broadcast notice is used in lieu of a
1635 notice posted physically in the community, the notice must be
1636 broadcast at least four times every broadcast hour of each day
1637 that a posted notice is otherwise required. When broadcast
1638 notice is provided, the notice and agenda must be broadcast in a
1639 manner and for a sufficient continuous length of time so as to
1640 allow an average reader to observe the notice and read and
1641 comprehend the entire content of the notice and the agenda. The
1642 association may provide notice by electronic transmission in a
1643 manner authorized by law for meetings of the board of directors,
1644 committee meetings requiring notice under this section, and
1645 annual and special meetings of the members to any member who has
1646 provided a facsimile number or e-mail address to the association
1647 to be used for such purposes; however, a member must consent in
1648 writing to receiving notice by electronic transmission.

1649 2. An assessment may not be levied at a board meeting
1650 unless the notice of the meeting includes a statement that

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1651 assessments will be considered and the nature of the
 1652 assessments. Written notice of any meeting at which special
 1653 assessments will be considered or at which amendments to rules
 1654 regarding parcel use will be considered must be mailed,
 1655 delivered, or electronically transmitted to the members and
 1656 parcel owners and posted conspicuously on the property or
 1657 broadcast on closed-circuit cable television not less than 14
 1658 days before the meeting.

1659 3. Directors may not vote by proxy or by secret ballot at
 1660 board meetings, except that secret ballots may be used in the
 1661 election of officers. This subsection also applies to the
 1662 meetings of any committee or other similar body, when a final
 1663 decision will be made regarding the expenditure of association
 1664 funds, and to any body vested with the power to approve or
 1665 disapprove architectural decisions with respect to a specific
 1666 parcel of residential property owned by a member of the
 1667 community.

1668 Section 14. Paragraph (b) of subsection (2) of section
 1669 720.305, Florida Statutes, is amended to read:

1670 720.305 Obligations of members; remedies at law or in
 1671 equity; levy of fines and suspension of use rights.—

1672 (2) The association may levy reasonable fines. A fine may
 1673 not exceed \$100 per violation against any member or any member's
 1674 tenant, guest, or invitee for the failure of the owner of the
 1675 parcel or its occupant, licensee, or invitee to comply with any

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1676 provision of the declaration, the association bylaws, or
1677 reasonable rules of the association unless otherwise provided in
1678 the governing documents. A fine may be levied by the board for
1679 each day of a continuing violation, with a single notice and
1680 opportunity for hearing, except that the fine may not exceed
1681 \$1,000 in the aggregate unless otherwise provided in the
1682 governing documents. A fine of less than \$1,000 may not become a
1683 lien against a parcel. In any action to recover a fine, the
1684 prevailing party is entitled to reasonable attorney fees and
1685 costs from the nonprevailing party as determined by the court.

1686 (b) A fine or suspension levied ~~may not be imposed~~ by the
1687 board of administration may not be imposed unless the board
1688 first provides ~~without~~ at least 14 days' notice to the parcel
1689 owner and, if applicable, any occupant, licensee, or invitee of
1690 the parcel owner, person sought to be fined or suspended and an
1691 opportunity for a hearing before a committee of at least three
1692 members appointed by the board who are not officers, directors,
1693 or employees of the association, or the spouse, parent, child,
1694 brother, or sister of an officer, director, or employee. If the
1695 committee, by majority vote, does not approve a proposed fine or
1696 suspension, the proposed fine or suspension ~~it~~ may not be
1697 imposed. The role of the committee is limited to determining
1698 whether to confirm or reject the fine or suspension levied by
1699 the board. If the proposed ~~board of administration imposes a~~
1700 fine or suspension levied by the board is approved by the

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1701 committee, the fine payment is due 5 days after the date of the
1702 committee meeting at which the fine is approved. The association
1703 must provide written notice of such fine or suspension by mail
1704 or hand delivery to the parcel owner and, if applicable, to any
1705 tenant, licensee, or invitee of the parcel owner.

