

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representatives Skidmore and Ambler offered the following:

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

4 Remove lines 224-426 and insert:

5 (d) Unit owner meetings.--

6 1. There shall be an annual meeting of the unit owners  
7 held at the location provided in the association bylaws and, if  
8 the bylaws are silent as to the location, the meeting shall be  
9 held within 45 miles of the condominium property. However, such  
10 distance requirement does not apply to an association governing  
11 a timeshare condominium. Unless the bylaws provide otherwise, a  
12 vacancy on the board caused by the expiration of a director's  
13 term shall be filled by electing a new board member, and the  
14 election shall be by secret ballot; however, if the number of  
15 vacancies equals ~~or exceeds~~ the number of candidates, no  
16 election is required. Except in an association governing a

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17 timeshare condominium, the terms of all members of the board  
18 shall expire at the annual meeting and such board members may  
19 stand for reelection unless otherwise permitted by the bylaws.  
20 In the event that the bylaws permit staggered terms of no more  
21 than 2 years and upon approval of a majority of the total voting  
22 interests, the association board members may serve 2-year  
23 staggered terms. If the number ~~no person is interested in or~~  
24 ~~demonstrates an intention to run for the position~~ of a board  
25 members ~~member~~ whose terms have ~~term has~~ expired according to  
26 the provisions of this subparagraph exceeds the number of  
27 eligible association members showing interest in or  
28 demonstrating an intention to run for the vacant positions, each  
29 ~~such~~ board member whose term has expired shall become eligible  
30 for reappointment ~~be automatically reappointed~~ to the board of  
31 administration and need not stand for reelection. In a  
32 condominium association of more than 10 units, or in a  
33 condominium association that does not include timeshare units,  
34 coowners of a unit may not serve as members of the board of  
35 directors at the same time unless they own more than one unit  
36 and are not co-occupants of a unit or unless there is an  
37 insufficient number of eligible association members showing  
38 interest in or demonstrating an intention to run for the vacant  
39 positions on the board. Any unit owner desiring to be a  
40 candidate for board membership shall comply with sub-  
41 subparagraph ~~subparagraph~~ 3.a. A person who has been suspended  
42 or removed by the division under this chapter, or who is  
43 delinquent in the payment of any fee, fine, or special or  
44 regular assessment as provided in paragraph (n), is not eligible

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45 for board membership. A person who has been convicted of any  
46 felony in this state or in a United States District or  
47 Territorial Court, or who has been convicted of any offense in  
48 another jurisdiction that would be considered a felony if  
49 committed in this state, is not eligible for board membership  
50 unless such felon's civil rights have been restored for a period  
51 of no less than 5 years as of the date on which such person  
52 seeks election to the board. The validity of an action by the  
53 board is not affected if it is later determined that a member of  
54 the board is ineligible for board membership due to having been  
55 convicted of a felony.

56 2. The bylaws shall provide the method of calling meetings  
57 of unit owners, including annual meetings. Written notice, which  
58 notice must include an agenda, shall be mailed, hand delivered,  
59 or electronically transmitted to each unit owner at least 14  
60 days prior to the annual meeting and shall be posted in a  
61 conspicuous place on the condominium property at least 14  
62 continuous days preceding the annual meeting. Upon notice to the  
63 unit owners, the board shall by duly adopted rule designate a  
64 specific location on the condominium property or association  
65 property upon which all notices of unit owner meetings shall be  
66 posted; however, if there is no condominium property or  
67 association property upon which notices can be posted, this  
68 requirement does not apply. In lieu of or in addition to the  
69 physical posting of notice of any meeting of the unit owners on  
70 the condominium property, the association may, by reasonable  
71 rule, adopt a procedure for conspicuously posting and repeatedly  
72 broadcasting the notice and the agenda on a closed-circuit cable  
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73 television system serving the condominium association. However,  
74 if broadcast notice is used in lieu of a notice posted  
75 physically on the condominium property, the notice and agenda  
76 must be broadcast at least four times every broadcast hour of  
77 each day that a posted notice is otherwise required under this  
78 section. When broadcast notice is provided, the notice and  
79 agenda must be broadcast in a manner and for a sufficient  
80 continuous length of time so as to allow an average reader to  
81 observe the notice and read and comprehend the entire content of  
82 the notice and the agenda. Unless a unit owner waives in writing  
83 the right to receive notice of the annual meeting, such notice  
84 shall be hand delivered, mailed, or electronically transmitted  
85 to each unit owner. Notice for meetings and notice for all other  
86 purposes shall be mailed to each unit owner at the address last  
87 furnished to the association by the unit owner, or hand  
88 delivered to each unit owner. However, if a unit is owned by  
89 more than one person, the association shall provide notice, for  
90 meetings and all other purposes, to that one address which the  
91 developer initially identifies for that purpose and thereafter  
92 as one or more of the owners of the unit shall so advise the  
93 association in writing, or if no address is given or the owners  
94 of the unit do not agree, to the address provided on the deed of  
95 record. An officer of the association, or the manager or other  
96 person providing notice of the association meeting, shall  
97 provide an affidavit or United States Postal Service certificate  
98 of mailing, to be included in the official records of the  
99 association affirming that the notice was mailed or hand  
100 delivered, in accordance with this provision.

