

1                   A bill to be entitled  
2           An act relating to community associations; amending s.  
3           514.0115, F.S.; exempting certain property association  
4           pools from Department of Health regulations; amending  
5           s. 627.714, F.S.; prohibiting subrogation rights  
6           against a condominium association under certain  
7           circumstances; amending s. 718.111, F.S.; requiring  
8           certain records to be maintained for a specified time;  
9           prohibiting an association from requiring certain  
10          actions related to the inspection of records; revising  
11          requirements relating to certain condominium  
12          associations posting digital copies of certain  
13          documents; amending s. 718.112, F.S.; prohibiting  
14          certain provisions in governing documents; authorizing  
15          the association to record certain notice in the public  
16          record; limiting liability; specifying that only board  
17          service that occurs on or after a specified date may  
18          be used for calculating a board member's term limit;  
19          providing requirements for certain notices;  
20          prohibiting an association from charging certain fees;  
21          providing an exception; deleting a prohibition against  
22          employing or contracting with certain service  
23          providers; amending s. 718.113, F.S.; revising  
24          regulations for electric vehicles; providing  
25          definitions; providing that an association may not

26 | prohibit a unit owner from installing an alternate  
27 | fuel station; providing requirements for installing  
28 | such fuel station; amending s. 718.303, F.S.; revising  
29 | requirements for certain actions for failure to comply  
30 | with specified provisions; revising requirements for  
31 | certain fines; amending s. 718.5014, F.S.; revising  
32 | the location of the principal office of the Office of  
33 | the Condominium Ombudsman; amending s. 719.103, F.S.;  
34 | revising the definition of the term "unit" to specify  
35 | that an interest in a cooperative unit is an interest  
36 | in real property; amending s. 719.104, F.S.;  
37 | prohibiting an association from requiring certain  
38 | actions related to the inspection of records; amending  
39 | s. 719.106, F.S.; revising provisions related to a  
40 | quorum and voting rights for members remotely  
41 | participating in meetings; prohibiting certain  
42 | provisions in governing documents; authorizing the  
43 | association to record certain notice in the public  
44 | record; limiting liability; amending s. 720.303, F.S.;  
45 | authorizing an association to adopt procedures for  
46 | electronic meeting notices; revising the documents  
47 | that constitute the official records of an  
48 | association; amending s. 720.305, F.S.; providing  
49 | requirements for certain fines; amending s. 720.306,  
50 | F.S.; revising requirements for providing certain

51 notices; amending s. 720.3075, F.S.; prohibiting  
 52 certain provisions in governing documents; authorizing  
 53 the association to record certain notice in the public  
 54 record; limiting liability; providing an effective  
 55 date.

56  
 57 Be It Enacted by the Legislature of the State of Florida:

58  
 59 Section 1. Paragraph (a) of subsection (2) of section  
 60 514.0115, Florida Statutes, is amended to read:

61 514.0115 Exemptions from supervision or regulation;  
 62 variances.—

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

69 Section 2. Subsection (4) of section 627.714, Florida  
 70 Statutes, is amended to read:

71 627.714 Residential condominium unit owner coverage; loss  
 72 assessment coverage required.—

73 (4) Every individual unit owner's residential property  
 74 policy must contain a provision stating that the coverage  
 75 afforded by such policy is excess coverage over the amount

76 | recoverable under any other policy covering the same property.  
 77 | If a condominium association's insurance policy does not provide  
 78 | rights for subrogation against the unit owners in the  
 79 | association, an insurance policy issued to an individual unit  
 80 | owner located in the association may not provide rights of  
 81 | subrogation against the condominium association.

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

84 | 718.111 The association.—

85 | (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

100 | 6. A book or books that contain the minutes of all

101 meetings of the association, the board of administration, and  
102 the unit owners.

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

114 8. All current insurance policies of the association and  
115 condominiums operated by the association.

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

120 10. Bills of sale or transfer for all property owned by  
121 the association.

122 11. Accounting records for the association and separate  
123 accounting records for each condominium that the association  
124 operates. Any person who knowingly or intentionally defaces or  
125 destroys such records, or who knowingly or intentionally fails

126 | to create or maintain such records, with the intent of causing  
 127 | harm to the association or one or more of its members, is  
 128 | personally subject to a civil penalty pursuant to s.

129 | 718.501(1)(d). The accounting records must include, but are not  
 130 | limited to:

131 |       a. Accurate, itemized, and detailed records of all  
 132 | receipts and expenditures.

133 |       b. A current account and a monthly, bimonthly, or  
 134 | quarterly statement of the account for each unit designating the  
 135 | name of the unit owner, the due date and amount of each  
 136 | assessment, the amount paid on the account, and the balance due.

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

139 |       d. All contracts for work to be performed. Bids for work  
 140 | to be performed are also considered official records and must be  
 141 | maintained by the association for at least 1 year after receipt  
 142 | of the bid.

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

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

150 |       14. A copy of the current question and answer sheet as

151 described in s. 718.504.

152 ~~15. All other written records of the association not~~  
153 ~~specifically included in the foregoing which are related to the~~  
154 ~~operation of the association.~~

155 ~~15.16.~~ A copy of the inspection report as described in s.  
156 718.301(4)(p).

157 ~~16.17.~~ Bids for materials, equipment, or services.

158 17. All other records of the association not specifically  
159 included in subparagraphs 1.-16. which are related to the  
160 operation of the association.

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

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

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



201 official records is entitled to the actual damages or minimum  
 202 damages for the association's willful failure to comply. Minimum  
 203 damages are \$50 per calendar day for up to 10 days, beginning on  
 204 the 11th working day after receipt of the written request. The  
 205 failure to permit inspection entitles any person prevailing in  
 206 an enforcement action to recover reasonable attorney fees from  
 207 the person in control of the records who, directly or  
 208 indirectly, knowingly denied access to the records.

