

1 A bill to be entitled

2 An act relating to community associations; amending s.  
3 194.011, F.S.; providing that certain associations may  
4 represent, prosecute, or defend owners in certain  
5 proceedings; providing applicability; requiring  
6 specified notice be provided to unit or parcel owners  
7 in a specified way; specifying a timeframe for a unit  
8 or parcel owner to respond; amending s. 194.181, F.S.;  
9 providing and revising the parties considered as the  
10 defendant in a tax suit; requiring certain notice to  
11 be provided to unit or parcel owners in a specified  
12 way; providing unit or parcel owners options for  
13 defending a tax suit; specifying a timeframe for a  
14 unit or parcel owner to respond; imposing certain  
15 actions for unit or parcel owners who fail to respond  
16 to a specified notice; amending s. 514.0115, F.S.;  
17 providing that certain property association pools are  
18 exempt from Department of Health regulations; amending  
19 s. 718.111, F.S.; providing that a condominium  
20 association may take certain actions relating to a  
21 challenge to ad valorem taxes in its own name or on  
22 behalf of unit owners; providing applicability;  
23 requiring an association to provide a checklist to  
24 certain persons requesting records; requiring that the  
25 checklist be signed by a specified person or the

26 association to provide an affidavit attesting to the  
27 veracity of the checklist; providing a timeframe for  
28 maintaining such checklist and affidavit; creating a  
29 rebuttable presumption; amending s. 718.112, F.S.;  
30 revising the amount of the fee an association may  
31 charge for transfers; providing for the adjustment of  
32 the fee after a specified time; requiring the  
33 Department of Business and Professional Regulation to  
34 publish the fee on its website; amending s. 718.501,  
35 F.S.; defining the term "financial issue"; authorizing  
36 the Division of Condominiums, Timeshares, and Mobile  
37 Homes to adopt rules; amending s. 720.306, F.S.;  
38 providing that certain amendments to governing  
39 documents apply only to certain parcel owners;  
40 providing exceptions; specifying that a change of  
41 ownership does not occur under certain circumstances;  
42 defining the term "affiliated entity"; requiring an  
43 affiliated entity to provide specified documents to an  
44 association in order for a conveyance to be  
45 recognized; providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Paragraph (e) of subsection (3) of section  
50 194.011, Florida Statutes, is amended to read:

51 194.011 Assessment notice; objections to assessments.—

52 (3) A petition to the value adjustment board must be in  
53 substantially the form prescribed by the department.  
54 Notwithstanding s. 195.022, a county officer may not refuse to  
55 accept a form provided by the department for this purpose if the  
56 taxpayer chooses to use it. A petition to the value adjustment  
57 board must be signed by the taxpayer or be accompanied at the  
58 time of filing by the taxpayer's written authorization or power  
59 of attorney, unless the person filing the petition is listed in  
60 s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a  
61 petition with a value adjustment board without the taxpayer's  
62 signature or written authorization by certifying under penalty  
63 of perjury that he or she has authorization to file the petition  
64 on behalf of the taxpayer. If a taxpayer notifies the value  
65 adjustment board that a petition has been filed for the  
66 taxpayer's property without his or her consent, the value  
67 adjustment board may require the person filing the petition to  
68 provide written authorization from the taxpayer authorizing the  
69 person to proceed with the appeal before a hearing is held. If  
70 the value adjustment board finds that a person listed in s.  
71 194.034(1)(a) willfully and knowingly filed a petition that was  
72 not authorized by the taxpayer, the value adjustment board shall  
73 require such person to provide the taxpayer's written  
74 authorization for representation to the value adjustment board  
75 clerk before any petition filed by that person is heard, for 1

76 | year after imposition of such requirement by the value  
77 | adjustment board. A power of attorney or written authorization  
78 | is valid for 1 assessment year, and a new power of attorney or  
79 | written authorization by the taxpayer is required for each  
80 | subsequent assessment year. A petition shall also describe the  
81 | property by parcel number and shall be filed as follows:

82 |       (e)1. A condominium association, as defined in s. 718.103,  
83 | a cooperative association, as defined in s. 719.103, or any  
84 | homeowners' association, as defined in s. 720.301 ~~s. 723.075,~~  
85 | with approval of its board of administration or directors, may  
86 | file with the value adjustment board a single joint petition on  
87 | behalf of any association members who own units or parcels of  
88 | property which the property appraiser determines are  
89 | substantially similar with respect to location, proximity to  
90 | amenities, number of rooms, living area, and condition. The  
91 | condominium association, cooperative association, or homeowners'  
92 | association ~~as defined in s. 723.075~~ shall provide the unit or  
93 | parcel owners with notice of its intent to petition the value  
94 | adjustment board by hand delivery or certified mail, return  
95 | receipt requested, except that such notice may be electronically  
96 | transmitted to a unit or parcel owner who has expressly  
97 | consented in writing to receiving notices by electronic  
98 | transmission. If the association is a condominium or cooperative  
99 | association, the notice must also be posted conspicuously on the  
100 | condominium or cooperative property in the same manner as notice

101 of board meetings under ss. 718.112(2) and 719.106(1). Such  
 102 notice must ~~and shall~~ provide at least 14 ~~20~~ days for a unit or  
 103 parcel owner to elect, in writing, that his or her unit or  
 104 parcel not be included in the petition.

105 2. A condominium association, as defined in s. 718.103, a  
 106 cooperative association, as defined in s. 719.103, or a  
 107 homeowners' association, as defined in s. 720.301, that has  
 108 filed a single joint petition under this subsection may continue  
 109 to represent, prosecute, and defend the unit or parcel owners  
 110 through any related subsequent proceeding in any tribunal,  
 111 including judicial review under part II of this chapter and any  
 112 appeals. This subparagraph is intended to clarify existing law  
 113 and applies to cases pending on July 1, 2020.

114 Section 2. Subsection (2) of section 194.181, Florida  
 115 Statutes, is amended to read:

116 194.181 Parties to a tax suit.—

117 (2) (a) In any case brought by a ~~the~~ taxpayer or a  
 118 condominium, cooperative, or homeowners' association, as defined  
 119 in ss. 718.103, 719.103, and 720.301 respectively, on behalf of  
 120 some or all unit or parcel owners, contesting the assessment of  
 121 any property, the county property appraiser is the ~~shall be~~  
 122 party defendant.

123 (b) In any case brought by the property appraiser under  
 124 ~~pursuant to~~ s. 194.036(1) (a) or (b), the taxpayer is the ~~shall~~  
 125 ~~be~~ party defendant.

126        (c)1. In any case brought by the property appraiser under  
127 s. 194.036(1)(a) or (b) concerning a value adjustment board  
128 decision on a single joint petition filed by a condominium,  
129 cooperative, or homeowners' association under s. 194.011(3), the  
130 association and all unit or parcel owners included in the single  
131 joint petition are the party defendants.

132        2. The condominium, cooperative, or homeowners'  
133 association must provide unit or parcel owners with notice of  
134 its intent to respond to or answer the property appraiser's  
135 complaint and advise the unit or parcel owners that they may  
136 elect to:

137            a. Retain their own counsel to defend the appeal;  
138            b. Choose not to defend the appeal; or  
139            c. Be represented together with other unit or parcel  
140 owners by the association.

141        3. The notice required in subparagraph 2. must be hand  
142 delivered or sent by certified mail, return receipt requested,  
143 to the unit or parcel owners, except that such notice may be  
144 electronically transmitted to a unit or parcel owner who has  
145 expressly consented in writing to receiving notices through  
146 electronic transmission. Additionally, the notice must be posted  
147 conspicuously on the condominium or cooperative property, if  
148 applicable, in the same manner as notice of board meetings under  
149 ss. 718.112(2) and 719.106(1). The association must provide at  
150 least 14 days for a unit or parcel owner to respond to the

151 notice. Any unit or parcel owner who does not respond to the  
152 association's notice will be represented by the association.

153 (d) In any case brought by the property appraiser under  
154 ~~pursuant to~~ s. 194.036(1)(c), the value adjustment board is the  
155 ~~shall be~~ party defendant.

