



153376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2009	.	
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The Committee on Regulated Industries (Deutch) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (13) of section 718.110, Florida
Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or
omission in declaration by circuit court.—

(13) Any amendment prohibiting restricting unit owners from
renting their units or altering the number of times unit owners
are entitled to rent their units during a specified period



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12 ~~owners' rights relating to the rental of units~~ applies only to
13 unit owners who consent to the amendment and unit owners who
14 acquire title to purchase their units after the effective date
15 of that amendment.

16 Section 2. Subsections (12) and (13) of section 718.111,
17 Florida Statutes, are amended to read:

18 718.111 The association.—

19 (12) OFFICIAL RECORDS.—

20 (a) From the inception of the association, the association
21 shall maintain each of the following items, when applicable,
22 which shall constitute the official records of the association:

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

25 2. A photocopy of the recorded declaration of condominium
26 of each condominium operated by the association and of each
27 amendment to each declaration.

28 3. A photocopy of the recorded bylaws of the association
29 and of each amendment to the bylaws.

30 4. A certified copy of the articles of incorporation of the
31 association, or other documents creating the association, and of
32 each amendment thereto.

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

34 6. A book or books which contain the minutes of all
35 meetings of the association, of the board of administration, and
36 of unit owners, which minutes shall be retained for a period of
37 not less than 7 years.

38 7. A current roster of all unit owners and their mailing
39 addresses, unit identifications, voting certifications, and, if
40 known, telephone numbers. The association shall also maintain



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41 the electronic mailing addresses and the numbers designated by
42 unit owners for receiving notice sent by electronic transmission
43 of those unit owners consenting to receive notice by electronic
44 transmission. The electronic mailing addresses and numbers
45 provided by unit owners to receive notice by electronic
46 transmission shall be removed from association records when
47 consent to receive notice by electronic transmission is revoked.
48 However, the association is not liable for an erroneous
49 disclosure of the electronic mail address or the number for
50 receiving electronic transmission of notices.

51 8. All current insurance policies of the association and
52 condominiums operated by the association.

53 9. A current copy of any management agreement, lease, or
54 other contract to which the association is a party or under
55 which the association or the unit owners have an obligation or
56 responsibility.

57 10. Bills of sale or transfer for all property owned by the
58 association.

59 11. Accounting records for the association and separate
60 accounting records for each condominium which the association
61 operates. All accounting records shall be maintained for a
62 period of not less than 7 years. Any person who knowingly or
63 intentionally defaces or destroys accounting records required to
64 be created and maintained by this chapter during the period for
65 which such records are required to be maintained pursuant to
66 this chapter, or who knowingly or intentionally fails to create
67 or maintain accounting records required to be maintained by this
68 chapter, with the intent of causing harm to the association or
69 one or more of its members, is personally subject to a civil



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70 penalty pursuant to s. 718.501(1)(d). The accounting records
71 shall include, but are not limited to:

72 a. Accurate, itemized, and detailed records of all receipts
73 and expenditures.

74 b. A current account and a monthly, bimonthly, or quarterly
75 statement of the account for each unit designating the name of
76 the unit owner, the due date and amount of each assessment, the
77 amount paid upon the account, and the balance due.

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

80 d. All contracts for work to be performed. Bids for work to
81 be performed shall also be considered official records and shall
82 be maintained by the association.

83 12. Ballots, sign-in sheets, voting proxies, and all other
84 papers relating to voting by unit owners, which shall be
85 maintained for a period of 1 year from the date of the election,
86 vote, or meeting to which the document relates, notwithstanding
87 paragraph (b).

88 13. All rental records, when the association is acting as
89 agent for the rental of condominium units.

90 14. A copy of the current question and answer sheet as
91 described by s. 718.504.

92 15. All other records of the association not specifically
93 included in the foregoing which are related to the operation of
94 the association.

95 16. A copy of the inspection report as provided for in s.
96 718.301(4)(p).

97 (b) The official records of the association shall be
98 maintained within the state for at least 7 years. The records of



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99 the association shall be made available to a unit owner within
100 45 miles of the condominium property or within the county in
101 which the condominium property is located within 5 working days
102 after receipt of written request by the board or its designee.
103 However, such distance requirement does not apply to an
104 association governing a timeshare condominium. This paragraph
105 may be complied with by having a copy of the official records of
106 the association available for inspection or copying on the
107 condominium property or association property, or the association
108 may offer the option of making the records of the association
109 available to a unit owner either electronically via the Internet
110 or by allowing the records to be viewed in electronic format on
111 a computer screen and printed upon request. The association is
112 not responsible for the use or misuse of the information
113 provided pursuant to the compliance requirements of this chapter
114 unless the association has an affirmative duty not to disclose
115 such information pursuant to this chapter.

116 (c) The official records of the association are open to
117 inspection by any association member or the authorized
118 representative of such member at all reasonable times. The right
119 to inspect the records includes the right to make or obtain
120 copies, at the reasonable expense, if any, of the association
121 member. The association may adopt reasonable rules regarding the
122 frequency, time, location, notice, and manner of record
123 inspections and copying. The failure of an association to
124 provide the records within 10 working days after receipt of a
125 written request shall create a rebuttable presumption that the
126 association willfully failed to comply with this paragraph. A
127 unit owner who is denied access to official records is entitled



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128 to the actual damages or minimum damages for the association's
129 willful failure to comply with this paragraph. The minimum
130 damages shall be \$50 per calendar day up to 10 days, the
131 calculation to begin on the 11th working day after receipt of
132 the written request. The failure to permit inspection of the
133 association records as provided herein entitles any person
134 prevailing in an enforcement action to recover reasonable
135 attorney's fees from the person in control of the records who,
136 directly or indirectly, knowingly denied access to the records
137 for inspection. Any person who knowingly or intentionally
138 defaces or destroys accounting records that are required by this
139 chapter to be created and maintained during the period for which
140 such records are required to be maintained pursuant to this
141 chapter, or who knowingly or intentionally fails to create or
142 maintain accounting records that are required to be maintained
143 by this chapter, with the intent of causing harm to the
144 association or one or more of its members, is personally subject
145 to a civil penalty pursuant to s. 718.501(1)(d). The association
146 shall maintain an adequate number of copies of the declaration,
147 articles of incorporation, bylaws, and rules, and all amendments
148 to each of the foregoing, as well as the question and answer
149 sheet provided for in s. 718.504 and year-end financial
150 information required in this section, on the condominium
151 property to ensure their availability to unit owners and
152 prospective purchasers, and may charge its actual costs for
153 preparing and furnishing these documents to those requesting the
154 documents ~~same~~. Notwithstanding the provisions of this
155 paragraph, the following records shall not be accessible to unit
156 owners:



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157 1. Any record protected by the lawyer-client privilege as
158 described in s. 90.502; and any record protected by the work-
159 product privilege, including any record prepared by an
160 association attorney or prepared at the attorney's express
161 direction; which reflects a mental impression, conclusion,
162 litigation strategy, or legal theory of the attorney or the
163 association, and which was prepared exclusively for civil or
164 criminal litigation or for adversarial administrative
165 proceedings, or which was prepared in anticipation of imminent
166 civil or criminal litigation or imminent adversarial
167 administrative proceedings until the conclusion of the
168 litigation or adversarial administrative proceedings.