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

217 3. The association shall maintain an adequate number of  
 218 copies of the declaration, articles of incorporation, bylaws,  
 219 and rules, and all amendments to each of the foregoing, as well  
 220 as the question and answer sheet as described in s. 718.504 and  
 221 year-end financial information required under this section, on  
 222 the condominium property to ensure their availability to unit  
 223 owners and prospective purchasers, and may charge its actual  
 224 costs for preparing and furnishing these documents to those  
 225 requesting the documents. An association shall allow a member or

226 his or her authorized representative to use a portable device,  
227 including a smartphone, tablet, portable scanner, or any other  
228 technology capable of scanning or taking photographs, to make an  
229 electronic copy of the official records in lieu of the  
230 association's providing the member or his or her authorized  
231 representative with a copy of such records. The association may  
232 not charge a member or his or her authorized representative for  
233 the use of a portable device. Notwithstanding this paragraph,  
234 the following records are not accessible to unit owners:

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

245 b. Information obtained by an association in connection  
246 with the approval of the lease, sale, or other transfer of a  
247 unit.

248 c. Personnel records of association or management company  
249 employees, including, but not limited to, disciplinary, payroll,  
250 health, and insurance records. For purposes of this sub-

251 subparagraph, the term "personnel records" does not include  
252 written employment agreements with an association employee or  
253 management company, or budgetary or financial records that  
254 indicate the compensation paid to an association employee.

255 d. Medical records of unit owners.

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

276 owner and not requested by the association.

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

279 g. The software and operating system used by the  
280 association which allow the manipulation of data, even if the  
281 owner owns a copy of the same software used by the association.  
282 The data is part of the official records of the association.

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

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

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

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

299 b. The association's website or application must be  
300 accessible through the Internet and must contain a subpage, web

301 portal, or other protected electronic location that is  
 302 inaccessible to the general public and accessible only to unit  
 303 owners and employees of the association.

304 c. Upon a unit owner's written request, the association  
 305 must provide the unit owner with a username and password and  
 306 access to the protected sections of the association's website or  
 307 application that contain any notices, records, or documents that  
 308 must be electronically provided.

309 2. A current copy of the following documents must be  
 310 posted in digital format on the association's website or  
 311 application:

312 a. The recorded declaration of condominium of each  
 313 condominium operated by the association and each amendment to  
 314 each declaration.

315 b. The recorded bylaws of the association and each  
 316 amendment to the bylaws.

317 c. The articles of incorporation of the association, or  
 318 other documents creating the association, and each amendment to  
 319 the articles of incorporation or other documents ~~therein~~. The  
 320 copy posted pursuant to this sub-subparagraph must be a copy of  
 321 the articles of incorporation filed with the Department of  
 322 State.

323 d. The rules of the association.

324 e. A list of all executory contracts or documents to which  
 325 the association is a party or under which the association or the

326 unit owners have an obligation or responsibility and, after  
327 bidding for the related materials, equipment, or services has  
328 closed, a list of bids received by the association within the  
329 past year. Summaries of bids for materials, equipment, or  
330 services which exceed \$500 must be maintained on the website or  
331 application for 1 year. In lieu of summaries, complete copies of  
332 the bids may be posted.

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

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

338 h. The certification of each director required by s.  
339 718.112(2)(d)4.b.

340 i. All contracts or transactions between the association  
341 and any director, officer, corporation, firm, or association  
342 that is not an affiliated condominium association or any other  
343 entity in which an association director is also a director or  
344 officer and financially interested.

345 j. Any contract or document regarding a conflict of  
346 interest or possible conflict of interest as provided in ss.  
347 468.436(2)(b)6. and 718.3027(3).

348 k. The notice of any unit owner meeting and the agenda for  
349 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
350 days before the meeting. The notice must be posted in plain view

351 on the front page of the website or application, or on a  
352 separate subpage of the website or application labeled "Notices"  
353 which is conspicuously visible and linked from the front page.  
354 The association must also post on its website or application any  
355 document to be considered and voted on by the owners during the  
356 meeting or any document listed on the agenda at least 7 days  
357 before the meeting at which the document or the information  
358 within the document will be considered.

359 1. Notice of any board meeting, the agenda, and any other  
360 document required for the meeting as required by s.  
361 718.112(2)(c), which must be posted no later than the date  
362 required for notice under ~~pursuant to~~ s. 718.112(2)(c).

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

376 4. The failure of the association to post information  
377 required under subparagraph 2. is not in and of itself  
378 sufficient to invalidate any action or decision of the  
379 association's board or its committees.

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

383 718.112 Bylaws.—

384 (1) GENERALLY.—

385 (c) Any provision of the declaration, the association  
386 bylaws, or reasonable rules or regulations of the association  
387 which diminish or infringe upon any right protected under the  
388 Fourteenth Amendment to the United States Constitution or s. 2,  
389 Art. I of the State Constitution is void and unenforceable  
390 without further action of the association. The association may  
391 record a notice in the public records of the county in which the  
392 condominium is located evidencing its intention to not enforce  
393 such provision. The failure of the association to record a  
394 notice in the public record may not be the basis for liability  
395 or evidence of discrimination or a discriminatory intention.

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

399 (d) Unit owner meetings.—

400 1. An annual meeting of the unit owners must be held at



401 the location provided in the association bylaws and, if the  
402 bylaws are silent as to the location, the meeting must be held  
403 within 45 miles of the condominium property. However, such  
404 distance requirement does not apply to an association governing  
405 a timeshare condominium.

