

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Fitzenhagen offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 218-303 and insert:

5 Section 4. Paragraphs (d) and (f) of subsection (2) of
6 section 718.112, Florida Statutes, are amended to read:

7 718.112 Bylaws.—

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

11 (d) Unit owner meetings.—

12 1. An annual meeting of the unit owners shall be held at
13 the location provided in the association bylaws and, if the
14 bylaws are silent as to the location, the meeting shall be held

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

15 within 45 miles of the condominium property. However, such
16 distance requirement does not apply to an association governing
17 a timeshare condominium.

18 2. Unless the bylaws provide otherwise, a vacancy on the
19 board caused by the expiration of a director's term shall be
20 filled by electing a new board member, and the election must be
21 by secret ballot. An election is not required if the number of
22 vacancies equals or exceeds the number of candidates. For
23 purposes of this paragraph, the term "candidate" means an
24 eligible person who has timely submitted the written notice, as
25 described in sub-subparagraph 4.a., of his or her intention to
26 become a candidate. Except in a timeshare or nonresidential
27 condominium, or if the staggered term of a board member does not
28 expire until a later annual meeting, or if all members' terms
29 would otherwise expire but there are no candidates, the terms of
30 all board members expire at the annual meeting, and such members
31 may stand for reelection unless prohibited by the bylaws. If the
32 bylaws or articles of incorporation permit terms of no more than
33 2 years, the association board members may serve 2-year terms.
34 If the number of board members whose terms expire at the annual
35 meeting equals or exceeds the number of candidates, the
36 candidates become members of the board effective upon the
37 adjournment of the annual meeting. Unless the bylaws provide
38 otherwise, any remaining vacancies shall be filled by the
39 affirmative vote of the majority of the directors making up the
40 newly constituted board even if the directors constitute less

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

41 than a quorum or there is only one director. In a residential
42 condominium association of more than 10 units or in a
43 residential condominium association that does not include
44 timeshare units or timeshare interests, coowners of a unit may
45 not serve as members of the board of directors at the same time
46 unless they own more than one unit or unless there are not
47 enough eligible candidates to fill the vacancies on the board at
48 the time of the vacancy. A unit owner in a residential
49 condominium desiring to be a candidate for board membership must
50 comply with sub-subparagraph 4.a. and must be eligible to be a
51 candidate to serve on the board of directors at the time of the
52 deadline for submitting a notice of intent to run in order to
53 have his or her name listed as a proper candidate on the ballot
54 or to serve on the board. A person who has been suspended or
55 removed by the division under this chapter, or who is delinquent
56 in the payment of any monetary obligation due to the
57 association, is not eligible to be a candidate for board
58 membership and may not be listed on the ballot. A person who has
59 been convicted of any felony in this state or in a United States
60 District or Territorial Court, or who has been convicted of any
61 offense in another jurisdiction which would be considered a
62 felony if committed in this state, is not eligible for board
63 membership unless such felon's civil rights have been restored
64 for at least 5 years as of the date such person seeks election
65 to the board. The validity of an action by the board is not
66 affected if it is later determined that a board member is

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

67 ineligible for board membership due to having been convicted of
68 a felony. This subparagraph does not limit the term of a member
69 of the board of a nonresidential condominium.

70 3. The bylaws must provide the method of calling meetings
71 of unit owners, including annual meetings. Written notice must
72 include an agenda, must be mailed, hand delivered, or
73 electronically transmitted to each unit owner at least 14 days
74 before the annual meeting, and must be posted in a conspicuous
75 place on the condominium property at least 14 continuous days
76 before the annual meeting. Upon notice to the unit owners, the
77 board shall, by duly adopted rule, designate a specific location
78 on the condominium property or association property where all
79 notices of unit owner meetings shall be posted. This requirement
80 does not apply if there is no condominium property or
81 association property for posting notices. In lieu of, or in
82 addition to, the physical posting of meeting notices, the
83 association may, by reasonable rule, adopt a procedure for
84 conspicuously posting and repeatedly broadcasting the notice and
85 the agenda on a closed-circuit cable television system serving
86 the condominium association. However, if broadcast notice is
87 used in lieu of a notice posted physically on the condominium
88 property, the notice and agenda must be broadcast at least four
89 times every broadcast hour of each day that a posted notice is
90 otherwise required under this section. If broadcast notice is
91 provided, the notice and agenda must be broadcast in a manner
92 and for a sufficient continuous length of time so as to allow an