169 2. Information obtained by an association in connection
170 with the approval of the lease, sale, or other transfer of a
171 unit.

172 3. Disciplinary, health, insurance, and personnel records
173 of the association's employees.

174 ~~4.3.~~ Medical records of unit owners.

175 ~~5.4.~~ Social security numbers, driver's license numbers,
176 credit card numbers, e-mail addresses, and other personal
177 identifying information of any person, excluding the person's
178 name, unit designation, mailing address, property address, and
179 other contact information.

180 6. Any electronic security measure that is used by the
181 association to safeguard data, including passwords.

182 7. The data generated by software used by the association
183 which allows manipulation of data. Such data is part of the
184 official records of the association, even if the owner owns a
185 copy of the same software used by the association, but the



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186 underlying software and operating system are not part of the
187 official records of the association.

188 (13) FINANCIAL REPORTING.—Within 90 days after the end of
189 the fiscal year, or annually on a date provided in the bylaws,
190 the association shall prepare and complete, or contract for the
191 preparation and completion of, a financial report for the
192 preceding fiscal year. Within 21 days after the final financial
193 report is completed by the association or received from the
194 third party, but not later than 120 days after the end of the
195 fiscal year or other date as provided in the bylaws, the
196 association shall mail to each unit owner at the address last
197 furnished to the association by the unit owner, or hand deliver
198 to each unit owner, a copy of the financial report or a notice
199 that a copy of the financial report will be mailed or hand
200 delivered to the unit owner, without charge, upon receipt of a
201 written request from the unit owner. The division shall adopt
202 rules setting forth uniform accounting principles and standards
203 to be used by all associations and shall adopt rules addressing
204 financial reporting requirements for multicondominium
205 associations. The rules shall include, but not be limited to,
206 standards for presenting a summary of association reserves,
207 including, but not limited to, a good faith estimate disclosing
208 the annual amount of reserve funds that would be necessary for
209 the association to fully fund reserves for each reserve item
210 based on the straight-line accounting method. This disclosure is
211 not applicable to reserves funded via the pooling method ~~uniform~~
212 ~~accounting principles and standards for stating the disclosure~~
213 ~~of at least a summary of the reserves, including information as~~
214 ~~to whether such reserves are being funded at a level sufficient~~



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215 ~~to prevent the need for a special assessment and, if not, the~~
216 ~~amount of assessments necessary to bring the reserves up to the~~
217 ~~level necessary to avoid a special assessment. The person~~
218 ~~preparing the financial reports shall be entitled to rely on an~~
219 ~~inspection report prepared for or provided to the association to~~
220 ~~meet the fiscal and fiduciary standards of this chapter. In~~
221 adopting such rules, the division shall consider the number of
222 members and annual revenues of an association. Financial reports
223 shall be prepared as follows:

224 (a) An association that meets the criteria of this
225 paragraph shall prepare or cause to be prepared a complete set
226 of financial statements in accordance with generally accepted
227 accounting principles. The financial statements shall be based
228 upon the association's total annual revenues, as follows:

229 1. An association with total annual revenues of \$100,000 or
230 more, but less than \$200,000, shall prepare compiled financial
231 statements.

232 2. An association with total annual revenues of at least
233 \$200,000, but less than \$400,000, shall prepare reviewed
234 financial statements.

235 3. An association with total annual revenues of \$400,000 or
236 more shall prepare audited financial statements.

237 (b)1. An association with total annual revenues of less
238 than \$100,000 shall prepare a report of cash receipts and
239 expenditures.

240 2. An association that ~~which~~ operates fewer ~~less~~ than 50
241 units, regardless of the association's annual revenues, shall
242 prepare a report of cash receipts and expenditures in lieu of
243 financial statements required by paragraph (a).



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244 3. A report of cash receipts and disbursements must
245 disclose the amount of receipts by accounts and receipt
246 classifications and the amount of expenses by accounts and
247 expense classifications, including, but not limited to, the
248 following, as applicable: costs for security, professional and
249 management fees and expenses, taxes, costs for recreation
250 facilities, expenses for refuse collection and utility services,
251 expenses for lawn care, costs for building maintenance and
252 repair, insurance costs, administration and salary expenses, and
253 reserves accumulated and expended for capital expenditures,
254 deferred maintenance, and any other category for which the
255 association maintains reserves.

256 (c) An association may prepare or cause to be prepared,
257 without a meeting of or approval by the unit owners:

258 1. Compiled, reviewed, or audited financial statements, if
259 the association is required to prepare a report of cash receipts
260 and expenditures;

261 2. Reviewed or audited financial statements, if the
262 association is required to prepare compiled financial
263 statements; or

264 3. Audited financial statements if the association is
265 required to prepare reviewed financial statements.

266 (d) If approved by a majority of the voting interests
267 present at a properly called meeting of the association, an
268 association may prepare or cause to be prepared:

269 1. A report of cash receipts and expenditures in lieu of a
270 compiled, reviewed, or audited financial statement;

271 2. A report of cash receipts and expenditures or a compiled
272 financial statement in lieu of a reviewed or audited financial



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273 statement; or

274 3. A report of cash receipts and expenditures, a compiled
275 financial statement, or a reviewed financial statement in lieu
276 of an audited financial statement.

277

278 Such meeting and approval must occur before ~~prior to~~ the end of
279 the fiscal year and is effective only for the fiscal year in
280 which the vote is taken, except that the approval also may be
281 effective for the following fiscal year. With respect to an
282 association to which the developer has not turned over control
283 of the association, all unit owners, including the developer,
284 may vote on issues related to the preparation of financial
285 reports for the first 2 fiscal years of the association's
286 operation, beginning with the fiscal year in which the
287 declaration is recorded. Thereafter, all unit owners except the
288 developer may vote on such issues until control is turned over
289 to the association by the developer. Any audit or review
290 prepared under this section shall be paid for by the developer
291 if done prior to turnover of control of the association. An
292 association may not waive the financial reporting requirements
293 of this section for more than 3 consecutive years.