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

426 | time of the vacancy. Only board service that occurs on or after  
427 | July 1, 2018, may be used when calculating a board member's term  
428 | limit. If the number of board members whose terms expire at the  
429 | annual meeting equals or exceeds the number of candidates, the  
430 | candidates become members of the board effective upon the  
431 | adjournment of the annual meeting. Unless the bylaws provide  
432 | otherwise, any remaining vacancies shall be filled by the  
433 | affirmative vote of the majority of the directors making up the  
434 | newly constituted board even if the directors constitute less  
435 | than a quorum or there is only one director. In a residential  
436 | condominium association of more than 10 units or in a  
437 | residential condominium association that does not include  
438 | timeshare units or timeshare interests, co-owners of a unit may  
439 | not serve as members of the board of directors at the same time  
440 | unless they own more than one unit or unless there are not  
441 | enough eligible candidates to fill the vacancies on the board at  
442 | the time of the vacancy. A unit owner in a residential  
443 | condominium desiring to be a candidate for board membership must  
444 | comply with sub-subparagraph 4.a. and must be eligible to be a  
445 | candidate to serve on the board of directors at the time of the  
446 | deadline for submitting a notice of intent to run in order to  
447 | have his or her name listed as a proper candidate on the ballot  
448 | or to serve on the board. A person who has been suspended or  
449 | removed by the division under this chapter, or who is delinquent  
450 | in the payment of any monetary obligation due to the

451 association, is not eligible to be a candidate for board  
452 membership and may not be listed on the ballot. A person who has  
453 been convicted of any felony in this state or in a United States  
454 District or Territorial Court, or who has been convicted of any  
455 offense in another jurisdiction which would be considered a  
456 felony if committed in this state, is not eligible for board  
457 membership unless such felon's civil rights have been restored  
458 for at least 5 years as of the date such person seeks election  
459 to the board. The validity of an action by the board is not  
460 affected if it is later determined that a board member is  
461 ineligible for board membership due to having been convicted of  
462 a felony. This subparagraph does not limit the term of a member  
463 of the board of a nonresidential or timeshare condominium.

464 3. The bylaws must provide the method of calling meetings  
465 of unit owners, including annual meetings. Written notice of an  
466 annual meeting must include an agenda; ~~it must~~ be mailed, hand  
467 delivered, or electronically transmitted to each unit owner at  
468 least 14 days before the annual meeting; ~~it~~ and ~~must~~ be posted in  
469 a conspicuous place on the condominium property at least 14  
470 continuous days before the annual meeting. Written notice of a  
471 meeting other than an annual meeting must include an agenda; be  
472 mailed, hand delivered, or electronically transmitted to each  
473 unit owner; and be posted in a conspicuous place on the  
474 condominium property in accordance with the minimum period of  
475 time for posting a notice as set forth in the bylaws, and if the

476 bylaws do not provide such notice requirements, then at least 14  
477 continuous days before the meeting. Upon notice to the unit  
478 owners, the board shall, by duly adopted rule, designate a  
479 specific location on the condominium property where all notices  
480 of unit owner meetings must be posted. This requirement does not  
481 apply if there is no condominium property for posting notices.  
482 In lieu of, or in addition to, the physical posting of meeting  
483 notices, the association may, by reasonable rule, adopt a  
484 procedure for conspicuously posting and repeatedly broadcasting  
485 the notice and the agenda on a closed-circuit cable television  
486 system serving the condominium association. However, if  
487 broadcast notice is used in lieu of a notice posted physically  
488 on the condominium property, the notice and agenda must be  
489 broadcast at least four times every broadcast hour of each day  
490 that a posted notice is otherwise required under this section.  
491 If broadcast notice is provided, the notice and agenda must be  
492 broadcast in a manner and for a sufficient continuous length of  
493 time so as to allow an average reader to observe the notice and  
494 read and comprehend the entire content of the notice and the  
495 agenda. In addition to any of the authorized means of providing  
496 notice of a meeting of the board, the association may, by rule,  
497 adopt a procedure for conspicuously posting the meeting notice  
498 and the agenda on a website serving the condominium association  
499 for at least the minimum period of time for which a notice of a  
500 meeting is also required to be physically posted on the

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

525 4. The members of the board of a residential condominium

526 shall be elected by written ballot or voting machine. Proxies  
527 may not be used in electing the board in general elections or  
528 elections to fill vacancies caused by recall, resignation, or  
529 otherwise, unless otherwise provided in this chapter. This  
530 subparagraph does not apply to an association governing a  
531 timeshare condominium.

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

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

572 b. Within 90 days after being elected or appointed to the  
573 board of an association of a residential condominium, each newly  
574 elected or appointed director shall certify in writing to the  
575 secretary of the association that he or she has read the

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



601 of any board action.

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

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

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

625 7. Unit owners have the right to participate in meetings

626 of unit owners with reference to all designated agenda items.  
627 However, the association may adopt reasonable rules governing  
628 the frequency, duration, and manner of unit owner participation.

629 8. A unit owner may tape record or videotape a meeting of  
630 the unit owners subject to reasonable rules adopted by the  
631 division.

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

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

651 association.

652

653 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
654 association of 10 or fewer units may, by affirmative vote of a  
655 majority of the total voting interests, provide for different  
656 voting and election procedures in its bylaws, which may be by a  
657 proxy specifically delineating the different voting and election  
658 procedures. The different voting and election procedures may  
659 provide for elections to be conducted by limited or general  
660 proxy.

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

676 an association may, if the authority to do so appears in the  
677 declaration, articles, or bylaws, require that a prospective  
678 lessee place a security deposit, in an amount not to exceed the  
679 equivalent of 1 month's rent, into an escrow account maintained  
680 by the association. The security deposit shall protect against  
681 damages to the common elements or association property. Payment  
682 of interest, claims against the deposit, refunds, and disputes  
683 under this paragraph shall be handled in the same fashion as  
684 provided in part II of chapter 83.