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

93 average reader to observe the notice and read and comprehend the
94 entire content of the notice and the agenda. Unless a unit owner
95 waives in writing the right to receive notice of the annual
96 meeting, such notice must be hand delivered, mailed, or
97 electronically transmitted to each unit owner. Notice for
98 meetings and notice for all other purposes must be mailed to
99 each unit owner at the address last furnished to the association
100 by the unit owner, or hand delivered to each unit owner.
101 However, if a unit is owned by more than one person, the
102 association must provide notice to the address that the
103 developer identifies for that purpose and thereafter as one or
104 more of the owners of the unit advise the association in
105 writing, or if no address is given or the owners of the unit do
106 not agree, to the address provided on the deed of record. An
107 officer of the association, or the manager or other person
108 providing notice of the association meeting, must provide an
109 affidavit or United States Postal Service certificate of
110 mailing, to be included in the official records of the
111 association affirming that the notice was mailed or hand
112 delivered in accordance with this provision.

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

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

118 subparagraph does not apply to an association governing a
119 timeshare condominium.

120 a. At least 60 days before a scheduled election, the
121 association shall mail, deliver, or electronically transmit, by
122 separate association mailing or included in another association
123 mailing, delivery, or transmission, including regularly
124 published newsletters, to each unit owner entitled to a vote, a
125 first notice of the date of the election. A unit owner or other
126 eligible person desiring to be a candidate for the board must
127 give written notice of his or her intent to be a candidate to
128 the association at least 40 days before a scheduled election.
129 Together with the written notice and agenda as set forth in
130 subparagraph 3., the association shall mail, deliver, or
131 electronically transmit a second notice of the election to all
132 unit owners entitled to vote, together with a ballot that lists
133 all candidates. Upon request of a candidate, an information
134 sheet, no larger than 8 1/2 inches by 11 inches, which must be
135 furnished by the candidate at least 35 days before the election,
136 must be included with the mailing, delivery, or transmission of
137 the ballot, with the costs of mailing, delivery, or electronic
138 transmission and copying to be borne by the association. The
139 association is not liable for the contents of the information
140 sheets prepared by the candidates. In order to reduce costs, the
141 association may print or duplicate the information sheets on
142 both sides of the paper. The division shall by rule establish
143 voting procedures consistent with this sub-subparagraph,

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

144 including rules establishing procedures for giving notice by
145 electronic transmission and rules providing for the secrecy of
146 ballots. Elections shall be decided by a plurality of ballots
147 cast. There is no quorum requirement; however, at least 20
148 percent of the eligible voters must cast a ballot in order to
149 have a valid election. A unit owner may not permit any other
150 person to vote his or her ballot, and any ballots improperly
151 cast are invalid. A unit owner who violates this provision may
152 be fined by the association in accordance with s. 718.303. A
153 unit owner who needs assistance in casting the ballot for the
154 reasons stated in s. 101.051 may obtain such assistance. The
155 regular election must occur on the date of the annual meeting.
156 Notwithstanding this sub-subparagraph, an election is not
157 required unless more candidates file notices of intent to run or
158 are nominated than board vacancies exist.

159 b. Within 90 days after being elected or appointed to the
160 board of an association of a residential condominium, each newly
161 elected or appointed director shall certify in writing to the
162 secretary of the association that he or she has read the
163 association's declaration of condominium, articles of
164 incorporation, bylaws, and current written policies; that he or
165 she will work to uphold such documents and policies to the best
166 of his or her ability; and that he or she will faithfully
167 discharge his or her fiduciary responsibility to the
168 association's members. In lieu of this written certification,
169 within 90 days after being elected or appointed to the board,

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

170 the newly elected or appointed director may submit a certificate
171 of having satisfactorily completed the educational curriculum
172 administered by a division-approved condominium education
173 provider within 1 year before or 90 days after the date of
174 election or appointment. The written certification or
175 educational certificate is valid and does not have to be
176 resubmitted as long as the director serves on the board without
177 interruption. A director of an association of a residential
178 condominium who fails to timely file the written certification
179 or educational certificate is suspended from service on the
180 board until he or she complies with this sub-subparagraph. The
181 board may temporarily fill the vacancy during the period of
182 suspension. The secretary shall cause the association to retain
183 a director's written certification or educational certificate
184 for inspection by the members for 5 years after a director's
185 election or the duration of the director's uninterrupted tenure,
186 whichever is longer. Failure to have such written certification
187 or educational certificate on file does not affect the validity
188 of any board action.