294 Section 3. Paragraphs (c), (d), (n), and (o) of subsection
295 (2) of section 718.112, Florida Statutes, are amended to read:

296 718.112 Bylaws.—

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

300 (c) *Board of administration meetings.*—Meetings of the board
301 of administration at which a quorum of the members is present



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302 shall be open to all unit owners. Any unit owner may tape record
303 or videotape meetings of the board of administration. The right
304 to attend such meetings includes the right to speak at such
305 meetings with reference to all designated agenda items. The
306 division shall adopt reasonable rules governing the tape
307 recording and videotaping of the meeting. The association may
308 adopt written reasonable rules governing the frequency,
309 duration, and manner of unit owner statements. Adequate notice
310 of all meetings, which notice shall specifically incorporate an
311 identification of agenda items, shall be posted conspicuously on
312 the condominium property at least 48 continuous hours preceding
313 the meeting except in an emergency. If 20 percent of the voting
314 interests petition the board to address an item of business, the
315 board shall at its next regular board meeting or at a special
316 meeting of the board, but not later than 60 days after the
317 receipt of the petition, place the item on the agenda. However,
318 the board has no obligation to take any action on the item. Any
319 item not included on the notice may be taken up on an emergency
320 basis by at least a majority plus one of the members of the
321 board. Such emergency action shall be noticed and ratified at
322 the next regular meeting of the board. However, written notice
323 of any meeting at which nonemergency special assessments, or at
324 which amendment to rules regarding unit use, will be considered
325 shall be mailed, delivered, or electronically transmitted to the
326 unit owners and posted conspicuously on the condominium property
327 not less than 14 days prior to the meeting. Evidence of
328 compliance with this 14-day notice shall be made by an affidavit
329 executed by the person providing the notice and filed among the
330 official records of the association. Upon notice to the unit



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331 owners, the board shall by duly adopted rule designate a
332 specific location on the condominium property or association
333 property upon which all notices of board meetings shall be
334 posted. If there is no condominium property or association
335 property upon which notices can be posted, notices of board
336 meetings shall be mailed, delivered, or electronically
337 transmitted at least 14 days before the meeting to the owner of
338 each unit. In lieu of or in addition to the physical posting of
339 notice of any meeting of the board of administration on the
340 condominium property, the association may, by reasonable rule,
341 adopt a procedure for conspicuously posting and repeatedly
342 broadcasting the notice and the agenda on a closed-circuit cable
343 television system serving the condominium association. However,
344 if broadcast notice is used in lieu of a notice posted
345 physically on the condominium property, the notice and agenda
346 must be broadcast at least four times every broadcast hour of
347 each day that a posted notice is otherwise required under this
348 section. When broadcast notice is provided, the notice and
349 agenda must be broadcast in a manner and for a sufficient
350 continuous length of time so as to allow an average reader to
351 observe the notice and read and comprehend the entire content of
352 the notice and the agenda. Notice of any meeting in which
353 regular or special assessments against unit owners are to be
354 considered for any reason shall specifically state that
355 assessments will be considered and the nature, estimated cost,
356 and description of the purposes for such assessments. Meetings
357 of a committee to take final action on behalf of the board or
358 make recommendations to the board regarding the association
359 budget are subject to the provisions of this paragraph. Meetings



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360 of a committee that does not take final action on behalf of the
361 board or make recommendations to the board regarding the
362 association budget are subject to the provisions of this
363 section, unless those meetings are exempted from this section by
364 the bylaws of the association. Notwithstanding any other law,
365 the requirement that board meetings and committee meetings be
366 open to ~~the~~ unit owners is inapplicable to meetings between the
367 board or a committee and the association's attorney, with
368 respect to proposed or pending litigation, when the meeting is
369 held for the purpose of seeking or rendering legal advice.

370 (d) *Unit owner meetings.*—

371 1. There shall be an annual meeting of the unit owners held
372 at the location provided in the association bylaws and, if the
373 bylaws are silent as to the location, the meeting shall be held
374 within 45 miles of the condominium property. However, such
375 distance requirement does not apply to an association governing
376 a timeshare condominium. Unless the bylaws provide otherwise, a
377 vacancy on the board caused by the expiration of a director's
378 term shall be filled by electing a new board member, and the
379 election shall be by secret ballot; however, if the number of
380 vacancies equals or exceeds the number of candidates, no
381 election is required. Except in timeshare condominiums, the
382 terms of all members of the board shall expire at the annual
383 meeting and such board members may stand for reelection unless
384 otherwise permitted by the bylaws. If ~~In the event that~~ the
385 bylaws permit staggered terms of no more than 2 years ~~and upon~~
386 ~~approval of a majority of the total voting interests,~~ the
387 association board members may serve 2-year staggered terms. If
388 no person is interested in or demonstrates an intention to run



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389 for the position of a board member whose term has expired
390 according to the provisions of this subparagraph, such board
391 member whose term has expired shall be automatically reappointed
392 to the board of administration and need not stand for
393 reelection. In a condominium association of more than 10 units
394 or in a condominium association that does not include timeshare
395 units, coowners of a unit may not serve as members of the board
396 of directors at the same time unless one coowner owns more than
397 one unit. Any unit owner desiring to be a candidate for board
398 membership shall comply with subparagraph 3. A person who has
399 been suspended or removed by the division under this chapter, or
400 any person who is delinquent in the payment of any fee, fine, or
401 special or regular assessment by more than 90 days as provided
402 in paragraph (n), is not eligible for board membership. A person
403 who has been convicted of any felony in this state or in a
404 United States District or Territorial Court, or who has been
405 convicted of any offense in another jurisdiction that would be
406 considered a felony if committed in this state, is not eligible
407 for board membership unless such felon's civil rights have been
408 restored for a period of no less than 5 years as of the date on
409 which such person seeks election to the board. The validity of
410 an action by the board is not affected if it is later determined
411 that a member of the board is ineligible for board membership
412 due to having been convicted of a felony.

413 2. The bylaws shall provide the method of calling meetings
414 of unit owners, including annual meetings. Written notice, which
415 ~~notice~~ must include an agenda, shall be mailed, hand delivered,
416 or electronically transmitted to each unit owner at least 14
417 days prior to the annual meeting and shall be posted in a



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418 conspicuous place on the condominium property at least 14
419 continuous days preceding the annual meeting. Upon notice to the
420 unit owners, the board shall by duly adopted rule designate a
421 specific location on the condominium property or association
422 property where ~~upon which~~ all notices of unit owner meetings
423 shall be posted; however, if there is no condominium property or
424 association property upon which notices can be posted, this
425 requirement does not apply. In lieu of or in addition to the
426 physical posting of notice of any meeting of the unit owners on
427 the condominium property, the association may, by reasonable
428 rule, adopt a procedure for conspicuously posting and repeatedly
429 broadcasting the notice and the agenda on a closed-circuit cable
430 television system serving the condominium association. However,
431 if broadcast notice is used in lieu of a notice posted
432 physically on the condominium property, the notice and agenda
433 must be broadcast at least four times every broadcast hour of
434 each day that a posted notice is otherwise required under this
435 section. When broadcast notice is provided, the notice and
436 agenda must be broadcast in a manner and for a sufficient
437 continuous length of time so as to allow an average reader to
438 observe the notice and read and comprehend the entire content of
439 the notice and the agenda. Unless a unit owner waives in writing
440 the right to receive notice of the annual meeting, such notice
441 shall be hand delivered, mailed, or electronically transmitted
442 to each unit owner. Notice for meetings and notice for all other
443 purposes shall be mailed to each unit owner at the address last
444 furnished to the association by the unit owner, or hand
445 delivered to each unit owner. However, if a unit is owned by
446 more than one person, the association shall provide notice, for



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447 meetings and all other purposes, to that one address which the
448 developer initially identifies for that purpose and thereafter
449 as one or more of the owners of the unit shall so advise the
450 association in writing, or if no address is given or the owners
451 of the unit do not agree, to the address provided on the deed of
452 record. An officer of the association, or the manager or other
453 person providing notice of the association meeting, shall
454 provide an affidavit or United States Postal Service certificate
455 of mailing, to be included in the official records of the
456 association affirming that the notice was mailed or hand
457 delivered, in accordance with this provision.