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

696 Section 5. Subsection (8) of section 718.113, Florida  
697 Statutes, is amended to read:

698 718.113 Maintenance; limitation upon improvement; display  
699 of flag; hurricane shutters and protection; display of religious  
700 decorations.—

701 (8) The Legislature finds that the use of electric  
702 vehicles or alternative fuel vehicles conserves and protects the  
703 state's environmental resources, provides significant economic  
704 savings to drivers, and serves an important public interest. The  
705 participation of condominium associations is essential to the  
706 state's efforts to conserve and protect the state's  
707 environmental resources and provide economic savings to drivers.  
708 For purposes of this subsection, the term "alternative fuel" has  
709 the same meaning as in s. 403.42, and the term "alternative fuel  
710 vehicle" means any motor vehicle, as defined in s. 320.01, that  
711 is powered by an alternative fuel or a combination of  
712 alternative fuels. Therefore, the installation of an electric  
713 vehicle charging station or alternative fuel station shall be  
714 governed as follows:

715 (a) A declaration of condominium or restrictive covenant  
716 may not prohibit or be enforced so as to prohibit any unit owner  
717 from installing an electric vehicle charging station or  
718 alternative fuel station within the boundaries of the unit  
719 owner's limited common element or exclusively designated parking  
720 area. The board of administration of a condominium association  
721 may not prohibit a unit owner from installing an electric  
722 vehicle charging station for an electric vehicle, as defined in  
723 s. 320.01, or an alternative fuel station for an alternative  
724 fuel vehicle within the boundaries of his or her limited common  
725 element or exclusively designated parking area. The installation

726 of such charging or fuel stations are subject to the provisions  
727 of this subsection.

728 (b) The installation may not cause irreparable damage to  
729 the condominium property.

730 (c) The electricity for the electric vehicle charging  
731 station or alternative fuel station must be separately metered  
732 or must use an embedded meter and be payable by the unit owner  
733 installing such charging station.

734 (d) The supply and storage of the alternative fuel must be  
735 paid by the unit owner installing the alternative fuel station.

736 (e)-(d) The unit owner who is installing an electric  
737 vehicle charging station or an alternative fuel station is  
738 responsible for the costs of installation, operation,  
739 maintenance, and repair, including, but not limited to, hazard  
740 and liability insurance. The association may enforce payment of  
741 such costs under ~~pursuant to~~ s. 718.116.

742 (f)-(e) If the unit owner or his or her successor decides  
743 there is no longer a need for the electronic vehicle charging  
744 station or alternative fuel station, such person is responsible  
745 for the cost of removal of the electronic vehicle charging  
746 station or alternative fuel station. The association may enforce  
747 payment of such costs under ~~pursuant to~~ s. 718.116.

748 (g) The unit owner, or his or her successor, installing  
749 the electronic vehicle charging station or alternative fuel  
750 station is responsible for complying with all federal, state, or

751 local laws and regulations that apply to the installation,  
 752 maintenance, or removal of such charging or fuel stations.

753 (h)~~(f)~~ The association may require the unit owner to:

754 1. Comply with bona fide safety requirements, consistent  
 755 with applicable building codes or recognized safety standards,  
 756 for the protection of persons and property.

757 2. Comply with reasonable architectural standards adopted  
 758 by the association that govern the dimensions, placement, or  
 759 external appearance of the electric vehicle charging station or  
 760 alternative fuel station, provided that such standards may not  
 761 prohibit the installation of such charging or fuel station or  
 762 substantially increase the cost thereof.

763 3. Engage the services of a licensed and registered  
 764 electrical contractor or engineer familiar with the installation  
 765 and core requirements of an electric vehicle charging station or  
 766 alternative fuel station.

767 4. Provide a certificate of insurance naming the  
 768 association as an additional insured on the owner's insurance  
 769 policy for any claim related to the installation, maintenance,  
 770 or use of the electric vehicle charging station or alternative  
 771 fuel station within 14 days after receiving the association's  
 772 approval to install such charging or fuel station.

773 5. Reimburse the association for the actual cost of any  
 774 increased insurance premium amount attributable to the electric  
 775 vehicle charging station or alternative fuel station within 14

776 days after receiving the association's insurance premium  
 777 invoice.

778 (i)~~(g)~~ The association provides an implied easement across  
 779 the common elements of the condominium property to the unit  
 780 owner for purposes of the installation of the electric vehicle  
 781 charging station or alternative fuel station, and the furnishing  
 782 of electrical power or the storage of any alternative fuel,  
 783 including any necessary equipment, to such charging or fuel  
 784 station, subject to the requirements of this subsection.

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

787 718.303 Obligations of owners and occupants; remedies.—

788 (1) Each unit owner, ~~each~~ tenant and other invitee, and  
 789 ~~each~~ association is governed by, and must comply with the  
 790 provisions of, this chapter, the declaration, the documents  
 791 creating the association, and the association bylaws which are  
 792 ~~shall be deemed~~ expressly incorporated into any lease of a unit.  
 793 Actions at law or in equity ~~for damages or for injunctive~~  
 794 ~~relief~~, or both, for failure to comply with these provisions may  
 795 be brought by the association or by a unit owner against:

796 (a) The association.

797 (b) A unit owner.

798 (c) Directors designated by the developer, for actions  
 799 taken by them before control of the association is assumed by  
 800 unit owners other than the developer.



801 (d) Any director who willfully and knowingly fails to  
 802 comply with these provisions.

803 (e) Any tenant leasing a unit, and any other invitee  
 804 occupying a unit.