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

191 5. Any approval by unit owners called for by this chapter
192 or the applicable declaration or bylaws, including, but not
193 limited to, the approval requirement in s. 718.111(8), must be
194 made at a duly noticed meeting of unit owners and is subject to
195 all requirements of this chapter or the applicable condominium

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

196 documents relating to unit owner decisionmaking, except that
197 unit owners may take action by written agreement, without
198 meetings, on matters for which action by written agreement
199 without meetings is expressly allowed by the applicable bylaws
200 or declaration or any law that provides for such action.

201 6. Unit owners may waive notice of specific meetings if
202 allowed by the applicable bylaws or declaration or any law. ~~If~~
203 ~~authorized by the bylaws,~~ Notice of meetings of the board of
204 administration, unit owner meetings, except unit owner meetings
205 called to recall board members under paragraph (j), and
206 committee meetings may be given by electronic transmission to
207 unit owners who consent to receive notice by electronic
208 transmission.

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

213 8. A unit owner may tape record or videotape a meeting of
214 the unit owners subject to reasonable rules adopted by the
215 division.

216 9. Unless otherwise provided in the bylaws, any vacancy
217 occurring on the board before the expiration of a term may be
218 filled by the affirmative vote of the majority of the remaining
219 directors, even if the remaining directors constitute less than
220 a quorum, or by the sole remaining director. In the alternative,
221 a board may hold an election to fill the vacancy, in which case

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

222 the election procedures must conform to sub-subparagraph 4.a.
223 unless the association governs 10 units or fewer and has opted
224 out of the statutory election process, in which case the bylaws
225 of the association control. Unless otherwise provided in the
226 bylaws, a board member appointed or elected under this section
227 shall fill the vacancy for the unexpired term of the seat being
228 filled. Filling vacancies created by recall is governed by
229 paragraph (j) and rules adopted by the division.

230 10. This chapter does not limit the use of general or
231 limited proxies, require the use of general or limited proxies,
232 or require the use of a written ballot or voting machine for any
233 agenda item or election at any meeting of a timeshare
234 condominium association or nonresidential condominium
235 association.

236
237 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
238 association of 10 or fewer units may, by affirmative vote of a
239 majority of the total voting interests, provide for different
240 voting and election procedures in its bylaws, which may be by a
241 proxy specifically delineating the different voting and election
242 procedures. The different voting and election procedures may
243 provide for elections to be conducted by limited or general
244 proxy.

245 (f) Annual budget.—

246 1. The proposed annual budget of estimated revenues and
247 expenses must be detailed and must show the amounts budgeted by

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

248 accounts and expense classifications, including, at a minimum,
249 any if applicable, ~~but not limited to,~~ those expenses listed in
250 s. 718.504(21). A multicondominium association shall adopt a
251 separate budget of common expenses for each condominium the
252 association operates and shall adopt a separate budget of common
253 expenses for the association. In addition, if the association
254 maintains limited common elements with the cost to be shared
255 only by those entitled to use the limited common elements as
256 provided for in s. 718.113(1), the budget or a schedule attached
257 to it must show the amount budgeted for this maintenance. If,
258 after turnover of control of the association to the unit owners,
259 any of the expenses listed in s. 718.504(21) are not applicable,
260 they need not be listed.

261 2.a. In addition to annual operating expenses, the budget
262 must include reserve accounts for capital expenditures and
263 deferred maintenance. These accounts must include, but are not
264 limited to, roof replacement, building painting, and pavement
265 resurfacing, regardless of the amount of deferred maintenance
266 expense or replacement cost, and ~~for~~ any other item that has a
267 deferred maintenance expense or replacement cost that exceeds
268 \$10,000. The amount to be reserved must be computed using a
269 formula based upon estimated remaining useful life and estimated
270 replacement cost or deferred maintenance expense of each reserve
271 item. The association may adjust replacement reserve assessments
272 annually to take into account any changes in estimates or
273 extension of the useful life of a reserve item caused by

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

274 deferred maintenance. This subsection does not apply to an
275 adopted budget in which the members of an association have
276 determined, by a majority vote at a duly called meeting of the
277 association, to provide no reserves or less reserves than
278 required by this subsection.