156 Section 3. Paragraph (a) of subsection (2) of section  
157 514.0115, Florida Statutes, is amended to read:

158 514.0115 Exemptions from supervision or regulation;  
159 variances.—

160 (2)(a) Pools serving condominium, cooperative, and  
161 homeowners' associations, as well as other property  
162 associations, which have no more than 32 ~~condominium or~~  
163 ~~cooperative~~ units or parcels which are not operated as a  
164 public lodging establishments are ~~establishment shall be~~ exempt  
165 from supervision under this chapter, except for water quality.

166 Section 4. Paragraph (a) of subsection (1), subsection  
167 (3), and paragraphs (a), (b), (c), and (f) of subsection (12) of  
168 section 718.111, Florida Statutes, are amended to read:

169 718.111 The association.—

170 (1) CORPORATE ENTITY.—

171 (a) The operation of the condominium shall be by the  
172 association, which must be a Florida corporation for profit or a  
173 Florida corporation not for profit. However, any association  
174 which was in existence on January 1, 1977, need not be  
175 incorporated. The owners of units shall be shareholders or

176 members of the association. The officers and directors of the  
 177 association have a fiduciary relationship to the unit owners. It  
 178 is the intent of the Legislature that nothing in this paragraph  
 179 shall be construed as providing for or removing a requirement of  
 180 a fiduciary relationship between any manager employed by the  
 181 association and the unit owners. An officer, director, or  
 182 manager may not solicit, offer to accept, or accept any thing or  
 183 service of value or kickback for which consideration has not  
 184 been provided for his or her own benefit or that of his or her  
 185 immediate family, from any person providing or proposing to  
 186 provide goods or services to the association. Any such officer,  
 187 director, or manager who knowingly so solicits, offers to  
 188 accept, or accepts any thing or service of value or kickback is  
 189 subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s.~~  
 190 ~~718.501(1)(d)~~ and, if applicable, a criminal penalty as provided  
 191 in paragraph (d). However, this paragraph does not prohibit an  
 192 officer, director, or manager from accepting services or items  
 193 received in connection with trade fairs or education programs.  
 194 An association may operate more than one condominium.

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

197 (a) The association may contract, sue, or be sued with  
 198 respect to the exercise or nonexercise of its powers. For these  
 199 purposes, the powers of the association include, but are not  
 200 limited to, the maintenance, management, and operation of the

201 condominium property.

202 (b) After control of the association is obtained by unit  
 203 owners other than the developer, the association may:

204 1. Institute, maintain, settle, or appeal actions or  
 205 hearings in its name on behalf of all unit owners concerning  
 206 matters of common interest to most or all unit owners,  
 207 including, but not limited to, the common elements; the roof and  
 208 structural components of a building or other improvements;  
 209 mechanical, electrical, and plumbing elements serving an  
 210 improvement or a building; representations of the developer  
 211 pertaining to any existing or proposed commonly used facilities;

212 2. ~~Protest and protesting~~ ad valorem taxes on commonly  
 213 used facilities and on units; ~~and may~~

214 3. Defend actions pertaining to ad valorem taxation of  
 215 commonly used facilities or units or related to ~~in~~ eminent  
 216 domain; or

217 4. Bring inverse condemnation actions.

218 (c) If the association has the authority to maintain a  
 219 class action, the association may be joined in an action as  
 220 representative of that class with reference to litigation and  
 221 disputes involving the matters for which the association could  
 222 bring a class action.

223 (d) The association, in its own name or on behalf of some  
 224 or all unit owners, may institute, file, protest, maintain, or  
 225 defend any administrative challenge, lawsuit, appeal, or other

226 challenge to ad valorem taxes assessed on units, commonly used  
227 facilities, or common elements. Other than as provided in s.  
228 194.181(2)(c)1., the affected association members are not  
229 necessary or indispensable parties to such actions. This  
230 paragraph is intended to clarify existing law and applies to  
231 cases pending on July 1, 2020.