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101       3.a. The members of the board shall be elected by written  
102 ballot or voting machine. Proxies shall in no event be used in  
103 electing the board, either in general elections or elections to  
104 fill vacancies caused by recall, resignation, or otherwise,  
105 unless otherwise provided in this chapter. Not less than 60 days  
106 before a scheduled election, the association shall mail,  
107 deliver, or electronically transmit, whether by separate  
108 association mailing or included in another association mailing,  
109 delivery, or transmission, including regularly published  
110 newsletters, to each unit owner entitled to a vote, a first  
111 notice of the date of the election ~~along with a certification~~  
112 ~~form provided by the division attesting that he or she has read~~  
113 ~~and understands, to the best of his or her ability, the~~  
114 ~~governing documents of the association and the provisions of~~  
115 ~~this chapter and any applicable rules.~~ Any unit owner or other  
116 eligible person desiring to be a candidate for the board must  
117 give written notice of his or her intent to be a candidate to  
118 the association not less than 40 days before a scheduled  
119 election. Together with the written notice and agenda as set  
120 forth in subparagraph 2., the association shall mail, deliver,  
121 or electronically transmit a second notice of the election to  
122 all unit owners entitled to vote therein, together with a ballot  
123 which shall list all candidates. Upon request of a candidate,  
124 ~~the association shall include~~ an information sheet, no larger  
125 than 8 1/2 inches by 11 inches, which must be furnished by the  
126 candidate not less than 35 days before the election, shall ~~along~~  
127 ~~with the signed certification form provided for in this~~  
128 ~~subparagraph,~~ to be included with the mailing, delivery, or

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129 transmission of the ballot, with the costs of mailing, delivery,  
130 or electronic transmission and copying to be borne by the  
131 association. The association is not liable for the contents of  
132 the information sheets prepared by the candidates. In order to  
133 reduce costs, the association may print or duplicate the  
134 information sheets on both sides of the paper. The division  
135 shall by rule establish voting procedures consistent with the  
136 provisions contained herein, including rules establishing  
137 procedures for giving notice by electronic transmission and  
138 rules providing for the secrecy of ballots. Elections shall be  
139 decided by a plurality of those ballots cast. There shall be no  
140 quorum requirement; however, at least 20 percent of the eligible  
141 voters must cast a ballot in order to have a valid election of  
142 members of the board. No unit owner shall permit any other  
143 person to vote his or her ballot, and any such ballots  
144 improperly cast shall be deemed invalid, provided any unit owner  
145 who violates this provision may be fined by the association in  
146 accordance with s. 718.303. A unit owner who needs assistance in  
147 casting the ballot for the reasons stated in s. 101.051 may  
148 obtain assistance in casting the ballot. The regular election  
149 shall occur on the date of the annual meeting. The provisions of  
150 this sub-subparagraph ~~subparagraph~~ shall not apply to timeshare  
151 condominium associations. Notwithstanding the provisions of this  
152 sub-subparagraph ~~subparagraph~~, an election is not required  
153 unless more candidates file notices of intent to run or are  
154 nominated than board vacancies exist.