279 b. Before ~~However, prior to~~ turnover of control of an
280 association by a developer to unit owners other than a developer
281 pursuant to s. 718.301, the developer may vote the voting
282 interests allocated to its units to waive the reserves or reduce
283 the funding of reserves through the period expiring at the end
284 of the second fiscal year after the fiscal year in which the
285 certificate of a surveyor and mapper is recorded pursuant to s.
286 718.104(4)(e) or an instrument that transfers title to a unit in
287 the condominium which is not accompanied by a recorded
288 assignment of developer rights in favor of the grantee of such
289 unit is recorded, whichever occurs first, after which time
290 reserves may be waived or reduced only upon the vote of a
291 majority of all nondeveloper voting interests voting in person
292 or by limited proxy at a duly called meeting of the association.
293 If a meeting of the unit owners has been called to determine
294 whether to waive or reduce the funding of reserves, and no such
295 result is achieved or a quorum is not attained, the reserves
296 included in the budget shall go into effect. After the turnover,
297 the developer may vote its voting interest to waive or reduce
298 the funding of reserves.

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

299 3. Reserve funds and any interest accruing thereon shall
300 remain in the reserve account or accounts, and may be used only
301 for authorized reserve expenditures unless their use for other
302 purposes is approved in advance by a majority vote at a duly
303 called meeting of the association. Before ~~Prior to~~ turnover of
304 control of an association by a developer to unit owners other
305 than the developer pursuant to s. 718.301, the developer-
306 controlled association may ~~shall~~ not vote to use reserves for
307 purposes other than those ~~that~~ for which they were intended
308 without the approval of a majority of all nondeveloper voting
309 interests, voting in person or by limited proxy at a duly called
310 meeting of the association.

311 4. The only voting interests that are eligible to vote on
312 questions that involve waiving or reducing the funding of
313 reserves, or using existing reserve funds for purposes other
314 than purposes for which the reserves were intended, are the
315 voting interests of the units subject to assessment to fund the
316 reserves in question. Proxy questions relating to waiving or
317 reducing the funding of reserves or using existing reserve funds
318 for purposes other than purposes for which the reserves were
319 intended must ~~shall~~ contain the following statement in
320 capitalized, bold letters in a font size larger than any other
321 used on the face of the proxy ballot: WAIVING OF RESERVES, IN
322 WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING
323 RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF
324 UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

325 Section 5. Section 718.128, Florida Statutes, is created
326 to read:

327 718.128 Electronic voting.—The association may conduct
328 elections and other unit owner votes through an internet-based
329 online voting system if a unit owner consents, in writing, to
330 online voting and if the following requirements are met:

331 (1) The association provides each unit owner with:

332 (a) A method to authenticate the unit owner's identity to
333 the online voting system.

334 (b) For elections of the board, a method to transmit an
335 electronic ballot to the online voting system that ensures the
336 secrecy and integrity of each ballot.

337 (c) A method to confirm, at least 14 days before the
338 voting deadline, that the unit owner's electronic device can
339 successfully communicate with the online voting system.

340 (2) The association uses an online voting system that is:

341 (a) Able to authenticate the unit owner's identity.

342 (b) Able to authenticate the validity of each electronic
343 vote to ensure that the vote is not altered in transit.

344 (c) Able to transmit a receipt from the online voting
345 system to each unit owner who casts an electronic vote.

346 (d) For elections of the board of administration, able to
347 permanently separate any authentication or identifying
348 information from the electronic election ballot, rendering it
349 impossible to tie an election ballot to a specific unit owner.

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

350 (e) Able to store and keep electronic votes accessible to
351 election officials for recount, inspection, and review purposes.

352 (3) A unit owner voting electronically pursuant to this
353 section shall be counted as being in attendance at the meeting
354 for purposes of determining a quorum. A substantive vote of the
355 unit owners may not be taken on any issue other than the issues
356 specifically identified in the electronic vote, when a quorum is
357 established based on unit owners voting electronically pursuant
358 to this section.

359 (4) This section applies to an association that provides
360 for and authorizes an online voting system pursuant to this
361 section by a board resolution. The board resolution must provide
362 that unit owners receive notice of the opportunity to vote
363 through an online voting system, must establish reasonable
364 procedures and deadlines for unit owners to consent, in writing,
365 to online voting, and must establish reasonable procedures and
366 deadlines for unit owners to opt out of online voting after
367 giving consent. Written notice of a meeting at which the
368 resolution will be considered must be mailed, delivered, or
369 electronically transmitted to the unit owners and posted
370 conspicuously on the condominium property or association
371 property at least 14 days before the meeting. Evidence of
372 compliance with the 14-day notice requirement must be made by an
373 affidavit executed by the person providing the notice and filed
374 with the official records of the association.