232 (e) Nothing herein limits any statutory or common-law  
233 right of any individual unit owner or class of unit owners to  
234 bring any action without participation by the association which  
235 may otherwise be available.

236 (f) An association may not hire an attorney who represents  
237 the management company of the association.

238 (12) OFFICIAL RECORDS.—

239 (a) From the inception of the association, the association  
240 shall maintain each of the following items, if applicable, which  
241 constitutes the official records of the association:

242 1. A copy of the plans, permits, warranties, and other  
243 items provided by the developer under ~~pursuant to~~ s. 718.301(4).

244 2. A photocopy of the recorded declaration of condominium  
245 of each condominium operated by the association and each  
246 amendment to each declaration.

247 3. A photocopy of the recorded bylaws of the association  
248 and each amendment to the bylaws.

249 4. A certified copy of the articles of incorporation of  
250 the association, or other documents creating the association,

251 and each amendment thereto.

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

253 6. A book or books that contain the minutes of all  
 254 meetings of the association, the board of administration, and  
 255 the unit owners.

256 7. A current roster of all unit owners and their mailing  
 257 addresses, unit identifications, voting certifications, and, if  
 258 known, telephone numbers. The association shall also maintain  
 259 the e-mail addresses and facsimile numbers of unit owners  
 260 consenting to receive notice by electronic transmission. The e-  
 261 mail addresses and facsimile numbers are not accessible to unit  
 262 owners if consent to receive notice by electronic transmission  
 263 is not provided in accordance with sub-subparagraph (c)3.e.  
 264 However, the association is not liable for an inadvertent  
 265 disclosure of the e-mail address or facsimile number for  
 266 receiving electronic transmission of notices.

267 8. All current insurance policies of the association and  
 268 condominiums operated by the association.

269 9. A current copy of any management agreement, lease, or  
 270 other contract to which the association is a party or under  
 271 which the association or the unit owners have an obligation or  
 272 responsibility.

273 10. Bills of sale or transfer for all property owned by  
 274 the association.

275 11. Accounting records for the association and separate

276 accounting records for each condominium that the association  
277 operates. Any person who knowingly or intentionally defaces or  
278 destroys such records, or who knowingly or intentionally fails  
279 to create or maintain such records, with the intent of causing  
280 harm to the association or one or more of its members, is  
281 personally subject to a civil penalty under s. 718.501(2)(d)  
282 ~~pursuant to s. 718.501(1)(d)~~. The accounting records must  
283 include, but are not limited to:

284 a. Accurate, itemized, and detailed records of all  
285 receipts and expenditures.

286 b. A current account and a monthly, bimonthly, or  
287 quarterly statement of the account for each unit designating the  
288 name of the unit owner, the due date and amount of each  
289 assessment, the amount paid on the account, and the balance due.

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

292 d. All contracts for work to be performed. Bids for work  
293 to be performed are also considered official records and must be  
294 maintained by the association.

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

300 13. All rental records if the association is acting as

301 agent for the rental of condominium units.

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

304 15. All other written records of the association not  
305 specifically included in the foregoing which are related to the  
306 operation of the association.

307 16. A copy of the inspection report as described in s.  
308 718.301(4)(p).

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

310 (b) The official records specified in subparagraphs (a)1.-  
311 6. must be permanently maintained from the inception of the  
312 association. All other official records must be maintained  
313 within the state for at least 7 years, unless otherwise provided  
314 by general law. All official records must be maintained in a  
315 manner and format determined by the division so that the records  
316 are easily accessible for inspection. The records of the  
317 association shall be made available to a unit owner within 45  
318 miles of the condominium property or within the county in which  
319 the condominium property is located within 10 working days after  
320 receipt of a written request by the board or its designee.  
321 However, such distance requirement does not apply to an  
322 association governing a timeshare condominium. This paragraph  
323 may be complied with by having a copy of the official records of  
324 the association available for inspection or copying on the  
325 condominium property or association property, or the association

326 | may offer the option of making the records available to a unit  
327 | owner electronically via the Internet or by allowing the records  
328 | to be viewed in electronic format on a computer screen and  
329 | printed upon request. The association is not responsible for the  
330 | use or misuse of the information provided to an association  
331 | member or his or her authorized representative pursuant to the  
332 | compliance requirements of this chapter unless the association  
333 | has an affirmative duty not to disclose such information  
334 | pursuant to this chapter.