805

806 The prevailing party in any such action or in any action in  
 807 which the purchaser claims a right of voidability based upon  
 808 contractual provisions as required in s. 718.503(1)(a) is  
 809 entitled to recover reasonable attorney ~~attorney's~~ fees. A unit  
 810 owner prevailing in an action between the association and the  
 811 unit owner under this subsection ~~section~~, in addition to  
 812 recovering his or her reasonable attorney ~~attorney's~~ fees, may  
 813 recover additional amounts as determined by the court to be  
 814 necessary to reimburse the unit owner for his or her share of  
 815 assessments levied by the association to fund its expenses of  
 816 the litigation. This relief does not exclude other remedies  
 817 provided by law. Actions arising under this subsection are not  
 818 considered ~~may not be deemed to be~~ actions for specific  
 819 performance.

820 (3) The association may levy reasonable fines for the  
 821 failure of the owner of the unit or its occupant, licensee, or  
 822 invitee to comply with any provision of the declaration, the  
 823 association bylaws, or reasonable rules of the association. A  
 824 fine may not become a lien against a unit. A fine may be levied  
 825 by the board on the basis of each day of a continuing violation,

826 with a single notice and opportunity for hearing before a  
827 committee as provided in paragraph (b). However, the fine may  
828 not exceed \$100 per violation, or \$1,000 in the aggregate.

829 (b) A fine or suspension levied by the board of  
830 administration may not be imposed unless the board first  
831 provides at least 14 days' written notice to the unit owner and,  
832 if applicable, any tenant ~~occupant~~, licensee, or invitee of the  
833 unit owner sought to be fined or suspended, and an opportunity  
834 for a hearing before a committee of at least three members  
835 appointed by the board who are not officers, directors, or  
836 employees of the association, or the spouse, parent, child,  
837 brother, or sister of an officer, director, or employee. The  
838 role of the committee is limited to determining whether to  
839 confirm or reject the fine or suspension levied by the board. If  
840 the committee does not approve the proposed fine or suspension  
841 by majority vote, the fine or suspension may not be imposed. If  
842 the proposed fine or suspension is approved by the committee,  
843 the fine payment is due 5 days after notice of the approved fine  
844 is provided to the unit owner and, if applicable, to any tenant,  
845 licensee, or invitee of the unit owner ~~the date of the committee~~  
846 ~~meeting at which the fine is approved~~. The association must  
847 provide written notice of such fine or suspension by mail or  
848 hand delivery to the unit owner and, if applicable, to any  
849 tenant, licensee, or invitee of the unit owner.

850 Section 7. Section 718.5014, Florida Statutes, is amended

851 to read:

852 718.5014 Ombudsman location.—The ombudsman shall maintain  
853 his or her principal office in a Leon County ~~on the premises of~~  
854 ~~the division or, if suitable space cannot be provided there, at~~  
855 ~~another~~ place convenient to the offices of the division which  
856 will enable the ombudsman to expeditiously carry out the duties  
857 and functions of his or her office. The ombudsman may establish  
858 branch offices elsewhere in the state upon the concurrence of  
859 the Governor.

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

862 719.103 Definitions.—As used in this chapter:

863 (25) "Unit" means a part of the cooperative property which  
864 is subject to exclusive use and possession. A unit may be  
865 improvements, land, or land and improvements together, as  
866 specified in the cooperative documents. An interest in a unit is  
867 an interest in real property.

868 Section 9. Paragraph (c) of subsection (2) of section  
869 719.104, Florida Statutes, is amended to read:

870 719.104 Cooperatives; access to units; records; financial  
871 reports; assessments; purchase of leases.—

872 (2) OFFICIAL RECORDS.—

873 (c) The official records of the association are open to  
874 inspection by any association member or the authorized  
875 representative of such member at all reasonable times. The right

876 to inspect the records includes the right to make or obtain  
877 copies, at the reasonable expense, if any, of the association  
878 member. The association may adopt reasonable rules regarding the  
879 frequency, time, location, notice, and manner of record  
880 inspections and copying, but may not require a member to  
881 demonstrate any purpose or state any reason for the inspection.  
882 The failure of an association to provide the records within 10  
883 working days after receipt of a written request creates a  
884 rebuttable presumption that the association willfully failed to  
885 comply with this paragraph. A member ~~unit owner~~ who is denied  
886 access to official records is entitled to the actual damages or  
887 minimum damages for the association's willful failure to comply.  
888 The minimum damages are \$50 per calendar day for up to 10 days,  
889 beginning on the 11th working day after receipt of the written  
890 request. The failure to permit inspection entitles any person  
891 prevailing in an enforcement action to recover reasonable  
892 attorney fees from the person in control of the records who,  
893 directly or indirectly, knowingly denied access to the records.  
894 Any person who knowingly or intentionally defaces or destroys  
895 accounting records that are required by this chapter to be  
896 maintained during the period for which such records are required  
897 to be maintained, or who knowingly or intentionally fails to  
898 create or maintain accounting records that are required to be  
899 created or maintained, with the intent of causing harm to the  
900 association or one or more of its members, is personally subject

901 to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The  
902 association shall maintain an adequate number of copies of the  
903 declaration, articles of incorporation, bylaws, and rules, and  
904 all amendments to each of the foregoing, as well as the question  
905 and answer sheet as described in s. 719.504 and year-end  
906 financial information required by the department, on the  
907 cooperative property to ensure their availability to members  
908 ~~unit owners~~ and prospective purchasers, and may charge its  
909 actual costs for preparing and furnishing these documents to  
910 those requesting the same. An association shall allow a member  
911 or his or her authorized representative to use a portable  
912 device, including a smartphone, tablet, portable scanner, or any  
913 other technology capable of scanning or taking photographs, to  
914 make an electronic copy of the official records in lieu of the  
915 association providing the member or his or her authorized  
916 representative with a copy of such records. The association may  
917 not charge a member or his or her authorized representative for  
918 the use of a portable device. Notwithstanding this paragraph,  
919 the following records shall not be accessible to members ~~unit~~  
920 ~~owners~~:

921 1. Any record protected by the lawyer-client privilege as  
922 described in s. 90.502 and any record protected by the work-  
923 product privilege, including any record prepared by an  
924 association attorney or prepared at the attorney's express  
925 direction which reflects a mental impression, conclusion,

926 litigation strategy, or legal theory of the attorney or the  
927 association, and which was prepared exclusively for civil or  
928 criminal litigation or for adversarial administrative  
929 proceedings, or which was prepared in anticipation of such  
930 litigation or proceedings until the conclusion of the litigation  
931 or proceedings.

932 2. Information obtained by an association in connection  
933 with the approval of the lease, sale, or other transfer of a  
934 unit.

935 3. Personnel records of association or management company  
936 employees, including, but not limited to, disciplinary, payroll,  
937 health, and insurance records. For purposes of this  
938 subparagraph, the term "personnel records" does not include  
939 written employment agreements with an association employee or  
940 management company, or budgetary or financial records that  
941 indicate the compensation paid to an association employee.

942 4. Medical records of unit owners.

943 5. Social security numbers, driver license numbers, credit  
944 card numbers, e-mail addresses, telephone numbers, facsimile  
945 numbers, emergency contact information, addresses of a unit  
946 owner other than as provided to fulfill the association's notice  
947 requirements, and other personal identifying information of any  
948 person, excluding the person's name, unit designation, mailing  
949 address, property address, and any address, e-mail address, or  
950 facsimile number provided to the association to fulfill the

951 association's notice requirements. Notwithstanding the  
952 restrictions in this subparagraph, an association may print and  
953 distribute to unit ~~parcel~~ owners a directory containing the  
954 name, unit ~~parcel~~ address, and all telephone numbers of each  
955 unit ~~parcel~~ owner. However, an owner may exclude his or her  
956 telephone numbers from the directory by so requesting in writing  
957 to the association. An owner may consent in writing to the  
958 disclosure of other contact information described in this  
959 subparagraph. The association is not liable for the inadvertent  
960 disclosure of information that is protected under this  
961 subparagraph if the information is included in an official  
962 record of the association and is voluntarily provided by an  
963 owner and not requested by the association.

964 6. Electronic security measures that are used by the  
965 association to safeguard data, including passwords.

966 7. The software and operating system used by the  
967 association which allow the manipulation of data, even if the  
968 owner owns a copy of the same software used by the association.  
969 The data is part of the official records of the association.

970 Section 10. Paragraph (b) of subsection (1) of section  
971 719.106, Florida Statutes, is amended, and subsection (3) is  
972 added to that section, to read:

973 719.106 Bylaws; cooperative ownership.—

974 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
975 documents shall provide for the following, and if they do not,

976 | they shall be deemed to include the following:

977 |       (b) Quorum; voting requirements; proxies.—

978 |       1. Unless otherwise provided in the bylaws, the percentage  
979 | of voting interests required to constitute a quorum at a meeting  
980 | of the members shall be a majority of voting interests, and  
981 | decisions shall be made by owners of a majority of the voting  
982 | interests. Unless otherwise provided in this chapter, or in the  
983 | articles of incorporation, bylaws, or other cooperative  
984 | documents, and except as provided in subparagraph (d)1.,  
985 | decisions shall be made by owners of a majority of the voting  
986 | interests represented at a meeting at which a quorum is present.

987 |       2. Except as specifically otherwise provided herein, after  
988 | January 1, 1992, unit owners may not vote by general proxy, but  
989 | may vote by limited proxies substantially conforming to a  
990 | limited proxy form adopted by the division. Limited proxies and  
991 | general proxies may be used to establish a quorum. Limited  
992 | proxies shall be used for votes taken to waive or reduce  
993 | reserves in accordance with subparagraph (j)2., for votes taken  
994 | to waive the financial reporting requirements of s.

995 | 719.104(4)(b), for votes taken to amend the articles of  
996 | incorporation or bylaws pursuant to this section, and for any  
997 | other matter for which this chapter requires or permits a vote  
998 | of the unit owners. Except as provided in paragraph (d), after  
999 | January 1, 1992, no proxy, limited or general, shall be used in  
1000 | the election of board members. General proxies may be used for



1001 other matters for which limited proxies are not required, and  
1002 may also be used in voting for nonsubstantive changes to items  
1003 for which a limited proxy is required and given. Notwithstanding  
1004 the provisions of this section, unit owners may vote in person  
1005 at unit owner meetings. Nothing contained herein shall limit the  
1006 use of general proxies or require the use of limited proxies or  
1007 require the use of limited proxies for any agenda item or  
1008 election at any meeting of a timeshare cooperative.

1009 3. Any proxy given shall be effective only for the  
1010 specific meeting for which originally given and any lawfully  
1011 adjourned meetings thereof. In no event shall any proxy be valid  
1012 for a period longer than 90 days after the date of the first  
1013 meeting for which it was given. Every proxy shall be revocable  
1014 at any time at the pleasure of the unit owner executing it.

1015 4. A member of the board of administration or a committee  
1016 may submit in writing his or her agreement or disagreement with  
1017 any action taken at a meeting that the member did not attend.  
1018 This agreement or disagreement may not be used as a vote for or  
1019 against the action taken and may not be used for the purposes of  
1020 creating a quorum.