458 3. The members of the board shall be elected by written
459 ballot or voting machine. Proxies shall in no event be used in
460 electing the board, either in general elections or elections to
461 fill vacancies caused by recall, resignation, or otherwise,
462 unless otherwise provided in this chapter. Not less than 60 days
463 before a scheduled election, the association shall mail,
464 deliver, or electronically transmit, whether by separate
465 association mailing or included in another association mailing,
466 delivery, or transmission, including regularly published
467 newsletters, to each unit owner entitled to a vote, a first
468 notice of the date of the election along with a certification
469 form provided by the division attesting that he or she has read
470 and understands, to the best of his or her ability, the
471 governing documents of the association and the provisions of
472 this chapter and any applicable rules. Within 90 days after
473 being elected or appointed to the board, each newly elected or
474 appointed director shall certify in writing to the secretary of
475 the association that he or she has read the declaration of



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476 condominium for all condominiums operated by the association and
477 the association's articles of incorporation, bylaws, and rules
478 and regulations; that he or she will work to uphold such
479 documents and policies to the best of his or her ability; and
480 that he or she will faithfully discharge his or her fiduciary
481 responsibility to the association's members. In lieu of this
482 written certification, the newly elected or appointed director
483 may submit a certificate of satisfactory completion of the
484 educational curriculum administered by a division-approved
485 condominium education provider completed within 1 year before
486 the 90-day deadline. Failure to timely file the written
487 certification or educational certificate automatically
488 disqualifies the director from service on the board. The
489 secretary shall cause the association to retain a director's
490 written certification or educational certificate for inspection
491 by the members for 5 years after a director's election or
492 appointment. Failure to have such written certification or
493 educational certificate on file does not affect the validity of
494 any appropriate action. Any unit owner or other eligible person
495 desiring to be a candidate for the board must give written
496 notice to the association not less than 40 days before a
497 scheduled election. Together with the written notice and agenda
498 as set forth in subparagraph 2., the association shall mail,
499 deliver, or electronically transmit a second notice of the
500 election to all unit owners entitled to vote therein, together
501 with a ballot which shall list all candidates. Upon request of a
502 candidate, the association shall include an information sheet,
503 no larger than 8 1/2 inches by 11 inches, which must be
504 furnished by the candidate not less than 35 days before the



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505 election ~~and, along with the signed certification form provided~~
506 ~~for in this subparagraph, to be~~ included with the mailing,
507 delivery, or transmission of the ballot. ~~with~~ The costs of
508 mailing, delivery, or electronic transmission and copying shall
509 ~~to~~ be borne by the association. The association is not liable
510 for the contents of the information sheets prepared by the
511 candidates. In order to reduce costs, the association may print
512 or duplicate the information sheets on both sides of the paper.
513 The division shall by rule establish voting procedures
514 consistent with the provisions contained herein, including rules
515 establishing procedures for giving notice by electronic
516 transmission and rules providing for the secrecy of ballots.
517 Elections shall be decided by a plurality of ~~these~~ ballots cast.
518 There shall be no quorum requirement; however, at least 20
519 percent of the eligible voters must cast a ballot in order to
520 have a valid election of members of the board. No unit owner
521 shall permit any other person to vote his or her ballot, and any
522 such ballots improperly cast shall be deemed invalid, provided
523 any unit owner who violates this provision may be fined by the
524 association in accordance with s. 718.303. A unit owner who
525 needs assistance in casting the ballot for the reasons stated in
526 s. 101.051 may obtain assistance in casting the ballot. The
527 regular election shall occur on the date of the annual meeting.
528 The provisions of this subparagraph shall not apply to timeshare
529 condominium associations. Notwithstanding the provisions of this
530 subparagraph, an election is not required unless more candidates
531 file notices of intent to run or are nominated than board
532 vacancies exist.

533 4. Any approval by unit owners called for by this chapter



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534 or the applicable declaration or bylaws, including, but not
535 limited to, the approval requirement in s. 718.111(8), shall be
536 made at a duly noticed meeting of unit owners and shall be
537 subject to all requirements of this chapter or the applicable
538 condominium documents relating to unit owner decisionmaking,
539 except that unit owners may take action by written agreement,
540 without meetings, on matters for which action by written
541 agreement without meetings is expressly allowed by the
542 applicable bylaws or declaration or any statute that provides
543 for such action.

544 5. Unit owners may waive notice of specific meetings if
545 allowed by the applicable bylaws or declaration or any statute.
546 If authorized by the bylaws, notice of meetings of the board of
547 administration, unit owner meetings, except unit owner meetings
548 called to recall board members under paragraph (j), and
549 committee meetings may be given by electronic transmission to
550 unit owners who consent to receive notice by electronic
551 transmission.

552 6. Unit owners shall have the right to participate in
553 meetings of unit owners with reference to all designated agenda
554 items. However, the association may adopt reasonable rules
555 governing the frequency, duration, and manner of unit owner
556 participation.

557 7. Any unit owner may tape record or videotape a meeting of
558 the unit owners subject to reasonable rules adopted by the
559 division.

560 8. Unless otherwise provided in the bylaws, any vacancy
561 occurring on the board before the expiration of a term may be
562 filled by the affirmative vote of the majority of the remaining



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563 directors, even if the remaining directors constitute less than
564 a quorum, or by the sole remaining director. In the alternative,
565 a board may hold an election to fill the vacancy, in which case
566 the election procedures must conform to the requirements of
567 subparagraph 3. unless the association governs 10 units or less
568 and has opted out of the statutory election process, in which
569 case the bylaws of the association control. Unless otherwise
570 provided in the bylaws, a board member appointed or elected
571 under this section shall fill the vacancy for the unexpired term
572 of the seat being filled. Filling vacancies created by recall is
573 governed by paragraph (j) and rules adopted by the division.

574
575 Notwithstanding subparagraphs (b)2. and (d)3., an association of
576 10 or fewer units may, by the affirmative vote of a majority of
577 the total voting interests, provide for different voting and
578 election procedures in its bylaws, which vote may be by a proxy
579 specifically delineating the different voting and election
580 procedures. The different voting and election procedures may
581 provide for elections to be conducted by limited or general
582 proxy.

583 (n) *Director or officer delinquencies.*—A director or
584 officer more than 90 days delinquent in the payment of any fee,
585 fine, regular assessment, or special assessment ~~assessments~~
586 shall be deemed to have abandoned the office, creating a vacancy
587 in the office to be filled according to law.