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

375 (5) A unit owner's consent to online voting is valid until
376 the unit owner opts out of online voting according to the
377 procedures established by the board of administration pursuant
378 to subsection (4).

379 (6) This section may apply to any matter that requires a
380 vote of the unit owners who are not members of a timeshare
381 condominium association.

382 Section 6. Paragraph (d) of subsection (1) of section
383 719.106, Florida Statutes, is amended to read:

384 719.106 Bylaws; cooperative ownership.—

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

388 (d) Shareholder meetings.—There shall be an annual meeting
389 of the shareholders. All members of the board of administration
390 shall be elected at the annual meeting unless the bylaws provide
391 for staggered election terms or for their election at another
392 meeting. Any unit owner desiring to be a candidate for board
393 membership must comply with subparagraph 1. The bylaws must
394 provide the method for calling meetings, including annual
395 meetings. Written notice, which must incorporate an
396 identification of agenda items, shall be given to each unit
397 owner at least 14 days before the annual meeting and posted in a
398 conspicuous place on the cooperative property at least 14
399 continuous days preceding the annual meeting. Upon notice to the
400 unit owners, the board must by duly adopted rule designate a

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

401 specific location on the cooperative property upon which all
402 notice of unit owner meetings are posted. In lieu of or in
403 addition to the physical posting of the meeting notice, the
404 association may, by reasonable rule, adopt a procedure for
405 conspicuously posting and repeatedly broadcasting the notice and
406 the agenda on a closed-circuit cable television system serving
407 the cooperative association. However, if broadcast notice is
408 used in lieu of a posted notice, the notice and agenda must be
409 broadcast at least four times every broadcast hour of each day
410 that a posted notice is otherwise required under this section.
411 If broadcast notice is provided, the notice and agenda must be
412 broadcast in a manner and for a sufficient continuous length of
413 time to allow an average reader to observe the notice and read
414 and comprehend the entire content of the notice and the agenda.
415 Unless a unit owner waives in writing the right to receive
416 notice of the annual meeting, the notice of the annual meeting
417 must be sent by mail, hand delivered, or electronically
418 transmitted to each unit owner. An officer of the association
419 must provide an affidavit or United States Postal Service
420 certificate of mailing, to be included in the official records
421 of the association, affirming that notices of the association
422 meeting were mailed, hand delivered, or electronically
423 transmitted, in accordance with this provision, to each unit
424 owner at the address last furnished to the association.

425 1. The board of administration shall be elected by written
426 ballot or voting machine. A proxy may not be used in electing

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

427 the board of administration in general elections or elections to
428 fill vacancies caused by recall, resignation, or otherwise
429 unless otherwise provided in this chapter.

430 a. At least 60 days before a scheduled election, the
431 association shall mail, deliver, or transmit, whether by
432 separate association mailing, delivery, or electronic
433 transmission or included in another association mailing,
434 delivery, or electronic transmission, including regularly
435 published newsletters, to each unit owner entitled to vote, a
436 first notice of the date of the election. Any unit owner or
437 other eligible person desiring to be a candidate for the board
438 of administration must give written notice to the association at
439 least 40 days before a scheduled election. Together with the
440 written notice and agenda as set forth in this section, the
441 association shall mail, deliver, or electronically transmit a
442 second notice of election to all unit owners entitled to vote,
443 together with a ballot that lists all candidates. Upon request
444 of a candidate, the association shall include an information
445 sheet, no larger than 8 1/2 inches by 11 inches, which must be
446 furnished by the candidate at least 35 days before the election,
447 to be included with the mailing, delivery, or electronic
448 transmission of the ballot, with the costs of mailing, delivery,
449 or transmission and copying to be borne by the association. The
450 association is not liable for the contents of the information
451 sheets provided by the candidates. In order to reduce costs, the
452 association may print or duplicate the information sheets on

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

453 both sides of the paper. The division shall by rule establish
454 voting procedures consistent with this subparagraph, including
455 rules establishing procedures for giving notice by electronic
456 transmission and rules providing for the secrecy of ballots.
457 Elections shall be decided by a plurality of those ballots cast.
458 There is no quorum requirement. However, at least 20 percent of
459 the eligible voters must cast a ballot in order to have a valid
460 election. A unit owner may not permit any other person to vote
461 his or her ballot, and any such ballots improperly cast are
462 invalid. A unit owner who needs assistance in casting the ballot
463 for the reasons stated in s. 101.051 may obtain assistance in
464 casting the ballot. Any unit owner violating this provision may
465 be fined by the association in accordance with s. 719.303. The
466 regular election must occur on the date of the annual meeting.
467 This subparagraph does not apply to timeshare cooperatives.
468 Notwithstanding this subparagraph, an election and balloting are
469 not required unless more candidates file a notice of intent to
470 run or are nominated than vacancies exist on the board. Any
471 challenge to the election process must be commenced within 60
472 days after the election results are announced.