155 b. Within 90 days after being elected to the board, each  
156 newly elected director shall certify in writing to the secretary

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157 of the association that he or she has read the association's  
158 declarations of covenants and restrictions, articles of  
159 incorporation, bylaws, and current written policies; that he or  
160 she will work to uphold such documents and policies to the best  
161 of his or her ability; and that he or she will faithfully  
162 discharge his or her fiduciary responsibility to the  
163 association's members. In lieu of this written certification,  
164 the newly elected director may submit a certificate of  
165 satisfactory completion of the educational curriculum  
166 administered by a division-approved condominium education  
167 provider. Failure to timely file the written certification or  
168 educational certificate automatically disqualifies the director  
169 from service on the board. The secretary shall cause the  
170 association to retain a director's written certification or  
171 educational certificate for inspection by the members for 5  
172 years after a director's election. Failure to have such written  
173 certification or educational certificate on file does not affect  
174 the validity of any appropriate action.

175 4. Any approval by unit owners called for by this chapter  
176 or the applicable declaration or bylaws, including, but not  
177 limited to, the approval requirement in s. 718.111(8), shall be  
178 made at a duly noticed meeting of unit owners and shall be  
179 subject to all requirements of this chapter or the applicable  
180 condominium documents relating to unit owner decisionmaking,  
181 except that unit owners may take action by written agreement,  
182 without meetings, on matters for which action by written  
183 agreement without meetings is expressly allowed by the  
184 applicable bylaws or declaration or any statute that provides  
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185 for such action.

186         5. Unit owners may waive notice of specific meetings if  
187 allowed by the applicable bylaws or declaration or any statute.  
188 If authorized by the bylaws, notice of meetings of the board of  
189 administration, unit owner meetings, except unit owner meetings  
190 called to recall board members under paragraph (j), and  
191 committee meetings may be given by electronic transmission to  
192 unit owners who consent to receive notice by electronic  
193 transmission.

194         6. Unit owners shall have the right to participate in  
195 meetings of unit owners with reference to all designated agenda  
196 items. However, the association may adopt reasonable rules  
197 governing the frequency, duration, and manner of unit owner  
198 participation.

199         7. Any unit owner may tape record or videotape a meeting  
200 of the unit owners subject to reasonable rules adopted by the  
201 division.

202         8. Unless otherwise provided in the bylaws, any vacancy  
203 occurring on the board before the expiration of a term may be  
204 filled by the affirmative vote of the majority of the remaining  
205 directors, even if the remaining directors constitute less than  
206 a quorum, or by the sole remaining director. In the alternative,  
207 a board may hold an election to fill the vacancy, in which case  
208 the election procedures must conform to the requirements of sub-  
209 subparagraph ~~subparagraph~~ 3.a. unless the association governs 10  
210 units or fewer ~~less~~ and has opted out of the statutory election  
211 process, in which case the bylaws of the association control.  
212 Unless otherwise provided in the bylaws, a board member

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213 appointed or elected under this section shall fill the vacancy  
214 for the unexpired term of the seat being filled. Filling  
215 vacancies created by recall is governed by paragraph (j) and  
216 rules adopted by the division.

217  
218 Notwithstanding subparagraph ~~subparagraphs~~ (b)2. and sub-  
219 subparagraph (d)3.a., an association of 10 or fewer units may,  
220 by the affirmative vote of a majority of the total voting  
221 interests, provide for different voting and election procedures  
222 in its bylaws, which vote may be by a proxy specifically  
223 delineating the different voting and election procedures. The  
224 different voting and election procedures may provide for  
225 elections to be conducted by limited or general proxy.

226  
227 -----

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

229 Remove line 8 and insert:  
230 meetings; revising requirements for the reappointment of certain  
231 board members; providing an exception to the expiration of the  
232 terms of members of certain boards; revising board eligibility  
233 requirements; revising notice requirements for board candidates;  
234 establishing requirements for newly elected board members;  
235 requiring each newly elected director to certify