1021 5. A board or committee member participating in a meeting  
1022 via telephone, real-time video conferencing, or similar real-  
1023 time electronic or video communication counts toward a quorum,  
1024 and such member may vote as if physically present ~~When some or~~  
1025 ~~all of the board or committee members meet by telephone~~

1026 ~~conference, those board or committee members attending by~~  
1027 ~~telephone conference may be counted toward obtaining a quorum~~  
1028 ~~and may vote by telephone.~~ A telephone speaker must ~~shall~~ be  
1029 used ~~utilized~~ so that the conversation of such ~~these board or~~  
1030 ~~committee members attending by telephone~~ may be heard by the  
1031 board or committee members attending in person, as well as by  
1032 any unit owners present at a meeting.

1033 (3) GENERALLY.—Any provision of the declaration, the  
1034 association bylaws, or reasonable rules or regulations of the  
1035 association which diminish or infringe upon any right protected  
1036 under the Fourteenth Amendment to the United States Constitution  
1037 or s. 2, Art. I of the State Constitution is void and  
1038 unenforceable without further action of the association. The  
1039 association may record a notice in the public records of the  
1040 county in which the cooperative is located evidencing its  
1041 intention to not enforce such provision. The failure of the  
1042 association to record a notice in the public record may not be  
1043 the basis for liability or evidence of discrimination or a  
1044 discriminatory intention.

1045 Section 11. Paragraph (1) of subsection (4) of section  
1046 720.303, Florida Statutes, is redesignated as paragraph (m),  
1047 paragraph (c) of subsection (2) is amended, and a new paragraph  
1048 (1) is added to subsection (4) of that section, to read:

1049 720.303 Association powers and duties; meetings of board;  
1050 official records; budgets; financial reporting; association

1051 funds; recalls.—

1052 (2) BOARD MEETINGS.—

1053 (c) The bylaws shall provide the following for giving  
1054 notice to parcel owners and members of all board meetings and,  
1055 if they do not do so, shall be deemed to include the following:

1056 1. Notices of all board meetings must be posted in a  
1057 conspicuous place in the community at least 48 hours in advance  
1058 of a meeting, except in an emergency. In the alternative, if  
1059 notice is not posted in a conspicuous place in the community,  
1060 notice of each board meeting must be mailed or delivered to each  
1061 member at least 7 days before the meeting, except in an  
1062 emergency. Notwithstanding this general notice requirement, for  
1063 communities with more than 100 members, the association bylaws  
1064 may provide for a reasonable alternative to posting or mailing  
1065 of notice for each board meeting, including publication of  
1066 notice, provision of a schedule of board meetings, or the  
1067 conspicuous posting and repeated broadcasting of the notice on a  
1068 closed-circuit cable television system serving the homeowners'  
1069 association. However, if broadcast notice is used in lieu of a  
1070 notice posted physically in the community, the notice must be  
1071 broadcast at least four times every broadcast hour of each day  
1072 that a posted notice is otherwise required. When broadcast  
1073 notice is provided, the notice and agenda must be broadcast in a  
1074 manner and for a sufficient continuous length of time so as to  
1075 allow an average reader to observe the notice and read and

1076 comprehend the entire content of the notice and the agenda. In  
1077 addition to any of the authorized means of providing notice of a  
1078 meeting of the board, the association may, by rule, adopt a  
1079 procedure for conspicuously posting the meeting notice and the  
1080 agenda on the association's website for at least the minimum  
1081 period of time for which a notice of a meeting is also required  
1082 to be physically posted on the association property. Any rule  
1083 adopted shall, in addition to other matters, include a  
1084 requirement that the association send an electronic notice in  
1085 the same manner as is required for a notice of a meeting of the  
1086 members, which must include a hyperlink to the website where the  
1087 notice is posted, to members whose e-mail addresses are included  
1088 in the association's official records. The association may  
1089 provide notice by electronic transmission in a manner authorized  
1090 by law for meetings of the board of directors, committee  
1091 meetings requiring notice under this section, and annual and  
1092 special meetings of the members to any member who has provided a  
1093 facsimile number or e-mail address to the association to be used  
1094 for such purposes; however, a member must consent in writing to  
1095 receiving notice by electronic transmission.

1096 2. An assessment may not be levied at a board meeting  
1097 unless the notice of the meeting includes a statement that  
1098 assessments will be considered and the nature of the  
1099 assessments. Written notice of any meeting at which special  
1100 assessments will be considered or at which amendments to rules

1101 regarding parcel use will be considered must be mailed,  
 1102 delivered, or electronically transmitted to the members and  
 1103 parcel owners and posted conspicuously on the property or  
 1104 broadcast on closed-circuit cable television not less than 14  
 1105 days before the meeting.

1106 3. Directors may not vote by proxy or by secret ballot at  
 1107 board meetings, except that secret ballots may be used in the  
 1108 election of officers. This subsection also applies to the  
 1109 meetings of any committee or other similar body, when a final  
 1110 decision will be made regarding the expenditure of association  
 1111 funds, and to any body vested with the power to approve or  
 1112 disapprove architectural decisions with respect to a specific  
 1113 parcel of residential property owned by a member of the  
 1114 community.

1115 (4) OFFICIAL RECORDS.—The association shall maintain each  
 1116 of the following items, when applicable, which constitute the  
 1117 official records of the association:

1118 (1) Ballots, sign-in sheets, voting proxies, and all other  
 1119 papers and electronic records relating to voting by parcel  
 1120 owners, which must be maintained for at least 1 year after the  
 1121 date of the election, vote, or meeting.

1122 (m) ~~(1)~~ All other ~~written~~ records of the association not  
 1123 specifically included in this subsection ~~the foregoing~~ which are  
 1124 related to the operation of the association.