473 b. Within 90 days after being elected or appointed to the
474 board, each new director shall certify in writing to the
475 secretary of the association that he or she has read the
476 association's bylaws, articles of incorporation, proprietary
477 lease, and current written policies; that he or she will work to
478 uphold such documents and policies to the best of his or her

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

479 ability; and that he or she will faithfully discharge his or her
480 fiduciary responsibility to the association's members. Within 90
481 days after being elected or appointed to the board, in lieu of
482 this written certification, the newly elected or appointed
483 director may submit a certificate of having satisfactorily
484 completed the educational curriculum administered by an
485 education provider as approved by the division pursuant to the
486 requirements established in chapter 718 within 1 year before or
487 90 days after the date of election or appointment. The
488 educational certificate is valid and does not have to be
489 resubmitted as long as the director serves on the board without
490 interruption. A director who fails to timely file the written
491 certification or educational certificate is suspended from
492 service on the board until he or she complies with this sub-
493 subparagraph. The board may temporarily fill the vacancy during
494 the period of suspension. The secretary of the association shall
495 cause the association to retain a director's written
496 certification or educational certificate for inspection by the
497 members for 5 years after a director's election or the duration
498 of the director's uninterrupted tenure, whichever is longer.
499 Failure to have such written certification or educational
500 certificate on file does not affect the validity of any board
501 action.

502 2. Any approval by unit owners called for by this chapter,
503 or the applicable cooperative documents, must be made at a duly
504 noticed meeting of unit owners and is subject to this chapter or

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

505 the applicable cooperative documents relating to unit owner
506 decisionmaking, except that unit owners may take action by
507 written agreement, without meetings, on matters for which action
508 by written agreement without meetings is expressly allowed by
509 the applicable cooperative documents or law which provides for
510 the unit owner action.

511 3. Unit owners may waive notice of specific meetings if
512 allowed by the applicable cooperative documents or law. ~~If~~
513 ~~authorized by the bylaws,~~ Notice of meetings of the board of
514 administration, shareholder meetings, except shareholder
515 meetings called to recall board members under paragraph (f), and
516 committee meetings may be given by electronic transmission to
517 unit owners who consent to receive notice by electronic
518 transmission.

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

523 5. Any unit owner may tape record or videotape meetings of
524 the unit owners subject to reasonable rules adopted by the
525 division.

526 6. Unless otherwise provided in the bylaws, a vacancy
527 occurring on the board before the expiration of a term may be
528 filled by the affirmative vote of the majority of the remaining
529 directors, even if the remaining directors constitute less than
530 a quorum, or by the sole remaining director. In the alternative,

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

531 a board may hold an election to fill the vacancy, in which case
532 the election procedures must conform to the requirements of
533 subparagraph 1. unless the association has opted out of the
534 statutory election process, in which case the bylaws of the
535 association control. Unless otherwise provided in the bylaws, a
536 board member appointed or elected under this subparagraph shall
537 fill the vacancy for the unexpired term of the seat being
538 filled. Filling vacancies created by recall is governed by
539 paragraph (f) and rules adopted by the division.

540
541 Notwithstanding subparagraphs (b)2. and (d)1., an association
542 may, by the affirmative vote of a majority of the total voting
543 interests, provide for a different voting and election procedure
544 in its bylaws, which vote may be by a proxy specifically
545 delineating the different voting and election procedures. The
546 different voting and election procedures may provide for
547 elections to be conducted by limited or general proxy.

548 Section 7. Section 719.129, Florida Statutes, is created
549 to read:

550 719.129 Electronic voting.—The association may conduct
551 elections and other unit owner votes through an internet-based
552 online voting system if a unit owner consents, in writing, to
553 online voting and if the following requirements are met:

554 (1) The association provides each unit owner with:

555 (a) A method to authenticate the unit owner's identity to
556 the online voting system.