588 (o) *Director or officer offenses.*—A director or officer
589 charged by information or indictment with a felony theft or
590 embezzlement offense involving the association's funds or
591 property shall be removed from office, creating a vacancy in the



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592 office to be filled according to law. While such director or
593 officer has such criminal charge pending, he or she may not be
594 appointed or elected to a position as a director or officer.
595 However, should the charges be resolved without a finding of
596 guilt, the director or officer shall be reinstated for the
597 remainder of his or her term of office, if any.

598 Section 4. Paragraph (d) of subsection (1) of section
599 718.115, Florida Statutes, is amended to read:

600 718.115 Common expenses and common surplus.—

601 (1)

602 (d) If so provided in the declaration, the cost of
603 communications services as defined in chapter 202, information
604 services, or Internet services ~~a master antenna television~~
605 ~~system or duly franchised cable television service~~ obtained
606 pursuant to a bulk contract shall be deemed a common expense. If
607 the declaration does not provide for the cost of communications
608 services as defined in chapter 202, information services, or
609 Internet services ~~a master antenna television system or duly~~
610 ~~franchised cable television service~~ obtained under a bulk
611 contract as a common expense, the board may enter into such a
612 contract, and the cost of the service will be a common expense
613 but allocated on a per-unit basis rather than a percentage basis
614 if the declaration provides for other than an equal sharing of
615 common expenses, and any contract entered into before July 1,
616 1998, in which the cost of the service is not equally divided
617 among all unit owners, may be changed by vote of a majority of
618 the voting interests present at a regular or special meeting of
619 the association, to allocate the cost equally among all units.
620 The contract shall be for a term of not less than 2 years.



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621 1. Any contract made by the board after the effective date
622 hereof for communications services as defined in chapter 202,
623 information services, or Internet services ~~a community antenna~~
624 ~~system or duly franchised cable television service~~ may be
625 canceled by a majority of the voting interests present at the
626 next regular or special meeting of the association. Any member
627 may make a motion to cancel the ~~said~~ contract, but if no motion
628 is made or if such motion fails to obtain the required majority
629 at the next regular or special meeting, whichever occurs ~~is~~
630 sooner, following the making of the contract, ~~then~~ such contract
631 shall be deemed ratified for the term therein expressed.

632 2. Any such contract shall provide, and shall be deemed to
633 provide if not expressly set forth, that any hearing-impaired or
634 legally blind unit owner who does not occupy the unit with a
635 non-hearing-impaired or sighted person, or any unit owner
636 receiving supplemental security income under Title XVI of the
637 Social Security Act or food stamps as administered by the
638 Department of Children and Family Services pursuant to s.
639 414.31, may discontinue the cable or video service without
640 incurring disconnect fees, penalties, or subsequent service
641 charges, and, as to such units, the owners shall not be required
642 to pay any common expenses charge related to such service. If
643 fewer ~~less~~ than all members of an association share the expenses
644 of cable or video service ~~television~~, the expense shall be
645 shared equally by all participating unit owners. The association
646 may use the provisions of s. 718.116 to enforce payment of the
647 shares of such costs by the unit owners receiving cable or video
648 service ~~television~~.

649 Section 5. Paragraph (b) of subsection (5) of section



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650 718.116, Florida Statutes, is amended, and subsection (11) is
651 added to that section, to read:

652 718.116 Assessments; liability; lien and priority;
653 interest; collection.—

654 (5)

655 (b) To be valid, a claim of lien must state the description
656 of the condominium parcel, the name of the record owner, the
657 name and address of the association, the amount due, and the due
658 dates. It must be executed and acknowledged by an officer or
659 authorized agent of the association. No such lien shall be
660 effective longer than 1 year after the claim of lien was
661 recorded unless, within that time, an action to enforce the lien
662 is commenced. The 1-year period shall automatically be extended
663 for any length of time during which the association is prevented
664 from filing a foreclosure action by an automatic stay resulting
665 from a bankruptcy petition filed by the parcel owner or any
666 other person claiming an interest in the parcel. The claim of
667 lien shall secure all unpaid assessments which are due and which
668 may accrue subsequent to the recording of the claim of lien and
669 before ~~prior to~~ the entry of a certificate of title, as well as
670 interest and all reasonable costs and attorney's fees incurred
671 by the association incident to the collection process. Costs to
672 the unit owner secured by the association's claim of lien with
673 regard to collection letters or any other collection efforts by
674 management companies or licensed managers as to any delinquent
675 installment of an assessment may not exceed \$75 unless the
676 management company prepares any letter or certificate required
677 by this chapter and charges a reasonable fee related to the
678 preparation of such letter or certificate. Upon payment in full,



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679 the person making the payment is entitled to a satisfaction of
680 the lien.

681
682 After notice of contest of lien has been recorded, the clerk of
683 the circuit court shall mail a copy of the recorded notice to
684 the association by certified mail, return receipt requested, at
685 the address shown in the claim of lien or most recent amendment
686 to it and shall certify to the service on the face of the
687 notice. Service is complete upon mailing. After service, the
688 association has 90 days in which to file an action to enforce
689 the lien; and, if the action is not filed within the 90-day
690 period, the lien is void. However, the 90-day period shall be
691 extended for any length of time that the association is
692 prevented from filing its action because of an automatic stay
693 resulting from the filing of a bankruptcy petition by the unit
694 owner or by any other person claiming an interest in the parcel.

695 (11) If the unit is occupied by a tenant and the unit owner
696 is delinquent in the payment of regular assessments, the
697 association may demand that the tenant pay to the association
698 the future regular assessments related to the condominium unit.
699 The demand is continuing in nature, and upon demand, the tenant
700 shall continue to pay the regular assessments to the association
701 until the association releases the tenant or the tenant
702 discontinues tenancy in the unit. The association shall mail
703 written notice to the unit owner of the association's demand
704 that the tenant pay regular assessments to the association. The
705 tenant is not liable for increases in the amount of the regular
706 assessment due unless the tenant was reasonably notified of the
707 increase before the day on which the rent is due. The tenant



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708 shall be given a credit against rents due to the unit owner in
709 the amount of assessments paid to the association. The
710 association shall, upon request, provide the tenant with written
711 receipts for payments made. The association may issue notices
712 under s. 83.56 and may sue for eviction under ss. 83.59-83.625
713 as if the association were a landlord under part II of chapter
714 83 if the tenant fails to pay an assessment. However, the
715 association is not otherwise considered a landlord under chapter
716 83 and specifically has no duties under s. 83.51. The tenant
717 does not, by virtue of payment of assessments, have any of the
718 rights of a unit owner to vote in any election or to examine the
719 books and records of the association. A court may supersede the
720 effect of this subsection by appointing a receiver.