1125 Section 12. Subsections (1) and (2) of section 720.305,

1126 Florida Statutes, are amended to read:

1127       720.305 Obligations of members; remedies at law or in  
1128 equity; levy of fines and suspension of use rights.-

1129       (1) Each member and the member's tenants, guests, and  
1130 invitees, and each association, are governed by, and must comply  
1131 with, this chapter and~~7~~ the governing documents of the  
1132 community, ~~and the rules of the association.~~ Actions at law or  
1133 in equity, or both, to redress alleged failure or refusal to  
1134 comply with these provisions may be brought by the association  
1135 or by any member against:

1136           (a) The association;

1137           (b) A member;

1138           (c) Any director or officer of an association who  
1139 willfully and knowingly fails to comply with these provisions;  
1140 and

1141           (d) Any tenants, guests, or invitees occupying a parcel or  
1142 using the common areas.

1143

1144 The prevailing party in any such litigation is entitled to  
1145 recover reasonable attorney fees and costs. A member prevailing  
1146 in an action between the association and the member under this  
1147 section, in addition to recovering his or her reasonable  
1148 attorney fees, may recover additional amounts as determined by  
1149 the court to be necessary to reimburse the member for his or her  
1150 share of assessments levied by the association to fund its

1151 expenses of the litigation. This relief does not exclude other  
1152 remedies provided by law. This section does not deprive any  
1153 person of any other available right or remedy.

1154 (2) An ~~The~~ association may levy reasonable fines. A fine  
1155 may not exceed \$100 per violation against any member or any  
1156 member's tenant, guest, or invitee for the failure of the owner  
1157 of the parcel or its occupant, licensee, or invitee to comply  
1158 with any provision of the declaration, the association bylaws,  
1159 or reasonable rules of the association unless otherwise provided  
1160 in the governing documents. A fine may be levied by the board  
1161 for each day of a continuing violation, with a single notice and  
1162 opportunity for hearing, except that the fine may not exceed  
1163 \$1,000 in the aggregate unless otherwise provided in the  
1164 governing documents. A fine of less than \$1,000 may not become a  
1165 lien against a parcel. In any action to recover a fine, the  
1166 prevailing party is entitled to reasonable attorney fees and  
1167 costs from the nonprevailing party as determined by the court.

1168 (a) An association may suspend, for a reasonable period of  
1169 time, the right of a member, or a member's tenant, guest, or  
1170 invitee, to use common areas and facilities for the failure of  
1171 the owner of the parcel or its occupant, licensee, or invitee to  
1172 comply with any provision of the declaration, the association  
1173 bylaws, or reasonable rules of the association. This paragraph  
1174 does not apply to that portion of common areas used to provide  
1175 access or utility services to the parcel. A suspension may not

1176 prohibit an owner or tenant of a parcel from having vehicular  
1177 and pedestrian ingress to and egress from the parcel, including,  
1178 but not limited to, the right to park.

1179 (b) A fine or suspension levied by the board of  
1180 administration may not be imposed unless the board first  
1181 provides at least 14 days' notice to the parcel owner and, if  
1182 applicable, any occupant, licensee, or invitee of the parcel  
1183 owner, sought to be fined or suspended and an opportunity for a  
1184 hearing before a committee of at least three members appointed  
1185 by the board who are not officers, directors, or employees of  
1186 the association, or the spouse, parent, child, brother, or  
1187 sister of an officer, director, or employee. If the committee,  
1188 by majority vote, does not approve a proposed fine or  
1189 suspension, the proposed fine or suspension may not be imposed.  
1190 The role of the committee is limited to determining whether to  
1191 confirm or reject the fine or suspension levied by the board. If  
1192 the proposed fine or suspension levied by the board is approved  
1193 by the committee, the fine payment is due 5 days after notice of  
1194 the approved fine is provided to the parcel owner and, if  
1195 applicable, to any occupant, licensee, or invitee of the parcel  
1196 owner ~~the date of the committee meeting at which the fine is~~  
1197 ~~approved~~. The association must provide written notice of such  
1198 fine or suspension by mail or hand delivery to the parcel owner  
1199 and, if applicable, to any occupant ~~tenant~~, licensee, or invitee  
1200 of the parcel owner.



1201 Section 13. Paragraph (g) of subsection (1) of section  
 1202 720.306, Florida Statutes, is amended to read:

1203 720.306 Meetings of members; voting and election  
 1204 procedures; amendments.—

1205 (1) QUORUM; AMENDMENTS.—

1206 (g) A notice required under this section must be mailed or  
 1207 delivered to the address identified as the parcel owner's  
 1208 mailing address in the official records of the association as  
 1209 required under s. 720.303(4) ~~on the property appraiser's website~~  
 1210 ~~for the county in which the parcel is located~~, or electronically  
 1211 transmitted in a manner authorized by the association if the  
 1212 parcel owner has consented, in writing, to receive notice by  
 1213 electronic transmission.

1214 Section 14. Subsection (6) is added to section 720.3075,  
 1215 Florida Statutes, to read:

1216 720.3075 Prohibited clauses in association documents.—

1217 (6) Any provision of the declaration, the association  
 1218 bylaws, or reasonable rules or regulations of the association  
 1219 which diminish or infringe upon any right protected under the  
 1220 Fourteenth Amendment to the United States Constitution or s. 2,  
 1221 Art. I of the State Constitution is void and unenforceable  
 1222 without further action of the association. The association may  
 1223 record a notice in the public records of the county in which the  
 1224 community is located evidencing its intention to not enforce  
 1225 such provision. The failure of the association to record a

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1226 | notice in the public record may not be the basis for liability  
1227 | or evidence of discrimination or a discriminatory intention.

1228 |       Section 15. This act shall take effect July 1, 2020.