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

557 (b) For elections of the board, a method to transmit an
558 electronic ballot to the online voting system that ensures the
559 secrecy and integrity of each ballot.

560 (c) A method to confirm, at least 14 days before the
561 voting deadline, that the unit owner's electronic device can
562 successfully communicate with the online voting system.

563 (2) The association uses an online voting system that is:

564 (a) Able to authenticate the unit owner's identity.

565 (b) Able to authenticate the validity of each electronic
566 vote to ensure that the vote is not altered in transit.

567 (c) Able to transmit a receipt from the online voting
568 system to each unit owner who casts an electronic vote.

569 (d) For elections of the board of administration, able to
570 permanently separate any authentication or identifying
571 information from the electronic election ballot, rendering it
572 impossible to tie an election ballot to a specific unit owner.

573 (e) Able to store and keep electronic votes accessible to
574 election officials for recount, inspection, and review purposes.

575 (3) A unit owner voting electronically pursuant to this
576 section shall be counted as being in attendance at the meeting
577 for purposes of determining a quorum. A substantive vote of the
578 unit owners may not be taken on any issue other than the issues
579 specifically identified in the electronic vote, when a quorum is
580 established based on unit owners voting electronically pursuant
581 to this section.

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

582 (4) This section applies to an association that provides
583 for and authorizes an online voting system pursuant to this
584 section by a board resolution. The board resolution must provide
585 that unit owners receive notice of the opportunity to vote
586 through an online voting system, must establish reasonable
587 procedures and deadlines for unit owners to consent, in writing,
588 to online voting, and must establish reasonable procedures and
589 deadlines for unit owners to opt out of online voting after
590 giving consent. Written notice of a meeting at which the
591 resolution will be considered must be mailed, delivered, or
592 electronically transmitted to the unit owners and posted
593 conspicuously on the condominium property or association
594 property at least 14 days before the meeting. Evidence of
595 compliance with the 14-day notice requirement must be made by an
596 affidavit executed by the person providing the notice and filed
597 with the official records of the association.

598 (5) A unit owner's consent to online voting is valid until
599 the unit owner opts out of online voting pursuant to the
600 procedures established by the board of administration pursuant
601 to subsection (4).

602 (6) This section may apply to any matter that requires a
603 vote of the unit owners who are not members of a timeshare
604 cooperative association.

605 Section 8. Paragraph (c) of subsection (2) of section
606 720.303, Florida Statutes, is amended to read:

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

607 720.303 Association powers and duties; meetings of board;
608 official records; budgets; financial reporting; association
609 funds; recalls.—

610 (2) BOARD MEETINGS.—

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

614 1. Notices of all board meetings must be posted in a
615 conspicuous place in the community at least 48 hours in advance
616 of a meeting, except in an emergency. In the alternative, if
617 notice is not posted in a conspicuous place in the community,
618 notice of each board meeting must be mailed or delivered to each
619 member at least 7 days before the meeting, except in an
620 emergency. Notwithstanding this general notice requirement, for
621 communities with more than 100 members, the bylaws may provide
622 for a reasonable alternative to posting or mailing of notice for
623 each board meeting, including publication of notice, provision
624 of a schedule of board meetings, or the conspicuous posting and
625 repeated broadcasting of the notice on a closed-circuit cable
626 television system serving the homeowners' association. However,
627 if broadcast notice is used in lieu of a notice posted
628 physically in the community, the notice must be broadcast at
629 least four times every broadcast hour of each day that a posted
630 notice is otherwise required. When broadcast notice is provided,
631 the notice and agenda must be broadcast in a manner and for a
632 sufficient continuous length of time so as to allow an average

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

633 reader to observe the notice and read and comprehend the entire
634 content of the notice and the agenda. The association bylaws ~~or~~
635 ~~amended bylaws~~ may provide ~~for giving~~ notice by electronic
636 transmission in a manner authorized by law for meetings of the
637 board of directors, committee meetings requiring notice under
638 this section, and annual and special meetings of the members;
639 however, a member must consent in writing to receiving notice by
640 electronic transmission.

641 2. An assessment may not be levied at a board meeting
642 unless the notice of the meeting includes a statement that
643 assessments will be considered and the nature of the
644 assessments. Written notice of any meeting at which special
645 assessments will be considered or at which amendments to rules
646 regarding parcel use will be considered must be mailed,
647 delivered, or electronically transmitted to the members and
648 parcel owners and posted conspicuously on the property or
649 broadcast on closed-circuit cable television not less than 14
650 days before the meeting.