721 Section 6. Section 718.303, Florida Statutes, is amended to
722 read:

723 718.303 Obligations of owners and occupants; waiver; levy
724 of finances, suspension of use or voting rights, and other
725 nonexclusive remedies in law or equity ~~fine against unit~~ by an
726 association.-

727 (1) Each unit owner, each tenant and other invitee, and
728 each association shall be governed by, and shall comply with the
729 provisions of, this chapter, the declaration, the documents
730 creating the association, and the association bylaws and the
731 provisions thereof shall be deemed expressly incorporated into
732 any lease of a unit. Actions for damages or for injunctive
733 relief, or both, for failure to comply with these provisions may
734 be brought by the association or by a unit owner against:

735 (a) The association.

736 (b) A unit owner.



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737 (c) Directors designated by the developer, for actions
738 taken by them prior to the time control of the association is
739 assumed by unit owners other than the developer.

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

742 (e) Any tenant leasing a unit, and any other invitee
743 occupying a unit.

744
745 The prevailing party in any such action or in any action in
746 which the purchaser claims a right of voidability based upon
747 contractual provisions as required in s. 718.503(1)(a) is
748 entitled to recover reasonable attorney's fees. A unit owner
749 prevailing in an action between the association and the unit
750 owner under this section, in addition to recovering his or her
751 reasonable attorney's fees, may recover additional amounts as
752 determined by the court to be necessary to reimburse the unit
753 owner for his or her share of assessments levied by the
754 association to fund its expenses of the litigation. This relief
755 does not exclude other remedies provided by law. Actions arising
756 under this subsection shall not be deemed to be actions for
757 specific performance.

758 (2) A provision of this chapter may not be waived if the
759 waiver would adversely affect the rights of a unit owner or the
760 purpose of the provision, except that unit owners or members of
761 a board of administration may waive notice of specific meetings
762 in writing if provided by the bylaws. Any instruction given in
763 writing by a unit owner or purchaser to an escrow agent may be
764 relied upon by an escrow agent, whether or not such instruction
765 and the payment of funds thereunder might constitute a waiver of



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766 any provision of this chapter.

767 (3) If the declaration or bylaws so provide, the
768 association may suspend, for a reasonable time, the right of a
769 unit owner or a unit's occupant, licensee, or invitee to use
770 common elements, common facilities, or any other association
771 property. This subsection does not apply to limited common
772 elements intended to be used only by that unit, common elements
773 that must be used to access the unit, utility services provided
774 to the unit, parking spaces, or elevators. The association may
775 also levy reasonable fines ~~against a unit~~ for the failure of the
776 owner of the unit, or its occupant, licensee, or invitee, to
777 comply with any provision of the declaration, the association
778 bylaws, or reasonable rules of the association. No fine will
779 become a lien against a unit. A ~~No~~ fine may not exceed \$100 per
780 violation. However, a fine may be levied on the basis of each
781 day of a continuing violation, with a single notice and
782 opportunity for hearing, provided that no such fine shall in the
783 aggregate exceed \$1,000. A ~~No~~ fine may not be levied and a
784 suspension may not be imposed unless the association first gives
785 ~~except after giving~~ reasonable notice and opportunity for a
786 hearing to the unit owner and, if applicable, its occupant,
787 licensee, or invitee. The hearing must be held before a
788 committee of other unit owners who are neither board members nor
789 persons residing in a board member's household. If the committee
790 does not agree with the fine or suspension, the fine or
791 suspension may not be levied or imposed. ~~The provisions of this~~
792 ~~subsection do not apply to unoccupied units.~~

793 (4) The notice and hearing requirements of subsection (3)
794 do not apply to the imposition of suspensions or fines against a



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795 unit owner or a unit's occupant, licensee, or invitee because of
796 the failure to pay any amounts due the association. If such a
797 fine or suspension is imposed, the association must levy the
798 fine or impose a reasonable suspension at a properly noticed
799 board meeting, and after the imposition of such fine or
800 suspension, the association must notify the unit owner and, if
801 applicable, the unit's occupant, licensee, or invitee by mail or
802 hand delivery.

803 (5) If the declaration or bylaws so provide, an association
804 may also suspend the voting rights of a member due to nonpayment
805 of assessments, fines, or other charges payable to the
806 association which are delinquent in excess of 90 days.

807 Section 7. Subsections (3) and (4) of section 719.108,
808 Florida Statutes, are amended, and subsection (10) is added to
809 that section, to read:

810 719.108 Rents and assessments; liability; lien and
811 priority; interest; collection; cooperative ownership.—

812 (3) Rents and assessments, and installments on them, not
813 paid when due bear interest at the rate provided in the
814 cooperative documents from the date due until paid. This rate
815 may not exceed the rate allowed by law, and, if no rate is
816 provided in the cooperative documents, then interest shall
817 accrue at 18 percent per annum. Also, if the cooperative
818 documents or bylaws so provide, the association may charge an
819 administrative late fee in addition to such interest, in an
820 amount not to exceed the greater of \$25 or 5 percent of each
821 installment of the assessment for each delinquent installment
822 that the payment is late. Costs to the unit owner secured by the
823 association's claim of lien with regard to collection letters or



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824 any other collection efforts by management companies or licensed
825 managers as to any delinquent installment of an assessment may
826 not exceed \$75 unless the management company prepares any letter
827 or certificate required by this chapter and charges a reasonable
828 fee related to the preparation of such letter or certificate.

829 Any payment received by an association shall be applied first to
830 any interest accrued by the association, then to any
831 administrative late fee, then to any costs and reasonable
832 attorney's fees incurred in collection, then to any reasonable
833 costs for collection services for which the association has
834 contracted, and then to the delinquent assessment. The foregoing
835 shall be applicable notwithstanding any restrictive endorsement,
836 designation, or instruction placed on or accompanying a payment.
837 A late fee is not subject to chapter 687 or s. 719.303(3).

838 (4) The association shall have a lien on each cooperative
839 parcel for any unpaid rents and assessments, plus interest, any
840 authorized administrative late fees, and any reasonable costs
841 for collection services for which the association has contracted
842 against the unit owner of the cooperative parcel. If authorized
843 by the cooperative documents, said lien shall also secure
844 reasonable attorney's fees incurred by the association incident
845 to the collection of the rents and assessments or enforcement of
846 such lien. The lien is effective from and after the recording of
847 a claim of lien in the public records in the county in which the
848 cooperative parcel is located which states the description of
849 the cooperative parcel, the name of the unit owner, the amount
850 due, and the due dates. The lien shall expire if a claim of lien
851 is not filed within 1 year after the date the assessment was
852 due, and no such lien shall continue for a longer period than 1