1706 Section 15. Paragraph (a) of subsection (9) of section
1707 720.306, Florida Statutes, is amended, and paragraphs (e)
1708 through (g) are added to subsection (1) of that section, to
1709 read:

1710 720.306 Meetings of members; voting and election
1711 procedures; amendments.—

1712 (1) QUORUM; AMENDMENTS.—

1713 (e) A proposal to amend the governing documents must
1714 contain the full text of the provision to be amended and may not
1715 be revised or amended by reference solely to the title or
1716 number. Proposed new language must be underlined and proposed
1717 deleted language must be stricken. If the proposed change is so
1718 extensive that underlining and striking through language would
1719 hinder, rather than assist, the understanding of the proposed
1720 amendment, a notation must be inserted immediately preceding the
1721 proposed amendment in substantially the following form:
1722 "Substantial rewording. See governing documents for current
1723 text." An amendment to a governing document is effective when
1724 recorded in the public records of the county in which the
1725 community is located.

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1726 (f) An immaterial error or omission in the amendment
 1727 process does not invalidate an otherwise properly adopted
 1728 amendment.

1729 (g) A notice required under this section must be mailed or
 1730 delivered to the address identified as the parcel owner's
 1731 mailing address on the property appraiser's website for the
 1732 county in which the parcel is located, or electronically
 1733 transmitted in a manner authorized by the association if the
 1734 parcel owner has consented, in writing, to receive notice by
 1735 electronic transmission.

1736 (9) ELECTIONS AND BOARD VACANCIES.—

1737 (a) Elections of directors must be conducted in accordance
 1738 with the procedures set forth in the governing documents of the
 1739 association. Except as provided in paragraph (b), all members of
 1740 the association are eligible to serve on the board of directors,
 1741 and a member may nominate himself or herself as a candidate for
 1742 the board at a meeting where the election is to be held;
 1743 provided, however, that if the election process allows
 1744 candidates to be nominated in advance of the meeting, the
 1745 association is not required to allow nominations at the meeting.
 1746 An election is not required unless more candidates are nominated
 1747 than vacancies exist. If an election is not required because
 1748 there are either an equal number or fewer qualified candidates
 1749 than vacancies exist, and if nominations from the floor are not
 1750 required pursuant to this section or the bylaws, write-in

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1751 nominations are not permitted and such qualified candidates
 1752 shall commence service on the board of directors, regardless of
 1753 whether a quorum is attained at the annual meeting. Except as
 1754 otherwise provided in the governing documents, boards of
 1755 directors must be elected by a plurality of the votes cast by
 1756 eligible voters. Any challenge to the election process must be
 1757 commenced within 60 days after the election results are
 1758 announced.

1759 Section 16. Paragraph (b) of subsection (3) of section
 1760 720.3085, Florida Statutes, is amended to read:

1761 720.3085 Payment for assessments; lien claims.—

1762 (3) Assessments and installments on assessments that are
 1763 not paid when due bear interest from the due date until paid at
 1764 the rate provided in the declaration of covenants or the bylaws
 1765 of the association, which rate may not exceed the rate allowed
 1766 by law. If no rate is provided in the declaration or bylaws,
 1767 interest accrues at the rate of 18 percent per year.

1768 (b) Any payment received by an association and accepted
 1769 shall be applied first to any interest accrued, then to any
 1770 administrative late fee, then to any costs and reasonable
 1771 attorney fees incurred in collection, and then to the delinquent
 1772 assessment. This paragraph applies notwithstanding any
 1773 restrictive endorsement, designation, or instruction placed on
 1774 or accompanying a payment. A late fee is not subject to the
 1775 provisions of chapter 687 and is not a fine. The foregoing is

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1776 | applicable notwithstanding s. 673.3111, any purported accord and
1777 | satisfaction, or any restrictive endorsement, designation, or
1778 | instruction placed on or accompanying a payment. The preceding
1779 | sentence is intended to clarify existing law.

1780 | Section 17. This act shall take effect July 1, 2018.