335 |       (c)1. The official records of the association are open to  
336 | inspection by any association member or the authorized  
337 | representative of such member at all reasonable times. The right  
338 | to inspect the records includes the right to make or obtain  
339 | copies, at the reasonable expense, if any, of the member or  
340 | authorized representative of such member. A renter of a unit  
341 | only has a right to inspect and copy the declaration of  
342 | condominium and association's bylaws and rules. The association  
343 | must provide a checklist to the member or the authorized  
344 | representative of such member of all records that are made  
345 | available for inspection and copying in response to a written  
346 | request. If any or all of the association's official records are  
347 | not available, such records must be identified on the checklist  
348 | provided to the person requesting the records. The checklist  
349 | must be signed by a manager licensed under part VIII of chapter  
350 | 468 certifying that the checklist is accurate to the best of his

351 or her knowledge and belief or the association must provide the  
352 person requesting the records a sworn affidavit attesting to the  
353 veracity of the checklist executed by the person responding to  
354 the written request on behalf of the association. The  
355 association must maintain a copy of the checklist and affidavit,  
356 if required, for at least 7 years. Delivery of the checklist and  
357 affidavit, if required, to the person requesting the records  
358 creates a rebuttable presumption that the association complied  
359 with this paragraph. The association may adopt reasonable rules  
360 regarding the frequency, time, location, notice, and manner of  
361 record inspections and copying. The failure of an association to  
362 provide the records within 10 working days after receipt of a  
363 written request creates a rebuttable presumption that the  
364 association willfully failed to comply with this paragraph. A  
365 unit owner who is denied access to official records is entitled  
366 to the actual damages or minimum damages for the association's  
367 willful failure to comply. Minimum damages are \$50 per calendar  
368 day for up to 10 days, beginning on the 11th working day after  
369 receipt of the written request. The failure to permit inspection  
370 entitles any person prevailing in an enforcement action to  
371 recover reasonable attorney fees from the person in control of  
372 the records who, directly or indirectly, knowingly denied access  
373 to the records.

374       2. Any person who knowingly or intentionally defaces or  
375 destroys accounting records that are required by this chapter to

376 | be maintained during the period for which such records are  
377 | required to be maintained, or who knowingly or intentionally  
378 | fails to create or maintain accounting records that are required  
379 | to be created or maintained, with the intent of causing harm to  
380 | the association or one or more of its members, is personally  
381 | subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s.~~  
382 | ~~718.501(1)(d)~~.

383 |         3. The association shall maintain an adequate number of  
384 | copies of the declaration, articles of incorporation, bylaws,  
385 | and rules, and all amendments to each of the foregoing, as well  
386 | as the question and answer sheet as described in s. 718.504 and  
387 | year-end financial information required under this section, on  
388 | the condominium property to ensure their availability to unit  
389 | owners and prospective purchasers, and may charge its actual  
390 | costs for preparing and furnishing these documents to those  
391 | requesting the documents. An association shall allow a member or  
392 | his or her authorized representative to use a portable device,  
393 | including a smartphone, tablet, portable scanner, or any other  
394 | technology capable of scanning or taking photographs, to make an  
395 | electronic copy of the official records in lieu of the  
396 | association's providing the member or his or her authorized  
397 | representative with a copy of such records. The association may  
398 | not charge a member or his or her authorized representative for  
399 | the use of a portable device. Notwithstanding this paragraph,  
400 | the following records are not accessible to unit owners:

401 a. Any record protected by the lawyer-client privilege as  
402 described in s. 90.502 and any record protected by the work-  
403 product privilege, including a record prepared by an association  
404 attorney or prepared at the attorney's express direction, which  
405 reflects a mental impression, conclusion, litigation strategy,  
406 or legal theory of the attorney or the association, and which  
407 was prepared exclusively for civil or criminal litigation or for  
408 adversarial administrative proceedings, or which was prepared in  
409 anticipation of such litigation or proceedings until the  
410 conclusion of the litigation or proceedings.