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853 year after the claim of lien has been recorded unless, within
854 that time, an action to enforce the lien is commenced in a court
855 of competent jurisdiction. Except as otherwise provided in this
856 chapter, a lien may not be filed by the association against a
857 cooperative parcel until 30 days after the date on which a
858 notice of intent to file a lien has been delivered to the owner
859 by registered or certified mail, return receipt requested, and
860 by first-class United States mail to the owner at his or her
861 last address in the records of the association, if the address
862 is within the United States, and delivered to the owner at the
863 address of the unit if the owner's address as reflected in the
864 records of the association is not the unit address. If the
865 address in the records is outside the United States, notice
866 shall be sent to that address and to the unit address by first-
867 class United States mail. Delivery of the notice shall be deemed
868 given upon mailing as required by this subsection. ~~No lien may~~
869 ~~be filed by the association against a cooperative parcel until~~
870 ~~30 days after the date on which a notice of intent to file a~~
871 ~~lien has been served on the unit owner of the cooperative parcel~~
872 ~~by certified mail or by personal service in the manner~~
873 ~~authorized by chapter 48 and the Florida Rules of Civil~~
874 ~~Procedure.~~

875 (10) If the share is occupied by a tenant and the share
876 owner is delinquent in the payment of regular assessments, the
877 association may demand that the tenant pay to the association
878 the future regular assessments related to the condominium share.
879 The demand is continuing in nature, and upon demand, the tenant
880 shall continue to pay the regular assessments to the association
881 until the association releases the tenant or the tenant



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882 discontinues tenancy in the share. The association shall mail
883 written notice to the share owner of the association's demand
884 that the tenant pay regular assessments to the association. The
885 tenant is not liable for increases in the amount of the regular
886 assessment due unless the tenant was reasonably notified of the
887 increase before the day on which the rent is due. The tenant
888 shall be given a credit against rents due to the share owner in
889 the amount of assessments paid to the association. The
890 association shall, upon request, provide the tenant with written
891 receipts for payments made. The association may issue notices
892 under s. 83.56 and may sue for eviction under ss. 83.59-83.625
893 as if the association were a landlord under part II of chapter
894 83 if the tenant fails to pay an assessment. However, the
895 association is not otherwise considered a landlord under chapter
896 83 and specifically has no duties under s. 83.51. The tenant
897 does not, by virtue of payment of assessments, have any of the
898 rights of a share owner to vote in any election or to examine
899 the books and records of the association. A court may supersede
900 the effect of this subsection by appointing a receiver.

901 Section 8. Paragraph (b) of subsection (2) of section
902 720.304, Florida Statutes, is amended to read:

903 720.304 Right of owners to peaceably assemble; display of
904 flag; SLAPP suits prohibited.-

905 (2)

906 (b) Any homeowner may erect a freestanding flagpole no more
907 than 20 feet high on any portion of the homeowner's real
908 property, regardless of any covenants, restrictions, bylaws,
909 rules, or requirements of the association, if the flagpole does
910 not obstruct sightlines at intersections and is not erected



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911 within or upon an easement. The homeowner may further display in
912 a respectful manner from that flagpole, regardless of any
913 covenants, restrictions, bylaws, rules, or requirements of the
914 association, one official United States flag, not larger than 4
915 1/2 feet by 6 feet, and may additionally display one official
916 flag of the State of Florida or the United States Army, Navy,
917 Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such
918 additional flag must be equal in size to or smaller than the
919 United States flag. The flagpole and display are subject to all
920 building codes, zoning setbacks, and other applicable
921 governmental regulations, including, but not limited to, noise
922 and lighting ordinances in the county or municipality in which
923 the flag pole is erected.

924 Section 9. Subsection (2) of section 720.305, Florida
925 Statutes, is amended to read:

926 720.305 Obligations of members; remedies at law or in
927 equity; levy of fines and suspension of use rights.-

928 (2) If the governing documents so provide, an association
929 may suspend, for a reasonable period of time, the rights of a
930 member or a member's tenants, guests, or invitees, or both, to
931 use common areas and facilities and may levy reasonable fines,
932 not to exceed \$100 per violation, against any member or any
933 tenant, guest, or invitee. A fine may be levied on the basis of
934 each day of a continuing violation, with a single notice and
935 opportunity for hearing, except that no such fine shall exceed
936 \$1,000 in the aggregate unless otherwise provided in the
937 governing documents. A fine shall not become a lien against a
938 parcel. In any action to recover a fine, the prevailing party is
939 entitled to collect its reasonable attorney's fees and costs



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940 from the nonprevailing party as determined by the court. The
941 provisions regarding the suspension-of-use rights do not apply
942 to common areas that must be used to provide access to the
943 parcel or utility services provided to the parcel.

944 (a) A fine or suspension may not be imposed without notice
945 of at least 14 days to the person sought to be fined or
946 suspended and an opportunity for a hearing before a committee of
947 at least three members appointed by the board who are not
948 officers, directors, or employees of the association, or the
949 spouse, parent, child, brother, or sister of an officer,
950 director, or employee. If the committee, by majority vote, does
951 not approve a proposed fine or suspension, it may not be
952 imposed.

953 (b) The requirements of this subsection do not apply to the
954 imposition of suspensions or fines upon any member because of
955 the failure of the member to pay assessments or other charges
956 when due if such action is authorized by the governing
957 documents. If such a fine or suspension is imposed, the
958 association must levy the fine or impose a reasonable suspension
959 at a properly noticed board meeting, and after the imposition of
960 such fine or suspension, the association must notify the owner
961 and, if applicable, the unit's occupant, licensee, or invitee by
962 mail or hand delivery.

963 (c) Suspension of common-area-use rights shall not impair
964 the right of an owner or tenant of a parcel to have vehicular
965 and pedestrian ingress to and egress from the parcel, including,
966 but not limited to, the right to park.

967 Section 10. Subsection (8) is added to section 720.3085,
968 Florida Statutes, to read:



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969 720.3085 Payment for assessments; lien claims.-

970 (8) If the parcel is occupied by a tenant and the parcel
971 owner is delinquent in the payment of regular assessments, the
972 association may demand that the tenant pay to the association
973 the future regular assessments related to the condominium
974 parcel. The demand is continuing in nature, and upon demand, the
975 tenant shall continue to pay the regular assessments to the
976 association until the association releases the tenant or the
977 tenant discontinues tenancy in the parcel. The association shall
978 mail written notice to the parcel owner of the association's
979 demand that the tenant pay regular assessments to the
980 association. The tenant is not liable for increases in the
981 amount of the regular assessment due unless the tenant was
982 reasonably notified of the increase before the day on which the
983 rent is due. The tenant shall be given a credit against rents
984 due to the parcel owner in the amount of assessments paid to the
985 association. The association shall, upon request, provide the
986 tenant with written receipts for payments made. The association
987 may issue notices under s. 83.56 and may sue for eviction under
988 ss. 83.59-83.625 as if the association were a landlord under
989 part II of chapter 83 if the tenant fails to pay an assessment.
990 However, the association is not otherwise considered a landlord
991 under chapter 83 and specifically has no duties under s. 83.51.
992 The tenant does not, by virtue of payment of assessments, have
993 any of the rights of a parcel owner to vote in any election or
994 to examine the books and records of the association. A court may
995 supersede the effect of this subsection by appointing a
996 receiver.