651 3. Directors may not vote by proxy or by secret ballot at
652 board meetings, except that secret ballots may be used in the
653 election of officers. This subsection also applies to the
654 meetings of any committee or other similar body, when a final
655 decision will be made regarding the expenditure of association
656 funds, and to any body vested with the power to approve or
657 disapprove architectural decisions with respect to a specific

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

658 parcel of residential property owned by a member of the
659 community.

660 Section 9. Section 720.317, Florida Statutes, is created
661 to read:

662 720.317 Electronic voting.—The association may conduct
663 elections and other membership votes through an internet-based
664 online voting system if a member consents, in writing, to online
665 voting and if the following requirements are met:

666 (1) The association provides each member with:

667 (a) A method to authenticate the member's identity to the
668 online voting system.

669 (b) A method to confirm, at least 14 days before the
670 voting deadline, that the member's electronic device can
671 successfully communicate with the online voting system.

672 (c) A method that is consistent with the election and
673 voting procedures in the association's bylaws.

674 (2) The association uses an online voting system that is:

675 (a) Able to authenticate the member's identity.

676 (b) Able to authenticate the validity of each electronic
677 vote to ensure that the vote is not altered in transit.

678 (c) Able to transmit a receipt from the online voting
679 system to each member who casts an electronic vote.

680 (d) Able to permanently separate any authentication or
681 identifying information from the electronic election ballot,
682 rendering it impossible to tie an election ballot to a specific

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

683 member. This paragraph only applies if the association's bylaws
684 provide for secret ballots for the election of directors.

685 (e) Able to store and keep electronic ballots accessible
686 to election officials for recount, inspection, and review
687 purposes.

688 (3) A member voting electronically pursuant to this
689 section shall be counted as being in attendance at the meeting
690 for purposes of determining a quorum.

691 (4) This section applies to an association that provides
692 for and authorizes an online voting system pursuant to this
693 section by a board resolution. The board resolution must provide
694 that members receive notice of the opportunity to vote through
695 an online voting system, must establish reasonable procedures
696 and deadlines for members to consent, in writing, to online
697 voting, and must establish reasonable procedures and deadlines
698 for members to opt out of online voting after giving consent.
699 Written notice of a meeting at which the board resolution
700 regarding online voting will be considered must be mailed,
701 delivered, or electronically transmitted to the unit owners and
702 posted conspicuously on the condominium property or association
703 property at least 14 days before the meeting. Evidence of
704 compliance with the 14-day notice requirement must be made by an
705 affidavit executed by the person providing the notice and filed
706 with the official records of the association.

707 (5) A member's consent to online voting is valid until the
708 member opts out of online voting pursuant to the procedures

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

709 established by the board of administration pursuant to
710 subsection (4).

711 (6) This section may apply to any matter that requires a
712 vote of the members.

713
714 -----

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

715 Remove lines 10-12 and insert:
716 of an association; amending s. 718.112, F.S.;
717 authorizing the electronic transmission of notices of
718 certain meetings of a condominium association
719 irrespective of whether authorized by the
720 association's bylaws; revising provisions relating to
721 the voting process for providing reserves; creating s.
722 718.128, F.S.; authorizing condominium associations to
723 conduct votes of the membership by online voting under
724 certain conditions; providing that a member voting
725 electronically is counted toward the determination of
726 a quorum; providing applicability; amending s.
727 719.106, F.S.; authorizing the electronic transmission
728 of notices of certain meetings of a cooperative
729 association irrespective of whether authorized by the
730 association's bylaws; creating s. 719.129, F.S.;
731 authorizing cooperative associations to conduct votes
732 of the membership by online voting under certain
733 conditions; providing that a member voting
734

688525

Approved For Filing: 4/20/2015 11:13:58 AM

Amendment No.

735 | electronically is counted toward the determination of
736 | a quorum; providing applicability; amending s.
737 | 720.303, F.S.; authorizing the electronic transmission
738 | of notices of certain meetings of a homeowners'
739 | association irrespective of whether authorized by the
740 | association's bylaws; creating s. 720.317, F.S.;
741 | authorizing homeowners' associations to conduct votes
742 | of the membership by online voting under certain
743 | conditions; providing that a member voting
744 | electronically is counted toward the determination of
745 | a quorum; providing applicability; amending s.
746 | 718.116, F.S.;

688525

Approved For Filing: 4/20/2015 11:13:58 AM