411 b. Information obtained by an association in connection  
412 with the approval of the lease, sale, or other transfer of a  
413 unit.

414 c. Personnel records of association or management company  
415 employees, including, but not limited to, disciplinary, payroll,  
416 health, and insurance records. For purposes of this sub-  
417 subparagraph, the term "personnel records" does not include  
418 written employment agreements with an association employee or  
419 management company, or budgetary or financial records that  
420 indicate the compensation paid to an association employee.

421 d. Medical records of unit owners.

422 e. Social security numbers, driver license numbers, credit  
423 card numbers, e-mail addresses, telephone numbers, facsimile  
424 numbers, emergency contact information, addresses of a unit  
425 owner other than as provided to fulfill the association's notice

426 requirements, and other personal identifying information of any  
427 person, excluding the person's name, unit designation, mailing  
428 address, property address, and any address, e-mail address, or  
429 facsimile number provided to the association to fulfill the  
430 association's notice requirements. Notwithstanding the  
431 restrictions in this sub-subparagraph, an association may print  
432 and distribute to unit ~~parcel~~ owners a directory containing the  
433 name, unit ~~parcel~~ address, and all telephone numbers of each  
434 unit ~~parcel~~ owner. However, an owner may exclude his or her  
435 telephone numbers from the directory by so requesting in writing  
436 to the association. An owner may consent in writing to the  
437 disclosure of other contact information described in this sub-  
438 subparagraph. The association is not liable for the inadvertent  
439 disclosure of information that is protected under this sub-  
440 subparagraph if the information is included in an official  
441 record of the association and is voluntarily provided by an  
442 owner and not requested by the association.

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

445 g. The software and operating system used by the  
446 association which allow the manipulation of data, even if the  
447 owner owns a copy of the same software used by the association.  
448 The data is part of the official records of the association.

449 (f) An outgoing board or committee member must relinquish  
450 all official records and property of the association in his or

451 her possession or under his or her control to the incoming board  
 452 within 5 days after the election. The division shall impose a  
 453 civil penalty as set forth in s. 718.501(2)(d)6. ~~s.~~  
 454 ~~718.501(1)(d)6.~~ against an outgoing board or committee member  
 455 who willfully and knowingly fails to relinquish such records and  
 456 property.

457 Section 5. Paragraph (i) of subsection (2) of section  
 458 718.112, Florida Statutes, is amended to read:

459 718.112 Bylaws.—

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

463 (i) Transfer fees.—No charge shall be made by the  
 464 association or any body thereof in connection with the sale,  
 465 mortgage, lease, sublease, or other transfer of a unit unless  
 466 the association is required to approve such transfer and a fee  
 467 for such approval is provided for in the declaration, articles,  
 468 or bylaws. Any such fee may be preset, but in no event may such  
 469 fee exceed \$150 ~~\$100~~ per applicant other than husband/wife or  
 470 parent/dependent child, which are considered one applicant.  
 471 However, if the lease or sublease is a renewal of a lease or  
 472 sublease with the same lessee or sublessee, no charge shall be  
 473 made. The fees specified in this paragraph shall be adjusted  
 474 every 5 years in an amount equal to the total of the annual  
 475 increases for that 5-year period in the Consumer Price Index for

476 All Urban Consumers, U.S. City Average, All Items. The  
477 Department of Business and Professional Regulation shall  
478 periodically calculate the fees, rounded to the nearest dollar,  
479 and publish the amounts, as adjusted, on its website. The

480 Section 6. Subsections (1) and (2) of section 718.501,  
481 Florida Statutes, are renumbered as subsections (2) and (3),  
482 respectively, paragraphs (h) and (j) of present subsection (1)  
483 of that section are amended, and a new subsection (1) is added  
484 to that section, to read:

485 718.501 Authority, responsibility, and duties of Division  
486 of Florida Condominiums, Timeshares, and Mobile Homes.—

487 (1) As used in this section, the term "financial issue"  
488 means an issue related to operating budgets; reserve schedules;  
489 accounting records under s. 718.111(12)(a)11.; notices of  
490 meetings; minutes of meetings discussing budget or financial  
491 issues; assessments for common expenses, fees, or fines; the  
492 commingling of funds; and any other record necessary to  
493 determine the revenues and expenses of the association. The  
494 division may adopt rules to further define what a financial  
495 issue is under this section and to adopt the checklist provided  
496 for in s. 718.111(12)(c)1.