997 Section 11. Subsection (6) is added to section 720.31,



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998 Florida Statutes, to read:
999 720.31 Recreational leaseholds; right to acquire;
1000 escalation clauses.—
1001 (6) An association may enter into agreements to acquire
1002 leaseholds, memberships, and other possessory or use interests
1003 in lands or facilities such as country clubs, golf courses,
1004 marinas, and other recreational facilities. An association may
1005 enter into such agreements regardless of whether the lands or
1006 facilities are contiguous to the lands of the community or
1007 whether such lands or facilities are intended to provide
1008 enjoyment, recreation, or other use or benefit to the owners.
1009 All leaseholds, memberships, and other possessory or use
1010 interests existing or created at the time of recording the
1011 declaration must be stated and fully described in the
1012 declaration. Subsequent to the recording of the declaration,
1013 agreements acquiring leaseholds, memberships, or other
1014 possessory or use interests not entered into within 12 months
1015 following the recording of the declaration may be entered into
1016 only if authorized by the declaration for material alterations
1017 or substantial additions to the common areas or association
1018 property. If the declaration is silent, any such transaction
1019 requires the approval of 75 percent of the total voting
1020 interests of the association. The declaration may provide that
1021 the rental, membership fees, operations, replacements, or other
1022 expenses are common expenses; impose covenants and restrictions
1023 concerning their use; and contain other provisions not
1024 inconsistent with this subsection. An association exercising its
1025 rights under this section may join with other associations that
1026 are part of the same development or with a master association



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1027 responsible for the enforcement of shared covenants, conditions,
1028 and restrictions in carrying out the intent of this subsection.

1029 Section 12. Subsection (17) of section 721.05, Florida
1030 Statutes, is amended to read:

1031 721.05 Definitions.—As used in this chapter, the term:

1032 (17) "Facility" means any permanent amenity, including any
1033 structure, furnishing, fixture, equipment, service, improvement,
1034 or real or personal property, improved or unimproved, other than
1035 an accommodation of the timeshare plan, which is made available
1036 to the purchasers of a timeshare plan. The term does not include
1037 an incidental benefit as defined in this section.

1038 Section 13. Subsection (2) of section 553.509, Florida
1039 Statutes, is repealed.

1040 Section 14. This act shall take effect October 1, 2009.

1041
1042 ===== T I T L E A M E N D M E N T =====

1043 And the title is amended as follows:

1044 Delete everything before the enacting clause
1045 and insert:

1046 A bill to be entitled
1047 An act relating to condominium associations; amending
1048 s. 718.110, F.S.; providing for the application of
1049 certain amendments to a declaration of condominium to
1050 certain unit owners; amending s. 718.111, F.S.;
1051 providing penalties for any person who knowingly or
1052 intentionally defaces or destroys certain records of
1053 an association with the intent to harm the association
1054 or any of its members; providing that an association
1055 is not responsible for the use or misuse of certain



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1056 information obtained pursuant to state law requiring
1057 the maintenance of certain records of an association;
1058 providing an exception; providing that,
1059 notwithstanding the other requirements, certain
1060 records are not accessible to unit owners; requiring
1061 that any rules adopted for the purpose of setting
1062 forth accounting principles or addressing financial
1063 reporting requirements include certain provisions and
1064 standards; amending s. 718.112, F.S.; providing that
1065 the board of administration of an association has no
1066 obligation to take action with regard to certain items
1067 on its agenda; prohibiting coowners from
1068 simultaneously serving as members of the board of
1069 certain associations; providing an exception;
1070 requiring that each newly appointed director provide
1071 certain certifications in writing; authorizing the
1072 filing of an educational certificate as an alternative
1073 to such certification; providing a penalty for failure
1074 to timely file a certification or educational
1075 certificate; requiring that the association retain
1076 such certification or educational certificate for a
1077 specified period; deleting a provision requiring an
1078 association to mail a certification containing certain
1079 provisions to unit owners before an election of board
1080 members; providing that a director or officer
1081 delinquent in the payment of fee, fine, regular
1082 assesment, or special assessments by more than a
1083 specified number of days is deemed to have abandoned
1084 the office; requiring that a director charged by



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1085 information or indictment of certain offenses
1086 involving an association's funds or property be
1087 removed from office; amending s. 718.115, F.S.;
1088 requiring that certain services obtained pursuant to a
1089 bulk contract as provided in the declaration be deemed
1090 a common expense; requiring that such contracts
1091 contain certain provisions; authorizing the
1092 cancellation of certain contracts; amending s.
1093 718.116, F.S.; limiting the amount of certain costs to
1094 the unit owner; providing an exception; authorizing an
1095 association to demand future regular assessments
1096 related to the condominium unit under specified
1097 conditions; amending s. 718.303, F.S.; authorizing an
1098 association to suspend for a reasonable time the right
1099 of a unit owner or the unit's occupant, licensee, or
1100 invitee to use certain common elements if the
1101 declaration or bylaws so provide; excluding certain
1102 common elements from such authorization; prohibiting a
1103 fine from being levied or a suspension from being
1104 imposed unless the association meets certain notice
1105 requirements; providing circumstances under which such
1106 notice requirements do not apply; providing procedures
1107 and notice requirements for levying a fine or imposing
1108 a suspension; authorizing an association to suspend
1109 voting rights due to nonpayment of assessments, fines,
1110 or other charges delinquent by a specified number of
1111 days under certain circumstances; amending s. 719.108,
1112 F.S.; authorizing an association to recover charges
1113 incurred in connection with collecting a delinquent



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1114 assessment up to a specified maximum amount; providing
1115 a prioritized list for disbursement of payments
1116 received by an association; providing for a lien by an
1117 association on a condominium parcel for certain fees
1118 and costs; providing procedures and notice
1119 requirements for the filing of a lien by an
1120 association; authorizing an association to demand
1121 future regular assessments related to a share under
1122 specified conditions; amending s. 720.304, F.S.;
1123 providing that a flagpole and any flagpole display are
1124 subject to certain codes and regulations; amending s.
1125 720.305, F.S.; providing that certain provisions
1126 regarding the suspension-of-use rights of an
1127 association do not apply to certain common areas;
1128 providing procedures and notice requirements for
1129 levying a fine or imposing a suspension; amending s.
1130 720.3085, F.S.; authorizing an association to demand
1131 future regular assessments related to a parcel under
1132 specified conditions; amending s. 720.31, F.S.;
1133 authorizing an association to enter into certain
1134 agreements; requiring that certain items be stated and
1135 fully described in the declaration; limiting an
1136 association's power to enter into such agreements
1137 after a specified period following the recording of a
1138 declaration; requiring that certain agreements be
1139 approved by a specified percentage of voting interests
1140 of an association when the declaration is silent as to
1141 the authority of an association to enter into such
1142 agreement; authorizing an association to join with



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1143 other associations or a master association under
1144 certain circumstances and for specified purposes;
1145 amending s. 721.05, F.S.; limiting the definition of
1146 "facility" to certain permanent amenities; repealing
1147 s. 553.509(2), F.S., relating to public elevators and
1148 emergency operation plans in certain condominiums and
1149 multifamily dwellings; providing an effective date.