497 (2)~~(1)~~ The division may enforce and ensure compliance with  
498 the provisions of this chapter and rules relating to the  
499 development, construction, sale, lease, ownership, operation,  
500 and management of residential condominium units. In performing

501 its duties, the division has complete jurisdiction to  
502 investigate complaints and enforce compliance with respect to  
503 associations that are still under developer control or the  
504 control of a bulk assignee or bulk buyer pursuant to part VII of  
505 this chapter and complaints against developers, bulk assignees,  
506 or bulk buyers involving improper turnover or failure to  
507 turnover, pursuant to s. 718.301. However, after turnover has  
508 occurred, the division has jurisdiction to investigate  
509 complaints related only to financial issues, elections, and the  
510 maintenance of and unit owner access to association records  
511 under ~~pursuant to~~ s. 718.111(12).

512 (h) The division shall furnish each association that pays  
513 the fees required by paragraph (3)(a) ~~paragraph (2)(a)~~ a copy of  
514 this chapter, as amended, and the rules adopted thereto on an  
515 annual basis.

516 (j) The division shall provide training and educational  
517 programs for condominium association board members and unit  
518 owners. The training may, in the division's discretion, include  
519 web-based electronic media, and live training and seminars in  
520 various locations throughout the state. The division may review  
521 and approve education and training programs for board members  
522 and unit owners offered by providers and shall maintain a  
523 current list of approved programs and providers and make such  
524 list available to board members and unit owners in a reasonable  
525 and cost-effective manner. The division may adopt rules to

526 establish requirements for the training and educational programs  
527 required in this paragraph.

528 Section 7. Paragraph (h) is added to subsection (1) of  
529 section 720.306, Florida Statutes, to read:

530 720.306 Meetings of members; voting and election  
531 procedures; amendments.—

532 (1) QUORUM; AMENDMENTS.—

533 (h)1. Except as otherwise provided in this paragraph, an  
534 amendment to any governing document that is enacted after July  
535 1, 2020, that prohibits a parcel owner from renting the parcel,  
536 alters the authorized duration of a rental term, or specifies or  
537 limits the number of times that a parcel owner may rent his or  
538 her parcel during a specified term, applies only to a parcel  
539 owner who acquires title to the parcel after the effective date  
540 of the amendment, or to a parcel owner who consents,  
541 individually or through a representative, to the amendment.

542 2. Notwithstanding subparagraph 1., an association may  
543 amend its governing documents to prohibit or regulate rentals  
544 for a term of less than 6 months and to prohibit rentals more  
545 than three times in a calendar year, and such amendments shall  
546 apply to all parcel owners.

547 3. This paragraph does not affect the amendment  
548 restrictions for associations of 15 or fewer parcel owners under  
549 s. 720.303(1).

550 4. For purposes of this paragraph, a change of ownership

551 does not occur when a parcel owner conveys the parcel to an  
552 affiliated entity or when beneficial ownership of the parcel  
553 does not change. For purposes of this subparagraph, the term  
554 "affiliated entity" means an entity that controls, is controlled  
555 by, or is under common control with the parcel owner or that  
556 becomes a parent or successor entity by reason of transfer,  
557 merger, consolidation, public offering, reorganization,  
558 dissolution or sale of stock, or transfer of membership  
559 partnership interests. For a conveyance to be recognized as one  
560 made to an affiliated entity, the entity must furnish the  
561 association a document certifying that this paragraph applies,  
562 as well as providing any organizational documents for the parcel  
563 owner and the affiliated entity that support the representations  
564 in the certificate, as requested by the association.

565 Section 8. This act shall take effect July 1, 2020.